

Commission Delegated Regulation (EU) 2015/2440 of 22 October
2015 establishing a discard plan for certain demersal fisheries
in the North Sea and in Union waters of ICES Division IIa

Article 1

Scope

This Regulation specifies the details for implementing the landing obligation, provided for in Article 15(1) of Regulation (EU) No 1380/2013, in the North Sea and in Union waters of ICES Division IIa that shall apply in the fisheries set out in the Annex to this Regulation.

Article 2

Survivability exemption

1 The exemption from the landing obligation provided for in Article 15(4)(b) of Regulation (EU) No 1380/2013, for species for which scientific evidence demonstrates high survival rates, shall apply to the following catches of Norway lobster:

- a catches with pots (FPO);
- b catches in ICES Division IIIa with bottom trawls (OTB, TBN) with a mesh size of at least 70 mm equipped with a species selective grid with bar spacing of maximum 35 mm; and
- c catches in ICES Division IIIa with bottom trawls (OTB, TBN) with a mesh size of at least 90 mm equipped with a top panel of at least 270 mm mesh size (diamond mesh) or at least 140 mm mesh size (square mesh).

2 Norway lobster caught in cases referred to in paragraph 1(a), (b) and (c) shall be released immediately and in the area where it has been caught.

3 By 30 April 2016, Member States having a direct management interest in the North Sea shall submit to the Commission additional scientific information supporting the exemption laid down in paragraph 1(b).

Article 3

De minimis exemptions

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

- a for common sole and haddock combined, up to a maximum of 2 % of the total annual catches of Norway lobster, common sole and haddock in the fishery for Norway lobster by vessels using bottom trawls (OTB, TBN) of mesh size equal to or larger than 70 mm equipped with a species selective grid with bar spacing of maximum 35 mm in ICES Division IIIa;
- b for common sole, up to a maximum of 3 % of the total annual catches of this species by vessels using trammel nets and gill nets (GN, GNS, GND, GNC, GTN, GTR, GEN, GNF) in the ICES Division IIIa, Subarea IV and Union waters of ICES Division IIa;

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- c for common sole smaller than 19 cm, up to a maximum of 3,7 % of the total annual catches of this species by vessels using beam trawls (TBB) of mesh size 80-90 mm in the southern part of the North Sea (ICES Subarea IV South of 55/56° N);
- d for common sole below minimum conservation reference size, up to a maximum of 7 % of the total annual catches of this species by vessels using beam trawl (TBB) of mesh size 80-119 mm with increased mesh size in the extension of the beam trawl in ICES Subarea IV;
- e for Norway lobster below minimum conservation reference size, up to a maximum of 6 % of the total annual catches of this species by vessels using bottom trawls (OTB, TBN, OTT, TB) of mesh size 80-99 mm in ICES Subarea IV and Union waters of ICES Division IIa.

2 By 30 April 2016, Member States having a direct management interest in the North Sea shall submit to the Commission additional scientific information supporting the exemption laid down in paragraph 1(c).

Article 4

Minimum conservation reference size

By way of derogation from the minimum conservation reference size established in Annex XII to Regulation (EC) No 850/98 and for the purposes of this Regulation, the minimum conservation reference size of Norway lobster in ICES Division IIIa shall be as follows:

- (a) total length of 105 mm;
- (b) carapace length of 32 mm.

Article 5

Specific technical measures in the Skagerrak

1 The carrying on board or the use of any trawl, Danish seine, beam trawl or similar towed net having a mesh size of less than 120 mm shall be prohibited.

2 By way of derogation from paragraph 1, trawls with at least 90 mm cod end may be used, provided they are equipped with:

- a a square mesh panel of at least 140 mm;
- b a diamond mesh panel of at least 270 mm placed in a four panel section and mounted with a joining ration of three meshes of 90 mm to one mesh of 270 mm; or
- c a sorting grid with no more than 35 mm bar spacing.

The derogation provided for in points (a) and (b) of the first subparagraph shall apply provided the panel of the trawl is:

- at least 3 metres long,
- positioned no more than 4 metres from the cod line, and
- the full width of the top sheet of the trawl (i.e. from selvedge to selvedge).

3 By way of derogation from paragraph 1, the following trawls also may be used:

- a trawls with at least 70 mm square mesh cod end equipped with a sorting grid with no more than 35 mm bar spacing;

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- b trawls with minimum mesh sizes of less than 70 mm when fishing for pelagic or industrial species, provided the catch contains more than 80 % of one or more pelagic or industrial species;
 - c trawls with at least 35 mm cod end when fishing for *Pandalus*, provided the trawl is equipped with a sorting grid with a maximum bar spacing of 19 mm.
- 4 A fish retention device may be used when fishing for *Pandalus* in accordance with paragraph 3(c), provided there are adequate fishing opportunities to cover by-catch and that the retention device is
- constructed with a top panel of a minimum mesh size of 120 mm square mesh,
 - at least 3 metres long, and
 - at least as wide as the width of the sorting grid.

Article 6

List of vessels

Member States shall determine, in accordance with the criteria laid down in the Annex to this Regulation, the vessels subject to the landing obligation for each particular fishery.

By 31 December 2015 they shall submit to the Commission and other Member States, using the secure Union control website, the lists of all saithe targeting vessels, as defined in the Annex, established pursuant to the first paragraph. They should keep those lists updated.

Article 7

Entry into force

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 2016 until 31 December 2016.

However, Article 6 shall apply as from the date of entry into force of this Regulation.

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

Done at Brussels, 22 October 2015.

For the Commission

The President

Jean-Claude JUNCKER

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