



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

THE DIRECTOR-GENERAL

Brussels,
 MARE-A1/HP ARES(2012)

Mr Bertie Armstrong
 NWWRAC Chairman
 c/o Bord Iascaigh Mhara
 Crofton Road
 Dun Laoghaire
 Ireland

Subject: Rules on marking and identification on fixed gears and beam trawl

Dear Mr Armstrong,

Thank you for your letter of 12 July 2012 in which you raise again a certain number of issues in relation to the marking of gears. I regret that our last response did not provide satisfactory answers.

As to the rules on end marker buoy (Article 15(4)(a) of Regulation (EU) No 404/2011) the text in English might be somewhat unclear. Each end marker buoy is to include one or two rectangular flag(s) depending on whether the buoy is a western or eastern end buoy. In the case of a western end buoy, where two flags are required on the same buoy, the distance between them needs to be at least 20cm. The flags that indicate the extremities of the same gear need to be of the same colour but must not be white. The relevant flags are to be of the same size. There is no specification as to the size of the flags. As to your explanations on Article 15(2) we take note of them.

As far as pots and traps are concerned, in view of Article 2(6)(c) of Regulation (EU) No 404/2011 there can be no doubt that pots and traps fall under the definition of passive gear and that therefore Article 11 of this regulation with rules for passive gear apply to them (Article 11(2)(c)). The fact that they were not covered by the definition of Regulation (EC) No 356/2005 does not alter this as this regulation was repealed with effect from 1 January 2012 (s. Article 166(2) of Regulation (EU) No 404/2011) and therefore does not apply anymore. As already outlined in my previous letter, the current legislation was included because Member States considered this way of identification appropriate for pots and traps.

As outlined in my previous letter, even though some of the EU rules on marking and identification were updated, the purpose of the chapter on marking and identification of EU fishing vessels and their gear in Regulation (EU) No 404/2011 was not a general overhaul of these rules. Changes undertaken were limited to requests from Member States which they considered of particular importance. This does not exclude that the

conclusions of the report you refer to will be further examined for future amendments of Regulation (EU) No 404/2011 even though, for the time being, no such amendment of this regulation in general is foreseen.

Yours sincerely,



Lowri Evans