

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1867
of 19 October 2015
amending Regulation (EC) No 494/2002 as regards the landing obligation

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of the fishery resources through technical measures for the protection of juveniles of marine organisms ⁽¹⁾, and in particular Article 48 thereof,

Whereas:

- (1) According to Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽²⁾, the gradual elimination of discards through the introduction of a landing obligation for catches of species subject to catch limits is one of the objectives of the common fisheries policy.
- (2) According to Article 15(1)(c) of Regulation (EU) No 1380/2013, the landing obligation applies from 1 January 2016 to hake in fisheries defined by that species.
- (3) Certain provisions of Commission Regulation (EC) No 494/2002 ⁽³⁾ conflict with the landing obligation by obliging fishermen to discard hake caught in excess of certain catch composition limits.
- (4) Those provisions of Regulation (EC) No 494/2002 should therefore be amended by requiring that all unintended catches of hake be landed and counted against quotas.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 494/2002 is amended as follows:

- (1) the following Article 1a is inserted:

‘Article 1a

For the purposes of this Regulation, “unintended catches” means incidental catches of marine organisms that, under Article 15 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ^(*), must be landed and counted against quotas either because they are below the minimum conservation reference size or because they exceed the quantities permitted under the catch composition and by-catch rules.

^(*) 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).;

⁽¹⁾ OJ L 125, 27.4.1998, p. 1.

⁽²⁾ 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).

⁽³⁾ Commission Regulation (EC) No 494/2002 of 19 March 2002 establishing additional technical measures for the recovery of the stock of hake in ICES sub-areas III, IV, V, VI and VII and ICES divisions VIII a, b, d, e (OJ L 77, 20.3.2002, p. 8).

(2) in Article 2, the following paragraph 3 is added:

‘3. Paragraph 1 shall not apply to unintended catches of hake subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013. Those unintended catches shall be landed and counted against the quotas’.

Article 2

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

It shall apply from 1 January 2016.

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

Done at Brussels, 19 October 2015.

For the Commission
The President
Jean-Claude JUNCKER
