
STATUTORY INSTRUMENTS

2021 No. 1429

The Sea Fisheries (Amendment etc.) (No. 2) Regulations 2021

Commission Delegated Regulation (EU) No 1393/2014 establishing a discard plan for certain pelagic fisheries in north-western waters

3.—(1) Commission Delegated [Regulation \(EU\) No 1393/2014](#) establishing a discard plan for certain pelagic fisheries in north-western waters⁽¹⁾ is amended as follows.

(2) In Article 2 (survivability exemption)—

(a) for paragraph 1 substitute—

“1. By way of derogation from Article 15(1) of [Regulation \(EU\) No 1380/2013](#), the landing obligation does not apply to:

- (a) catches of mackerel and herring in the purse seine fisheries in ICES area 6; or
- (b) catches of mackerel, horse mackerel, herring and sprat in the ring net fishery targeting pelagic species not subject to quotas in ICES divisions 7e and 7f,

if all of the conditions listed in paragraph 1A are satisfied and the requirement in Article 4 is met.

1A. The conditions referred to in paragraph 1 are:

- (a) the catch is released before a certain percentage (specified in paragraphs 2 and 3) of the purse seine is closed (“the point of retrieval”);
 - (b) the purse seine gear is fitted with a visible buoy clearly marking the limit for the point of retrieval; and
 - (c) the vessel and the purse seine gear are equipped with an electronic system which records and documents information on the time and location that the purse seine is hauled, and the extent to which it is hauled, for all fishing operations.”;
- (b) in paragraph 2, for “in fisheries for”, in both places it occurs, substitute “where the catch is mostly”;
- (c) in paragraph 3, for “a mixture of both species” substitute “any other combination of mackerel, herring, horse mackerel or sprat.”;
- (d) in paragraph 4, for “mackerel and herring” substitute “mackerel, horse mackerel, herring and sprat”;
- (e) omit paragraph 6.

(3) Omit Article 3 (de minimis exemptions in the years 2015, 2016 and 2017).

(4) In Article 3a (de minimis exemptions in the years 2018, 2019, 2020 and 2021)—

- (a) in the heading, omit “in the years 2018, 2019, 2020 and 2021”;
- (b) in point (a)—
 - (i) omit “6 %, in 2018, and”;
 - (ii) omit “, in 2019, 2020 and 2021.”;

(1) EUR 2014/1393, amended by paragraph 4 of Schedule 11 to the Fisheries Act 2020.

- (c) in point (b)—
 - (i) omit “6 %, in 2018, and”;
 - (ii) omit “, in 2019, 2020 and 2021,”;
 - (iii) after “subarea VII” insert “, if the requirement in Article 4 of this Regulation is met”;
- (d) in point (c), omit “, in 2018, 2019, 2020 and 2021,”.
- (5) In Article 4 (documentation of catches)—
 - (a) for “exemption” substitute “exemptions”;
 - (b) for “Article 2” substitute “Articles 2 and 3a”.
- (6) In Article 5 (expiry), for “2021” substitute “2024”.
- (7) In the Annex, in the table following paragraph 2, in the final column of the final row, after “horse mackerel” insert “, herring, sprat”.