

Commission Delegated Regulation (EU) No 1395/2014 of 20  
October 2014 establishing a discard plan for certain small pelagic  
fisheries and fisheries for industrial purposes in the North Sea

*Article 1*

**Subject matter**

This Regulation specifies the details for implementing the landing obligation, provided for in Article 15(1) of Regulation (EU) No 1380/2013, from 1 January 2015 in the North Sea, as defined in Article 4(2)(a) of that Regulation, in the fisheries set out in the Annex to this Regulation.

*Article 2*

**Survivability exemption**

1 By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the landing obligation shall not apply to catches of mackerel and herring in the purse seine fisheries, if all of the following conditions are met:

- 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'),
- the purse seine gear is fitted with a visible buoy clearly marking the limit for the point of retrieval,
- 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 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.

*Article 3*

**[<sup>F1</sup>De minimis exemption in the years 2015 and 2016]**

By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, up to a maximum of 3 % in 2015 and 2 % for 2016 of the total annual catches of mackerel, horse mackerel, herring and whiting in the pelagic fishery with pelagic trawlers up to 25 metres in length overall, using mid-water trawl (OTM), targeting mackerel, horse mackerel and herring in ICES areas IV b and c south of 54 degrees north, may be discarded.

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**Changes to legislation:** There are outstanding changes not yet made to Commission Delegated Regulation (EU) No 1395/2014. 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](#)

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#### Textual Amendments

- F1** Substituted by [Commission Delegated Regulation \(EU\) 2018/189 of 23 November 2017 amending Delegated Regulation \(EU\) No 1395/2014 establishing a discard plan for certain small pelagic fisheries and fisheries for industrial purposes in the North Sea.](#)

#### *[<sup>F2</sup>Article 3a*

#### **De minimis exemption in the years 2018, 2019 and 2020**

By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, up to a maximum of 1 % of the total annual catches of mackerel, horse mackerel, herring and whiting in the pelagic fishery carried out by pelagic trawlers up to 25 metres in length overall, using mid-water trawls (OTM/PTM), and targeting mackerel, horse mackerel and herring in ICES divisions IVb and c south of 54 degrees north, may be discarded in 2018, 2019 and 2020.]

#### Textual Amendments

- F2** Inserted by [Commission Delegated Regulation \(EU\) 2018/189 of 23 November 2017 amending Delegated Regulation \(EU\) No 1395/2014 establishing a discard plan for certain small pelagic fisheries and fisheries for industrial purposes in the North Sea.](#)

#### *Article 4*

#### **Documentation of catches under the exemptions**

- 1 Quantities of fish released under the exemption provided for in Article 2 and the results of the sampling required under Article 2(5) shall be reported in the logbook.
- 2 Quantities of fish discarded under the exemption provided for in Article 3 shall be reported in the logbook.

#### *[<sup>F3</sup>Article 4a*

#### **Technical measures for sprat fisheries in an area along the Danish North Sea coast**

By way of derogation from paragraph 3 of Article 21 of Regulation (EC) No 850/98, fishing for sprat with the following fishing gears shall be authorised in the area along the Danish North Sea coast defined in paragraph (1)(c) of that Article:

- (a) towed gear with a mesh size of less than 32 mm;
- (b) purse seines; or
- (c) gillnets, entangling nets, trammel nets and drift nets with a mesh size of less than 30 mm.]

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#### Textual Amendments

- F3** Inserted by [Commission Delegated Regulation \(EU\) 2017/1393 of 24 May 2017 amending Delegated Regulation \(EU\) No 1395/2014 establishing a discard plan for certain small pelagic fisheries and fisheries for industrial purposes in the North Sea.](#)

#### Article 5

#### 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*.

[<sup>F1</sup>It shall apply from 1 January 2015 to 31 December 2020.]

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#### Textual Amendments

- F1** Substituted by [Commission Delegated Regulation \(EU\) 2018/189 of 23 November 2017 amending Delegated Regulation \(EU\) No 1395/2014 establishing a discard plan for certain small pelagic fisheries and fisheries for industrial purposes in the North Sea.](#)

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

**Changes to legislation:**

There are outstanding changes not yet made to Commission Delegated Regulation (EU) No 1395/2014. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- Annex words omitted by [S.I. 2021/1429 reg. 4\(6\)\(a\)](#)
- Annex words omitted by [S.I. 2021/1429 reg. 4\(6\)\(c\)](#)
- Annex words substituted by [S.I. 2021/1429 reg. 4\(6\)\(b\)](#)
- Art. 3 omitted by [S.I. 2021/1429 reg. 4\(2\)](#)
- Art. 3a words omitted by [S.I. 2021/1429 reg. 4\(3\)\(a\)](#)
- Art. 3a words omitted by [S.I. 2021/1429 reg. 4\(3\)\(b\)](#)
- Art. 3a heading words substituted by [2020 c. 22 Sch. 11 para. 5\(3\)\(a\)](#)
- Art. 3a words substituted by [2020 c. 22 Sch. 11 para. 5\(3\)\(b\)](#)
- Art. 4(2) words substituted by [S.I. 2021/1429 reg. 4\(4\)](#)
- Art. 4a revoked by [2020 c. 22 Sch. 11 para. 5\(4\)](#)
- Art. 5 substituted by [2020 c. 22 Sch. 11 para. 5\(5\)](#)
- Art. 5 substituted by [S.I. 2019/848 reg. 4\(2\)](#)
- Art. 5 word substituted by [S.I. 2021/1429 reg. 4\(5\)](#)

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

- Annex para. 3 words substituted by [S.I. 2019/848 reg. 4\(3\)\(a\)](#)
- Annex para. 4 words substituted by [S.I. 2019/848 reg. 4\(3\)\(b\)](#)
- Art. 1(1) Art. 1 renumbered as Art. 1(1) by [2020 c. 22 Sch. 11 para. 5\(2\)\(a\)](#)
- Art. 1(1) words substituted by [2020 c. 22 Sch. 11 para. 5\(2\)\(b\)](#)
- Art. 1(2) inserted by [2020 c. 22 Sch. 11 para. 5\(2\)\(c\)](#)