

Commission Delegated Regulation (EU) 2019/2238 of 1 October 2019  
specifying details of implementation of the landing obligation for  
certain demersal fisheries in the North Sea for the period 2020-2021

*Article 10*

***De minimis exemptions***

By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the following quantities may be discarded pursuant to Article 15(4)(c) of that Regulation:

- (a) in fisheries for common sole by vessels using trammel nets and gill nets (GN, GNS, GND, GNC, GTN, GTR, GEN, GNF) in Union waters of ICES divisions 2a and 3a, and ICES subarea 4:  
a quantity of common sole below and above the minimum conservation reference size, which shall not exceed 3 % of the total annual catches of that species;
- (b) in fisheries for common sole by vessels using beam trawl (TBB) of mesh size 80-119 mm equipped with a Flemish panel, in the Union waters of ICES subarea 4:  
a quantity of common sole below the minimum conservation reference sizes, which shall not exceed 5 % of the total annual catches of that species;
- (c) in the fishery for Norway lobster by vessels using bottom trawls (OTB, OTT, TBN) with a mesh size equal to or larger than 70 mm equipped with a species-selective grid with a bar spacing of maximum 35 mm in the Union waters of ICES division 3a:  
a combined quantity of common sole, haddock, whiting, cod, saithe and hake below the minimum conservation reference size, which shall not exceed 4 % of the total annual catches of Norway lobster, common sole, haddock, whiting and Northern prawn, cod, saithe and hake;
- (d) in the fishery for Northern prawn by vessels using bottom trawls (OTB, OTT) with a mesh size equal to or larger than 35 mm equipped with a species selective grid with a bar spacing of maximum 19 mm, and with unblocked fish outlet, in the Union waters of ICES division 3a:  
a combined quantity of common sole, haddock, whiting, cod, plaice, saithe, herring, Norway pout, greater silver smelt and blue whiting below the minimum conservation reference size, which shall not exceed 5 % of the total annual catches of Norway lobster, common sole, haddock, whiting, cod, saithe, plaice, Northern prawn, hake, Norway pout, greater silver smelt, herring and blue whiting;
- (e) in the mixed demersal fisheries by vessels using bottom trawls or seines (OTB, OTT, SDN, SSC) with a mesh size of 70-99 mm (TR2) in the Union waters of ICES division 4c:  
a combined quantity of whiting and cod (*Gadus morhua*) below the minimum conservation reference size, which shall not exceed 5 % in 2020 and 2021 of the total annual catches of whiting and cod; the maximum amount of cod that may be discarded shall be limited to 2 % of those total annual catches;

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**Status:** Point in time view as at 01/10/2019. This version of this provision has been superseded.

**Changes to legislation:** There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2019/2238. 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)

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- (f) in the mixed demersal fisheries by vessels using bottom trawls or seines (OTB, OTT, SDN, SSC) with a mesh size of 70-99 mm (TR2) in the Union waters of ICES divisions 4a and 4b:
- a combined quantity of whiting and cod (*Gadus morhua*) below the minimum conservation reference size, which shall not exceed 6 % in 2020 of the total annual catches of whiting and cod; the maximum amount of cod that may be discarded shall be limited to 2 % of those total annual catches;
- the *de minimis* exemption set out in this point shall be provisionally applicable until 31 December 2020. Member States having a direct management interest shall submit, as soon as possible and not later than by 1 May 2020, additional scientific information supporting the exemption. The STECF shall assess the provided scientific information by 31 July 2020;
- (g) in fisheries by vessels using bottom trawls (OTB, OTT, TBN, PTB) with a mesh size of 90-119 mm, equipped with Seltra panel, or bottom trawls (OTB, OTT, TBN, PTB) with a mesh size equal to or larger than 120 mm, in the Union waters of ICES division 3a:
- a quantity of whiting below the minimum conservation reference sizes, up to a maximum of 2 % of the total annual catches of Norway lobster, cod, haddock, whiting, saithe, common sole, plaice and hake;
- (h) in the demersal mixed fishery by vessels using beam trawls with a mesh size of 80-119 mm in Union waters of ICES subarea 4:
- a quantity of whiting below the minimum conservation reference size, which shall not exceed 2 % of the total annual catches of plaice and sole;
- the *de minimis* exemption set out in this point shall be provisionally applicable until 31 December 2020. Member States having a direct management interest shall submit, as soon as possible and not later than by 1 May 2020, additional scientific information supporting the exemption. The STECF shall assess the provided scientific information by 31 July 2020;
- (i) in the fisheries for Norway lobster by vessels using bottom trawls with a mesh size of 80-99 mm, equipped with a SepNep, in the Union waters of ICES subarea 4:
- a quantity of plaice below the minimum conservation reference size, which shall not exceed 3 % of the total annual catches of saithe, plaice, haddock, whiting, cod, Northern prawn, common sole and Norway lobster;
- (j) in the fisheries for brown shrimp by vessels using beam trawls, in the Union waters of ICES divisions 4b and 4c:
- a quantity of all species subject to catch limits, which shall not exceed 7 % in 2020 and 6 % in 2021 of the total annual catches of all species subject to catch limits made in those fisheries;
- (k) in the demersal mixed fishery with bottom trawls (OTB, OTT, PTB, TBB) with a mesh size between 80 and 99 mm (TR2, BT2) in ICES subarea 4:
- a quantity of horse mackerel (*Trachurus spp.*), which shall not exceed 7 % in 2020 and 6 % in 2021 of the total annual catches of horse mackerel made in that fishery;

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the *de minimis* exemption set out in this point shall be provisionally applicable until 31 December 2020. Member States having a direct management interest shall submit, as soon as possible and not later than by 1 May 2020, additional scientific information supporting the exemption. The Scientific, Technical and Economic Committee for Fisheries (STECF) shall assess the provided scientific information by 31 July 2020;

- (l) in the demersal mixed fishery with bottom trawls (OTB, OTT, PTB, TBB) with a mesh size between 80 and 99 mm in ICES subarea 4:

a quantity of mackerel (*Scomber scombrus*), which shall not exceed 7 % in 2020 and 6 % in 2021 of the total annual catches of mackerel made in that fishery;

the *de minimis* exemption set out in this point shall be provisionally applicable until 31 December 2020. Member States having a direct management interest shall submit, as soon as possible and not later than by 1 May 2020, additional scientific information supporting the exemption. The STECF shall assess the provided scientific information by 31 July 2020;

- (m) in the demersal mixed fishery with trawls (OTB, OTM, OTT, PTB, PTM, SDN, SPR, SSC, TB, TBN) with mesh sizes above 80 mm in ICES division 3a and ICES subarea 4 and in the fishery for Northern prawn carried out using gears with a sorting grid with a maximum bar spacing of 19 mm or equivalent selectivity device and a fish retention device with mesh sizes above 35 mm in ICES division 3a and 32 mm in ICES subarea 4:

a combined quantity of sprat, sandeel, norway pout and blue whiting, which shall not exceed 1 % of the total annual catches made in mixed demersal fishery and in the fishery for Northern prawn;

the *de minimis* exemption set out in this point shall be provisionally applicable until 31 December 2020. Member States having a direct management interest shall submit, as soon as possible and not later than by 1 May 2020, additional scientific information supporting the exemption. The STECF shall assess the provided scientific information by 31 July 2020;

- (n) in the demersal fishery for hake by vessels using longlines (LLS) in ICES subarea 4:

a quantity of ling (*Molva molva*) below the minimum conservation reference size, which shall not exceed 3 % of the total annual catches of ling made in that demersal fishery;

the *de minimis* exemption set out in this point shall be provisionally applicable until 31 December 2020. Member States having a direct management interest shall submit, as soon as possible and not later than by 1 May 2020, additional scientific information supporting the exemption. The STECF shall assess the provided scientific information by 31 July 2020.

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