



Council of the European Union  
General Secretariat

**Brussels, 21 November 2025**

**WK 15812/2025 INIT**

**LIMITE**

**MAR**

**OMI**

**ENV**

**CLIMA**

*This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.*

## **WORKING DOCUMENT**

---

<b>From:</b>	General Secretariat of the Council
<b>To:</b>	Working Party on Shipping
<b>Subject:</b>	Preparation of IMO/PPR 13 (London, 9-13 February 2026) – Draft Union submission to IMO’s 13th session of the Sub-Committee on Pollution Prevention and Response providing draft amendments to MARPOL Annex V and associated guidelines for a goal-based fishing gear marking requirement - Advance copy of a Commission Staff Working Document

---

Delegations will find attached an advance copy of a Commission Staff Working Document on the subject above.



Brussels, XXX  
[...] (2025) XXX draft

**COMMISSION STAFF WORKING DOCUMENT**

**Union submission to the 13th session of the International Maritime Organization's Sub-Committee on Pollution Prevention and Response providing draft amendments to MARPOL Annex V and associated guidelines for a goal-based fishing gear marking requirement**

## **Union submission to the 13<sup>th</sup> session of the International Maritime Organization's Sub-Committee on Pollution Prevention and Response providing draft amendments to MARPOL Annex V and associated guidelines for a goal-based fishing gear marking requirement**

### **PURPOSE**

This Staff Working Document contains a draft Union submission to the 13<sup>th</sup> session of the International Maritime Organization's (IMO) Sub-Committee on Pollution Prevention and Response (PPR 13). The IMO has indicatively scheduled PPR 13 from 9 to 13 February 2026.

The draft submission includes a proposal on draft amendments to MARPOL Annex V for a goal-based fishing gear marking requirement.

It is a follow-up on previous IMO actions to address measure 2 of outcome 1 contained in the *Action Plan to address Marine Plastic Litter from Ships* (resolution MEPC.310(73)) regarding the marking of fishing gear.

### **EU COMPETENCE**

Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ("Fisheries Control Regulation")<sup>1</sup> recently revised by Regulation (EU) 2023/2842<sup>2</sup>, requires Union fishing vessels to have the equipment on board to retrieve lost gear, and the retrieval by the master of the vessel in the case where gear is lost. This regulation establishes general requirement for gear marking and empowers the Commission to adopt implementing rules for gear marking and vessel identification. Additionally, Article 48 regulates situations involving lost gear and sets reporting requirements.

The gear marking requirements are further detailed in Section 2 of the Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy<sup>3</sup>, which has been updated by the new Commission Implementing Regulation that will be published mid-November 2025.

In addition, Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) makes assessment and monitoring of marine litter and its impacts mandatory for EU MS and also obliges them to take measures to reduce them.

To address plastic litter from single-use plastics and fishing gear containing plastic, accounting for almost 70% of beach litter, the EU adopted Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment. This Directive regulates the use, production, consumption and waste management of single-use plastics and fishing gear containing plastic. As regards waste from fishing gear, the Directive requires extended producer responsibility (EPR) schemes to be set up to cover the costs of separate collection, transport and further treatment of waste fishing gear containing plastic, with national collection targets to be set at Member State level, as well as the monitoring and reporting of amounts of waste fishing gear delivered to ports with a view to the establishment of a later EU-wide binding collection target. The Directive also calls for the development of a harmonized standard relating to the circular design of fishing gear to encourage preparing for re-use and facilitate recyclability at end of life.

In light of all of the above, the present draft Union submission falls under EU exclusive competence, pursuant to article 3(2) TFEU as the draft amendments to MARPOL, once adopted, risks affecting or

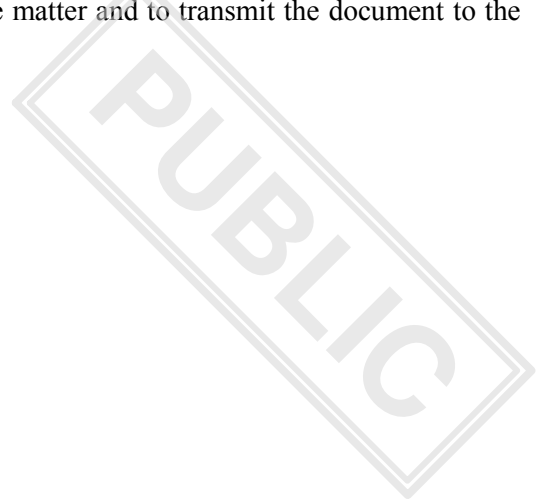
---

<sup>1</sup> OJ L 343, 22.12.2009, pp. 1.

<sup>2</sup> OJ L, 2023/2842, 20.12.2023.

<sup>3</sup> OJ L 112, 30.4.2011, pp. 1.

altering Union legislation and in particular Regulation (EC) No 1224/2009.<sup>4</sup> This Staff Working Document is presented to establish an EU position on the matter and to transmit the document to the IMO prior to the required deadline of 5 December 2025.



---

<sup>4</sup> An EU position under Article 218(9) TFEU is to be established in due time should the IMO Maritime Safety Committee eventually be called upon to adopt an act having legal effects as regards the subject matter of the said draft Union submission. The concept of ‘*acts having legal effects*’ includes acts that have legal effects by virtue of the rules of international law governing the body in question. It also includes instruments that do not have a binding effect under international law, but that are ‘*capable of decisively influencing the content of the legislation adopted by the EU legislature*’ (Case C-399/12 Germany v Council (OIV), ECLI:EU:C:2014:2258, paragraphs 61-64). The present submission, however, does not produce legal effects and thus the procedure for Article 218(9) TFEU is not applied.

**FOLLOW-UP WORK EMANATING FROM THE ACTION PLAN TO  
ADDRESS MARINE PLASTIC LITTER FROM SHIPS**

**Draft amendments to MARPOL Annex V and associated guidelines for a goal-based  
fishing gear marking requirement**

**Submitted by Submitted by Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia,  
Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia,  
Lithuania, Luxembourg, Malta, Netherlands (Kingdom of the), Poland, Portugal,  
Romania, Slovakia, Slovenia, Spain, Sweden and the European Commission, acting  
jointly in the interest of the European Union, Canada and Vanuatu**

**SUMMARY**

*Executive summary:* This document provides a follow-up on previous IMO actions to address measure 2 of outcome 1 contained in the *Action Plan to address Marine Plastic Litter from Ships* (resolution MEPC.310(73)) regarding the marking of fishing gear. It includes a proposal on draft amendments to MARPOL Annex V for a goal-based fishing gear marking requirement.

*Strategic direction, if applicable:*

*Output:* 4.3

*Action to be taken:* Paragraph 31

*Related documents:* MEPC 75/8/4, MEPC 78/17, C 127/11, MEPC 75/8/4, PPR 10/INF.11, PPR 10/13/1, PPR 10/13/2, PPR 10/13/4, and resolution MEPC.310(73)

**Introduction**

1 The Marine Environment Protection Committee (MEPC), at its seventy-third session, in recognition of the urgency to address marine plastic litter from ships, adopted resolution MEPC.310(73) on the *Action Plan to address Marine Plastic Litter from Ships* (hereafter the Action Plan).

2 This document addresses measure 2 of outcome 1 of the Action Plan: "Consider making mandatory, through an appropriate IMO instrument the marking of fishing gear with the IMO Ship Identification Number, in cooperation with the Food and Agriculture Organization of the United Nations (FAO)" which is identified as a mid-term action goal in the *Strategy to Address Marine Plastic Litter from Ships* (resolution MEPC.341(77)).

3 MEPC 78 agreed with the approach proposed in document MEPC 75/8/4 (Vanuatu), that a goal-based requirement under MARPOL Annex V for the mandatory marking of fishing

gear should be developed and instructed the PPR Sub-Committee to develop draft amendments to MARPOL Annex V and associated guidelines accordingly (MEPC 78/17).

4 The Sub-Committee had invited interested Member States and International Organisations to submit proposals on draft amendments to MARPOL Annex V and associated guidelines for a goal-based fishing gear marking requirement, taking into consideration the work undertaken by the Sub-Committee on the reporting of fishing gear recognizing the interdependence of marking and reporting (PPR 12/WP.1/Rev.1).

5 This document responds to the request on submitting a proposal on draft amendments to MARPOL Annex V and is intended to form the basis for further work on amendments to the 2017 Guidelines for the implementation of MARPOL Annex V.

## Background

6 Abandoned, lost, or otherwise discarded fishing gear (ALDFG) (also known as ghost gear) is a major source of marine litter pollution with studies estimating that 5.7% of all fishing nets, 8.6% of all traps and 29% of all lines are lost annually<sup>5</sup> causing significant negative environmental and economic impacts. The economic damages are significant, such as unintended catch, fish stock depletion, damaged gear, lost fishing time and diminished catch value. Further, safety, navigational and environmental harm remains a steady source of concern (PPR 11/13/4 FOEI and CSC).

7 In addition to reporting lost gear, gear marking is considered an important tool for reducing ALDFG and its harmful ecological and economic impacts, enable remediation and for assisting in the fight against illegal, unreported and unregulated (IUU) fishing.

8 Gear marking can also be used to accomplish other fishery conservation and management objectives (PPR 10/13/1 United States), e.g., the ability to link fishing gear to its owner and vessel operator can assist in achieving compliance with and enforcement of fisheries regulations and support gear collection, buy-back and deposit/return programmes. Gear marking can support fisheries and other enforcement officials in determining whether gear is authorized to be used in fishery management areas.

9 Proper reporting and identification/marketing systems provide data on trends and challenges related to gear loss. This allows management measures to be adjusted by the fishery sector based on evolving information, and therefore reduces the need for gathering individual harvester details (PPR 10/INF.11 Canada).

10 Gear marking can also assist in risk assessments for fisheries including better understanding interactions between fishing gear and protected species. For example, fisheries managers can determine possible locations where an entanglement occurred if the entangled gear is marked to the owner or the fishery, which can assist in determining the gear's last known position and inform future management options (PPR 10/13/1 United States).

11 MARPOL Annex V, which applies to all ships including fishing vessels (regulation 2 of MARPOL Annex V), generally prohibits the discharge into the sea of all garbage (regulation 3 of MARPOL Annex V) including fishing gear (cf. regulation 1.9 of MARPOL

---

<sup>5</sup> Richardson, K., Hardesty, B. D., Vince, J., & Wilcox, C. (2022), Global estimates of fishing gear lost to the ocean each year. *Science Advances*, 8(41). Available at: <https://www.fao.org/3/cb0724en/cb0724en.pdf>;  
Richardson, K., Hardesty, B. D., & Wilcox, C. (2019), Estimates of fishing gear loss rates at a global scale: A literature review and meta-analysis. *Fish and Fisheries*, 20(6), 1218–1231. Available at: <https://doi.org/10.1111/faf.12407>.

Annex V). Despite this complete ban, the direct enforcement of MARPOL Annex V regulations, particularly at sea, is difficult to accomplish.

12 Regulation 7 of MARPOL Annex V provides limited exception to the general prohibition on discharge of fishing gear into the sea. It contains an exception in case of accidental loss of fishing gear from a ship, provided that all reasonable precautions have been taken to prevent such loss, (7.1.3) and in case of the discharge of fishing gear from ships for the protection of the marine environment or the safety of that ship or its crew (7.1.4).

13 The accidental loss or discharge of fishing gear as provided in regulation 7.1.3 and 7.1.4 shall be reported in accordance with regulation 10.6. However, the reporting requirement is barely implemented (MEPC 75/8/1 FAO).

### **Considerations**

14 Existing measures, reports and literature on gear marking (e. g. MEPC 75/8/4, PPR 10/INF.11, PPR 10/13/1, PPR 10/13/2, PPR 10/13/4, PPR 10/13/8) have been reviewed and taken into consideration while assessing existing gear marking measures and gaps.

15 Document MEPC 75/8/4 (Vanuatu) identifies that not all vessels have an IMO Ship Identification Number, and that marking should be simple, pragmatic, affordable and a verifiable means of identifying ownership of fishing gear and parts of fishing gear. Requirements should not be too prescriptive to provide administrations with enough flexibility to implement a compliant mechanism (MEPC 57/8/4 Vanuatu). Therefore, a goal-based approach was favoured and confirmed by the Committee.

16 A goal-based standard is a high-level objective that addresses a specific issue or concern, supported by associated functional requirements, which are described as rules and regulations (MSC.1/Circ.1394/Ref.2).

17 The Documents PPR 10/13/2 (Norway) and PPR10/INF.11 (Canada) elaborate on the marking of every individual piece of fishing gear as an unreasonable expectation and suggest to refrain from marking all individual pieces of gear and give flexibility to take into account the differences and needs of fisheries in all regions.

18 The Food and Agriculture Organization of the United Nations (FAO) has developed Voluntary Guidelines for the Marking of Fishing Gear (VGMFG), which were endorsed by the thirty-third session of the Committee on Fisheries in July 2018 (MEPC 75/8/1) and were reaffirmed by the United Nations General Assembly in December 2018 (A/RES/73/125).

19 The guidelines address the purpose and principles, the scope of the application and the implementation of a gear marking system and its associated components, including reporting, recovery and disposal of ALDFG or unwanted fishing gear and commercial traceability of fishing gear (PPR 10/13/4, FAO).

20 In support of the VGMFG, FAO has published two supplements in February 2023 as tools to facilitate the implementation of the guidelines, by providing a framework for risk assessment (Supplement 1) and a teaching manual for the marking of fishing gear (Supplement 2).

21 The manual for the marking of fishing gear provides practical instructions on marking methods for the main types of fishing gear in order to identify ownership. The key content of

the manual includes recommended information to include on marks, examples of marks for the identification of ownership and suggested positions of marks for different gear types.

22 The VGMFG and its supplements are considered as tools to facilitate the development and implementation of systems for the marking of fishing gear. However, they are voluntary and have therefore no binding effect.

23 Gear marking practices are diverse around the world, from non-existent in some jurisdictions to advanced systems in others. Several countries, Regional Fisheries Management Organizations (RFMOs) and the European Union (EU) have adopted binding rules prescribing the marking of fishing gear and fish aggregating devices (FADs).

24 Mandatory marking of fishing gear not only allows the identification of the owner of ALDFG. It would discourage intentional abandonment or discarding of gear and create a strong incentive for reporting. Proper marking would also strengthen compliance with MARPOL Annex V regulations and complement the general prohibition on discharge of fishing gears into the sea.

### **Proposal**

25 The co-sponsors suggest that the draft wording below, supported with adequate amendments to the 2017 Guidelines for the implementation of MARPOL Annex V, be considered as part of a new regulation 10.7 and a change in regulation 7.1.3:

10.7 Fishing gear shall be marked adequately and effectively in order to identify the ownership of the gear and its link to the vessel(s) and / or operator(s) undertaking the fishing operation. The marking of fishing gear should be undertaken in accordance with relevant guidance of the Food and Agriculture Organization of the United Nations (FAO) and respect the competence of sectoral organizations to develop relevant standards which meet or exceed those of the FAO.

7.1.3 The accidental loss of fishing gear from a ship provided that all reasonable precautions have been taken to prevent such loss and provided that the lost fishing gear is marked in accordance with Regulation 10.7; or

26 The co-sponsors are of the view that marking of fishing gear needs to become mandatory in a pragmatic but effective manner. The marking requirements need to set a standard, which provides specific details and practical instructions for implementing effective gear marking systems across different types of gear and also contains considerations for developing states and small-scale fisheries. VGMFG and its supplements meet these requirements and can be amended to ensure new viable, operational and cost-efficient marking systems are included. They provide a framework with practical instructions and achievable measures. Therefore, an amendment to MARPOL Annex V should include a reference to those documents. The details of the marking requirement should be further elaborated in adequate amendments to the 2017 Guidelines for the implementation of MARPOL Annex V.

27 The inclusion of the proposed amendment to regulation 7.1.3 clarifies that ship owners, vessel operators etc. cannot invoke the exemption from the prohibition in discharging fishing gear into the sea (regulation 3.1 of MARPOL Annex V) if the marking has not been done or has not been done properly.

28 Those amendments to MARPOL Annex V would allow port state control officers to inspect the actual marking of fishing gears as part of the port state control on operational

requirement set forth in regulation 9 and would contribute to the enhancement of compliance with MARPOL Annex V.

29 The implementation of provision 10.7 should be undertaken in close collaboration with other regional and international sectoral organizations with a mandate for the management of fishing gear, in particular, regional fisheries management organizations. This would ensure that organizations that are mandated to manage and enforce fishing gear marking schemes are appropriately engaged to jointly address this important issue.

30 The co-sponsors are of the opinion that this proposal should be considered by the PPR Sub-Committee and be sent to a Working Group for further work. This work should also contain amendments to the 2017 Guidelines for the implementation of MARPOL Annex V (resolution MEPC.295(71)) and take into consideration the work undertaken by the Sub-Committee on the reporting of fishing gear recognizing the interdependence of marking and reporting.

**Action requested of the Sub-Committee**

31 The Sub-Committee is invited to consider the proposal, in particular paragraphs 25 and 30, and take action as appropriate.