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COMMISSION DELEGATED REGULATION (EU) No 1395/2014
of 20 October 2014
establishing a discard plan for certain small pelagic fisheries and
fisheries for industrial purposes in the North Sea

Article 1

Subject matter

This Regulation specifies the details for implementing the landing obligation, provided for in Article 15(1) of Regulation (EU) No 1380/2013, from 1 January 2015 in the North Sea, as defined in Article 4(2)(a) of that Regulation, in the fisheries set out in the Annex to this Regulation.

Article 2

Survivability exemption

1. By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the landing obligation shall not apply to catches of mackerel and herring in the purse seine fisheries, if all of the following conditions are met:

- the catch is released before a certain percentage (set out in paragraphs 2 and 3 below) of the purse seine is closed ('the point of retrieval'),
- the purse seine gear is fitted with a visible buoy clearly marking the limit for the point of retrieval,
- the vessel and the purse seine gear are equipped with an electronic recording and documenting system when, where and extent to which the purse seine has been hauled for all fishing operations.

2. The point of retrieval shall be 80 % closure of the purse seine in fisheries for mackerel and it shall be 90 % closure of the purse seine in fisheries for herring.

3. If the surrounded school consists of a mixture of both species the point of retrieval shall be 80 % closure of the purse seine.

4. It shall be prohibited to release catches of mackerel and herring after the point of retrieval.

5. The surrounded school of fish shall be sampled before its release to estimate the species composition, the fish size composition and the quantity.

Article 3

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***De minimis* exemption in the years 2015 and 2016**

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By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, up to a maximum of 3 % in 2015 and 2 % for 2016 of

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the total annual catches of mackerel, horse mackerel, herring and whiting in the pelagic fishery with pelagic trawlers up to 25 metres in length overall, using mid-water trawl (OTM), targeting mackerel, horse mackerel and herring in ICES areas IV b and c south of 54 degrees north, may be discarded.

▼ M2*Article 3a****De minimis exemption in the years 2018, 2019 and 2020***

By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, up to a maximum of 1 % of the total annual catches of mackerel, horse mackerel, herring and whiting in the pelagic fishery carried out by pelagic trawlers up to 25 metres in length overall, using mid-water trawls (OTM/PTM), and targeting mackerel, horse mackerel and herring in ICES divisions IVb and c south of 54 degrees north, may be discarded in 2018, 2019 and 2020.

▼ B*Article 4***Documentation of catches under the exemptions**

1. Quantities of fish released under the exemption provided for in Article 2 and the results of the sampling required under Article 2(5) shall be reported in the logbook.
2. Quantities of fish discarded under the exemption provided for in Article 3 shall be reported in the logbook.

▼ M1*Article 4a***Technical measures for sprat fisheries in an area along the Danish North Sea coast**

By way of derogation from paragraph 3 of Article 21 of Regulation (EC) No 850/98, fishing for sprat with the following fishing gears shall be authorised in the area along the Danish North Sea coast defined in paragraph (1)(c) of that Article:

- (a) towed gear with a mesh size of less than 32 mm;
- (b) purse seines; or
- (c) gillnets, entangling nets, trammel nets and drift nets with a mesh size of less than 30 mm.

▼ B*Article 5***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*.

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It shall apply from 1 January 2015 to 31 December 2020.

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

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ANNEX

1. Small pelagic fisheries in ICES IIIa (Skagerrak and Kattegat):

Code	Pelagic fishing gear	Species targeted
OTM and PTM	Mid-water trawl and mid-water pair trawl	Herring, mackerel, blue whiting, horse mackerel, sprat (for human consumption)
PS	Purse seine	Herring, mackerel, horse mackerel, sprat (for human consumption)
OTB and PTB ⁽¹⁾	Bottom otter and bottom pair trawl	Herring, mackerel, sprat (for human consumption)
GNS and GND ⁽²⁾	Gillnets anchored (set), and gillnets (drift)	Mackerel, herring
LLS, LHP	Set longlines, handlines and pole lines (hand operated) and handlines and pole lines (mechanised)	Mackerel
MIS	Miscellaneous gear, including traps, pots and pound nets	Mackerel, herring, sprat (for human consumption)

⁽¹⁾ Bottom otter and bottom pair trawl with mesh size < 70 mm

⁽²⁾ Mesh size 50 – 99 mm

2. Small pelagic fisheries in ICES IV (North Sea).

Code	Pelagic fishing gear	Quota species targeted
OTM and PTM	Mid-water otter trawl and mid-water pair trawl (inc. TR3)	Herring, mackerel, horse mackerel, greater silver smelt, blue whiting, sprat (for human consumption)
PS	Purse seine	Herring, mackerel, horse mackerel, blue whiting
GNS and GND ⁽¹⁾	Gillnets anchored (set) and gillnets (drift)	Mackerel, herring
GTR	Trammel nets	Mackerel
LLS, LHP and LHM	Set longlines, handlines and pole lines (hand operated) and handlines and pole lines (mechanised)	Mackerel
MIS	Miscellaneous gear, including traps, pots and pound nets	Herring, sprat (for human consumption)

⁽¹⁾ Mesh size 50 – 90 mm

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3. Other vessels targeting small pelagic species referred to in Article 15(1)(a) of Regulation (EU) No 1380/2013 that are not covered by points 1 and 2 of this Annex.

4. Industrial fisheries in Union waters of ICES IIIa and IV:

Code	Fishing gear	Quota species targeted
Any trawl	Trawl of mesh size less than 32 mm	Sand eel, sprat, Norway pout
PS	Purse seines	Sand eel, sprat, Norway pout