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COMMISSION DELEGATED REGULATION (EU) 2020/2014

of 21 August 2020

specifying details of implementation of the landing obligation for certain fisheries in the North Sea for the period 2021-2023

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COMMISSION DELEGATED REGULATION (EU) 2020/2014

of 21 August 2020

specifying details of implementation of the landing obligation for certain fisheries in the North Sea for the period 2021-2023

Article 1

Implementation of the landing obligation

In Union waters of the North Sea (ICES divisions 2a, 3a and subarea 4), the landing obligation provided for in Article 15(1) of Regulation (EU) No 1380/2013 shall apply to demersal and pelagic fisheries which are subject to catch limits in accordance with this Regulation for the period 2021-2023.

Article 2

Definitions

For the purpose of this Regulation, the following definitions shall apply:

(1) ‘Netgrid selectivity device’ means a selectivity device consisting of a four panel section inserted into a two-panel trawl with an inclined sheet of diamond mesh netting with a mesh size of at least 200 mm, leading to an escape hole in the top of the trawl;

(2) ‘Flemish panel’ means the last tapered netting section of a beam trawl whose:

— posterior is directly attached to the cod-end,

— upper and lower netting sections are constructed of at least 120 mm mesh as measured between the knots,

— stretched length is at least 3 m;

(3) ‘Benthos release panel’ means a panel of larger mesh or square mesh netting fitted into the lower panel of a trawl, usually a beam trawl to release any benthic material and seabed debris before it passes into the codend;

(4) ‘SepNep’ means an otter trawl which:

— is constructed within the mesh size range of 80 to 99 +≥ 100 mm,

— is fitted with multiple cod-ends of mesh sizes ranging from at least 80 to 120 mm attached to a single extension piece, the uppermost cod-end being constructed with a mesh size of at least 120 mm and fitted with a separation panel with a maximum mesh size of 105 mm, and

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— may furthermore be fitted with an optional selection grid with a bar spacing of at least 17 mm provided it is constructed in such a way so as to allow the escape of small Norway lobster.

Article 3

Survivability exemptions for Norway lobster

1. The survivability exemption provided for in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply in the Union waters of the North Sea (ICES divisions 2a, 3a and subarea 4) to the following catches of Norway lobster (*Nephrops norvegicus*):

(a) catches with pots (FPO ([1]));

(b) catches with bottom trawls (OTB, OTT, TBN) fitted with:

(i) a cod-end equal or larger than 80 mm; or

(ii) a cod-end with a mesh size of at least 70 mm equipped with a species selective grid with a bar spacing of maximum 35 mm.

2. When discarding Norway lobster caught in the cases referred to in paragraph 1, the Norway lobster shall be released whole, immediately and in the area where it has been caught.

Article 4

Survivability exemption for common sole

1. The survivability exemption referred to in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply to common sole (*Solea solea*) below the minimum conservation reference size caught using otter trawls (OTB) with a cod-end mesh size of 80 to 99 mm in the Union waters of ICES division 4c, within six nautical miles of the coast but outside identified nursery areas.

2. The exemption referred to in paragraph 1 shall only apply to vessels with a maximum length of 10 meters and a maximum engine power of 221 kW, fishing in waters with a depth of 30 meters or less and with tow durations of no more than ninety minutes.

([1]) Gear codes used in this Regulation are set out in Annex XI to Commission 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. For the vessels whose LOA is less than 10 metres gear codes used in this Regulation are set out in the FAO gear classification.

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3. When discarding common sole caught in the cases referred to in paragraph 1, the common sole shall be released immediately.

Article 5

Survivability exemption for by-catch of all species subject to catch limits in pots and fyke nets

1. The survivability exemption referred to in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply to all species subject to catch limits caught with pots and fyke nets (FPO, FYK) in the Union waters of ICES division 3a and ICES subarea 4.

2. When discarding fish caught in the cases referred to in paragraph 1, the fish shall be released immediately and below the sea surface.

Article 6

Survivability exemption for catch and by-catch of plaice

1. The survivability exemption referred to in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply in the Union waters of ICES division 3a and subarea 4 to:

(a) plaice (*Pleuronectes platessa*) caught with nets (GNS, GTR, GTN, GEN);

(b) plaice caught with Danish seines;

(c) plaice caught with bottom trawls (OTB, PTB):

(i) with a mesh size of at least 120 mm when targeting flatfish or roundfish in the Union waters of ICES division 3a and subarea 4;

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(ii) with a mesh size of 90 to 119 mm equipped with a Seltra panel with a top panel of 140 mm mesh size (square mesh), 270 mm mesh size (diamond mesh), 300 mm mesh size (square-mesh), or in sub-division Kattegat, a square mesh panel of at least 120 mm in the period from 1 October to 31 December every year which target flatfish or roundfish in the Union waters of ICES division 3a;

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(iii) with a mesh size of 80 to 119 mm targeting flatfish or roundfish in the Union waters of ICES subarea 4.

2. When discarding plaice caught in the cases referred to in paragraph 1, the plaice shall be released immediately.

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Article 7

Survivability exemption for plaice below the minimum conservation reference size

1. The survivability exemption referred to in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply in the Union waters of ICES division 2a and ICES subarea 4 and to plaice caught which is below the minimum conservation reference size and caught using 80 to 119 mm beam trawls (BT2) if the plaice is caught:

(a) with gears equipped with the flip-up rope or Benthos release panel (BRP) and caught by vessels with an engine power of more than 221 kW; or

(b) by the vessels of Member States implementing the roadmap for the Fully Documented Fisheries.

2. The exemption referred to in paragraph 1 shall also apply to flatfish caught with beam trawls (BT2) by vessels with an engine power of not more than 221kw or less than 24m in length overall, which are constructed to fish in the twelve miles zone, if the average trawl duration is less than ninety minutes.

3. Member States having a direct management interest shall submit every year, as soon as possible and not later than 1 May, additional scientific information supporting the exemptions laid down in paragraphs 1 and 2. The Scientific, Technical and Economic Committee for Fisheries ('STECF') shall assess the provided scientific information by 31 July every year.

4. When discarding plaice caught in the cases referred to in paragraphs 1 and 2, the plaice shall be released immediately.

Article 8

Survivability exemption for turbot

1. The survivability exemption referred to in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply in the Union waters of ICES subarea 4 to catches of turbot *(Scophthalmus maximus)* with beam trawls with a cod-end equal to or larger than 80 mm (TBB).

2. The exemption referred to in paragraph 1 shall be provisionally applicable until 31 December 2022. Member States having a direct management interest shall submit every year, as soon as possible and not later than 1 May, additional scientific information supporting the exemption laid down in paragraph 1. STECF shall assess the provided scientific information by 31 July every year.

3. When discarding turbot caught in the cases referred to in paragraph 1, the turbot shall be released immediately.

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Article 9

Survivability exemption for skates and rays

1. The survivability exemption referred to in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply to skates and rays caught with fishing gear in the Union waters of the North Sea (ICES divisions 2a, 3a and subarea 4).

2. Member States having a direct management interest shall submit every year, as soon as possible and not later than 1 May, additional scientific information, in particular for cuckoo ray, supporting the exemption laid down in paragraph 1. STECF shall assess the provided scientific information by 31 July every year.

3. When discarding skates and rays caught in the cases referred to in paragraph 1, the skates and rays shall be released immediately.

Article 10

Survivability exemption for catches of mackerel and herring in the purse seine fisheries

1. The survivability exemption referred to in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply to mackerel and herring caught in the purse seine fisheries in the Union waters of the North Sea (ICES divisions 2a, 3a and subarea 4), if all of the following conditions are met:

(a) the catch is released before a certain percentage (set out in paragraphs 2 and 3 below) of the purse seine is closed (‘the point of retrieval’);

(b) the purse seine gear is fitted with a visible buoy clearly marking the limit for the point of retrieval;

(c) the vessel and the purse seine gear are equipped with an electronic recording and documenting system when, where and extent to which the purse seine has been hauled for all fishing operations.

2. The point of retrieval shall be 80 % closure of the purse seine in fisheries for mackerel and it shall be 90 % closure of the purse seine in fisheries for herring.

3. If the surrounded school consists of a mixture of both species the point of retrieval shall be 80 % closure of the purse seine.

4. It is prohibited to release catches of mackerel and herring after the point of retrieval.

5. The surrounded school of fish shall be sampled before its release to estimate the species composition, the fish size composition and the quantity.

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6. Member States having a direct management interest shall submit as soon as possible and not later than 1 May 2022 evidence justifying the need to continue this exemption.

Article 11

De minimis exemptions for pelagic and demersal fisheries

By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the following quantities may be discarded pursuant to Article 15(4)(c) of that Regulation:

(1) in fisheries for common sole by vessels using trammel nets and gillnets (GN, GNS, GND, GNC, GTN, GTR, GEN, GNF) in the Union waters of the North Sea (ICES divisions 2a, 3a and subarea 4):

a quantity of common sole below and above the minimum conservation reference size, which shall not exceed 3 % of the total annual catches of that species;

(2) in fisheries for common sole by vessels using beam trawl (TBB) of mesh size 80-119 mm equipped with a Flemish panel, in the Union waters of ICES subarea 4:

a quantity of common sole below the minimum conservation reference size, which shall not exceed 5 % of the total annual catches of that species;

(3) in the fishery for Norway lobster by vessels using bottom trawls (OTB, OTT, TBN) with a mesh size equal to or larger than 70 mm equipped with a species-selective grid with a bar spacing of maximum 35 mm in the Union waters of ICES division 3a:

a combined quantity of common sole, haddock, whiting, cod, saithe and hake below the minimum conservation reference size, which shall not exceed 4 % of the total annual catches of Norway lobster, common sole, haddock, whiting and Northern prawn, cod, saithe and hake;

(4) in the fishery for Northern prawn by vessels using bottom trawls (OTB, OTT) with a mesh size equal to or larger than 35 mm equipped with a species selective grid with a bar spacing of maximum 19 mm, and with unblocked fish outlet, in the Union waters of ICES division 3a:

a combined quantity of common sole, haddock, whiting, cod, plaice, saithe, herring, Norway pout, greater silver smelt and blue whiting below the minimum conservation reference size where it exists, which shall not exceed 5 % of the total annual catches of Norway lobster, common sole, haddock, whiting, cod, saithe, plaice, Northern prawn, hake, Norway pout, greater silver smelt, herring and blue whiting;

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(5) in fisheries by vessels using bottom trawls (OTB, OTT, TBN, PTB) with a mesh size of 90-119 mm, equipped with Seltra panel with a top panel of 140 mm mesh size (square mesh), 270 mm mesh size (diamond mesh) or 300 mm mesh size (square mesh), or bottom trawls (OTB, OTT, TBN, PTB) with a mesh size equal to or larger than 120 mm, in the Union waters of ICES division 3a:

a quantity of whiting below the minimum conservation reference sizes, up to a maximum of 2 % of the total annual catches of Norway lobster, cod, haddock, whiting, saithe, common sole, plaice and hake;

(6) in the fisheries for Norway lobster by vessels using bottom trawls with a mesh size of 80-99 mm, equipped with a SepNep, in the Union waters of ICES subarea 4:

a quantity of plaice below the minimum conservation reference size, which shall not exceed 3 % of the total annual catches of saithe, plaice, haddock, whiting, cod, Northern prawn, common sole and Norway lobster;

(7) in the fisheries for brown shrimp by vessels using beam trawls, in the Union waters of ICES divisions 4b and 4c:

a quantity of all species subject to catch limits, which shall not exceed 6 % in 2021 and 2022, and 5 % in 2023 of the total annual catches of all species subject to catch limits made in those fisheries;

(8) in the demersal fisheries by vessels using bottom trawls (OTB, OTT, PTB) with a mesh size equal to or greater than 120 mm catching ling in Union waters of ICES subarea 4:

a quantity of ling below minimum conservation reference size, which shall not exceed 3 % of the total annual catches of ling in that fishery;

(9) in the mixed demersal fisheries by vessels using bottom trawls or seines (OTB, OTT, SDN, SSC) with a mesh size of 70-99 mm (TR2) in the Union waters of ICES division 4c:

a combined quantity of whiting and cod below the minimum conservation reference size, which shall not exceed 5 % of the total annual catches of whiting and cod; the maximum amount of cod that may be discarded shall be limited to 2 % of those total annual catches;

the *de minimis* exemption set out in this point shall be provisionally applicable until 31 December 2021. Member States having a direct management interest shall submit, as soon as possible and not later than 1 May 2021, additional scientific information supporting the exemption. The STECF shall assess the provided scientific information by 31 July 2021;

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(10) in the mixed demersal fisheries by vessels using bottom trawls or seines (OTB, OTT, SDN, SSC) with a mesh size of 70-99 mm (TR2) in the Union waters of ICES divisions 4a and 4b:

a quantity of whiting below the minimum conservation reference size, which shall not exceed 4 % of the total annual catches of whiting;

the *de minimis* exemption set out in this point shall be provisionally applicable until 31 December 2022. Member States having a direct management interest shall submit, as soon as possible and not later than 1 May 2022 additional scientific information supporting the exemption. The STECF shall assess the provided scientific information by 31 July 2022;

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(11) in the demersal mixed fishery by vessels using beam trawls with a mesh size of 80-119 mm in Union waters of ICES subarea 4:

a quantity of whiting below the minimum conservation reference size, which shall not exceed 2 % of the total annual catches of plaice and sole;

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(12) in pelagic fisheries carried out by pelagic trawlers up to 25 meters in length overall, using mid-water trawls (OTM/PTM), and targeting mackerel, horse mackerel and herring in ICES divisions 4b and 4c south of 54 degrees north;

a combined quantity of mackerel, horse mackerel, herring and whiting that shall not exceed 1 % of the total annual catches of mackerel, horse mackerel, herring and whiting;

the *de minimis* exemption set out in this point shall be provisionally applicable until 31 December 2022. Member States having a direct management interest shall submit, as soon as possible and not later than 1 May 2022, additional scientific information supporting the exemption. The STECF shall assess the provided scientific information by 31 July 2022;

(13) in the demersal mixed fishery with trawls (OTB, OTM, OTT, PTB, PTM, SDN, SPR, SSC, TB, TBN) with mesh sizes above 80 mm in ICES division 3a and ICES subarea 4 and in the fishery for Northern prawn carried out using gears with a sorting grid with a maximum bar spacing of 19 mm or equivalent selectivity device and a fish retention device with mesh sizes above 35 mm in ICES division 3a and 32 mm in ICES subarea 4:

a combined quantity of sprat, sandeel, Norway pout and blue whiting, which shall not exceed 1 % of the total annual catches made in mixed demersal fishery and in the fishery for Northern prawn;

the *de minimis* exemption set out in this point shall be provisionally applicable until 31 December 2022. Member States having a direct management interest shall submit, as soon as possible and not later than 1 May 2022, additional scientific information supporting the exemption. The STECF shall assess the provided scientific information by 31 July 2022;

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(14) in the demersal fishery for hake by vessels using longlines (LLS) in ICES subarea 4:

a quantity of ling (*Molva molva*) below the minimum conservation reference size, which shall not exceed 3 % of the total annual catches of ling made in that demersal fishery;

the *de minimis* exemption set out in this point shall be provisionally applicable until 31 December 2022. Member States having a direct management interest shall submit, as soon as possible and not later than 1 May 2022, additional scientific information supporting the exemption. The STECF shall assess the provided scientific information by 31 July 2022;

(15) in the demersal mixed fishery with bottom trawls (OTB, OTT, PTB) with a mesh size between 80 and 99 mm (TR2) in ICES divisions 4b and 4c:

a quantity of horse mackerel (*Trachurus spp*.), which shall not exceed 6 % of the total annual catches of horse mackerel made in that fishery;

the *de minimis* exemption set out in this point shall be provisionally applicable until 31 December 2022. Member States having a direct management interest shall submit, as soon as possible and not later than 1 May 2022, additional scientific information supporting the exemption. The STECF shall assess the provided scientific information by 31 July 2022;

(16) in the demersal mixed fishery with bottom trawls (OTB, OTT, PTB) with a mesh size between 80 and 99 mm (TR2) in ICES divisions 4b and 4c:

a quantity of mackerel (*Scomber scombrus*), which shall not exceed 6 % of the total annual catches of mackerel made in that fishery;

the *de minimis* exemption set out in this point shall be provisionally applicable until 31 December 2022. Member States having a direct management interest shall submit, as soon as possible and not later than 1 May 2022, additional scientific information supporting the exemption. The STECF shall assess the provided scientific information by 31 July 2022;

(17) in the industrial pelagic trawler fishery targeting blue whiting in ICES subarea 4, and processing that species on board to obtain surimi base:

a quantity of blue whiting (*Micromesistius poutassou*), which shall not exceed 5 % of the total annual catches of blue whiting;

the *de minimis* exemption set out in this point shall be provisionally applicable until 31 December 2022. Member States having a direct management interest shall submit, as soon as possible and not later than 1 May 2022, additional scientific information supporting the exemption. The STECF shall assess the provided scientific information by 31 July 2022.

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Article 12

Repeal and transitional provisions

Delegated Regulation (EU) 2019/2238 is repealed with effect from 1 January 2021.

However, Articles 11 and 12 of Delegated Regulation (EU) 2019/2238 shall continue to apply until 31 December 2021 or until a delegated act, to be adopted pursuant to Article 15(2) of Regulation (EU) 2019/1241 becomes applicable, whichever is the earlier.

Article 13

Entry into force and application

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Articles 1 to 11 shall apply from 1 January 2021 until 31 December 2023.

This Regulation shall be binding in its entirety and directly applicable in all Member States.