



Derelict recreational boats, responsibility

In-depth judicial inquiry

Kristjan Laas
Swedish Institute for the Marine Environment

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1 Introduction

1.1 Background

This report is a continuation of the judicial inquiry published by the Swedish Institute for the Marine Environment (*Havsmiljöinstitutet*) in 2023.¹ In the first report, the legal position on derelict recreational boats and fishing gear was surveyed, focusing on legal obstacles to efficient disposal. The continued work is a further inquiry into the problems identified, focusing on possible ways to tackle the legal obstacles to the efficient disposal of derelict recreational boats.

The two reports from the Swedish Institute for the Marine Environment are part of the government mandate on the collection and recycling of fishing gear and recreational boats, given to the Swedish Agency for Marine and Water Management in its 2022 letter of appropriation. Part of the assignment involves proposing measures to recycle more boats. In the first judicial inquiry, one conclusion was that the legislation is an obstacle to efficient measures when working with derelict recreational boats.² This report aims to deepen the discussion on possible measures in the legal sphere to facilitate the work on disposing of derelict boats.

The legal obstacles to the efficient disposal of derelict recreational boats, as identified in the first report, were:

- Unclear distribution of responsibility between government agencies.
- Unclear responsibility for authorities to take action to dispose of derelict and abandoned recreational boats.
- Insufficient possibilities to hold boat owners accountable.
- A lack of authority to perform the responsibilities.
- Legislation hindering the efficient handling of derelict and abandoned recreational boats, mostly in the Act on Certain Provisions Regarding Finds at Sea (Sea Finds Act) and the Act on Finds.

1.2 Project aims

The in-depth judicial inquiry is expected to clarify which responsibilities are assigned to different actors regarding the disposal of derelict recreational boats. The distribution of responsibility between government agencies on guidance for supervision and issuing regulations is especially important. Further, the aim is to present proposed measures to facilitate the disposal of derelict and abandoned recreational boats.

Legal obstacles or constraints to efficient disposal shall be analysed, and possible proposals for legal measures to facilitate disposal shall be presented.

¹ Laas, Kristjan; Derelict recreational boats, fishing gear and aquaculture, judicial inquiry, Havsmiljöinstitutets rapport 2023:4

² Laas, Kristjan (2023), p. 29

2 Distribution of responsibility between agencies

2.1 What responsibility?

This section aims to describe the relative responsibility of government agencies on matters of importance for the disposal of derelict recreational boats. When an agency has an explicit legal responsibility for an area within the scope of the report, this is mentioned. Otherwise, areas of unclear responsibility are pointed out where the responsibility can possibly be derived from more general directions of agency work. The account takes as its point of departure the agencies' instructions and letters of appropriation, whereafter more concrete tasks connected to guidance for supervision and issuing regulations are covered.

An overview of different types of responsibility for impacts from recreational boats is available on the Swedish Agency for Marine and Water Management's website.³ There, it can be seen that, in general, recreational boats are not forgotten in environmental management, but that recycling and scrapping are not clearly controlled. Most relevant in the overview, for this report, is the scrapping grant provided by the Swedish Agency for Marine and Water Management in campaigns to increase the number of boats being scrapped correctly.⁴ Otherwise, the most commonly covered issues are discharges from two-stroke engines, toxic anti-fouling paints and emptying of boat latrines.⁵

2.2 Agency instructions

The fundamental descriptions of assignments to government agencies are found in the regulations with instructions to each agency. In the regulations on agencies' assignments, their respective areas of responsibility are stated. These regulations are general in character, but nevertheless provide information about which issues the agencies should prioritise, and state which agencies should cooperate. The instructive regulations do not contain authority to issue further legal provisions, but point out the responsibilities and tasks for each agency.

2.2.1 The Swedish Agency for Marine and Water Management

"The Swedish Agency for Marine and Water Management is the administrative authority on the environment for preservation, restoration and sustainable use of lakes, waterways and oceans."⁶ Issues relating to recreational boats mostly involve sustainable use. Use may concern inland water as well as the sea. Further, the task of the Swedish Agency for Marine and Water Management is to act as a driving, supporting and unifying force in implementing the environmental politics within its area of responsibility.⁷ A direct responsibility to take concrete action to dispose of derelict recreational boats cannot be derived from this part of the Agency's task.

³ <https://www.havochvatten.se/miljopaverkan-och-atgarder/miljopaverkan/fororeningar-och-farliga-amnen/fritidsbatar.html> (accessed 19 April 2023)

⁴ <https://www.havochvatten.se/miljopaverkan-och-atgarder/miljopaverkan/fororeningar-och-farliga-amnen/fritidsbatar/skrotning-av-fritidsbatar.html>

⁵ <https://www.havochvatten.se/miljopaverkan-och-atgarder/miljopaverkan/fororeningar-och-farliga-amnen/fritidsbatar.html>

⁶ Paragraph 1 of the Ordinance with instructions to the Swedish Agency for Marine and Water Management

⁷ Paragraph 2 of the Ordinance with instructions to the Swedish Agency for Marine and Water Management

When necessary, the Agency shall propose measures to develop environmental work in relation to the national environmental quality goals.⁸ The environmental quality goals that are relevant for the Swedish Agency for Marine and Water Management do not contain any aspects clearly relatable to the disposal of recreational boats. For example, no reference to boats is made in the latest review of the 'Oceans in balance and living coast and archipelago' goal.⁹

The issues the Swedish Agency for Marine and Water Management should focus on include cooperation with the Environmental Protection Agency, the Board of Agriculture and the Geological Survey of Sweden on preservation, restoration and sustainable use.¹⁰ For the purpose of this report, the Environmental Protection Agency is the primary cooperative agency.

2.2.2 The Environmental Protection Agency

The role of the Environmental Protection Agency is clear, in that the Agency is the administrative authority for the environment in terms of issues of circularity and waste.¹¹ The Environmental Protection Agency shall especially work for the transition to a circular economy, facilitate decreased littering, and be responsible for the national coordination of plastics.¹² Thus, issues involving receiving derelict boats and the work to increase recycling of boat material are within the Agency's field of responsibility. Further, the Delegation for Circular Economy is a special entity within the Agency which enhances the responsibility for circularity and recycling.¹³ The delegation is consultative to the Government, and is supposed to contribute to trade and industry transitioning to a circular economy, as well as identifying obstacles to such a transition. The transition of the boat industry to circularity should be within the responsibility of the Delegation.

The Environmental Protection Agency has a coordinating role, both between agencies issuing supervising guidance and in relation to the operational supervising authorities.¹⁴ Thus, initiatives to cooperate on the supervision of derelict boats is the responsibility of the Environmental Protection Agency.

2.2.3 The Maritime Administration

In the regulation with instructions for the Maritime Administration (*Sjöfartsverket*), tasks connected to the disposal of derelict recreational boats are largely lacking. The Administration should primarily focus on merchant shipping, while interests relating to recreational boat use should be considered.¹⁵ Within the scope of this report, the Administration is responsible for producing and coordinating hydrographic information.¹⁶ In connection with hydrographic surveys, information about sunken recreational boats can be produced to facilitate efficient salvage and scrapping. The Maritime Administration has a specific task to deal with wrecks that pose a hazard to shipping or fisheries, or that risk causing significant damage to the marine environment, when

⁸ Paragraph 3 of the Ordinance with instructions to the Swedish Agency for Marine and Water Management

⁹ See Havs- och vattenmyndighetens rapport 2022:18, *Hav i balans samt levande kust och skärgård - Fördjupad utvärdering av miljö kvalitetsmålen 2023*

¹⁰ Paragraph 5.14 of the Ordinance with instructions to the Swedish Agency for Marine and Water Management

¹¹ Paragraph 1 of the Ordinance with instructions to the Environmental Protection Agency

¹² Paragraphs 3.18–20 of the Ordinance with instructions to the Environmental Protection Agency

¹³ Paragraphs 11–14 of the Ordinance with instructions to the Environmental Protection Agency

¹⁴ Paragraph 4a of the Ordinance with instructions to the Environmental Protection Agency

¹⁵ Paragraph 3 of the Ordinance with instructions to the Maritime Administration

¹⁶ Paragraphs 2.6–7 of the Ordinance with instructions to the Maritime Administration

the matter is urgent and the owner does not act.¹⁷ Recreational boats rarely create obstacles that require such immediate action.

2.2.4 The Coast Guard

The Coast Guard's responsibilities include fighting crime and keeping order at sea.¹⁸ The specific types of crime are specified in the Act on the Coast Guard, and no tasks can be directly connected to derelict recreational boats.¹⁹ The crime of littering, which is the most common criminal offence relating to recreational boats, is not the responsibility of the Coast Guard. In emergencies where there is a direct threat to the environment, the Coast Guard is responsible for performing emergency and rescue services at sea.²⁰

2.2.5 The Transport Agency

The main tasks of the Transport Agency are to issue regulations, process permit requests and perform supervision of transportation.²¹ The Agency shall focus on contributing to an internationally competitive, *environmentally adapted* and safe transport system.²² The Agency shall provide annual reports to the Government of actions taken to contribute to a climate-efficient transport system.²³ Further, the Agency maintains the register of shipping, along with other registers of vehicles. All vessels above 15 metres in length, and all commercial vessels regardless of length, must be registered.²⁴ Thus, most recreational boats are not included in the register. The Agency's environmental work includes working to achieve the generational goal and other environmental quality goals, and proposing measures to develop environmental work. The reception of waste from recreational boats is another issue dealt with by the Agency.²⁵ Another role is to coordinate the Boat Environment Council (*Båtmiljörådet*) and the Maritime Safety Council (*Sjösäkerhetsrådet*), two cooperative groups dealing with recreational boating issues.²⁶

2.2.6 Responsibility to cooperate in the regulations with instructions for agencies

In most regulations with instructions, the agencies are assigned responsibility to cooperate when necessary. The cooperative responsibility between the Environmental Protection Agency and the Swedish Agency for Marine and Water Management is especially clear. The Environmental Protection Agency shall initiate the cooperation of supervising agencies when required.²⁷ The Transport Agency shall cooperate with the Environmental Protection Agency in its environmental work.²⁸

¹⁷ See chapter 11a of the Maritime Code

¹⁸ Paragraph 2 of the Ordinance with instructions to the Coast Guard

¹⁹ The Coast Guard Act

²⁰ Paragraph 1 of the Ordinance with instructions to the Coast Guard

²¹ Paragraph 1 of the Ordinance with instructions to the Transport Agency

²² Paragraph 1 of the Ordinance with instructions to the Transport Agency

²³ Paragraph 11 of the Ordinance with instructions to the Transport Agency

²⁴ Paragraph 4 of the Act on Registration of Boats

²⁵ Transportstyrelsens föreskrifter och allmänna råd om mottagning av avfall från fritidsbåtar; TSFS 2023:12

²⁶ See <https://www.transportstyrelsen.se/sv/sjofart/Fritidsbatar/Battliv-miljo/batmiljoradet/> respektive <https://www.transportstyrelsen.se/sv/sjofart/fritidsbatar/sjosakerhet/sjosakerhetsradet/>

²⁷ Paragraph 4a of the Ordinance with instructions to the Environmental Protection Agency

²⁸ Paragraph 14 of the Ordinance with instructions to the Transport Agency

2.3 Letters of appropriation

Parts of the letters of appropriation (*regleringsbrev*) for government agencies from 2018 onwards that are relevant for the disposal of derelict recreational boats are presented here.²⁹

2.3.1 The Swedish Agency for Marine and Water Management

As mentioned in the introduction to the report, the Swedish Agency for Marine and Water Management has been given a specific mandate to work with issues relating to collecting and recycling fishing gear and recreational boats.³⁰ The mandate, which runs until 1 February 2025, has several parts. The Agency shall facilitate the collection and recycling of recreational boats, survey the problem of derelict recreational boats, and propose measures to increase the recycling of boats. Proposals for measures to collect and recycle more boats were due on 1 September 2023.³¹ At least during the current government mandate, the Agency has a responsibility to push forward the issue of derelict boats. Otherwise, the letters of appropriation do not contain any specific tasks related to derelict recreational boats.

2.3.2 The Environmental Protection Agency

Some points in the letters of appropriation for the Environmental Protection Agency are applicable to work in connection with the disposal of derelict recreational boats. Under the headline *Circular use of plastics without leakage*, it is stated that the Agency shall report on its work to decrease plastics, micro plastics and nano plastics in the sea and the natural environment.³² Issues relating to plastics are recurrent in the Agency's letters of appropriation,³³ and have resulted in a 2020 survey on plastic flows.³⁴ In the report from the survey, a lack of information about plastics in boats and plastic waste in derelict boats was mentioned.³⁵ The size of the problem is therefore hard to estimate, partly because recreational boats are a diverse category including everything from plastic canoes weighing around 20 kg to larger boats weighing several metric tonnes.³⁶

2.3.3 Other agencies

The letters of appropriation for the Coast Guard do not contain any sections that are specifically relevant to the disposal of derelict recreational boats.³⁷ Nor has the Maritime Administration received any specific tasks containing responsibility for derelict recreational boats.³⁸ The Transport Agency has not been given any task relating to the collection and recycling of recreational boats.

²⁹ The letters of appropriation can be found at <https://www.esv.se/statsliggaren/>

³⁰ Letter of appropriation for 2022 regarding the Swedish Agency for Marine and Water Management

³¹ The interim report on proposed measures is available at <https://www.havochvatten.se/om-oss-kontakt-och-karriar/om-havs--och-vattenmyndigheten/regeringsuppdrag/regeringsuppdrag/uppdrag-om-insamling-och-atervinning-av-fiskeredskap-och-fritidsbatar-2022.html#havRUDok>

³² Reporting is mentioned in both 2022 and 2023 letters of appropriation.

³³ Plastic flows are mentioned in all letters of appropriation since 2018.

³⁴ NATURVÅRDSVERKET RAPPORT 7038, Kartläggning av plastflöden i Sverige 2020

³⁵ NATURVÅRDSVERKET RAPPORT 7038, Kartläggning av plastflöden i Sverige 2020, p. 8

³⁶ NATURVÅRDSVERKET RAPPORT 7038, Kartläggning av plastflöden i Sverige 2020, p. 98

³⁷ Letter of appropriation for 2023 regarding the Coast Guard, Regeringsbeslut V:4, 22 December 2022

³⁸ Letter of appropriation for 2023 regarding the Maritime Administration, Regeringsbeslut II 4, 21 December 2022

2.4 Guidance for supervision

2.4.1 Responsibility for guidance

A key task for the environmental government agencies is to issue guidance to authorities that perform supervision.³⁹ In the Regulation on environmental supervision (*miljötillsynsförordningen*), the responsibility for both operative supervision and supervisory guidance is divided among authorities. The regulation list many cases where specific authorities are responsible. Regarding derelict recreational boats, municipalities are the primary supervisory authority, and thus need guidance to perform their duties to the best of their abilities. Within the framework of this report, the primary issue is to dispose of boats that constitute litter. The Environmental Protection Agency is the leading agency for providing supervisory guidance to municipalities and county administrations, unless otherwise stated.⁴⁰ Further, the Agency shall issue guidance on the municipal work to combat littering.⁴¹ As stated in the previous judicial inquiry, action to combat littering is currently the most effective way of targeting derelict boats.⁴² The supervision on the Act with Particular Provisions on Street Maintenance and Signs – the foundation for municipal work on the disposal of derelict recreational boats – is especially interesting. The Swedish Agency for Marine and Water Management has responsibility for guidance on environmental quality standards and dumping, both of which are relevant for derelict recreational boats.⁴³

Cooperation between government agencies, when needed, is demanded in the rules on supervision, and this is an important point when dealing with derelict recreational boats which fall within the responsibility of several different agencies.

2.4.2 Issued guidance of interest for recreational boats

No specific guidance has been issued on the disposal of derelict and abandoned recreational boats. However, there is guidance on other types of environmental impact from recreational boats. Several agencies have issued guidance on anti-fouling paint.⁴⁴ Waste from recreational boats is another area where agencies have been active in facilitating waste management.⁴⁵ Provisions and public advice on the reception of waste from recreational boats have been published by the Transport Agency.⁴⁶ What the examples show is that there is no lack of agency work in connection with recreational boats in general, but the disposal of end-of-life boats is not covered by either legislation or supervisory guidance.

³⁹ Supervisory guidance is described in chapter 26, paragraph 1a of the Environmental Code. Government agencies' responsibility for issuing guidance is detailed in chapter 3 of the Ordinance on Environmental Supervision

⁴⁰ Chapter 3, paragraph 2 of the Ordinance on Environmental Supervision

⁴¹ NATURVÅRDSVERKET rapport 6551 Strategiskt arbete för minskad nedskräpning

⁴² Laas, Kristjan; Havsmiljöinstitutets rapport 2023:4

⁴³ Chapter 3, paragraphs 5.1 and 5.5 of the Ordinance on Environmental Supervision

⁴⁴ Havs- och vattenmyndigheten (2015) *Båtbottentvättning av fritidsbåtar, Riktlinjer*, reviderad upplaga 2015; Transportstyrelsen (2021) Rekommendationer till båtägare, båtklubbar och andra verksamhetsutövare Dnr TSS 2021-3499; Naturvårdsverket, <https://www.naturvardsverket.se/vagledning-och-stod/branscher-och-verksamheter/skrovsanering-av-batbottenfarg/> (accessed 14 March 23)

⁴⁵ See e.g. the Transport Agency's brochure *Mottagning av avfall från fritidsbåtar*, <https://www.transportstyrelsen.se/globalassets/global/publikationer-och-rapporter/sjofart/broschyr-mottagning-av-avfall-fran-fritidsbatar-72dpi.pdf>

⁴⁶ Transportstyrelsens föreskrifter och allmänna råd om mottagning av avfall från fritidsbåtar; TSFS 2023:12

2.5 Previous agency activities relating to recreational boats

Apart from the general demands placed on government agencies, it is interesting to survey the extent to which they have worked with issues relating to derelict recreational boats in the past. Since the general instructions do not always point out in detail which agency should do what, their previous actions may suggest how they themselves perceive their respective roles. Past action does not mean that there is a legal obligation to act, but that measures have been taken to facilitate the disposal of derelict recreational boats.

Cooperation between several agencies along with environmental and industry organisations has occurred within the Boat Environment Council (*Båtmiljörådet*), chaired by the Transport Agency (at the instigation of the council, the Maritime Administration acted as chair). In the Council's environmental programme from 2008, scrapping recreational boats was mentioned as a potential problem, but the issue was not developed further.⁴⁷ This cooperation is ongoing, but has not resulted in new publications stemming from the Council.

In terms of previous investigations into recreational boats, those carried out by the Agency for Public Management and the Environmental Protection Agency are important.⁴⁸ The Drafting Committee on Environmental Goals (*Miljömålsberedningen*) has also proposed measures in its report *The Sea and the human (Havet och Människan)*, which we will return to in the section on a boat register.⁴⁹ The reports pointed to several problems, especially the responsibility of boat owners and the difficulty in finding the owners of derelict recreational boats, as well as the lack of authority for authorities to act and to relocate and scrap derelict and abandoned boats.⁵⁰ While a register of recreational boats is not proposed in the Agency for Public Management's report, it was mentioned several times that a register could facilitate the disposal of derelict boats.⁵¹ The subsequent report from the Environmental Protection Agency did propose a mandatory register of recreational boats.⁵² No register was introduced, but a proposal for new legislation authorising authorities to relocate and scrap boats was circulated for consultation by the Ministry for the Environment.⁵³ According to this proposal, the Government would be able to grant municipalities or government agencies the right to relocate boats under certain circumstances. As in the existing Act on Relocating Vehicles in Certain Cases, there would be specific rules on scrap boats, meaning that ownership would be transferred to the authority deciding to relocate the boat. In this way, municipalities or agencies would be able to go ahead and scrap the boat without being subject to the obstacles in the Act on Sea Finds or the Act on Finds. The proposal never became legislation, and the problems relating to disposing of derelict and abandoned boats remain today.

In its campaigns, the Swedish Agency for Marine and Water Management has financed scrapping recreational boats with grants for scrapping costs. This is not a permanent measure, but has taken the form of annual projects.⁵⁴

⁴⁷ Sjöfartsverket (2008), *Miljöprogram för fritidsbåtar*, point 11,

⁴⁸ Statskontorets rapport 2008:6, *Vrak och ägarlösa båtar*, and Naturvårdsverket (2011), *Nedskräpande och uttjänta fritidsbåtar*, ärendenummer: NV-01515-10

⁴⁹ SOU 2020:83 *Havet och Människan*

⁵⁰ A more comprehensive account of the reports can be found in Laas, Kristjan; Havsmiljöinstitutets rapport 2023:4, p. 8

⁵¹ See Statskontorets rapport 2008:6, *Vrak och ägarlösa båtar*, pp. 52 & 55

⁵² Naturvårdsverket (2011), *Nedskräpande och uttjänta fritidsbåtar*, ärendenummer: NV-01515-10, p. 53

⁵³ Miljödepartementet (2012) Remiss M2012/1824/R angående Promemoria om flyttning av båtar och skrotbåtar. Circulated for referral on 6 July 2012.

⁵⁴ See <https://www.havochvatten.se/miljopaverkan-och-atgarder/miljopaverkan/fororeningar-och-farliga-amnen/fritidsbatar/skrotning-av-fritidsbatar.html> (accessed 13 March 2023)

2.6 Conclusion – gaps and cooperation

Many issues related to derelict recreational boats lie at the intersection between agency responsibilities. It is a marine and water-related issue, the field of the Swedish Agency for Marine and Water Management, while boat traffic triggers the responsibility of the Transport Agency, and the issue of waste is generally the territory of the Environmental Protection Agency. Existing regulation of recreational boats also involves impacts other than the boats themselves decaying and littering. Impact from anti-fouling paint, pollution from motors and waste from boats have been regulated. When it comes to plastics, the material most boats are made of, other sources of plastic waste have been the focus of existing guidance. Scrapping is one of the questions that lacks clearly stated responsibility. The present responsibility among government agencies is the government mandate on derelict recreational boats in 2022–2025, but that responsibility is restricted to surveying and proposing measures, not dealing with derelict recreational boats in practical terms.

Cooperation is a common theme in the regulation of authorities, with the aim of gaining a more comprehensive image of the issues at hand. In the Regulation on Environmental Supervision, it is stated that agencies providing supervisory guidance should cooperate to facilitate efficient and uniform guidance, and that the Environmental Protection Agency should initiate cooperation.⁵⁵ The Swedish Agency for Marine and Water Management should cooperate with other agencies when needed to deal with issues relating to the marine and water environment.⁵⁶

2.7 Proposals

Since the issue of collecting and scrapping recreational boats intersects with several agencies' fields of responsibility, it is essential to divide tasks among the agencies to avoid issues falling through the cracks. Depending on whether the problem at hand is defined primarily as a transport, waste or environmental issue, the lion's share of the responsibility will lie with different agencies. Continued cooperation between the Environmental Protection Agency, the Swedish Agency for Marine and Water Management, and the Transport Agency is necessary. Moreover, it would appear that one agency needs to be appointed to drive the issue forward.

3 Responsibility, supervision and cleaning

Who should perform cleaning measures to dispose of derelict and abandoned boats is an unclear issue, although in many cases the municipalities are left to do so when no one else can be held accountable.

3.1 Environmental quality standards

A large share of the work on water and the marine environment is dependent on the EU framework directives on water and marine issues.⁵⁷ The Water Framework Directive does not contain quality standards for marine litter, and thus no measures to combat plastic waste or derelict boats have been issued under that directive.⁵⁸ The Marine Strategy Framework Directive

⁵⁵ Chapter 3, paragraph 1a of the Ordinance on Environmental Supervision

⁵⁶ Paragraph 5.14 of the Ordinance with instructions to the Swedish Agency for Marine and Water Management

⁵⁷ Water Framework Directive 2000/60/EU, Marine Strategy Framework Directive 2008/56/EU

⁵⁸ The Environmental Quality Standard with indicators are found in HVMFS 2019:25

does cover marine litter, but the indicators are constructed so that no attention is paid to derelict and abandoned recreational boats. The Environmental Quality Standard states that “the marine environment shall, as far as possible, be free of litter”.⁵⁹ Given the wording, recreational boats may well be included, but again chosen indicators point rather to other types of litter.⁶⁰ Since these boats are not great in number compared to other marine litter, they are not very visible in the implementation of the Marine Strategy Framework Directive. Indicators excluding relevant factors is not unique to the issue of recreational boats. Similar problems have been pointed out regarding bottom vegetation related to the Water Framework Directive, where criteria for how to define relevant areas to measure disqualify ecologically important eelgrass meadows from being part of the evaluation of ecological status.⁶¹ Including derelict recreational boats in the indicators could push the issue forward among the agencies.

The programmes of measures under the Marine Strategy Framework Directive do not contain any specific measure to reduce the number of recreational boats that constitute litter.⁶² The closest measure is that municipalities should integrate marine litter into their waste plans to prevent marine litter.⁶³

3.2 Waste management

Under the legislation, a boat owner becomes a producer of waste when they discard, intend to discard or are required to discard of the boat.⁶⁴ There is no clear legal responsibility apart from that of the owner to ensure that end-of-life boats are dealt with, so formally it is the responsibility of the owner to seek a waste reception facility capable of processing recreational boats.

Nor is there any clear responsibility to receive boats as waste. According to guidance issued by the Environmental Protection Agency, recreational boats are not considered municipal waste.⁶⁵ Therefore, the municipalities are not obliged to receive derelict boats at their facilities. No other actor is explicitly required to receive derelict boats as waste, and there is no producer responsibility for recreational boats.⁶⁶ A private initiative to build a national reception facility for recreational boats for scrapping has received some economic support from the Swedish Agency for Marine and Water Management, but is not based on any legal obligation.⁶⁷ Discussions on a future EU-based producer responsibility scheme are apparently ongoing, and the European Boating Industry has published a *Roadmap on the implementation of circular economy for end-of-*

⁵⁹ Environmental Quality Standard E.1 HVMFS 2012:18

⁶⁰ Indicators say that the number of items of litter should be counted along certain stretches of shoreline, and litter in test trawlings is counted or weighed.

⁶¹ See Moksnes P-O, Gipperth L, Eriander L, Laas K, Cole S, Infantes E. 2016. Förvaltning och restaurering av ålgräs i Sverige – Ekologisk, juridisk och ekonomisk bakgrund. Havs och Vattenmyndigheten, rapportnummer 2016:8, 150 pages (including appendices), ISBN 978-91-87967-16-0. p. 77

⁶² An overview of the measures can be found at <https://www.havochvatten.se/planering-forvaltning-och-samverkan/havsmiljoforvaltning/atgardsprogram-for-havsmiljon-i-nordsjon-och-ostersjon/atgardsfaktablad.html>

⁶³ See ÅPH 22 and 23 <https://www.havochvatten.se/planering-forvaltning-och-samverkan/havsmiljoforvaltning/atgardsprogram-for-havsmiljon-i-nordsjon-och-ostersjon/atgardsfaktablad.html>

⁶⁴ Chapter 15, paragraph 1 of the Environmental Code

⁶⁵ Naturvårdsverket, Vägledning till definitionen av kommunalt avfall, version 2, 6 March 2023, p. 34

⁶⁶ See further section 4

⁶⁷ See [batreter.se](https://www.batreter.se) and [batskroten.se](https://www.batskroten.se), as well as <https://www.havochvatten.se/miljopaverkan-och-atgarder/miljopaverkan/fororeningar-och-farliga-amnen/fritidsbatar/skrotning-av-fritidsbatar.html>

life recreational boats.⁶⁸ When – and in what form – future producer responsibility within the EU will be realised is unknown.

3.3 Littering

Under the Environmental Code, littering – for example leaving an end-of-life boat in water or on land – is prohibited.⁶⁹ A boat does not have to be defined as waste to be considered littering; it is enough that it is perceived as ugly and littering.⁷⁰

Supervision of littering is carried out by the municipalities, while the guidance for supervision is the responsibility of the Environmental Protection Agency.⁷¹ It is primarily the task of the municipalities to order owners of boats considered as litter to relocate and scrap their boats. One challenge is that it is unclear when a boat may be considered as litter. Another problem is that the owner is often unknown.

In the report on legal obstacles to the efficient disposal of recreational boats, an example is given of how difficult the task of supervision may be even when the owner is known.⁷² The case concerned a ship that had run aground, where the municipality lacked sufficient legal means to act prior to the point where the boat could be considered litter. The owner had no assets, and by the time the municipality had finally had the boat removed and scrapped with judicial assistance from the Enforcement Agency, the case had taken four years and the costs amounted to SEK 1 million.⁷³

Under certain circumstances, the municipalities have a responsibility to act and dispose of derelict recreational boats. For existing derelict boats, there is a municipal responsibility to keep publicly accessible areas in a state which “with regard taken to local conditions, the location and other circumstances serves reasonable claims.”⁷⁴ This responsibility is secondary, and if someone else can be held accountable, the municipalities are not obliged to act. In cases where the owner is known, demands are to be placed on the owner, as shown in the previous paragraph.

The grounds for responsibility have been criticised for being vague, and municipalities have requested a clearer basis for municipal responsibility for derelict boats.⁷⁵ The fact that the responsibility for cleaning is unclear is supported in the questionnaire for the survey of recreational boats within the government mandate. Seventy-three percent of municipalities stated that they did not work actively with abandoned recreational boats, citing defective legislation as

⁶⁸ See

https://www.europeanboatingindustry.eu/images/EOL%20roadmap/Roadmap%20on%20the%20implementation%20of%20circular%20economy%20-%20EOL%20recreational%20boats.pdf?_t=1681202198

⁶⁹ Chapter 15, paragraph 26 of the Environmental Code

⁷⁰ See the bill Prop. 1997/98:45 p. 201 in which the Government stated: “By litter is meant, among other things, metal, glass, plastics, paper or similar. By metal is meant, for example, wrecks of vehicles or parts of such. It is not required that it causes harm in some way.”

⁷¹ Section 11 of Lag (1998:814) med särskilda bestämmelser om gatuhållning och skyltning

⁷² Laas, Kristjan; Havsmiljöinstitutets rapport 2023:4

⁷³ See Hjärne Dalhammar och Dalhammar, *Fallet Sundland: Rättsliga frågeställningar vid bortskaffande av båt*. Nordisk miljörettslig tidskrift 2016:1

⁷⁴ Section 4 of Lag (1998:814) med särskilda bestämmelser om gatuhållning och skyltning

⁷⁵ See for example Orust Municipality's comment on the proposal God havsmiljö 2020, Marin strategi för Nordsjön och Östersjön, Del 4: Åtgärdsprogram för havsmiljön.

one of the reasons. At present, the disposal of derelict recreational boats seems to rely more on the will of individual officials taking an interest in the issue, than on a functional national structure.

3.4 Proposals

There is a need to develop the issue of responsibility, in order to clarify who is responsible for acting in different situations. Municipalities, which are responsible under the Act with Particular Provisions on Street Maintenance and Signs, need guidance on when a boat may be considered litter. How their responsibility relates to other actors such as boat owners, landowners and operators of activities also needs to be clarified, since the municipal responsibility is secondary. The overarching responsibility to issue guidance on littering lies with the Environmental Protection Agency.⁷⁶ One recommendation of this report is that the Agency should develop guidance on the role of the municipalities for performing supervision as well as taking concrete action to clean up litter. This would facilitate uniform application among the municipalities, which currently act very differently on the issue of derelict and abandoned recreational boats.

Related proposals for producer responsibility and funding are presented in section 6.

4 Authority to act

4.1 A need for increased authority

Greater responsibility to dispose of derelict or abandoned boats needs to be accompanied by authority to carry out these tasks, otherwise it will not have the desired effects. In a few special cases, there is legislation to support effective measures, such as when shipping is obstructed or when a boat is hindering the operation of a public harbour.⁷⁷ In other cases, greater municipal responsibility to deal with boats will not have the desired impact if it is not accompanied by authority to act.

At present, there is a lack of effective legal tools for municipalities, the police, county administrators, the Coast Guard and others to carry out the task of salvaging, transporting and scrapping boats. There is no possibility to decide that a boat of unknown ownership shall be scrapped, so the authorities are referred to the legislation on lost property to gain title of these boats and then execute measures leading up to scrapping. Under the Act on Sea Finds, there is a possibility to gain title of boats with no value or when salvage and other costs exceed their value.⁷⁸ However, many of the derelict boats do not fall within the interpretation of sea finds, and cannot therefore be dealt with in this way. The Act on Sea Finds is not written to facilitate scrapping of derelict boats; it is based on the assumption that someone is interested in gaining ownership. As such, the legislation is not adapted to the present situation of a growing number of boats in various states of decay.

In corresponding cases regarding land vehicles, there is specific legislation on relocating vehicles.⁷⁹ In comparison to recreational boats, the right to move vehicles under certain circumstances and the concept of 'vehicle wreck' are the most interesting. Vehicle wrecks are

⁷⁶ Section 11 of Lag (1998:814) med särskilda bestämmelser om gaturenhållning och skyltning

⁷⁷ See further Laas, Kristjan; Havsmiljöinstitutets rapport 2023:4, p. 25 ff

⁷⁸ See section 2 of the Act on Sea Finds

⁷⁹ See Lag (1982:129) om flyttning av fordon i vissa fall

defined as vehicles which – with regard to condition, the time they have been in the same place or other circumstances – must be considered abandoned and obviously have little or no value.⁸⁰ A key feature of the legislation is that the decision to relocate a vehicle wreck transfers ownership to the state or municipality.⁸¹ The authorities thereby have the opportunity to scrap the vehicle immediately, without having to wait for an owner to be identified. Scrapping vehicles is therefore an easier task than scrapping boats. Similar legislation for boats would make it easier for municipalities to take their responsibility for keeping publicly accessible areas in a reasonable state.

Registering land-based vehicles is mandatory, and fewer vehicles therefore lack a known owner to hold accountable for the costs associated with disposing of vehicle wrecks. If the owner cannot be made to pay due to a lack of seizable goods, the state or the municipality is left to cover the costs under the Act on Relocating Vehicles in Certain Cases.⁸² Thus, even with an established register of boats, it is to be expected that public funding will occasionally be needed to cover the cost of disposing of recreational boats. In the case of vehicles, municipalities can apply for grants from the Environmental Protection Agency to cover their costs.⁸³

One factor affecting the disposal of smaller recreational boats is the established practice of pulling boats ashore and storing them along lakes and coast. In such cases, it is difficult to act before the boat can be considered litter, often leading to costly salvage operations and boats being left for a long time before being dealt with, like in the Sundland case near Malmö.⁸⁴

4.2 Proposals

To facilitate efficient disposal of derelict and abandoned recreational boats on land or in water, way in which legal authority can be increased should be investigated. The most important thing is to create legal tools to perform the responsibility of deal with derelict recreational boats. An act on relocating boats should be investigated to give municipalities the right to move and scrap boats under certain circumstances. Combined with clearer municipal responsibility (see section 3.4) and a possible funding solution similar to the system for vehicle wrecks, the municipalities would be given a full set of tools to deal with the problem of derelict and abandoned boats. Another possible solution would be to authorise moving non-registered boats if a mandatory boat register is introduced.

The Act on Sea Finds includes exemptions to issuing mandatory public notices and searching for owners if the costs of salvage, maintenance and selling would exceed a reasonable salvor's fee, or if the value is below SEK 100. Formally, only the police are authorised to examine the finds individually, which is time-consuming work. One way of facilitating the disposal of boats would be to increase the exemptions, for example by raising the sum to more than SEK 100, thereby making more boats declared 'worthless' and subject to less bureaucracy. As the Act on Sea Finds only applies to abandoned boats, changes would have limited scope.

In anticipation of changes to legislation, municipalities themselves may increase their ability to take action in connection with derelict boats by issuing local provisions on public order under the

⁸⁰ Section 1, paragraph 3 of Lag om flyttning av fordon i vissa fall

⁸¹ Section 6, paragraph 2 of Lag om flyttning av fordon i vissa fall

⁸² Section 7 of Lag om flyttning av fordon i vissa fall

⁸³ <https://www.naturvardsverket.se/bidrag/flyttning-av-fordonsvrak/>

⁸⁴ See above in section 3 and Hjärne Dalhammar and Dalhammar (2016)

Public Order Act.⁸⁵ The scope is limited to public places, where the municipality has authority to issue provisions. There is a limited possibility to point out locations that should be regarded as public places, for example swimming areas or similar. Here, it is deemed that provisions may contain limitations on where boats can be stored along well defined and easily accessible shore areas. The provisions would then provide a basis for demanding that boats be relocated, or for the municipalities themselves to relocate boats that violate the provisions. This would not take away the demands of the laws on lost property, but it would facilitate the first step towards recreational boat disposal.

5 Ownership and boat registers

5.1 The need to know about owners

One problem with disposing of derelict recreational boats is the often unclear issue of who owns a boat, and should consequently cover the costs of recycling. Apart from the issue of responsibility, ownership is also of importance in connection with measures for decreasing littering in the form of derelict boats. Supervising authorities are hindered by not knowing who owns a boat, thus needing to deal with boats as finds or sea finds.⁸⁶ First, they are not able to hold the right person accountable – the owner. Second, the authorities are restricted in their work to dispose of boats considered as litter. In these cases, the authorities lack legal authority to act and must first become owners before dealing with the boats themselves.

5.2 A history of recreational boat registers

The issue of a register of recreational boats has a long history, and for a period of time – from 1988 to 1992 – there was such a register in Sweden.⁸⁷ The purpose of the register was to ensure control and order at sea, along with planning recreational boat traffic.⁸⁸ Boats over 5 metres long and propelled by motors or sails were included in the register. To ensure reporting to the register, owners could be fined for not registering their boat.⁸⁹

The boat register was repealed after four years on 1 January 1993.⁹⁰ Why it was discontinued was explained in the proposition preceding the parliament decision. According to the Government at the time, the benefits provided by the register were outweighed by the infringement of personal privacy it caused.⁹¹ The Government stated that regulation of leisure activities should be avoided as far as possible, and that the consultation comments did not show the absolute need for a recreational boat register.⁹² The boating industry's national union was hesitant about keeping the register, partly because of the flaws in the registered information. For the register to fulfil its function, more information would have to be registered according to the Government, thus creating further infringements of personal privacy.

⁸⁵ Chapter 3, section 8 of Ordningslagen och vidare Förordning (1993:1632) med bemyndigande för kommuner och länsstyrelser att meddela lokala föreskrifter enligt ordningslagen

⁸⁶ For more in-depth discussion on the issue, see Laas, Kristjan; Havsmiljöinstitutets rapport 2023:4, p. 9 ff

⁸⁷ The register was established in Lag (1987:773) om fritidsbåtsregister och administrerades av Sjöfartsverket och Länsstyrelserna.

⁸⁸ Section 2 of Lag (1987:773) om fritidsbåtsregister

⁸⁹ Section 17 of Lag (1987:773) om fritidsbåtsregister

⁹⁰ See Lag (1992:1653) om upphävande av lagen (1987:773) om fritidsbåtsregister

⁹¹ Prop. 1992/93:102 om upphävande av lagen (1987:773) om fritidsbåtsregister m.m. p. 10

⁹² Prop. 1992/93:102 om upphävande av lagen (1987:773) om fritidsbåtsregister m.m. p. 11

Before the decision to repeal the register, the Maritime Administration – which, at that time, maintained the register – wrote a memorandum on the experience of the register, having received comments from other agencies and boating organisations.⁹³ The police, the Coast Guard and the Swedish Sea Rescue Society were all in favour of keeping the register. The police stated that the register had contributed to better handling of stolen boats, missing persons and incorrectly moored boats.⁹⁴ The Coast Guard stated that the register had facilitated its work on the same types of issues, and added that it had been helpful in sea rescue missions. The memorandum of the Maritime Administration stated that about 275,000 out of 290,000 possible boats had been registered according to a 1991 survey by SCB.⁹⁵ A large share of boats had thus been registered, despite boat owners' organisations having taken a negative view of the register.

5.3 Purposes of a recreational boat register

A recreational boat register can be said to fulfil several purposes. From the perspective of this report (boats as waste), it is primarily in the collection phase of derelict boats that the register would be of importance, but in discussing the value of a register, the whole range of effects needs to be considered. As is evident from the discussion related to repealing the previous register, law enforcement and sea rescue are areas that would benefit from a recreational boat register.

Existing derelict or abandoned boats will likely not be registered in a future register. Thus, the register would not contribute to facilitating the disposal of boats that are already a problem when the register is introduced. Another fear is that markings connected to registration could be erased before dumping a derelict boat. This cannot be ruled out, and all types of dumping unwanted boats will not be solved by introducing a register. On the other hand, it will be possible to locate the owner of passively abandoned boats. A register would likely also contribute to more boats being scrapped rather than abandoned. If an annual register fee is paid, it will serve as a reminder to maintain the boat. If the boat is not being used, the fee may encourage owners to scrap it rather than paying a register fee for an unused boat. Today, it costs nothing to keep a boat for another season if it is not at a marina or a similar location, and thus boats may slowly be forgotten in the hope of using them in the future.

An investigation into a boat register has been proposed by the Drafting Committee on Environmental Goals.⁹⁶ The committee referred to Sweden being an outlier among Baltic Sea states, where registers of recreational boats are common, and the fact that a register could contribute to knowledge and follow-up, combat dumping and result in safer transactions and fewer boat thefts.⁹⁷ In the consultation comments, different opinions on a register of recreational boats were put forward. Among those taking a positive view of a register were the Coast Guard,⁹⁸ Avfall Sverige,⁹⁹ Gothenburg Municipality¹⁰⁰ and Lysekil Municipality¹⁰¹. The Transport Agency did not oppose an investigation into a register, but stated that the responsibility to maintain such a

⁹³ Prop. 1992/93:102 om upphävande av lagen (1987:773) om fritidsbåtsregister m.m. p. 17 ff

⁹⁴ Prop. 1992/93:102 om upphävande av lagen (1987:773) om fritidsbåtsregister m.m. p. 18

⁹⁵ Prop. 1992/93:102 om upphävande av lagen (1987:773) om fritidsbåtsregister m.m. p. 17

⁹⁶ SOU 2020:83 Havet och Människan p. 1206 ff. The HELCOM states with registers according to the report are Denmark, Finland, Estonia, Latvia, Lithuania and Poland.

⁹⁷ SOU 2020:83 Havet och Människan p. 1206 ff

⁹⁸ <https://www.regeringen.se/contentassets/7c1633b23fe34d45b62752d4acae18cf/kustbevakningen.pdf>

⁹⁹ <https://www.regeringen.se/contentassets/7c1633b23fe34d45b62752d4acae18cf/avfall-sverige.pdf>

¹⁰⁰ <https://www.regeringen.se/contentassets/7c1633b23fe34d45b62752d4acae18cf/goteborgs-kommun.pdf>

¹⁰¹ <https://www.regeringen.se/contentassets/7c1633b23fe34d45b62752d4acae18cf/lysekils-kommun.pdf>

register would have to be accompanied by increased funding.¹⁰² The Swedish Boat Union was not in favour of a register, claiming it would not counteract dumping of boats.¹⁰³ The Swedish Cruising Association was also against a state-run register, mostly for fear of it leading to taxation of recreational boats.¹⁰⁴ Most of the consultation comments did not mention the issue of a register of recreational boats, and the police – which in other contexts have expressed a desire for a register – did not leave a comment.

5.4 Proposals

Increased opportunities to identify owners is the main driver behind authorities wanting a register of recreational boats. There are several reasons for wanting such a register. In connection with the disposal of derelict and abandoned recreational boats, it would enhance the possibility to hold owners accountable for salvage and scrapping costs. Fewer boats would probably be left on shores or in water when they are identifiable, which would reduce the future number of abandoned recreational boats. Beyond the issues at the centre of this report, a register has been claimed to facilitate safety and law enforcement.

How to design a recreational boat register to provide the desired functionality is an issue that needs further investigation in line with the proposal of the Drafting Committee on Environmental Goals in its report *The Sea and Man*. This future investigation needs to consider aspects such as what boats should be included in the register. The previous Swedish register had a lower limit of 5 metres in length, while the EU definition of recreational craft is almost anything that floats (apart from jet skis) and is longer than 2.5 metres.¹⁰⁵

6 Historic losses and funding

6.1 Background

As there are already many boats in need of scrapping, a register of recreational boats or a producer responsibility scheme will not solve the problem of historically accumulated waste. Discussions on future producer responsibility are ongoing within the EU, between the Directorate-General for Maritime Affairs and Fisheries and representatives from the boat industry and boating organisations. There is no timeline on concrete measures, and the Directorate-General has not published any information on the issue. By contrast, organisations taking part in the discussions have published their views on the issue.¹⁰⁶

Existing derelict and abandoned boats will not be registered, and therefore public funding is needed to meet the costs, most likely from the municipalities. The European Boating Association has pointed out the need to distinguish between existing boats and those sold once producer

¹⁰² <https://www.regeringen.se/contentassets/7c1633b23fe34d45b62752d4acae18cf/transportstyrelsen.pdf>

¹⁰³ <https://www.regeringen.se/contentassets/7c1633b23fe34d45b62752d4acae18cf/svenska-batunionen.pdf>

¹⁰⁴ <https://www.regeringen.se/contentassets/7c1633b23fe34d45b62752d4acae18cf/svenska-kryssarklubben.pdf>

¹⁰⁵ Article 3 of Directive 2013/53/EU of the European Parliament and of the Council of 20 November 2013 on recreational craft and personal watercraft and repealing Directive 94/25/EC

¹⁰⁶ See EBI 2023 *A roadmap on the implementation of the circular economy for end-of-life recreational boats*, available at <https://eba.eu.com/wp-content/uploads/site-documents/eba-position-statements/eba-position-elb.pdf>

responsibility is in place, and is open to the possibility of producer responsibility partly covering historic losses as well.¹⁰⁷

Today, municipalities are most likely to end up being responsible for collecting and discarding abandoned recreational boats. Besides the formal obstacles referred to, funding is an issue that appears to stand in the way of more comprehensive work. The more municipalities do, the more expensive it will be for them. How to cover municipal costs needs to be investigated, as the problem of derelict boats is very unevenly distributed and the total cost can be expected to be very high. A funding system for scrapping boats would be a way to address the issue. Such a system is in place for scrapping vehicle wrecks, whereby municipalities can apply for grants to cover the cost of scrapping vehicles.¹⁰⁸

Since the thresholds are apparently high for individual boat owners to scrap their boat correctly, regulation and funding to facilitate the disposal of derelict recreational boats are needed. Even if a future register were to make it easier to find owners and hold them accountable, it is easier and cheaper overall to facilitate correct disposal as far as possible, rather than forcing behaviour with sanctions. Regulation needs to consider both administrative obstacles for boat owners and the costs associated with scrapping. Since boats have such long lifespans, few boat owners have probably thought about how their boat will be dealt with once it can no longer be used. Even those who buy second-hand boats are probably not bothered by scrapping issues.

Because of the factors stated above, it is essential to consider how the whole chain from collection to scrapping should be administered and funded. Until now, campaigns to fund scrapping have existed, but they have not covered salvage and transportation. To reach a higher level of reasonable handling in line with waste legislation, some kind of collective funding of salvage and transport may also be needed.

6.2 Proposals

There is a need to change how existing derelict and abandoned recreational boats are dealt with economically. Some kind of public funding is hard to avoid. An infrastructure for scrapping could be funded by a future producer responsibility, but funding the collection and transportation of abandoned boats in such a way seems improbable. An investigation into a system for funding – similar to existing solutions for beach cleaning and scrapping vehicles – has been proposed, allowing the municipalities to work actively with the issue without having to divert funding from other municipal activities.

For individual boat owners to scrap their boats lawfully, permanent and collective funding probably needs to be introduced. There are signs of elements of such solutions in a future EU producer responsibility scheme for recreational boats, but until then it should be considered making scrapping grants permanent and reviewing whether transportation to a scrapping facility may be included.

For future disposal of boats, it appears important to adhere to the polluter pays principle by introducing producer responsibility to hold boat owners collectively accountable. A one-sided

¹⁰⁷ EBI 2023 p. 8

¹⁰⁸ <https://www.naturvardsverket.se/bidrag/flyttning-av-fordonsvrak/>

Swedish producer responsibility is judged to be possible, but the recommendation of the report is to work for a producer responsibility scheme at EU level.

7 Summary and conclusions

7.1 Overarching responsibility

Today, no government agency has a clear role to drive forward the issue of derelict and abandoned recreational boats. Deeper cooperation is needed between the Swedish Agency for Marine and Water Management, the Environmental Protection Agency and the Transport Agency in particular. The recommendation of the report is also to give one agency responsibility for the issue in its entirety. By single out one agency to act clearly as chair, the risk of issues falling through the cracks is reduced.

7.2 Proposals for existing boats

A clearer responsibility for municipalities to deal with boats with no owners can be part of new legislation, or can be addressed by developing guidance on the application of the Act with Particular Provisions on Street Maintenance and Signs. It is currently unclear when the municipal cleaning responsibility begins, depending on the interpretation of the term 'reasonable claims of order' and to what extent someone else can be held accountable.

Authority to act needs to be introduced to make the responsibility for cleaning practicable. A specific act on relocating boats could create the right conditions for efficient work. Combined with a register of recreational boats, unregistered boats and scrap boats could be included in the authority to move and dispose of boats.

Municipalities can issue public order provisions for specific areas, and can then be better equipped to deal with abandoned boats at these sites. This is a measure which is relatively quick to realise, but of limited effect as it can only be used in certain areas and does not exclude the need to adhere to the acts on finds and sea finds.

7.3 Forward-facing proposals

To prevent the appearance of more abandoned boats, a register of recreational boats is proposed. By registering boats, fewer are expected to end up half-forgotten and eventually become a littering problem with unknown owners.

Another forward-facing proposal is the producer responsibility, even though some existing boats may be scrapped within a future producer responsibility scheme. The purpose is mainly to ensure that scrapping costs are borne by owners instead of using public tax funds.

7.4 Comments on feasibility

Several proposals presuppose time-consuming work on legislation. The proposals for a register for recreational boats, legislation to enhance municipal authority to move and scrap boats, a producer responsibility scheme and changes to the Act on Sea Finds are examples of this.

Clarifying municipal responsibility in guidance is an easier change, but does not remove all the present obstacles. Another of the simpler proposals is reviewing local provisions on public order, although this also has limited scope, geographically as well as in terms of which legal obstacles are addressed.

Finally, the overall image is that a more holistic approach from the state towards the issue of derelict recreational boats is needed in order to ensure uniform and efficient disposal. Some issues are currently unsolved, and others are dealt with very differently depending on the municipality.

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