

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

PART III

**MEASURES FOR THE CONSERVATION AND SUSTAINABLE
EXPLOITATION OF MARINE BIOLOGICAL RESOURCES**

^{F1}TITLE I

Conservation measures

Article 6

General provisions

.....

Article 7

Types of conservation measures

.....

Article 8

Establishment of fish stock recovery areas

.....

Textual Amendments

F1 [Pt. 3 Title 1 omitted \(31.12.2020\) by virtue of The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\), regs. 1, 3\(5\); 2020 c. 1, Sch. 5 para. 1\(1\)](#)

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1380/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

TITLE II

Specific measures

^{F2}Article 9

Principles and objectives of multiannual plans

Textual Amendments

F2 [Art. 9](#) revoked (31.12.2020) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(3)(f), **Sch. 11 para. 2(5)** (with [Sch. 4 para. 31](#), [Sch. 11 para. 15\(2\)](#))

^{F3}Article 10

Content of multiannual plans

Textual Amendments

F3 [Art. 10](#) revoked (31.12.2020) by [Fisheries Act 2020 \(c. 22\)](#), s. 54(3)(f), **Sch. 11 para. 2(6)** (with [Sch. 4 para. 31](#), [Sch. 11 para. 15\(2\)](#))

^{F4}Article 11

Conservation measures necessary for compliance with obligations under Union environmental legislation

Textual Amendments

F4 [Arts. 11-13](#) omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(7)**; 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

^{F4}Article 12

Commission measures in case of a serious threat to marine biological resources

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Textual Amendments

- F4** Arts. 11-13 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(7)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F4}Article 13

Member State emergency measures

Textual Amendments

- F4** Arts. 11-13 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(7)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 14

Avoidance and minimisation of unwanted catches

1 In order to facilitate the introduction of the obligation to land all catches in the respective fishery in accordance with Article 15 ("the landing obligation"), [^{F5}a fisheries administration] may conduct pilot projects, based on the best available scientific advice^{F6}..., with the aim of fully exploring all practicable methods for the avoidance, minimisation and elimination of unwanted catches in a fishery.

2 [^{F7}A fisheries administration] may produce a "discard atlas" showing the level of discards in each of the fisheries which are covered by Article 15(1).

Textual Amendments

- F5** Words in Art. 14(1) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(8)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 14(1) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(8)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 14(2) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(8)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 15

Landing obligation

[^{F8}1 All catches of species which are subject to catch limits caught during fishing activities in United Kingdom waters, or by United Kingdom fishing vessels outside United Kingdom waters in waters not subject to third countries' sovereignty or jurisdiction, shall be brought and retained on board the fishing vessels, recorded, landed and counted against the quotas where applicable, except when used as live bait.

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2 Paragraph 1 is without prejudice to any of the United Kingdom's international obligations.]

^{F9}3

4 The landing obligation referred to in paragraph 1 shall not apply to:

- a species in respect of which fishing is prohibited and which are identified as such in [^{F10}relevant retained direct EU legislation];
- b species for which scientific evidence demonstrates high survival rates, taking into account the characteristics of the gear, of the fishing practices and of the ecosystem;
- c catches falling under de minimis exemptions[^{F11};
- [^{F12}d fish which shows damage caused by predators.]

5 Details of the implementation of the landing obligation referred to in paragraph 1 shall be specified in multiannual plans ^{F13}..., including:

- [^{F11}a specific provisions regarding fisheries or species covered by the landing obligation referred to in paragraph 1^{F14}... aimed at increasing gear selectivity or reducing or, as far as possible, eliminating unwanted catches;]
- b the specification of exemptions to the landing obligation of species referred to in point (b) of paragraph 4;
- c provisions for de minimis exemptions of up to 5 % of total annual catches of all species subject to the landing obligation referred to in paragraph 1. The de minimis exemption shall apply in the following cases:
 - (i) where scientific evidence indicates that increases in selectivity are very difficult to achieve; or
 - (ii) to avoid disproportionate costs of handling unwanted catches, for those fishing gears where unwanted catches per fishing gear do not represent more than a certain percentage, to be established in a plan, of total annual catch of that gear.

Catches under the provisions referred to in this point shall not be counted against the relevant quotas; however, all such catches shall be fully recorded.

^{F15}...

- d provisions on documentation of catches;
- e where appropriate, the fixing of minimum conservation reference sizes in accordance with paragraph 10.

[^{F16} 6 A fisheries administration may make regulations laying down a specific discard plan for a particular fishery containing the specifications referred to in points (a) to (e) of paragraph 5 of this Article.

6A. Subject to paragraph 6B, the Secretary of State may make regulations laying down a specific discard plan for a particular fishery containing the specifications referred to in points (a) to (e) of paragraph 5 of this Article.

6B. Where the exercise of the power to make regulations under paragraph 6 would be outside the jurisdiction of the Secretary of State under Article 1(7), before making such regulations under the power in paragraph 6A the Secretary of State must obtain the consent of—

- a the Scottish Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(3);

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- b the Welsh Ministers, to the extent that the exercise of the power would be within their jurisdiction under Article 1(4);
- c the Department of Agriculture, Environment and Rural Affairs, in Northern Ireland, to the extent that the exercise of the power would be within its jurisdiction under Article 1(5).]

^{F17}7

8 By way of derogation from the obligation to count catches against the relevant quotas in accordance with paragraph 1, catches of species that are subject to the landing obligation and that are caught in excess of quotas of the stocks in question, or catches of species in respect of which [^{F18}a fisheries administration] has no quota, may be deducted from the quota of the target species provided that they do not exceed 9 % of the quota of the target species. This provision shall only apply where the stock of the non-target species is within safe biological limits.

[^{F19} For stocks subject to the landing obligation, a fisheries administration may use a year to year flexibility of up to 10% of the landings that it has permitted. For this purpose, a fisheries administration may allow landing of additional quantities of the stock that is subject to the landing obligation provided that such quantities do not exceed 10% of the quota allocated.]

10 Minimum conservation reference sizes may be established with the aim of ensuring the protection of juveniles of marine organisms.

11 For the species subject to the landing obligation as specified in paragraph 1, the use of catches of species below the minimum conservation reference size shall be restricted to purposes other than direct human consumption, including fish meal, fish oil, pet food, food additives, pharmaceuticals and cosmetics.

[^{F20}12 For species that are not subject to the landing obligation as specified in paragraph 1, the catches of species below the minimum conservation reference size shall not be retained on board, but shall be returned immediately to the sea, except when they are used as live bait.]

13 For the purpose of monitoring compliance with the landing obligation, [^{F21}a fisheries administration must] ensure detailed and accurate documentation of all fishing trips and adequate capacity and means, such as observers, closed-circuit television (CCTV) and others. In doing so, [^{F21}a fisheries administration must] respect the principle of efficiency and proportionality.

^{F22}14

Textual Amendments

- F8** Art. 15(1)(2) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(9)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Art. 15(3) omitted (31.12.2020) by virtue of [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(9)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in Art. 15(4)(a) substituted (31.12.2020) by [The Common Fisheries Policy \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/739\)](#), regs. 1, **3(9)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Substituted by [Regulation \(EU\) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations \(EC\) No 850/98, \(EC\) No 2187/2005, \(EC\) No 1967/2006, \(EC\) No 1098/2007, \(EC\) No 254/2002, \(EC\) No 2347/2002 and \(EC\) No 1224/2009, and Regulations \(EU\) No 1379/2013 and \(EU\) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation \(EC\) No 1434/98.](#)
- F12** Inserted by [Regulation \(EU\) 2015/812 of the European Parliament and of the Council of 20 May 2015 amending Council Regulations \(EC\) No 850/98, \(EC\) No 2187/2005, \(EC\) No 1967/2006, \(EC\) No](#)

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1098/2007, (EC) No 254/2002, (EC) No 2347/2002 and (EC) No 1224/2009, and Regulations (EU) No 1379/2013 and (EU) No 1380/2013 of the European Parliament and of the Council, as regards the landing obligation, and repealing Council Regulation (EC) No 1434/98.

- F13** Words in Art. 15(5) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(9)(d)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F14** Words in Art. 15(5)(a) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(9)(d)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in Art. 15(5)(c) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(9)(d)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Art. 15(6)-(6B) substituted for Art. 15(6) (31.12.2020) by S.I. 2019/753, reg. 26(2) (as substituted by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1542), regs. 1(2), **15(2)**)
- F17** Art. 15(7) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(9)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in Art. 15(8) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(9)(f)**; 2020 c. 1, Sch. 5 para. 1(1)
- F19** Art. 15(9) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(9)(g)**; 2020 c. 1, Sch. 5 para. 1(1)
- F20** Substituted by 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.
- F21** Words in Art. 15(13) substituted (31.12.2020) by The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(9)(h)**; 2020 c. 1, Sch. 5 para. 1(1)
- F22** Art. 15(14) omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(9)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

- C1** Art. 15(1) excluded (31.12.21) by Regulation (EC) No. 1393/2014, Art. 2(1)(1A) (as substituted by The Sea Fisheries (Amendment etc.) (No. 2) Regulations 2021 (S.I. 2021/1429), regs. 1(1), **3(2)(a)**)

^{F23} Article 16

Fishing opportunities

Textual Amendments

- F23** Art. 16 revoked (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(f), **Sch. 11 para. 2(7)** (with Sch. 4 para. 31, Sch. 11 para. 15(2))

^{F24} Article 17

Criteria for the allocation of fishing opportunities by Member States

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Textual Amendments

F24 Art. 17 revoked (31.12.2020) by Fisheries Act 2020 (c. 22), s. 54(3)(f), **Sch. 11 para. 2(8)** (with Sch. 4 para. 31, Sch. 11 para. 15(2))

F25 TITLE III

Regionalisation

Article 18

Regional cooperation on conservation measures

Textual Amendments

F25 Pt. 3 Title 3 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

F26 TITLE IV

National measures

Article 19

Member State measures applicable to fishing vessels flying their flag or to persons established in their territory

Article 20

Member State measures within the 12 nautical mile zone

Textual Amendments

F26 Pt. 3 Title 4 omitted (31.12.2020) by virtue of The Common Fisheries Policy (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/739), regs. 1, **3(10)**; 2020 c. 1, Sch. 5 para. 1(1)

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Changes and effects yet to be applied to :

- Regulation applied (with modifications) by [S.I. 2023/959 reg. 4\(a\)Sch. 1](#)