



2023/2623

22.11.2023

**COMMISSION DELEGATED REGULATION (EU) 2023/2623**

**of 22 August 2023**

**supplementing Regulation (EU) 2019/472 of the European Parliament and of the Council by specifying details of the landing obligation for certain fisheries in Western Waters for the period 2024-2027**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/472 of the European Parliament and of the Council of 19 March 2019 establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulations (EU) 2016/1139 and (EU) 2018/973, and repealing Council Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008 <sup>(1)</sup>, and in particular Article 13 thereof,

Whereas:

- (1) Article 13 of Regulation (EU) 2019/472 empowers the Commission to adopt delegated acts to supplement that Regulation by specifying the details of the landing obligation for all stocks of species in the North Sea to which the landing obligation applies under Article 15(1) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council <sup>(2)</sup>, as provided for in points (a) to (e) of Article 15(5) of that Regulation on the basis of joint recommendations developed by Member States.
- (2) Commission Delegated Regulation (EU) 2020/2015 <sup>(3)</sup> specifies the details of the implementation of the landing obligation for certain demersal fisheries in the Western Waters for the period 2021-2023, following two joint recommendations submitted to the Commission by Belgium, Spain, France, Ireland and Netherlands (North-Western Waters Member States), and Belgium, Spain, France, Netherlands and Portugal (the South-Western Waters Member States). Delegated Regulation (EU) 2020/2015 was amended in 2021 <sup>(4)</sup>, 2022 <sup>(5)</sup> and 2023 <sup>(6)</sup>.
- (3) The North-Western Waters Member States, after consulting the North-Western Waters Advisory Council and the Pelagic Advisory Council, submitted an initial joint recommendation to the Commission on 3 May 2023.
- (4) The South-Western Waters Member States, after consulting the South-Western Waters Advisory Council and the Pelagic Advisory Council, submitted an initial joint recommendation to the Commission on 2 May 2023.

<sup>(1)</sup> OJ L 83, 25.3.2019, p. 1.

<sup>(2)</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

<sup>(3)</sup> Commission Delegated Regulation (EU) 2020/2015 of 21 August 2020 specifying details of the implementation of the landing obligation for certain fisheries in Western Waters for the period 2021- 2023 (OJ L 415, 10.12.2020, p. 22).

<sup>(4)</sup> Commission Delegated Regulation (EU) 2021/2063 of 25 August 2021 amending and correcting Delegated Regulation (EU) 2020/2015 specifying details of the implementation of the landing obligation for certain fisheries in Western Waters for the period 2021-2023 (OJ L 421, 26.11.2021, p. 6).

<sup>(5)</sup> Commission Delegated Regulation (EU) 2022/2290 of 19 August 2022 amending Delegated Regulation (EU) 2020/2015 as regards certain exemptions to the landing obligation in the Western Waters for 2023 (OJ L 303, 23.11.2022, p. 12).

<sup>(6)</sup> Commission Delegated Regulation (EU) 2023/828 of 2 February 2023 correcting Delegated Regulation (EU) 2020/2015 as regards the survivability exemption for common sole catches by vessels under 12 metres long and using otter bottom trawls, in the Western Waters, ICES division 7e, for 2023 (OJ L 104, 19.4.2023, p. 23).

- (5) The Scientific, Technical and Economic Committee for Fisheries (STECF) assessed the initial joint recommendations during the Plenary of 8-12 May 2023 <sup>(7)</sup>.
- (6) On 6 July 2023, the South-Western Waters Member States submitted an updated joint recommendation.
- (7) On 13 July 2023, the North-Western Waters Member States submitted an updated joint recommendation.
- (8) The Expert Group for Fisheries and Aquaculture considered the updated joint recommendations in a meeting on 28 July 2023 that the European Parliament attended as an observer.
- (9) Under Article 13 of Regulation (EU) 2019/472, the Commission has considered the updated joint recommendations in light of the STECF's assessment of the initial joint recommendations to ensure that the updated joint recommendations are compatible with the relevant Union conservation measures, including the landing obligation.
- (10) The Commission has also taken into account that: (i) the upcoming evaluation is expected to provide more information on the effectiveness, efficiency, coherence, relevance and Union added value of the landing obligation; and (ii) the STECF has noted <sup>(8)</sup> that the current process of evaluating joint recommendations is inefficient, that further reflection is necessary as to how it can be further improved and that such reflection would allow discussion on data issues and on finding new ways to improve the implementation of the landing obligation.
- (11) The following high survivability exemptions to the landing obligation should apply to the North-Western Waters.
- (12) Delegated Regulation (EU) 2020/2015 includes a high survivability exemption for Norway lobster caught with pots, traps and creels, and bottom trawls in International Council for the Exploration of the Sea (ICES) subareas 6 and 7. Member States requested that the exemption be continued. The STECF evaluated the information submitted as part of the initial joint recommendation and concluded that while survival estimates and discard rates are variable between areas, survival studies have been conducted in a robust manner and highlight the benefits of improved selectivity through technical measures <sup>(9)</sup>. For this reason and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (13) Delegated Regulation (EU) 2020/2015 includes a high survivability exemption for common sole below minimum conservation reference size caught with bottom trawls with a mesh size of 80-99 mm in ICES division 7d within 6 nautical miles of the coast but outside identified nursery areas, and with otter trawls with a cod-end mesh larger than 80 mm in ICES division 7e within 6 nautical miles of the coast but outside identified nursery areas. Member States requested that the exemption be continued. The STECF evaluated the information submitted as part of the initial joint recommendation and concluded that survivability is reasonable and that the studies presented have been conducted in a robust manner <sup>(10)</sup>. For these reasons and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (14) Delegated Regulation (EU) 2020/2015 includes a high survivability exemption for skates and rays caught with all gears in ICES subareas 6 and 7. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that while survivability is variable by gear and season, the level of cooperation between Member States is noteworthy and the exemption has been the

<sup>(7)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

<sup>(8)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

<sup>(9)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

<sup>(10)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

catalyst for this work <sup>(11)</sup>. Moreover, Member States committed in the updated joint recommendation to carrying out a meta-analysis of survival aiming to assess the overall effect of the exemption. For these reasons, and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.

- (15) Delegated Regulation (EU) 2020/2015 includes a high survivability exemption for plaice caught with trammel nets, otter trawls, beam trawls, Danish seines and seines in ICES division 7. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that while survival rates are variable and lowest in the segments that account for the highest catches, with the highest discard rates and volumes, work is ongoing in the fisheries concerned to improve selectivity and survival probabilities with innovative gears and technologies <sup>(12)</sup>. To allow for the continuation of this work and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (16) Delegated Regulation (EU) 2020/2015 includes a high survivability exemption for species caught in pots and traps in ICES subareas 5 (excluding 5a and including only Union waters of 5b), 6 and 7. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that the overall quantities of fish proposed are negligible, the gear types are relatively benign and the impact of the exemption is likely to be minimal <sup>(13)</sup>. For these reasons and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (17) Delegated Regulation (EU) 2020/2015 includes a high survivability exemption for mackerel and herring in the purse seine fisheries in ICES subarea 6; and for mackerel and herring in the ring net fishery targeting pelagic species not subject to quotas in ICES divisions 7e and 7f. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that although it could not verify whether the conditions met during the experiments submitted are representative of the conditions experienced under commercial fishing operations, the survival estimates of 70 % for mackerel and herring are the best available for purse seine fisheries <sup>(14)</sup>. For this reason and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (18) The following high survivability exemptions to the landing obligation should apply to the South-Western Waters.
- (19) Delegated Regulation (EU) 2020/2015 includes a high survivability exemption for Norway lobster caught with bottom trawls in ICES subareas 8 and 9. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that survival rates vary across fleets and that discard chutes have proved to be efficient in reducing discard mortality <sup>(15)</sup>. For these reasons and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027 for those vessels that have discard chutes installed.

<sup>(11)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

<sup>(12)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

<sup>(13)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

<sup>(14)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

<sup>(15)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

- (20) Delegated Regulation (EU) 2020/2015 includes a high survivability exemption for skates and rays, except cuckoo rays, caught with all gears in ICES subareas 8 and 9. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that while there are indications that impacts vary by gear types and species, a number of scientific studies are ongoing to assess the survivability of different species of skates and rays <sup>(16)</sup>. To allow for the completion of these studies, to ensure consistency with the North-Western Waters and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (21) Delegated Regulation (EU) 2020/2015 includes a high survivability exemption for red seabream caught with the artisanal gear *voracera* in ICES division 9a, and hooks and lines in ICES subareas 8 and 10 and division 9a. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that new information provided to support the exemption is limited and there is uncertainty around discard survival estimates and unknown discard amounts coupled with a decline in landings. The STECF report indicates that new studies are needed to estimate the survival rates based on captive observations that were caught from representative commercial operations <sup>(17)</sup>. To allow for the completion of these studies and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (22) Delegated Regulation (EU) 2020/2015 includes a high survivability exemption for anchovy, horse mackerel and mackerel in the purse seine fishery. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that while some impacts could not be assessed, the survival estimates in previous studies proved to be high for these species. Moreover, there are scientific studies ongoing <sup>(18)</sup>. For these reasons and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (23) The following *de minimis* exemptions to the landing obligation should apply to the North-Western Waters.
- (24) Delegated Regulation (EU) 2020/2015 includes a *de minimis* exemption for whiting caught by vessels using bottom trawls and seines with a mesh size equal to or greater than 80 mm, pelagic trawls and beam trawls with a mesh size of 80-119 mm in ICES divisions 7d and 7e. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that while no new information was submitted to support the exemption, previous studies had proven that the use of certain selectivity devices led to significant losses of commercial catches <sup>(19)</sup>. For this reason and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (25) Delegated Regulation (EU) 2020/2015 includes a *de minimis* exemption for common sole caught by vessels using trammel nets and gill nets in ICES divisions 7d to 7g. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that fishing gears under this exemption are fitted to catch common sole at and above the minimum conservation reference size. Moreover, in its report, the STECF indicated that it is likely that improvements on selectivity would result in commercial losses. For these reasons and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.

<sup>(16)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

<sup>(17)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

<sup>(18)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

<sup>(19)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

- (26) Delegated Regulation (EU) 2020/2015 includes a *de minimis* exemption for common sole caught by vessels using beam trawls with a mesh size of 80 to 119 mm equipped with Flemish panel, to catch common sole in ICES divisions 7d to 7h, 7j and 7k. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that information is limited as regards the uptake level or monitoring data on the selectivity device. However, in its report, the STECF also indicated that it is positive that the exemption is related to the use of a gear modification that has been shown to reduce the level of unwanted catches. For this reason and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (27) Delegated Regulation (EU) 2020/2015 included a *de minimis* exemption for haddock caught by vessels operating with a mesh size greater than or equal to 100 mm for all bottom trawls and seines; by vessels operating with mesh sizes greater than or equal to 80 mm with certain specifications on catch composition; and by vessels operating with beam trawls using mesh sizes greater than or equal to 80 mm in conjunction with the use of a Flemish panel in ICES divisions 7b, 7c and 7e to 7k. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that while the haddock stock in the Celtic Sea is currently fished sustainably, there is a high discard rate in some fisheries. The STECF further concluded that improving selectivity should remain a priority in these fisheries and that improvements have already been made in several fisheries <sup>(20)</sup>. For these reasons and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027, provided that the technical measures in point 1.3.2 of part B of Annex VI to Regulation (EU) 2019/1241 of the European Parliament and of the Council <sup>(21)</sup> remain in place beyond 31 December 2023.
- (28) Delegated Regulation (EU) 2020/2015 includes a *de minimis* exemption for boarfish caught by vessels using bottom trawls in ICES divisions 7b, 7c and 7f to 7k. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that while information is limited as regards potential losses derived from removing the exemption, information on selectivity trials was provided and selectivity improvements are possible in some fisheries. Moreover, in its previous assessments, the STECF concluded that improving selectivity only for boarfish would be challenging <sup>(22)</sup>. In addition, there is also a risk of boarfish becoming a choke species in multiple demersal fisheries. For these reasons and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (29) Delegated Regulation (EU) 2020/2015 includes a *de minimis* exemption for megrim below minimum conservation reference size caught with beam trawls with a mesh size of 80 to 119 mm in ICES subarea 7 and using bottom trawls under specific conditions. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that the new information provided to support the exemption is limited and improvements on selectivity are possible. However, in its report, the STECF also indicated that some studies have shown that selectivity devices led to significant reductions in marketable catch in some fisheries <sup>(23)</sup>. For this reason and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.

<sup>(20)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

<sup>(21)</sup> Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105).

<sup>(22)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/26710926/STECF+22-05+-+Eval+JRs+Lo+and+TM.pdf/fedda422-cdab-4d25-a259-ea2d9dde3af9>

<sup>(23)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

- (30) Delegated Regulation (EU) 2020/2015 includes a *de minimis* exemption for common sole caught by vessels using beam trawls with a mesh size of 80 to 119 mm with increased selectivity (Flemish panel) in ICES divisions 7a. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that the information submitted in support of this exemption was the same as in previous years. Moreover, in its previous assessment <sup>(24)</sup>, the STECF acknowledged that measures to reduce the unwanted catch of sole have been put in place. For this reason and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (31) Delegated Regulation (EU) 2020/2015 includes a *de minimis* exemption for greater silver smelt caught by vessels using bottom trawls with a mesh size greater of equal to 100 mm (TR1) in ICES division 5b (Union waters) and subarea 6. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that the exemption is unlikely to have a significant impact on the stock due to the low level of discards <sup>(25)</sup>. Moreover, in its previous assessments, the STECF indicated that improvements on selectivity are difficult to achieve for some fisheries without the fleets concerned incurring disproportionate costs <sup>(26)</sup>. For these reasons and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (32) Delegated Regulation (EU) 2020/2015 includes two *de minimis* exemptions for horse mackerel and mackerel caught in demersal mixed fisheries by vessels using bottom trawls, seines and beam trawls in ICES subarea 6 and ICES divisions 7b to 7k. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that increasing selectivity without reducing yield is very difficult <sup>(27)</sup>. For this reason and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (33) Delegated Regulation (EU) 2020/2015 includes a *de minimis* exemption for blue whiting in the industrial pelagic trawler fishery in ICES subareas 6 and 7 and division 5b. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that the information supporting the exemption is largely the same as in previous years, namely the difficulty to improve selectivity and additional handling costs <sup>(28)</sup>. STECF also concluded that the description of the operation on board the vessel and the information provided to support the assertion that the costs of handling unwanted catches on board are disproportionate provide a reasonable justification for this exemption <sup>(29)</sup>. For these reasons and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (34) Delegated Regulation (EU) 2020/2015 includes a *de minimis* exemption for horse mackerel, mackerel and whiting caught with pelagic trawlers up to 25 metres in length overall using midwater trawls in ICES division 7d. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that the new information provided to support the exemption is limited. However, in its report, the STECF also indicated that improvements in selectivity are difficult to achieve <sup>(30)</sup>. For this reason and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.

<sup>(24)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/26710926/STECF+22-05+-+Eval+JRs+Lo+and+TM.pdf/fedda422-cdab-4d25-a259-ea2d9dde3af9>

<sup>(25)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

<sup>(26)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/26710926/STECF+22-05+-+Eval+JRs+Lo+and+TM.pdf/fedda422-cdab-4d25-a259-ea2d9dde3af9>

<sup>(27)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

<sup>(28)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/812327/STECF+PLEN+14-02.pdf>

<sup>(29)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

<sup>(30)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

- (35) The following *de minimis* exemptions to the landing obligation should apply to the South-Western Waters.
- (36) Delegated Regulation (EU) 2020/2015 includes a *de minimis* exemption for hake caught with trawls and seines in ICES subareas 8 and 9. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that despite numerous selectivity studies, no solutions have been found. Furthermore, in its report, the STECF indicated that studies have generally shown that the gear modifications tested are ineffective or lead to unacceptable losses of marketable catches <sup>(31)</sup>. For these reasons and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (37) Delegated Regulation (EU) 2020/2015 includes a *de minimis* exemption for common sole caught with pelagic trawls, beam trawls and bottom trawls in ICES divisions 8a and 8b. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that the new information provided to support the exemption limited. However, in its report, the STECF indicated that the information provided shows increased sorting times on board associated with the landing obligation <sup>(32)</sup>. Furthermore, the discard rate and volume of unwanted catches are low. For these reasons and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (38) Delegated Regulation (EU) 2020/2015 included a *de minimis* exemption for common sole caught with trammel nets and gillnets in ICES divisions 8a and 8b. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that selectivity for static nets for sole is high <sup>(33)</sup>. For this reason and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (39) Delegated Regulation (EU) 2020/2015 included a *de minimis* exemption for alfonsinos caught by hooks and lines in ICES subarea 10. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that while the new information provided to support the exemption is limited <sup>(34)</sup>, its previous assessments regarding difficulties on the grounds of selectivity and disproportionate costs remained relevant <sup>(35)</sup>. For this reason and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (40) Delegated Regulation (EU) 2020/2015 includes a *de minimis* exemption for horse mackerel caught with beam trawls, bottom trawls and seines in ICES subareas 8 and 9. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that increasing selectivity without reducing yield is very difficult <sup>(36)</sup>. For this reason and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.

<sup>(31)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

<sup>(32)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

<sup>(33)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

<sup>(34)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

<sup>(35)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/2124128/STECF+18-06+-+Evaluation+of+LO+joint+recommendations.pdf/7abb0ef7-934a-4f9d-992a-3e4b13bb35a7>

<sup>(36)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

- (41) Delegated Regulation (EU) 2020/2015 includes a *de minimis* exemption for horse mackerel caught with gillnets in ICES subareas 8, 9 and 10 and Fishery Committee for the Eastern Central Atlantic (‘CECAF’) zones 34.1.1, 34.1.2 and 34.2.0. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that while the new information provided to support the exemption is limited, its previous assessments remained relevant. Moreover, in those previous assessments <sup>(37)</sup>, the STECF indicated that it would be reasonable to assume that selectivity for horse mackerel in these fisheries is difficult to achieve. For that reason and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (42) Delegated Regulation (EU) 2020/2015 includes two *de minimis* exemptions for mackerel caught by beam trawls, bottom trawls and seines in ICES subareas 8 and 9; and mackerel caught by gillnets in ICES subareas 8 and 9 and CECAF zones 34.1.1, 34.1.2 and 34.2.0. Member States requested that these exemptions be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that increasing selectivity without reducing yield is very difficult in these fisheries <sup>(38)</sup>. For this reason and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemptions requested should be granted from 1 January 2024 to 31 December 2027.
- (43) Delegated Regulation (EU) 2020/2015 includes a *de minimis* exemption for megrim caught with beam trawls, bottom trawls and seines in ICES subareas 8 and 9. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that despite numerous selectivity experiments, no solutions have been found. Moreover, in its previous assessments, the STECF indicated that reducing the discard rates through improvements in selectivity is difficult in these fisheries <sup>(39)</sup>. For these reasons and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (44) Delegated Regulation (EU) 2020/2015 includes a *de minimis* exemption for megrim caught with gillnets in ICES subareas 8 and 9. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that it can be assumed that the selectivity of static nets for megrim is high and that the costs for handling the very small volumes of megrim are significant <sup>(40)</sup>. For these reasons and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (45) Delegated Regulation (EU) 2020/2015 includes a *de minimis* exemption for anglerfish caught by pelagic trawls, beam trawls, bottom trawls and seines in ICES subareas 8 and 9. Member States requested that the exemption be continued, but excluding pelagic trawls, as there are no reported catches of anglerfish using this gear. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that studies on improving selectivity have shown relatively high losses of commercial catch <sup>(41)</sup>. For this reason and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.

<sup>(37)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf/6176f9ad-0855-4985-b7de-64685862b6cb>

<sup>(38)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

<sup>(39)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

<sup>(40)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

<sup>(41)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>



- (46) Delegated Regulation (EU) 2020/2015 includes a *de minimis* exemption for anglerfish caught with gillnets in ICES subareas 8 and 9. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that there are indications that the selectivity of static nets for anglerfish cannot be improved due to the morphology of the species and that the costs for handling the very small volumes of anglerfish are significant<sup>(42)</sup>. For these reasons and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (47) Delegated Regulation (EU) 2020/2015 includes a *de minimis* exemption for whiting caught with gillnets in ICES subarea 8. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that that while the new information provided to support the exemption is limited, its previous assessments remained relevant. Moreover, in its previous assessments<sup>(43)</sup>, the STECF concluded that improvements in selectivity are difficult to achieve in gillnet fisheries. For these reasons and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (48) Delegated Regulation (EU) 2020/2015 includes a *de minimis* exemption for anchovy caught with beam trawls, bottom trawls and seines in ICES subareas 8 and 9. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that the catch data suggests that the level of unwanted catches in the relevant fisheries is low and that the impact of the exemption is likely to be low<sup>(44)</sup>. For these reasons and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.
- (49) Delegated Regulation (EU) 2020/2015 includes two *de minimis* exemptions for red seabream caught with beam trawls, bottom trawls and seines in the Gulf of Cádiz part of ICES division 9a; and sole caught by beam trawls, bottom trawls and seines in the Gulf of Cádiz part of ICES division 9a. Member States requested that these exemptions be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that while the information provided to support the exemption is limited, its previous assessments remained relevant. Moreover, in those previous assessments<sup>(45)</sup>, the STECF indicated that the analysis provided on disproportionate costs showed that there would be an increase in handling and sorting time on board depending on vessels size, should the exemptions not be granted. For these reasons and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemptions requested should be granted from 1 January 2024 to 31 December 2027.
- (50) Delegated Regulation (EU) 2020/2015 includes a *de minimis* exemption for blue whiting caught with midwater trawls and midwater pair trawls in ICES subarea 8. Member States requested that the exemption be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that while the new information provided to support the exemption is limited, the impact of this exemption seems low. Moreover, the information provided to support the assertion that the costs of handling unwanted catches on board are disproportionate provide a reasonable justification for this exemption<sup>(46)</sup>. For these reasons and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemption requested should be granted from 1 January 2024 to 31 December 2027.

(42) <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

(43) <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf/6176f9ad-0855-4985-b7de-64685862b6cb>

(44) <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

(45) <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf/6176f9ad-0855-4985-b7de-64685862b6cb>

(46) <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

- (51) Delegated Regulation (EU) 2020/2015 included two *de minimis* exemptions for anchovy and horse mackerel caught by pelagic trawls in ICES subarea 8; and horse mackerel caught using purse seines in ICES subareas 8, 9 and 10 and CECAF divisions 34.1.1, 34.1.2 and 34.2.0. Member States requested that these exemptions be continued. The STECF assessed the information submitted as part of the initial joint recommendation and concluded that, although limited, the information submitted indicates that increasing selectivity without reducing yield is very difficult <sup>(47)</sup>. For this reason and for the reasons set out in recitals 9 and 10 above, the Commission therefore considers that the exemptions requested should be granted from 1 January 2024 to 31 December 2027.
- (52) The measures in the updated joint recommendations are in line with Article 15(4), Article 15(5)(c) and Article 18(3) of Regulation (EU) No 1380/2013, and with Regulation (EU) 2019/472, in particular Article 13 thereof, and may thus be included in this Regulation.
- (53) As the measures provided for in this Regulation have a direct impact on the planning of the fishing season of Union vessels and on related economic activities, this Regulation should enter into force on the day following that of its publication.
- (54) It should apply from 1 January 2024,

HAS ADOPTED THIS REGULATION:

## CHAPTER I

### GENERAL PROVISIONS

#### Article 1

#### Definitions

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

- (1) '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; and
  - stretched length is at least 3 m;
- (2) 'Seltra panel' means a selectivity device which:
- consists of a top panel of at least 270 mm mesh size (diamond mesh) or a top panel of at least 300 mm mesh size (square mesh), placed in a four-panel box section, in the straight section of a cod end;
  - is at least 3 metres long;
  - is positioned no more than 4 metres from the cod line; and
  - is the full width of the top sheet of the box section of the trawl (i.e. from selvedge to selvedge);
- (3) '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;
- (4) 'CEFAS Netgrid' means a Netgrid selectivity device developed by The Centre for Environment, Fisheries and Aquaculture Science for catches of Nephrops in the Irish Sea;

<sup>(47)</sup> <https://stecf.jrc.ec.europa.eu/documents/43805/61703874/STECF+23-0406+-+Ev+JRs+LO.pdf/5cf75911-6a7f-4aa5-be7d-3f371440b2bd>

- (5) 'Flip-flap trawl' means a trawl equipped with a netting grid developed to reduce the capture of cod, haddock and whiting in Norway lobster fisheries;
- (6) 'Flip-up rope' means a gear modification on demersal beam trawls to help prevent stones and boulders entering the trawl and causing damage to both gear and catches;
- (7) '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 cod-end;
- (8) 'Celtic Sea Protection Zone' means the waters inside ICES divisions 7f, 7g and the part of 7j that lies North of latitude 50° N and East of 11° W;
- (9) 'Voracera' means a locally designed and built mechanised hook line, used by the artisanal fleet targeting red seabream in the South of Spain in ICES division 9a.

## Article 2

### Implementation of the landing obligation

In the North-Western Waters (ICES subareas 5 (excluding division 5a and only Union waters of division 5b), 6 and 7) and the South-Western Waters (ICES subareas 8, 9 and 10 (waters around Azores), and CECAF zones 34.1.1, 34.1.2 and 34.2.0 (waters around Madeira and the Canary Islands)), the landing obligation provided for in Article 15(1) of Regulation (EU) No 1380/2013 shall apply in demersal and pelagic fisheries in accordance with this Regulation for the period 2024–2027.

## CHAPTER II

### SURVIVABILITY EXEMPTIONS IN NORTH-WESTERN WATERS

## Article 3

### Survivability exemption for Norway lobster

1. The survivability exemption provided for in Article 15(4), point (b), of Regulation (EU) No 1380/2013 shall apply to:
  - (a) Norway lobster (*Nephrops norvegicus*) caught in pots, traps or creels (gear codes <sup>(48)</sup>: FPO, FIX and FYK), in ICES subareas 6 and 7;
  - (b) Norway lobster (*Nephrops norvegicus*) caught with bottom trawls (OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX) with a mesh size equal to or larger than 100 mm in ICES subarea 7;
  - (c) Norway lobster (*Nephrops norvegicus*) caught in ICES subarea 7, with bottom trawls (OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX) with a mesh size of 70 to 99 mm in combination with highly selective gear options, as set out in paragraphs 2 and 3;
  - (d) Norway lobster (*Nephrops norvegicus*) caught with otter trawls (OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX) with a mesh size of 80 to 110 mm in ICES division 6a within 12 nautical miles of the coast.
2. This exemption shall apply in accordance with the provisions laid down in Part B of Annex VI of Regulation (EU) 2019/1241.

<sup>(48)</sup> Gear codes used in this Regulation refer to those codes in Annex XI to Commission Implementing Regulation (EU) No 404/2011 of 4 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 (OJ L 112, 30.4.2011, p. 1). For the vessels whose length overall is less than 10 metres gear codes used in this table refer to the codes from the gear classification of the Food and Agriculture Organization of the United Nations.

3. 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 provided for in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply to catches of common sole (*Solea solea*) below the minimum conservation reference size within 6 nautical miles of the coast but outside identified nursery areas:

- (a) in ICES division 7d, caught by otter trawl gears (OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX) with a cod end mesh size of 80 to 99 mm, and
  - having a maximum length of 10 metres and a maximum engine power of 221 kW; and
  - fishing in waters with the depth of 30 metres or less and with tow durations of no more than 90 minutes;
- (b) in ICES division 7e, caught by otter trawl gears (OTB) with a cod end mesh size of 80 to 99 mm, by vessels under 12 metres.

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

#### Article 5

##### Survivability exemption for skates and rays

1. The survivability exemption provided for in Article 15(4), point (b), of Regulation (EU) No 1380/2013 shall apply to skates and rays (*Rajiformes*) caught by any fishing gear in the North-Western Waters (ICES subareas 6 and 7).

2. Member States having a direct management interest shall submit a meta-analysis of survival to assess the impact of the exemption by 1 May 2027. The Scientific, Technical and Economic Committee for Fisheries (STECF) shall assess that scientific information by 31 July 2027.

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

#### Article 6

##### Survivability exemption for plaice

1. The survivability exemption provided for in Article 15(4), point (b), of Regulation (EU) No 1380/2013 shall apply to plaice (*Pleuronectes platessa*) caught in:

- (a) ICES divisions 7d to 7g with trammel nets (GTR, GTN, GEN, GN);
- (b) ICES divisions 7d to 7g with otter trawls (OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX);
- (c) ICES divisions 7a to 7g by vessels having a maximum engine greater than 221 kW, and using beam trawls (TBB) fitted with a flip-up rope or Benthos release panel;
- (d) ICES divisions 7a to 7g by vessels using beam trawls (TBB), having a maximum engine power of 221 kW or a maximum length of 24 metres, which are constructed to fish within 12 nautical miles of the coast and with average tow durations of no more than 90 minutes;
- (e) ICES division 7d with Danish seines (gear code: SDN);
- (f) ICES division 7d to 7k with seines (SSC).

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

*Article 7***Survivability exemption for species caught in pots, traps and creels**

1. The survivability exemption provided for in Article 15(4), point (b), of Regulation (EU) No 1380/2013 shall apply to species caught with pots, traps and creels (FPO, FIX, FYK) in ICES subareas 5 (excluding subarea 5a and including only Union waters of subarea 5b), 6 and 7.
2. When discarding fish caught in the cases referred to in paragraph 1, the fish shall be released immediately.

*Article 8***Survivability exemption for pelagic species**

1. The survivability exemption provided for in Article 15(4), point (b), of Regulation (EU) No 1380/2013 shall apply to catches of mackerel (*Scomber scombrus*) and herring (*Clupea harengus*) in the purse seine fisheries in ICES subarea 6, if all of the following conditions are met:
  - (a) the catch is released before the certain percentage of the purse seine set out in paragraphs 2 and 3 is closed ('the point of retrieval');
  - (b) the purse seine gear is fitted with visible buoys clearly marking the limit for the point of retrieval;
  - (c) the vessel and the purse seine gear are equipped with an electronic system that records and documents when, where and to which extent 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 of fish consists of a mixture of both species, the point of retrieval shall be 80 % closure of the purse seine.
4. It shall be 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.
6. The survivability exemption provided for in Article 15(4), point (b), of Regulation (EU) No 1380/2013 shall apply to catches of mackerel and herring in the ring net fishery targeting pelagic species not subject to quotas in ICES divisions 7e and 7f, if the requirements set out in paragraphs 1 to 5 of this Article and in Article 15 of this Regulation are met.

## CHAPTER III

**SURVIVABILITY EXEMPTIONS IN SOUTH-WESTERN WATERS***Article 9***Survivability exemption for Norway lobster**

1. The survivability exemption provided for in Article 15(4), point (b), of Regulation (EU) No 1380/2013 shall apply to Norway lobster (*Nephrops norvegicus*) caught in ICES subareas 8 and 9 with bottom trawls with a chute system installed on board (OTB, OTT, PTB, TBN, TBS, TB, TBB, OT, PT and TX).
2. When discarding Norway lobster caught in the cases referred to in paragraph 1, the Norway lobster shall be released immediately and in the area where it has been caught.

## Article 10

**Survivability exemption for skates and rays**

1. The survivability exemption provided for in Article 15(4), point (b), of Regulation (EU) No 1380/2013 shall apply to skates and rays (*Rajiformes*), except cuckoo ray, caught with all types of gear in ICES subareas 8 and 9.
2. When discarding skates and rays in the cases referred to in paragraph 1, the skates and rays shall be released immediately.

## Article 11

**Survivability exemption for red seabream**

1. The survivability exemption provided for in Article 15(4), point (b), of Regulation (EU) No 1380/2013 shall apply to red seabream (*Pagellus bogaraveo*) caught with the artisanal gear *voracera* in ICES division 9a and to red seabream (*Pagellus bogaraveo*) caught with hooks and lines (LHP, LHM, LLS, LLD) in ICES subareas 8 and 10 and division 9a.
2. When discarding red seabream caught in the cases referred to in paragraph 1, the red seabream shall be released immediately.

## Article 12

**Survivability exemption for anchovy, horse mackerel and mackerel**

The survivability exemption provided for in Article 15(4), point (b), of Regulation (EU) No 1380/2013 shall apply to catches of anchovy (*Engraulis encrasicolus*), horse mackerel (*Trachurus* spp.) and mackerel (*Scomber scombrus*) in purse seine fisheries (PS), provided that the net is not fully taken on board.

## CHAPTER IV

**DE MINIMIS EXEMPTIONS IN NORTH-WESTERN WATERS**

## Article 13

**De minimis exemptions in North-Western Waters**

By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the following quantities may be discarded in North-Western Waters pursuant to Article 15(5), point (c), of that Regulation, subject to paragraphs 2 to 7 of that Regulation:

- (1) for whiting (*Merlangius merlangus*), up to a maximum of 3 % of the total annual catches of that species caught by vessels using bottom trawls and seines with a mesh size equal to or greater than 80 mm (OTB, OTT, OT, PTB, PT, SSC, SDN, SPR, SX, SV, TBN, TBS, TB, TX), pelagic trawls (OTM, PTM) and beam trawls (BT2) with a mesh size of 80 to 119 mm in ICES divisions 7d and 7e;
- (2) for common sole (*Solea solea*), up to a maximum of 3 % of the total annual catches of that species caught by vessels using trammel and gill nets (GN, GNS, GND, GNC, GTN, GTR, GEN, GNF) to catch common sole in ICES divisions 7d to 7g;
- (3) for common sole (*Solea solea*), up to a maximum of 3 % of the total annual catches of that species caught by vessels using beam trawls (TBB) with a mesh size of 80 to 119 mm and equipped with a Flemish panel, to catch common sole in ICES divisions 7d to 7h, 7j to 7k;

- (4) for haddock (*Melanogrammus aeglefinus*), up to a maximum of 5 % of the total annual catches of that species caught in ICES divisions 7b, 7c and 7e to 7k:
- (a) by vessels operating with a mesh size greater than or equal to 100 mm for all bottom trawls, seines (OTB, OTT, OT, PTB, PT, SSC, SDN, SPR, SX, SV, TBN, TBS, TB, TX) with catches comprising not more than 30 % Norway lobster and excluding beam trawls;
  - (b) by vessels operating with mesh sizes greater than or equal to 80 mm with catches comprising more than 30 % of Norway lobster;
  - (c) by vessels operating with beam trawls using mesh sizes greater than or equal to 80 mm in conjunction with the use of a Flemish panel.

This exemption shall apply on condition that the measures laid down in point 1.3.2 of part B of Annex VI to Regulation (EU) 2019/1241 apply;

- (5) for boarfish (*Caproidae*), up to a maximum of 0,5 % of the total annual catches of that species for all gears in those areas, caught by vessels using bottom trawls (OTT, OTB, TBS, TBN, TB, PTB,) in ICES divisions 7b, 7c and 7f to 7k;
- (6) for megrim (*Lepidorhombus* spp.) below minimum conservation reference size, up to a maximum of 4 % of the total annual catches of those species caught by vessels using beam trawls (TBB) with a mesh size of 80 to 119 mm (BT2) in ICES subarea 7; and using bottom trawls (OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX) under the following conditions:
- (a) in ICES divisions 7f, 7g, the part of division 7h North of latitude 49° 30' North and the part of division 7j North of latitude 49° 30' North and East of longitude 11° West, for TR2 vessels with catches comprising more than 55 % of whiting or 55 % of anglerfish, hake or megrim combined;
  - (b) in ICES subarea 7, outside the abovementioned area, for TR2 vessels;
- (7) for common sole (*Solea solea*), up to a maximum of 3 % of the total annual catches of that species caught by vessels using beam trawls with a mesh size of 80 to 119 mm (BT2) with increased selectivity (Flemish panel) in ICES divisions 7a;
- (8) for greater silver smelt (*Argentina silus*), up to 0,6 % of the total annual catches of that species from all gears in those areas, caught by vessels using bottom trawls (OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX) with a mesh size greater or equal to 100 mm (TR1) in ICES division 5b (Union waters) and subarea 6;
- (9) for horse mackerel (*Trachurus* spp.), up to a maximum of 3 % of the total annual by-catches of those species, caught in demersal mixed fisheries, by vessels using bottom trawls, seines and beam trawls (OTB, OTT, OT, PTB, PT, SSC, SDN, SPR, SX, SV, TBB, TBN, TBS, TB, TX) in ICES subarea 6 and divisions 7b to 7k;
- (10) for mackerel (*Scomber scombrus*), up to a maximum of 3 % of the total annual by-catches of that species, caught in demersal mixed fisheries, by vessels using bottom trawls, seines and beam trawls (OTB, OTT, OT, PTB, PT, SSC, SDN, SPR, SX, SV, TBB, TBN, TBS, TB, TX) in ICES subarea 6 and divisions 7b to 7k;
- (11) for blue whiting (*Micromesistius poutassou*), up to a maximum of 5 % of the total annual catches of that species in the industrial pelagic trawler fishery targeting that species in ICES subareas 6 and 7 and division 5b, and processing that species on board to obtain surimi base;
- (12) for mackerel (*Scomber scombrus*), horse mackerel (*Trachurus* spp.) and whiting (*Merlangius merlangus*), up to a maximum of 1 % of the total annual catches in the pelagic fishery with pelagic trawlers up to 25 metres in length overall, using mid-water trawl (OTM and PTM), and targeting mackerel, horse mackerel and herring in ICES division 7d.

## CHAPTER V

**DE MINIMIS EXEMPTIONS IN SOUTH-WESTERN WATERS**

## Article 14

**De minimis exemptions in South-Western Waters**

By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the following quantities may be discarded in the South-Western Waters pursuant to Article 15(5), point (c), of that Regulation:

- (1) for hake (*Merluccius merluccius*), up to a maximum of 5 % of the total annual catches of that species by vessels using trawls and seines (OTM, PTM, OTT, OTB, PTB, OT, PT, TBN, TBS, TX, SSC, SPR, TB, SDN, SX, SV) in ICES subareas 8 and 9;
- (2) for common sole (*Solea solea*), up to a maximum of 5 % of the total annual catches of that species by vessels using pelagic trawls, beam trawls and bottom trawls (OTM, PTM, OTB, OTT, PTB, TBN, TBS, TBB, OT, PT, TX) in ICES divisions 8a and 8b;
- (3) for common sole (*Solea solea*), up to a maximum of 3 % of the total annual catches of that species by vessels using trammel nets and gillnets (GNS, GN, GND, GNC, GTN, GTR, GEN) in ICES divisions 8a and 8b;
- (4) for alfonsinos (*Beryx* spp.), up to a maximum of 5 %, of the total annual catches of those species by vessels using hooks and lines (LHP, LHM, LLS, LLD) in ICES subarea 10;
- (5) for horse mackerel (*Trachurus* spp.), up to a maximum of 5 % of the total annual catches of horse mackerel by vessels using beam trawls, bottom trawls and seines (OTB, OTT, PTB, TBN, TBS, TBB, OT, PT, TX, SSC, SPR, SDN, SX, SV) in ICES subareas 8 and 9;
- (6) for horse mackerel (*Trachurus* spp.), up to a maximum of 3 % of the total annual catches of those species by vessels using gillnets (GNS, GND, GNC, GTR, GTN) in ICES subareas 8, 9 and 10 and CECAF zones 34.1.1, 34.1.2 and 34.2.0;
- (7) for mackerel (*Scomber scombrus*), up to a maximum of 5 % of the total annual catches of that species by vessels using beam trawls, bottom trawls and seines (OTB, OTT, PTB, TBN, TBS, TBB, OT, PT, TX, SSC, SPR, SDN, SX, SV) in ICES subareas 8 and 9;
- (8) for mackerel (*Scomber scombrus*), up to a maximum of 3 % of the total annual catches of that species by vessels using gillnets (GNS, GND, GNC, GTR, GTN) in ICES subareas 8 and 9 and CECAF zones 34.1.1, 34.1.2 and 34.2.0;
- (9) for megrim (*Lepidorhombus* spp.), up to a maximum of 5 % of the total annual catches of megrim by vessels using beam trawls, bottom trawls and seines (OTB, OTT, PTB, TBN, TBS, TBB, OT, PT, TX, SSC, SPR, SDN, SX, SV) in ICES subareas 8 and 9;
- (10) for megrim (*Lepidorhombus* spp.), up to a maximum of 4 % of the total annual catches of those species by vessels using gillnets (GNS, GND, GNC, GTR, GTN) in ICES subareas 8 and 9;
- (11) for anglerfish (*Lophiidae*), up to a maximum of 5 % of the total annual catches of that species by vessels using beam trawls, bottom trawls and seines (OTB, OTT, PTB, TBN, TBS, TBB, OT, PT, TX, SSC, SPR, SDN, SX, SV) in ICES subareas 8 and 9;
- (12) for anglerfish (*Lophiidae*), up to a maximum of 4 % of the total annual catches of that species by vessels using gillnets (GNS, GND, GNC, GTR, GTN) in ICES subareas 8 and 9;
- (13) for whiting (*Merlangius merlangus*), up to a maximum of 4 % of the total annual catches of that species by vessels using gillnets (GNS, GND, GNC, GTR, GTN) in ICES subarea 8;



- (14) for anchovy (*Engraulis encrasicolus*), up to a maximum of 5 % of the total annual catches of that species by vessels using beam trawls, bottom trawls and seines (OTT, OTB, PTB, OT, PT, TBN, TBS, TX, SSC, SPR, TB, TBB, SDN, SX, SV) in ICES subareas 8 and 9;
- (15) for red seabream (*Pagellus bogaraveo*), up to a maximum of 5 % of the total annual catches of that species by vessels using beam trawls, bottom trawls and seines (OTT, OTB, PTB, OT, PT, TBN, TBS, TX, SSC, SPR, TB, TBB, SDN, SX, SV) in the Gulf of Cadiz part of ICES subarea 9a;
- (16) for sole (*Solea* spp.) up to a maximum of 1 % of the total annual catches of those species by vessels using beam trawls, bottom trawls and seines (OTT, OTB, PTB, OT, PT, TBN, TBS, TX, SSC, SPR, TB, TBB, SDN, SX, SV) in the Gulf of Cadiz part of ICES subarea 9a;
- (17) for blue whiting (*Micromesistius poutassou*) up to a maximum of 5 % of the total annual catches of that species in the industrial pelagic trawler fishery, which targets blue whiting in ICES subarea 8 using midwater trawls (OTM) and midwater pair trawls (PTM) and processes that species on board to obtain surimi base;
- (18) for anchovy (*Engraulis encrasicolus*), mackerel (*Scomber scombrus*) and horse mackerel (*Trachurus* spp.) up to a maximum of 4 % of the total annual catches of those species in the pelagic trawl fishery, which targets those species in ICES subarea 8 using pelagic trawls;
- (19) for horse mackerel (*Trachurus* spp.) and mackerel (*Scomber scombrus*), up to a maximum of 4 % of the total annual catches and for anchovy (*Engraulis encrasicolus*) up to a maximum of 1 % of the total annual catches of that species using purse seines (PS) in ICES subareas 8, 9 and 10 and CECAF divisions 34.1.1, 34.1.2 and 34.2.0.

## CHAPTER VI

### DOCUMENTATION OF CATCHES

#### Article 15

#### Documentation of catches for pelagic fleets

Quantities of fish released under the exemption provided for in Article 8 and the results of the sampling required under Article 8(5) shall be reported in the logbook as provided for in Council Regulation (EC) No 1224/2009 <sup>(49)</sup>.

## CHAPTER VII

### FINAL PROVISIONS

#### Article 16

#### 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*.

It shall apply from 1 January 2024 until 31 December 2027.

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<sup>(49)</sup> Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

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

Done at Brussels, 22 August 2023.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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