

Commission Delegated Regulation (EU) 2018/46 of 20 October  
2017 establishing a discard plan for certain demersal and  
deep sea fisheries in North-Western waters for the year 2018

*Article 4*

**Survivability exemption**

1 The survivability exemption provided for in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply:

- a to Norway lobster (*Nephrops norvegicus*) caught in pots, traps or creels (Gear codes<sup>(1)</sup> FPO and FIX) in ICES subareas VI and VII;
- b to catches of common sole (*Solea solea*) below the minimum conservation reference size caught with otter trawl gears (Gear codes OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX) with cod end mesh size of 80-99 mm in ICES division VIId within six nautical miles of the coast and outside identified nursery areas in the fishing operations meeting the following conditions: vessels with the maximum length of 10 m, maximum engine power of 221 kW, when fishing in waters with the depth of 30 m or less and with limited tow durations of no more than 1:30 hours. Such catches of common sole shall be released immediately.

2 Before 1 May 2018, Member States having a direct management interest in the North-western waters shall submit to the Commission any additional scientific information supporting the exemption laid down in paragraph 1(b). The Scientific, Technical and Economic Committee for Fisheries (STECF) shall assess that information before 1 September 2018.

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**Changes to legislation:** There are currently no known outstanding effects for the Commission  
Delegated Regulation (EU) 2018/46, Article 4. (See end of Document for details)

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- (1) Gear codes used in this Regulation are defined by the Food and Agriculture Organisation of the United Nations.

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There are currently no known outstanding effects for the Commission Delegated Regulation (EU) 2018/46, Article 4.