

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

TITLE II

GENERAL CONDITIONS FOR ACCESS TO WATERS AND RESOURCES

CHAPTER III

Marking and identification of [F¹Union fishing vessels] and their gear

Section 2

Marking and identification of fishing gear and crafts

Article 8

Marking of crafts and fish aggregating devices

Any craft carried on board [F¹Union fishing vessels] and fish aggregating devices shall be marked with external registration letters and numbers of the [F¹Union fishing vessel(s)] which use them.

Textual Amendments

- F1** Substituted by [Commission Implementing Regulation \(EU\) 2015/1962 of 28 October 2015 amending Implementing Regulation \(EU\) No 404/2011 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.](#)

Article 9

General rules for passive gear and beam trawls

1 The provisions contained in Articles 9 to 12 of this Regulation shall apply to [F¹Union fishing vessels] fishing in all [F¹Union waters and the provisions contained in Articles 13 to 17 of this Regulation to Union waters] outside 12 nautical miles measured from the base lines of the coastal Member States.

2 It shall be prohibited in [F¹Union waters] as set down in paragraph 1 to carry out fishing activities with passive gear, buoys, and beam trawls, which are not marked and identifiable in accordance with the provisions of Articles 10 to 17 of this Regulation.

3 It shall be prohibited in [F¹Union waters] as set down in paragraph 1 to carry on board:

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- a beams of a beam trawl which do not display the external registration letters and numbers in accordance with Article 10 of this Regulation;
- b passive gear which is not labelled in accordance with Article 11(2) of this Regulation;
- c buoys which are not marked in accordance with Article 13(2) of this Regulation.

Article 10

Rules for beam trawls

The master of [F1a][F1Union fishing vessel] or his representative shall ensure that each assembled beam trawl carried on board or used for fishing clearly displays the external registration letters and numbers of that fishing vessel on the beam of each beam trawl assembly.

Article 11

Rules for passive gear

- 1 The master of [F1a][F1Union fishing vessel] or his representative shall ensure that each passive gear carried on board or used for fishing is clearly marked and identifiable in accordance with the provisions of this Article.
- 2 Each passive gear used for fishing shall 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;
 - d for passive gear extending more than 1 nautical mile, on labels attached in accordance with (a), (b) and (c) 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.

Article 12

Rules for labels

- 1 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.
- 2 The label shall not be removable, effaced, altered, illegible, covered or concealed.

Article 13

Rules for buoys

- 1 The master of a [F1Union fishing vessel] or his representative shall ensure that two end marker buoys and intermediary marker buoys, rigged in accordance with Annex IV, are

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fixed to each passive gear used for fishing and are deployed in accordance with the provisions of this Section.

2 Each end marker buoy and intermediary buoy shall display the external registration letters and numbers displayed on the hull of the [F1Union 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.

Article 14

Rules for cords

1 The cords linking the buoys to the passive gear shall be of submersible material, or shall be weighted down.

2 The cords linking the end marker buoys to each gear shall be fixed at the ends of that gear.

Article 15

Rules for end marker buoys

1 End marker buoys shall be deployed so that each end of the gear may be determined at any time.

2 The mast of each end marker buoy shall have a height of at least 1 metre above the sea level measured from the top of the float to the lower edge of the bottom most flag.

3 End marker buoys shall be coloured, but may not be red or green.

4 Each end marker buoy shall include:

- a one or two rectangular flag(s); where two flags are required on the same buoy, the distance between them shall be at least 20 centimetres flags indicating the extremities of the same gear shall be of the same colour and may not be white and shall be of the same size;
- b one or two light(s), which shall be yellow and give one flash each 5 seconds (F1 Y 5s), and be visible from a minimum distance of 2 nautical miles.

5 Each end marker buoy may include a top sign on the top of the buoy with one or two striped luminous bands which shall be neither red nor green and shall be at least 6 centimetres broad.

Article 16

Rules for fixing of end marker buoys

1 End marker buoys shall be fixed to passive gear in the following way:

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- a the buoy in the western sector (meaning the half compass circle from south through west to and including north) shall be rigged with two flags, two striped luminous bands, two lights and a label in accordance with Article 12 of this Regulation;
 - b the buoy in the eastern sector (meaning the half compass circle from north through east to and including the south) shall be rigged with one flag one striped luminous band, one light and a label in accordance with Article 12 of this Regulation.
- 2 The label shall contain the information contained in Article 13(2) of this Regulation.

Article 17

Intermediary marker buoys

- 1 Intermediary marker buoys shall be fixed to passive gear extending more than 5 nautical miles as follows:
- a intermediary marker buoys shall be deployed at distances of not more than 5 nautical miles so that no part of the gear extending 5 nautical miles or more shall be left unmarked;
 - b intermediary marker buoys shall be fitted with a flashing light which shall be yellow and give one flash every 5 seconds (F1 Y 5s) and be visible from a minimum distance of 2 nautical miles. They shall have the same characteristics as those of the end marker buoy in the eastern sector, except that the flag shall be white.
- 2 By derogation from paragraph 1, in the Baltic Sea intermediary marker buoys shall be fixed to passive gear extending more than 1 nautical mile. Intermediary marker buoys shall be deployed at distances of not more than 1 nautical mile so that no part of the gear extending 1 nautical mile or more shall be left unmarked.

Intermediary marker buoys shall have the same characteristics as those of the end marker buoy in the eastern sector except for the following:

- a the flags shall be white;
- b every fifth intermediary marker buoys shall be fitted with a radar reflector giving an echo of at least 2 nautical miles.

Changes to legislation:

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Changes and effects yet to be applied to :

- Regulation continued by [S.I. 2019/739 reg. 5\(1\)](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Title 10 s. 3 omitted by [S.I. 2019/739 reg. 5\(102\)](#)
- Title 10 s. 4 omitted by [S.I. 2019/739 reg. 5\(102\)](#)
- Title 10 s. 5 omitted by [S.I. 2019/739 reg. 5\(102\)](#)
- Art. 2(1) omitted by [S.I. 2019/739 reg. 5\(3\)\(a\)](#)
- Art. 2(2) omitted by [S.I. 2019/739 reg. 5\(3\)\(a\)](#)
- Art. 2(4) omitted by [S.I. 2019/739 reg. 5\(3\)\(b\)](#)
- Art. 2(12) words substituted by [S.I. 2019/739 reg. 5\(3\)\(c\)](#)
- Art. 2(14) omitted by [S.I. 2019/739 reg. 5\(3\)\(d\)](#)
- Art. 2(15) words substituted by [S.I. 2019/739 reg. 5\(3\)\(e\)](#)
- Art. 2(17) words omitted by [S.I. 2019/739 reg. 5\(3\)\(f\)](#)
- Art. 2(19) inserted by [S.I. 2019/739 reg. 5\(3\)\(g\)](#)
- Art. 7(1)(e) words substituted by [S.I. 2019/739 reg. 5\(9\)\(b\)\(iii\)](#)
- Art. 18(2)(a) words substituted by [S.I. 2019/739 reg. 5\(15\)\(c\)\(ii\)](#)
- Art. 23(c) words substituted by [S.I. 2019/739 reg. 5\(20\)\(c\)](#)
- Art. 33(1)(c) words substituted by [S.I. 2019/739 reg. 5\(30\)](#)
- Art. 39(2)(a) words substituted by [S.I. 2019/739 reg. 5\(35\)\(b\)\(i\)](#)
- Art. 39(2)(e) words substituted by [S.I. 2019/739 reg. 5\(35\)\(b\)\(ii\)](#)
- Art. 42(1)(a) words substituted by [S.I. 2019/739 reg. 5\(38\)\(a\)\(ii\)](#)
- Art. 42(1)(b) word substituted by [S.I. 2019/739 reg. 5\(38\)\(a\)\(iii\)](#)
- Art. 42(1)(c) word substituted by [S.I. 2019/739 reg. 5\(38\)\(a\)\(iii\)](#)
- Art. 47(1)(e) words substituted by [S.I. 2019/739 reg. 5\(43\)\(a\)\(iii\)](#)
- Art. 62(1)(b) words omitted by [S.I. 2019/739 reg. 5\(52\)\(a\)\(iv\)](#)
- Art. 62(1)(c) words substituted by [S.I. 2019/739 reg. 5\(52\)\(a\)\(v\)](#)
- Art. 67(13)(a) words omitted by [S.I. 2019/739 reg. 5\(54\)\(c\)](#)
- Art. 80(1)(d) words substituted by [S.I. 2019/739 reg. 5\(63\)\(b\)\(iv\)](#)
- Art. 99(d) omitted by [S.I. 2019/739 reg. 5\(76\)](#)
- Art. 105(1)(b) words substituted by [S.I. 2019/739 reg. 5\(78\)\(a\)](#)
- Art. 113(2)(a) words substituted by [S.I. 2019/739 reg. 5\(84\)\(b\)](#)