

**COMMISSION DELEGATED REGULATION (EU) 2023/2623****of 22 August 2023****supplementing Regulation (EU) 2019/472 of the European Parliament and of the Council by specifying details of the landing obligation for certain fisheries in Western Waters for the period 2024-2027**

CHAPTER I

GENERAL PROVISIONS

*Article 1***Definitions**

For the purpose of this Regulation, the following definitions shall apply:

- (1) ‘Flemish panel’ means the last tapered netting section of a beam trawl whose:
 - posterior is directly attached to the cod-end;
 - upper and lower netting sections are constructed of at least 120 mm mesh as measured between the knots; and
 - stretched length is at least 3 m;
- (2) ‘Seltra panel’ means a selectivity device which:
 - consists of a top panel of at least 270 mm mesh size (diamond mesh) or a top panel of at least 300 mm mesh size (square mesh), placed in a four-panel box section, in the straight section of a cod end;
 - is at least 3 metres long;
 - is positioned no more than 4 metres from the cod line; and
 - is the full width of the top sheet of the box section of the trawl (i.e. from selvedge to selvedge);
- (3) ‘Netgrid selectivity device’ means a selectivity device consisting of a four panel section inserted into a two-panel trawl with an inclined sheet of diamond mesh netting with a mesh size of at least 200 mm, leading to an escape hole in the top of the trawl;
- (4) ‘CEFAS Netgrid’ means a Netgrid selectivity device developed by The Centre for Environment, Fisheries and Aquaculture Science for catches of Nephrops in the Irish Sea;
- (5) ‘Flip-flap trawl’ means a trawl equipped with a netting grid developed to reduce the capture of cod, haddock and whiting in Norway lobster fisheries;
- (6) ‘Flip-up rope’ means a gear modification on demersal beam trawls to help prevent stones and boulders entering the trawl and causing damage to both gear and catches;
- (7) ‘Benthos release panel’ means a panel of larger mesh or square mesh netting fitted into the lower panel of a trawl, usually a beam trawl to release any benthic material and seabed debris before it passes into the cod-end;

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- (8) ‘Celtic Sea Protection Zone’ means the waters inside ICES divisions 7f, 7g and the part of 7j that lies North of latitude 50° N and East of 11° W;
- (9) ‘Voracera’ means a locally designed and built mechanised hook line, used by the artisanal fleet targeting red seabream in the South of Spain in ICES division 9a.

*Article 2***Implementation of the landing obligation**

In the North-Western Waters (ICES subareas 5 (excluding division 5a and only Union waters of division 5b), 6 and 7) and the South-Western Waters (ICES subareas 8, 9 and 10 (waters around Azores), and CECAF zones 34.1.1, 34.1.2 and 34.2.0 (waters around Madeira and the Canary Islands)), the landing obligation provided for in Article 15(1) of Regulation (EU) No 1380/2013 shall apply in demersal and pelagic fisheries in accordance with this Regulation for the period 2024-2027.

CHAPTER II

SURVIVABILITY EXEMPTIONS IN NORTH-WESTERN WATERS*Article 3***Survivability exemption for Norway lobster**

1. The survivability exemption provided for in Article 15(4), point (b), of Regulation (EU) No 1380/2013 shall apply to:
- (a) Norway lobster (*Nephrops norvegicus*) caught in pots, traps or creels (gear codes⁽¹⁾: FPO, FIX and FYK), in ICES subareas 6 and 7;
- (b) Norway lobster (*Nephrops norvegicus*) caught with bottom trawls (OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX) with a mesh size equal to or larger than 100 mm in ICES subarea 7;
- (c) Norway lobster (*Nephrops norvegicus*) caught in ICES subarea 7, with bottom trawls (OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX) with a mesh size of 70 to 99 mm in combination with highly selective gear options, as set out in paragraphs 2 and 3;
- (d) Norway lobster (*Nephrops norvegicus*) caught with otter trawls (OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX) with a mesh size of 80 to 110 mm in ICES division 6a within 12 nautical miles of the coast.

⁽¹⁾ Gear codes used in this Regulation refer to those codes in Annex XI to Commission Implementing Regulation (EU) No 404/2011 of 4 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (OJ L 112, 30.4.2011, p. 1). For the vessels whose length overall is less than 10 metres gear codes used in this table refer to the codes from the gear classification of the Food and Agriculture Organization of the United Nations.

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2. This exemption shall apply in accordance with the provisions laid down in Part B of Annex VI of Regulation (EU) 2019/1241.
3. When discarding Norway lobster caught in the cases referred to in paragraph 1, the Norway lobster shall be released whole, immediately and in the area where it has been caught.

*Article 4***Survivability exemption for common sole**

1. The survivability exemption provided for in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply to catches of common sole (*Solea solea*) below the minimum conservation reference size within 6 nautical miles of the coast but outside identified nursery areas:
 - (a) in ICES division 7d, caught by otter trawl gears (OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX) with a cod end mesh size of 80 to 99 mm, and
 - having a maximum length of 10 metres and a maximum engine power of 221 kW; and
 - fishing in waters with the depth of 30 metres or less and with tow durations of no more than 90 minutes;
 - (b) in ICES division 7e, caught by otter trawl gears (OTB) with a cod end mesh size of 80 to 99 mm, by vessels under 12 metres.
2. When discarding common sole caught in the cases referred to in paragraphs 1, the common sole shall be released immediately.

*Article 5***Survivability exemption for skates and rays**

1. The survivability exemption provided for in Article 15(4), point (b), of Regulation (EU) No 1380/2013 shall apply to skates and rays (*Rajiformes*) caught by any fishing gear in the North-Western Waters (ICES subareas 6 and 7).
2. Member States having a direct management interest shall submit a meta-analysis of survival to assess the impact of the exemption by 1 May 2027. The Scientific, Technical and Economic Committee for Fisheries (STECF) shall assess that scientific information by 31 July 2027.
3. When discarding skates and rays caught in the cases referred to in paragraph 1, the skates and rays shall be released immediately.

*Article 6***Survivability exemption for plaice**

1. The survivability exemption provided for in Article 15(4), point (b), of Regulation (EU) No 1380/2013 shall apply to plaice (*Pleuronectes platessa*) caught in:
 - (a) ICES divisions 7d to 7g with trammel nets (GTR, GTN, GEN, GN);
 - (b) ICES divisions 7d to 7g with otter trawls (OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX);

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- (c) ICES divisions 7a to 7g by vessels having a maximum engine greater than 221 kW, and using beam trawls (TBB) fitted with a flip-up rope or Benthos release panel;
- (d) ICES divisions 7a to 7g by vessels using beam trawls (TBB), having a maximum engine power of 221 kW or a maximum length of 24 metres, which are constructed to fish within 12 nautical miles of the coast and with average tow durations of no more than 90 minutes;
- (e) ICES division 7d with Danish seines (gear code: SDN);

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- (f) ICES divisions 7b to 7k with seines (SSC).

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2. When discarding plaice caught in the cases referred to in paragraph 1, the plaice shall be released immediately.

*Article 7***Survivability exemption for species caught in pots, traps and creels**

1. The survivability exemption provided for in Article 15(4), point (b), of Regulation (EU) No 1380/2013 shall apply to species caught with pots, traps and creels (FPO, FIX, FYK) in ICES subareas 5 (excluding subarea 5a and including only Union waters of subarea 5b), 6 and 7.
2. When discarding fish caught in the cases referred to in paragraph 1, the fish shall be released immediately.

*Article 8***Survivability exemption for pelagic species**

1. The survivability exemption provided for in Article 15(4), point (b), of Regulation (EU) No 1380/2013 shall apply to catches of mackerel (*Scomber scombrus*) and herring (*Clupea harengus*) in the purse seine fisheries in ICES subarea 6, if all of the following conditions are met:
 - (a) the catch is released before the certain percentage of the purse seine set out in paragraphs 2 and 3 is closed ('the point of retrieval');
 - (b) the purse seine gear is fitted with visible buoys clearly marking the limit for the point of retrieval;
 - (c) the vessel and the purse seine gear are equipped with an electronic system that records and documents when, where and to which extent 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 of fish 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.

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

6. The survivability exemption provided for in Article 15(4), point (b), of Regulation (EU) No 1380/2013 shall apply to catches of mackerel and herring in the ring net fishery targeting pelagic species not subject to quotas in ICES divisions 7e and 7f, if the requirements set out in paragraphs 1 to 5 of this Article and in Article 15 of this Regulation are met.

CHAPTER III

SURVIVABILITY EXEMPTIONS IN SOUTH-WESTERN WATERS

*Article 9***Survivability exemption for Norway lobster**

1. The survivability exemption provided for in Article 15(4), point (b), of Regulation (EU) No 1380/2013 shall apply to Norway lobster (*Nephrops norvegicus*) caught in ICES subareas 8 and 9 with bottom trawls with a chute system installed on board (OTB, OTT, PTB, TBN, TBS, TB, TBB, OT, PT and TX).

2. When discarding Norway lobster caught in the cases referred to in paragraph 1, the Norway lobster shall be released immediately and in the area where it has been caught.

*Article 10***Survivability exemption for skates and rays**

1. The survivability exemption provided for in Article 15(4), point (b), of Regulation (EU) No 1380/2013 shall apply to skates and rays (*Rajiformes*), except cuckoo ray, caught with all types of gear in ICES subareas 8 and 9.

2. When discarding skates and rays in the cases referred to in paragraph 1, the skates and rays shall be released immediately.

*Article 11***Survivability exemption for red seabream**

1. The survivability exemption provided for in Article 15(4), point (b), of Regulation (EU) No 1380/2013 shall apply to red seabream (*Pagellus bogaraveo*) caught with the artisanal gear *voracera* in ICES division 9a and to red seabream (*Pagellus bogaraveo*) caught with hooks and lines (LHP, LHM, LLS, LLD) in ICES subareas 8 and 10 and division 9a.

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2. When discarding red seabream caught in the cases referred to in paragraph 1, the red seabream shall be released immediately.

*Article 12***Survivability exemption for anchovy, horse mackerel and mackerel**

The survivability exemption provided for in Article 15(4), point (b), of Regulation (EU) No 1380/2013 shall apply to catches of anchovy (*Engraulis encrasicolus*), horse mackerel (*Trachurus* spp.) and mackerel (*Scomber scombrus*) in purse seine fisheries (PS), provided that the net is not fully taken on board.

CHAPTER IV

DE MINIMIS EXEMPTIONS IN NORTH-WESTERN WATERS*Article 13***De minimis exemptions in North-Western Waters**

By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the following quantities may be discarded in North-Western Waters pursuant to Article 15(5), point (c), of that Regulation, subject to paragraphs 2 to 7 of that Regulation:

- (1) for whiting (*Merlangius merlangus*), up to a maximum of 3 % of the total annual catches of that species caught by vessels using bottom trawls and seines with a mesh size equal to or greater than 80 mm (OTB, OTT, OT, PTB, PT, SSC, SDN, SPR, SX, SV, TBN, TBS, TB, TX), pelagic trawls (OTM, PTM) and beam trawls (BT2) with a mesh size of 80 to 119 mm in ICES divisions 7d and 7e;
- (2) for common sole (*Solea solea*), up to a maximum of 3 % of the total annual catches of that species caught by vessels using trammel and gill nets (GN, GNS, GND, GNC, GTN, GTR, GEN, GNF) to catch common sole in ICES divisions 7d to 7g;
- (3) for common sole (*Solea solea*), up to a maximum of 3 % of the total annual catches of that species caught by vessels using beam trawls (TBB) with a mesh size of 80 to 119 mm and equipped with a Flemish panel, to catch common sole in ICES divisions 7d to 7h, 7j to 7k;
- (4) for haddock (*Melanogrammus aeglefinus*), up to a maximum of 5 % of the total annual catches of that species caught in ICES divisions 7b, 7c and 7e to 7k:
 - (a) by vessels operating with a mesh size greater than or equal to 100 mm for all bottom trawls, seines (OTB, OTT, OT, PTB, PT, SSC, SDN, SPR, SX, SV, TBN, TBS, TB, TX) with catches comprising not more than 30 % Norway lobster and excluding beam trawls;
 - (b) by vessels operating with mesh sizes greater than or equal to 80 mm with catches comprising more than 30 % of Norway lobster;

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- (c) by vessels operating with beam trawls using mesh sizes greater than or equal to 80 mm in conjunction with the use of a Flemish panel.

This exemption shall apply on condition that the measures laid down in point 1.3.2 of part B of Annex VI to Regulation (EU) 2019/1241 apply;

- (5) for boarfish (*Caproidae*), up to a maximum of 0,5 % of the total annual catches of that species for all gears in those areas, caught by vessels using bottom trawls (OTT, OTB, TBS, TBN, TB, PTB,) in ICES divisions 7b, 7c and 7f to 7k;
- (6) for megrim (*Lepidorhombus* spp.) below minimum conservation reference size, up to a maximum of 4 % of the total annual catches of those species caught by vessels using beam trawls (TBB) with a mesh size of 80 to 119 mm (BT2) in ICES subarea 7; and using bottom trawls (OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX) under the following conditions:
- (a) in ICES divisions 7f, 7g, the part of division 7h North of latitude 49° 30' North and the part of division 7j North of latitude 49° 30' North and East of longitude 11° West, for TR2 vessels with catches comprising more than 55 % of whiting or 55 % of anglerfish, hake or megrim combined;
- (b) in ICES subarea 7, outside the abovementioned area, for TR2 vessels;
- (7) for common sole (*Solea solea*), up to a maximum of 3 % of the total annual catches of that species caught by vessels using beam trawls with a mesh size of 80 to 119 mm (BT2) with increased selectivity (Flemish panel) in ICES divisions 7a;
- (8) for greater silver smelt (*Argentina silus*), up to 0,6 % of the total annual catches of that species from all gears in those areas, caught by vessels using bottom trawls (OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX) with a mesh size greater or equal to 100 mm (TR1) in ICES division 5b (Union waters) and subarea 6;
- (9) for horse mackerel (*Trachurus* spp.), up to a maximum of 3 % of the total annual by-catches of those species, caught in demersal mixed fisheries, by vessels using bottom trawls, seines and beam trawls (OTB, OTT, OT, PTB, PT, SSC, SDN, SPR, SX, SV, TBB, TBN, TBS, TB, TX) in ICES subarea 6 and divisions 7b to 7k;
- (10) for mackerel (*Scomber scombrus*), up to a maximum of 3 % of the total annual by-catches of that species, caught in demersal mixed fisheries, by vessels using bottom trawls, seines and beam trawls (OTB, OTT, OT, PTB, PT, SSC, SDN, SPR, SX, SV, TBB, TBN, TBS, TB, TX) in ICES subarea 6 and divisions 7b to 7k;
- (11) for blue whiting (*Micromesistius poutassou*), up to a maximum of 5 % of the total annual catches of that species in the industrial pelagic trawler fishery targeting that species in ICES subareas 6 and 7 and division 5b, and processing that species on board to obtain surimi base;

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- (12) for mackerel (*Scomber scombrus*), horse mackerel (*Trachurus* spp.) and whiting (*Merlangius merlangus*), up to a maximum of 1 % of the total annual catches in the pelagic fishery with pelagic trawlers up to 25 metres in length overall, using mid-water trawl (OTM and PTM), and targeting mackerel, horse mackerel and herring in ICES division 7d.

CHAPTER V

DE MINIMIS EXEMPTIONS IN SOUTH-WESTERN WATERS*Article 14***De minimis exemptions in South-Western Waters**

By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the following quantities may be discarded in the South-Western Waters pursuant to Article 15(5), point (c), of that Regulation:

- (1) for hake (*Merluccius merluccius*), up to a maximum of 5 % of the total annual catches of that species by vessels using trawls and seines (OTM, PTM, OTT, OTB, PTB, OT, PT, TBN, TBS, TX, SSC, SPR, TB, SDN, SX, SV) in ICES subareas 8 and 9;
- (2) for common sole (*Solea solea*), up to a maximum of 5 % of the total annual catches of that species by vessels using pelagic trawls, beam trawls and bottom trawls (OTM, PTM, OTB, OTT, PTB, TBN, TBS, TBB, OT, PT, TX) in ICES divisions 8a and 8b;
- (3) for common sole (*Solea solea*), up to a maximum of 3 % of the total annual catches of that species by vessels using trammel nets and gillnets (GNS, GN, GND, GNC, GTN, GTR, GEN) in ICES divisions 8a and 8b;
- (4) for alfonsinos (*Beryx* spp.), up to a maximum of 5 %, of the total annual catches of those species by vessels using hooks and lines (LHP, LHM, LLS, LLD) in ICES subarea 10;
- (5) for horse mackerel (*Trachurus* spp.), up to a maximum of 5 % of the total annual catches of horse mackerel by vessels using beam trawls, bottom trawls and seines (OTB, OTT, PTB, TBN, TBS, TBB, OT, PT, TX, SSC, SPR, SDN, SX, SV) in ICES subareas 8 and 9;
- (6) for horse mackerel (*Trachurus* spp.), up to a maximum of 3 % of the total annual catches of those species by vessels using gillnets (GNS, GND, GNC, GTR, GTN) in ICES subareas 8, 9 and 10 and CECAF zones 34.1.1, 34.1.2 and 34.2.0;
- (7) for mackerel (*Scomber scombrus*), up to a maximum of 5 % of the total annual catches of that species by vessels using beam trawls, bottom trawls and seines (OTB, OTT, PTB, TBN, TBS, TBB, OT, PT, TX, SSC, SPR, SDN, SX, SV) in ICES subareas 8 and 9;

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- (8) for mackerel (*Scomber scombrus*), up to a maximum of 3 % of the total annual catches of that species by vessels using gillnets (GNS, GND, GNC, GTR, GTN) in ICES subareas 8 and 9 and CECAF zones 34.1.1, 34.1.2 and 34.2.0;
- (9) for megrim (*Lepidorhombus* spp.), up to a maximum of 5 % of the total annual catches of megrim by vessels using beam trawls, bottom trawls and seines (OTB, OTT, PTB, TBN, TBS, TBB, OT, PT, TX, SSC, SPR, SDN, SX, SV) in ICES subareas 8 and 9;
- (10) for megrim (*Lepidorhombus* spp.), up to a maximum of 4 % of the total annual catches of those species by vessels using gillnets (GNS, GND, GNC, GTR, GTN) in ICES subareas 8 and 9;
- (11) for anglerfish (*Lophiidae*), up to a maximum of 5 % of the total annual catches of that species by vessels using beam trawls, bottom trawls and seines (OTB, OTT, PTB, TBN, TBS, TBB, OT, PT, TX, SSC, SPR, SDN, SX, SV) in ICES subareas 8 and 9;
- (12) for anglerfish (*Lophiidae*), up to a maximum of 4 % of the total annual catches of that species by vessels using gillnets (GNS, GND, GNC, GTR, GTN) in ICES subareas 8 and 9;
- (13) for whiting (*Merlangius merlangus*), up to a maximum of 4 % of the total annual catches of that species by vessels using gillnets (GNS, GND, GNC, GTR, GTN) in ICES subarea 8;
- (14) for anchovy (*Engraulis encrasicolus*), up to a maximum of 5 % of the total annual catches of that species by vessels using beam trawls, bottom trawls and seines (OTT, OTB, PTB, OT, PT, TBN, TBS, TX, SSC, SPR, TB, TBB, SDN, SX, SV) in ICES subareas 8 and 9;
- (15) for red seabream (*Pagellus bogaraveo*), up to a maximum of 5 % of the total annual catches of that species by vessels using beam trawls, bottom trawls and seines (OTT, OTB, PTB, OT, PT, TBN, TBS, TX, SSC, SPR, TB, TBB, SDN, SX, SV) in the Gulf of Cadiz part of ICES subarea 9a;
- (16) for sole (*Solea* spp.) up to a maximum of 1 % of the total annual catches of those species by vessels using beam trawls, bottom trawls and seines (OTT, OTB, PTB, OT, PT, TBN, TBS, TX, SSC, SPR, TB, TBB, SDN, SX, SV) in the Gulf of Cadiz part of ICES subarea 9a;
- (17) for blue whiting (*Micromesistius poutassou*) up to a maximum of 5 % of the total annual catches of that species in the industrial pelagic trawler fishery, which targets blue whiting in ICES subarea 8 using midwater trawls (OTM) and midwater pair trawls (PTM) and processes that species on board to obtain surimi base;
- (18) for anchovy (*Engraulis encrasicolus*), mackerel (*Scomber scombrus*) and horse mackerel (*Trachurus* spp.) up to a maximum of 4 % of the total annual catches of those species in the pelagic trawl fishery, which targets those species in ICES subarea 8 using pelagic trawls;

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- (19) for horse mackerel (*Trachurus* spp.) and mackerel (*Scomber scombrus*), up to a maximum of 4 % of the total annual catches and for anchovy (*Engraulis encrasicolus*) up to a maximum of 1 % of the total annual catches of that species using purse seines (PS) in ICES subareas 8, 9 and 10 and CECAF divisions 34.1.1, 34.1.2 and 34.2.0.

CHAPTER VI

DOCUMENTATION OF CATCHES

*Article 15***Documentation of catches for pelagic fleets**

Quantities of fish released under the exemption provided for in Article 8 and the results of the sampling required under Article 8(5) shall be reported in the logbook as provided for in Council Regulation (EC) No 1224/2009 ⁽²⁾.

CHAPTER VII

FINAL PROVISIONS

*Article 16***Entry into force and application**

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 2024 until 31 December 2027.

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

⁽²⁾ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).