



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,  
MARE/A4/HP ARES(2012)

**Re: Rules on marking of fixed gears and beam trawl**

Dear Mr. Armstrong,

Thank you for your letter of 9 February 2012 in which you raise certain issues with respect to the marking of gears.

The EU rules on marking and identification of fishing gears have recently been updated as part of the general exercise to modernise and simplify the EU fisheries control system by consolidating control rules in one single Control Regulation (EU) No 1224/2008. The implementing rules of the Control Regulation (Regulation (EU) No 404/2011) were approved by the Management Committee for Fisheries and Aquaculture unanimously (with 2 abstentions). With a view to make the Control Regulation operational as quickly as possible and address the serious shortcomings of the previous control system, Regulation (EU) No 404/2011 did not undertake a general overhaul of these rules but aimed at gathering them in a single regulation for sake of simpler legislation. As such, the provisions of Regulation (EC) No 356/2005 were therefore largely integrated into the new rules. The few modifications that were introduced were the result of discussions with Member States, resulting in their support for the rules.

As regards the marking of passive gear, the objective of Regulation (EU) No 404/2011 is to ensure a coherent approach between their different types. The proper marking and identification of passive fishing gears, including lines, pots and traps, is important to ensure the orderly conduct of fishing operations in areas where several types of gears (trawlers, gillnets, longliners) are used. The objective of the marking rules in the Regulation (EU) No 404/2011 is to contribute to avoiding navigational hazards to other maritime users, help to prevent conflicts between towed and passive gear, and entanglement or damage of gear of other fishermen.

Mr Bertie Armstrong  
NWWRAC Chairman  
North Western Waters Regional  
Advisory Council  
Crofton Road  
Dun Laoghaire  
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We are happy to learn that you welcome some of the few modifications on the marking of gear introduced by Regulation (EU) No 404/2011. We would like to add that, even for the issues where you still see room for improvement, the rules have moved in the direction of the recommendations of the BIM technical studies and ease the use of these marking devices. In this regard, it should be noted that the size of the rectangular flags to be used on buoys was reduced from 40 cm to 20 cm, thereby reducing the overall size of the buoy, in particular for the western buoy. As for intermediary buoys, the rules on the need to fit them with a mast have not changed, but the size of the mast has been reduced from 1.5m to 1m, easing their use on board. Under the new rules they also do not need to be deployed on passive gear extending more than 1 nm but only on passive gear extending more than 5 nm.

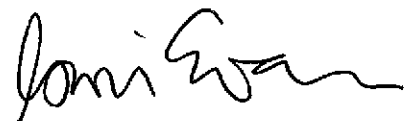
As far as pots and traps are concerned, we would like to point out that according to the previously applicable rule (Article 6 of Regulation (EC) No 356/2005), each passive gear carried on board or used for fishing had already to be clearly marked, in line with the FAO guideline that a gear marking system should apply to all types of fishing gear. The way of marking pots and traps is described in Article 11(2)(a) of Regulation (EU) No 404/2011, and was established after discussion with Member States.

The Commission does not plan to revise the provisions on marking. They only have entered into force recently, and reflect a common position of Member States on this issue. These rules have to be applied accordance with their literal meaning and do not allow for alternative devices for the marking of pots and traps that do not correspond to Article 11 of Regulation (EU) No 404/2011.

Finally, Article 15(5) of Regulation (EU) No 404/2011 does establish the inclusion of a top sign in the end marker buoy as optional. However, it does not affect the full application of Article 16 of Regulation (EU) No 404/2011 with rules for fixing end marker buoys.

The Commission remains committed to have the best possible rules, on this as on any other matter. I would therefore like to thank you again for your contribution, and encourage you to provide us in the future with any feedback you may deem appropriate.

Yours sincerely,



Lowri Evans