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**COMMISSION DELEGATED REGULATION (EU) 2016/2374**

**of 12 October 2016**

**establishing a discard plan for certain demersal fisheries in South-Western waters**

(OJ L 352, 23.12.2016, p. 33)

Amended by:

		Official Journal		
		No	page	date
► <b><u>M1</u></b>	Commission Delegated Regulation (EU) 2017/2167 of 5 July 2017	L 306	2	22.11.2017
► <b><u>M2</u></b>	Commission Delegated Regulation (EU) 2018/44 of 20 October 2017	L 7	1	12.1.2018
► <b><u>M3</u></b>	Commission Delegated Regulation (EU) 2018/1253 of 28 June 2018	L 237	3	20.9.2018

Corrected by:

► **C1** Corrigendum, OJ L 22, 26.1.2018, p. 45 (2018/44)



## COMMISSION DELEGATED REGULATION (EU) 2016/2374

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### Article 1

#### Implementation of the landing obligation

The landing obligation provided for in Article 15(1) of Regulation (EU) No 1380/2013 shall apply in ICES subareas VIII, IX, X and CECAF zones 34.1.1, 34.1.2, 34.2.0 to the fisheries set out in the Annex to this Regulation.

### Article 2

#### Survivability exemption

1. The exemption from the landing obligation provided for in Article 15(4)(b) of Regulation (EU) No 1380/2013 for species for which scientific evidence demonstrates high survival rates shall apply to Norway lobster (*Nephrops norvegicus*) caught in ICES subareas VIII and IX with trawls (gear codes <sup>(1)</sup>: OTB, OTT, PTB, TBN, TBS, TB, OT, PT and TX).

2. Member States having a direct management interest in south-western waters shall submit, before 1 May 2017, additional scientific information supporting the exemption laid down in paragraph 1. The Scientific, Technical and Economic Committee for Fisheries (STECF) shall assess the provided scientific information before 1 September 2017.

### Article 3

#### De minimis exemptions

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



(a) for hake (*Merluccius merluccius*), up to a maximum of 6 % in 2018 of the total annual catches of this species by vessels using trawls and seines (gear codes: OTT, OTB, PTB, OT, PT, TBN, TBS, TX, SSC, SPR, TB, SDN, SX and SV) to catch hake in ICES subareas VIII and IX;



(b) for common sole (*Solea solea*), up to a maximum of 5 % of the total annual catches of this species by vessels using beam trawl (gear code: TBB) and bottom trawls (gear codes: OTB, OTT, PTB, TBN, TBS, TBB, OT, PT and TX) targeting that species in ICES divisions VIIId and VIIIf;

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

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(c) for common sole (*Solea solea*), up to a maximum of 3 % of the total annual catches of this species by vessels using trammel nets and gillnets (gear codes: GNS, GN, GND, GNC, GTN, GTR and GEN) targeting that species in ICES divisions VIIla and VIIlb.

2. Before 1 May ►**M2** 2018 ◄, Member States having a direct management interest in the South-Western waters shall submit to the Commission additional discard data and any other relevant scientific information supporting the exemption laid down in paragraph 1(a). The Scientific, Technical and Economic Committee for Fisheries (STECF) shall assess those data and that information before 1 September ►**M2** 2018 ◄.

*Article 4***Vessels subject to the landing obligation**

Member States shall determine, in accordance with the criteria laid down in the Annex to this Regulation, the vessels subject to the landing obligation for each particular fishery.

Vessels that were subject to the landing obligation in certain fisheries in 2016 shall remain subject to the landing obligation in those fisheries.

Before 31 December 2016, the Member States concerned shall submit to the Commission and other Member States, using the secure Union control website, the lists of vessels determined pursuant the paragraph 1 for each particular fishery set out in Annex. They shall keep those lists updated.

*Article 5***Repeal**

Delegated Regulation (EU) 2015/2439 is repealed.

*Article 6***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*.

It shall apply from 1 January 2017 until 31 December 2018.

Article 4 shall apply from the date of entry into force of this Regulation.

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

▼ **M2**

## ANNEX

**Fisheries subject to the landing obligation****1. Common sole (*Solea solea*) fisheries**

Fishing zones	Gear Code	Fishing gear description	Mesh Size	Species to be landed
ICES divisions VIIIa, b, d and e	OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX	All Bottom Trawls	Mesh size between 70 mm and 100 mm wide	All catches of common sole
	TBB	All Beam trawls	Mesh size between 70 mm and 100 mm wide	
	GNS, GN, GND, GNC, GTN, GTR, GEN	All Trammel nets & Gill nets	Mesh size larger or equal to 100 mm wide	

**2. Common sole (*Solea solea*) and plaice (*Pleuronectes platessa*) fisheries**

Fishing zones	Gear Code	Fishing gear description	Mesh Size	Species to be landed
ICES division IXa	GNS, GN, GND, GNC, GTN, GTR, GEN	All Trammel nets & Gill nets	Mesh size larger or equal to 100 mm	All catches of common sole and plaice

**3. Hake (*Merluccius merluccius*) fisheries**

Fishing zones	Gear Code	Fishing gear description	Mesh Size	Species to be landed
ICES divisions VIIIa, b, d and e	OTT, OTB, PTB, SDN, OT, PT, TBN, TBS, TX, SSC, SPR, TB, SX, SV	All Bottom Trawls & Seines	Mesh size larger or equal to 100 mm wide	All catches of hake
	LL, LLS	All Long lines	All	
	GNS, GN, GND, GNC, GTN, GEN	All Gill Nets	Mesh size larger or equal to 100 mm wide	
ICES divisions VIIIc and IXa	OTT, OTB, PTB, OT, PT, TBN, TBS, TX, SSC, SPR, TB, SDN, SX, SV	All Bottom Trawls and Seines	► <b>M3</b> Use mesh size larger or equal to 70 mm ◀	All catches of hake
	GNS, GN, GND, GNC, GTN, GEN	All Gill Nets	Mesh size between 80 and 99 mm wide	
	LL, LLS	All Long lines	Hook size bigger than 3,85 cm +/- 1,15 cm length and 1,6 cm +/- 0,4 cm width	

(1) ► **C1** Reference period for the year 2017. For 2018 the reference period shall be 2015/2016. ◀

▼ **M2****4. Anglerfish (*Lophiidae*) fisheries**

Fishing zones	Gear Code	Fishing gear description	Mesh Size	Species to be landed
ICES divisions VIIIa, b, d and e	GNS, GN, GND, GNC, GTN, GEN, GTR	All Trammel nets and Gill Nets	Mesh size larger of equal to 170 mm wide	All catches of anglerfish
ICES divisions VIIIc and IXa	GNS, GN, GND, GNC, GTN, GEN, GTR	All Trammel nets and Gill Nets	Mesh size larger of equal to 170 mm wide	All catches of anglerfish

**5. Norway lobster (*Nephrops norvegicus*) fisheries**

Fishing zones	Gear Code	Fishing gear description	Mesh Size	Species to be landed
ICES divisions VIIIa, b, d and e (only inside functional units)	OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX	All Bottom Trawls	Mesh size larger or equal to 70 mm	All catches of Norway lobster
ICES divisions VIIIc and IXa (only inside functional units)	OTB, PTB, OTT, TBN, TBS, OT, PT, TX TB	All Bottom Trawls	Mesh size larger or equal to 70 mm	All catches of Norway lobster

**6. Black scabbardfish (*Aphanopus carbo*) fisheries**

Fishing zones	Gear Code	Fishing gear description	Mesh Size	Species to be landed
ICES divisions VIIIc, IX, X and CECAF zone 34.1.2	LLS, DWS	Deepwater set-longlines	—	All catches of black scabbardfish where the total landings per vessel of all species in 2014 and 2015 <sup>(1)</sup> consisted of more than 20 % of black scabbardfish

<sup>(1)</sup> ► **C1** Reference period for the year 2017. For 2018 the reference period shall be 2015/2016. ◀

**7. Red seabream (*Pagellus bogaraveo*) fisheries**

Fishing zones	Gear Code	Fishing gear description	Mesh Size	Species to be landed
ICES division IX	LLS, DWS	Deepwater set-longlines	Hook size bigger than 3,95 cm length and 1,65 cm width	All catches of red seabream where the total landings per vessel of all species in 2014 and 2015 <sup>(1)</sup> consisted of more than 20 % of red seabream

<sup>(1)</sup> ► **C1** Reference period for the year 2017. For 2018 the reference period shall be 2015/2016. ◀

▼ **M2****8. Blue whiting (*Micromesistius poutassou*) fisheries**

Fishing zones	Gear Code	Fishing gear description	Mesh Size	Species to be landed
ICES divisions VIIIc and IXa	OTT, OTB, PTB, OT, PT, TBN, TBS, TX, SSC, SPR, TB, SDN, SX, SV	All Bottom Trawls and Seines	All	All catches of blue whiting