

New EU Rules on Fishing Gear Marking:

Implementation and Control Measures

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Content of the presentation

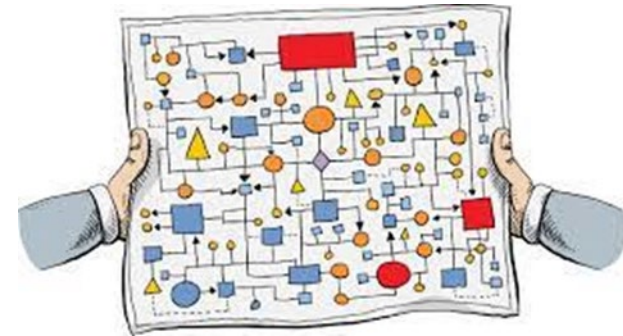
1. Revised Control regulation - main changes
2. Marking of the fishing gears
3. Rules on the lost gears
4. Rules on end-of-life reporting for fishing gear

Roles and responsibilities under the CFP

- **European Commission** – Develops the rules, and shall “control” and “evaluate” the application of the rules of the Common Fisheries Policy by Member States (Art 96(1) CR & Art 17 TEU) → Unit D4
- **Member States** – Shall ensure “control”, “enforcement” and “inspection” of all CFP activities, take “appropriate measures” in case of infringements by applying effective, proportionate and dissuasive administrative or criminal sanctions.
- **European Fisheries Control Agency** - Coordinate, assist and facilitates cooperate control and inspection, and other activities, with MS and COM
- **Operators** (industry) - Shall respect the rules of the CFP

Revised Control regulation - main changes

Revised fisheries control system (R.2023/2843) amended 6 regulations to strengthen control – Control Reg, IUU Reg, EFCA Reg, SMEFF Reg, BS MAP & Med Reg...phased introduction (2024 – 2028). Complex process



Introduced some important changes:

- Extended the scope to recreational fisheries and fisheries without the vessel
- New mandatory control tools
- New rules on digitisation for monitoring and reporting
- Harmonised rules on sanctioning

Revised Control regulation - main changes

- Mandatory **gear marking** for **both recreational and commercial** fisheries.
- Improved **recording of the fishing gears** and measures for **reporting of** lost gear.
- Procedures for masters to notify their end-of-life fishing gear and return it to port reception facilities
- Inclusion such non-compliances with as a serious infringements.

Revised Control regulation - main changes

REGULATION (EU) 2023/2842 entered into force on 9 January 2024

IMPLEMENTATION

Phased implementation - some provisions entered into force immediately, other provisions after 6 months, 2 years, 4 years or in 2029/2030

Implementing powers were provided to the Commission for adoption of Implementing Acts in order to ensure uniform conditions for the implementation of CR, as regards:

- the marking and identification of fishing vessels, gear and craft;
- for recreational fisheries, [...] and the marking of fishing gear;

Marking of fishing gears – commercial fisheries

Rules in force on marking of the fishing gear are set out in the Section 2 of the Control Implementing Regulation (EU) No 404/2011

- Any fish aggregating devices shall be marked with **external registration letters and numbers** of the Union fishing vessel(s) which use them.
- It is prohibited in Union waters to carry out fishing activities and to carry on board:
 - **beams of a beam trawl** which do not display the **external registration letters and numbers**;
 - **passive gear** which is not labelled;
 - **buoys** which are not marked.

Marking of fishing gears – commercial fisheries

Rules for passive gear

The master of a Union fishing vessel must ensure that each passive gear carried on board or used for fishing is clearly marked and identifiable.

Each passive gear used for fishing must permanently display **the external registration letters and numbers** displayed on the hull of the fishing vessel to which it belongs:

- (a) **for nets**, on a label attached to the upper first row;
- (b) **for lines and long lines**, on a label at the point of contact with the mooring buoy;
- (c) **for pots and traps**, on a label attached to the ground rope;

For passive gear extending more than 1 nautical mile, on labels attached at regular intervals not exceeding 1 nautical mile so that no part of the passive gear extending more than 1 nautical mile shall be left unmarked.

Marking of fishing gears – commercial fisheries

Rules for labels

Each label shall be:

- (a) made of durable material;
- (b) securely fitted to the gear;
- (c) at least 65 millimetres broad;
- (d) at least 75 millimetres long.

The label shall not be removable, effaced, altered, illegible, covered or concealed.

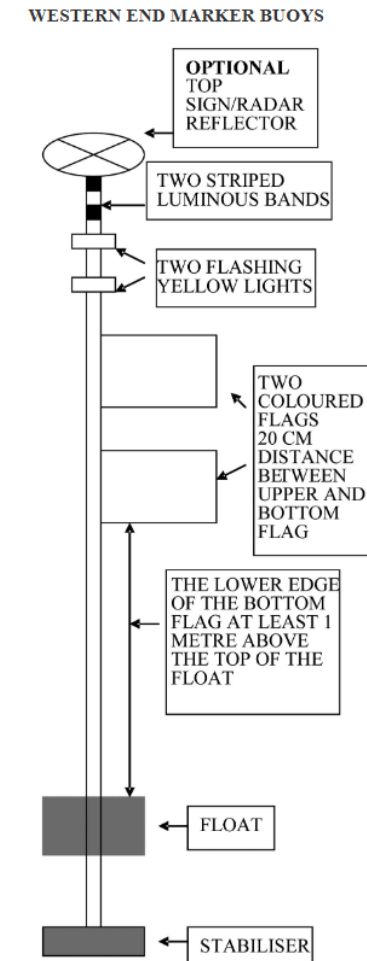
Marking of fishing gears – commercial fisheries

Rules for buoys

The master must ensure that two end marker buoys and intermediary marker buois, rigged in accordance rules set out in this regulation, **are fixed to each passive gear**.

Each end marker buoy and intermediary buoy shall display the external registration letters and numbers displayed on the hull of the Union fishing vessel to which they belong and which has deployed such buoys as follows:

- (a) letters and numbers shall be displayed as high above the water as possible so as to be clearly visible;
 - (b) in a colour contrasting with the surface on which they are displayed.
3. The letters and numbers displayed on the marker buoy shall not be effaced, altered or allowed to become illegible.



Marking of fishing gears – commercial fisheries

Rules under development?

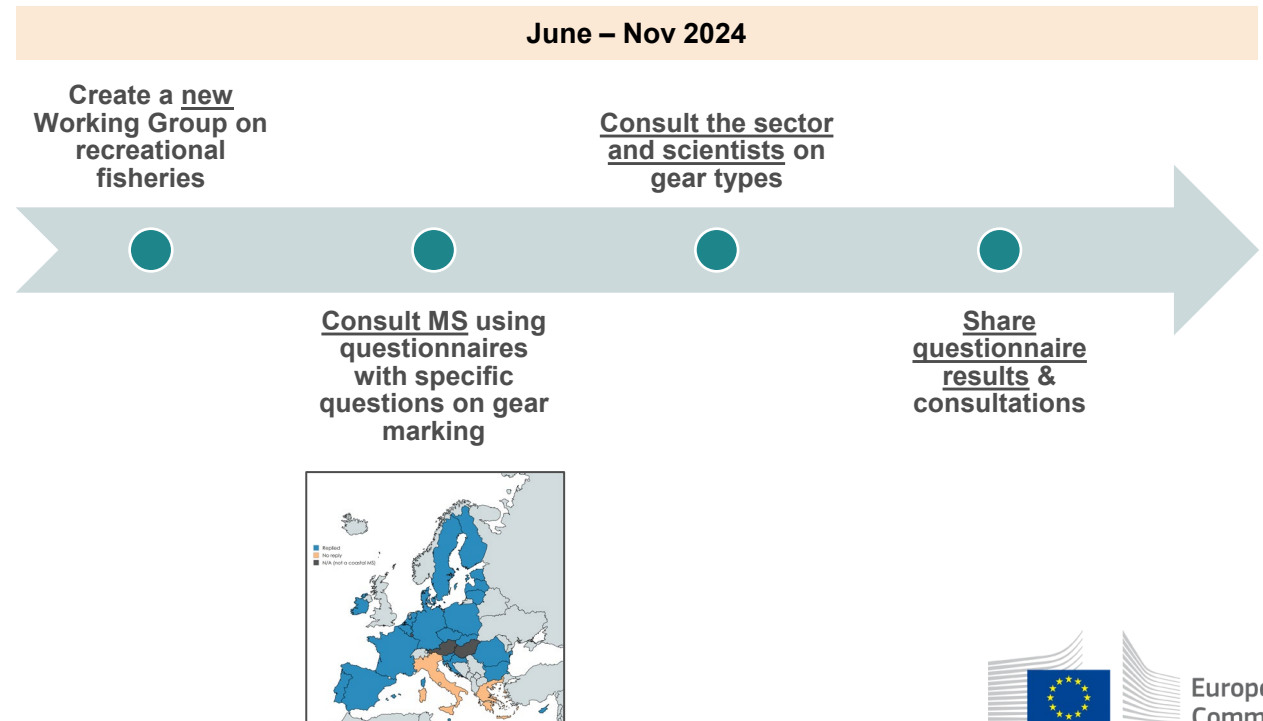
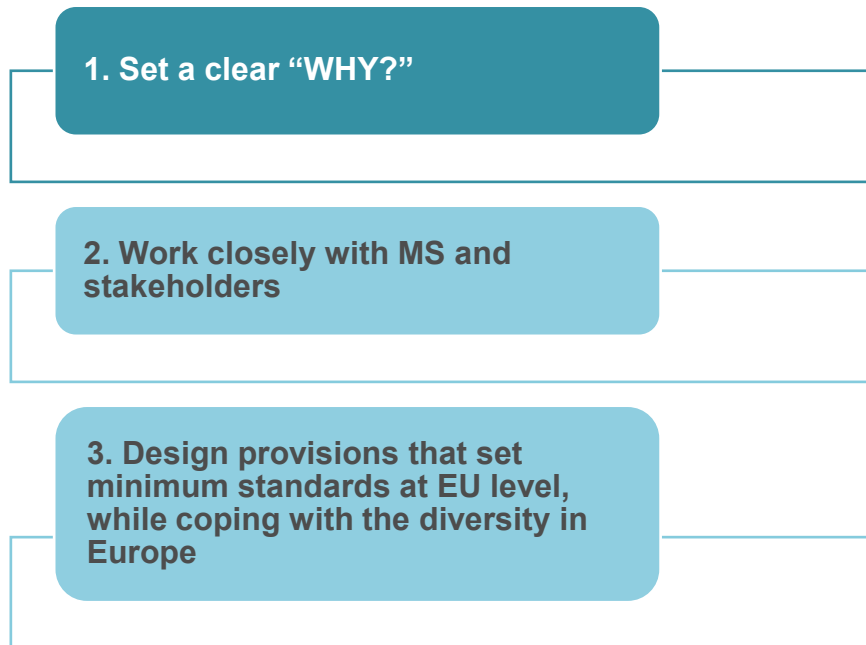
The Commission is discussing a new implementing regulation with Member States, including revisions to fishing gear marking rules. While the outcome is still pending, the Commission has proposed several changes:

- **Passive gears:** Increased labeling requirements.
- **Trawls:** Discussions are ongoing regarding which parts should be labeled.
- **FADs:** Additional information will be required, including a unique FAD identifier.
- **End-of-life fishing gear:** New procedures for reporting by masters.
- **Logbook requirements:** Certain previously optional entries, such as details on fishing gear used in each operation, may become mandatory.

The aim is to adopt these rules in 2025, with enforcement starting in 2026.

Marking of fishing gears – recreational fisheries (not hand-held gear)

How was the process to define content of the act ? – working together piece by piece



Marking of fishing gears – recreational fisheries (not hand-held gear)

1. Set a clear WHY ?

Main objectives:

1. Fight illegal fishing
2. Reduce impact of abandoned, lost or discarded fishing gear on marine life and ecosystems
 - Fishing gear constitutes an important part of marine litter
 - Big number of recreational fishers => potentially large amount of litter
 - Users should feel responsible for the gear they use

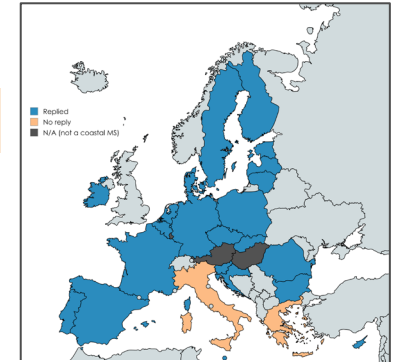
In line with EU policy:

- Directive (EU) 2019/904 of EP & Council
- Revised Control Regulation – complement provisions for commercial fisheries
 - Art. 8: Marking of commercial fishing gear and fishing aggregating devices & Implementing rules on end-of-life fishing gear
 - Art. 14: Reporting of lost gear in the electronic logbook
 - Art. 48: Equipment to retrieve lost gear

Marking of fishing gears – recreational fisheries (not hand-held gear)

2. Work closely with MS & stakeholders

e.g. June 2024 Questionnaire



Example of question:

Please provide details about how the mark is attached to the gear and where the marking is placed.

MS	Question	Response
MS 1	1.5.2	same as 1.5.1
MS 2	1.5.2	No answer
MS 3	1.5.2	A marking in one end of the tool
MS 4	1.5.2	same as 1.5.1
MS 5	1.5.2	No answer
MS 6	1.5.2	Longlines – the position in the sea of individual longlines is the position in the sea of an individually placed pot (trap) or shape of a sphere, and groups of pots (traps) by two such fish three or more pots (traps) placed in line.
MS 7	1.5.2	Marks which are used in Estonia are buoy flags (different cases where one is fishing with gillnet or longline. For fishing gear with float. Marks are usually attached to the gear with
MS 8	1.5.2	No answer
MS 9	1.5.2	no answer
MS 10	1.5.2	yes

RESULTS OF THE QUESTIONNAIRE

Which passive gear is used in MS ?

- Nets, longlines, traps, pots, hand & pole lines, gillnets

Restrictions on the use of passive gear by recreational fishers:

- All coastal MS who replied have some restrictions. Some MS have a total ban on passive gear for recreational fishers (LT, PL, SI).

Marking of gear

- Half of MS that replied have rules on the marking of gear: SE, BE, CY, DE, DK, EE, FI, FR, HR, LV, MT
- Others have no rules on the marking of gear: PL, BU, RO (mentioned a gear ban), LT, ES, NL, PT
- MS (which have rules) indicated that the marking has 2 objectives:
 - Marking so that the gear is visible (buoys, floaters, flags)
 - Marking to link the gear with its owner for control purposes and in case of gear loss

Marking of fishing gears – recreational fisheries (not hand-held gear)

3. Implementing act: the result

Article 4

Marking of passive gear used by recreational fisheries

1. Passive gear used for recreational fisheries shall be clearly marked in a way that the fishing gear can be identified and linked with the recreational fisher using the fishing gear or the owner of the fishing gear, by displaying that marking in the following ways:
 - (a) for nets, on labels attached to the upper first row and for buoy(s) at the end(s) of the net on labels or directly marked on the buoy(s);
 - (b) for longlines, on labels attached to the line and at the point of contact with the mooring buoy(s) or directly marked on the mooring buoy(s);
 - (c) for traps, pots, creels and fyke nets, on labels attached to the gear and for buoy(s) on labels or directly marked on the buoy(s).

The marking of passive gear used for recreational fisheries shall be securely fixed, not removable and made of durable materials.

2. Passive gear used for recreational fisheries shall also be marked adequately to indicate the presence of the fishing gear at the surface of the water or ice.

Scope

Purpose of marking

- gear linked with owner/user
- gear marked to indicate its presence at surface of water/ice

Marking displaying

Marking of fishing gears – recreational fisheries (not hand-held gear)

3. Implementing act: the result

ANNEX I

Types of fishing gear used for recreational fisheries

	Types of fishing gear
1	Rods and lines (including handlines, poles and lines and trolls)
2	Spear guns and harpoons
3	Nets (including gillnets, entangling nets, trammel nets and other static nets, and drift nets)
4	Longlines
5	Traps, pots, creels, and fyke nets
6	Hand gathering and hand-held tools other than those belonging to other categories
7	Towed gear (including trawls, seines, surrounding nets and dredges)
8	Cast nets

Article 1 - Definition

“**Passive gear**” – gear used in RF that is not handheld, as provided for in 3rd, 4th and 5th rows of Annex I.

Rules on lost gears

Main changes introduced by revised CR

A Union catching vessel must have **equipment on board to retrieve its lost gear**, including fishing gear, fishing aggregating devices and buoys(a) made of durable material;

If the lost gear cannot be retrieved, **the master of the catching vessel shall include the information on the lost gear in the fishing logbook**. The flag Member State must without delay forward that information to the coastal Member State.

Member States shall collect and record information concerning lost gear and provide that information to the Commission or EFCA upon request.

By 31 December every year, the Commission shall make publicly available on its website a compilation of the information referred to in paragraph 5 for the preceding year. The Commission may request EFCA to assist in the compilation of such information.

Sanctions/enforcement:

Infringements

2 Categories of serious infringements:

- ❖ Serious infringement **per se** (objectively pre-identified as serious);
- ❖ Qualification of seriousness **based on harmonised criteria**

New infringements – e.g.

- ❖ Illegally disposing of a **fishing gear** at sea

Minimum sanctions

Minimum levels of minimum sanctions or standard rates for serious infringements

Point system

Harmonised points for serious infringements for the holder of fishing licence and for the master – secondary legislation to follow on registration of masters and on the recording of points assigned to them.



Sanctions/enforcement (ii)

Example of new serious infringements

❖ Illegally disposing of fishing gear or gear at sea
(Article 90(3)(n)) [**env. dimension of fisheries**]

ANNEX IV

Article 90(3), point (n)

Illegally disposing of fishing gear or gear at sea from a fishing vessel.

- a) The disposal is deliberate and results or is likely to result in serious damage to the marine environment, including to marine biological resources and marine ecosystems;
- b) the disposal is deliberate and occurs in a fishing restricted area;
- c) the disposal is deliberate and concerns fishing gear that is prohibited under Article 7(1), points (a), (b), (c), (d) and (g), of Regulation (EU) 2019/1241.

Thank you very much for attention ! Questions?



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