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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
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Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 18.10.2018 establishing a discard plan for certain demersal fisheries in South-Western waters for the period 2019-2021

Delegations will find attached document C(2018) 6794 final.

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Brussels, 18.10.2018
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COMMISSION DELEGATED REGULATION (EU) .../...

of 18.10.2018

**establishing a discard plan for certain demersal fisheries in South-Western waters for
the period 2019-2021**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

A key objective of the Common Fisheries Policy (CFP), as set out in Regulation (EU) 1380/2013 is the progressive elimination of discards in all EU fisheries. Discarding constitutes a substantial waste of resources and negatively impacts on the sustainable exploitation of resources as well as the economic viability of fisheries. The landing obligation applies from 1 January 2019 to all catches of species subject to the catch limits in demersal fisheries. The reformed policy also provides for increased regionalisation, which is to ensure that rules are adapted to the specific characteristics of each fishery and sea area.

The CFP provides for a series of provisions to facilitate the implementation of the landing obligation. There are generic flexibility provisions which can be applied by Member States in the context of quota management. In addition, the CFP provides for specific flexibility mechanisms that need to be implemented through multiannual plans, or in the absence of multiannual plans, in the so-called discard plans. Those discard plans are envisaged as a temporary measure for a limited period of maximum three years renewable for another period of three years. They are based on joint recommendations agreed by groups of Member States from the same region or sea basin.

Delegated Regulation (EU) 2015/2439¹ established a discard plan for certain demersal fisheries in South-Western Waters for the years 2016-2018, which was repealed and replaced by Delegated Regulation (EU) 2016/2374².

This delegated act replaces the current South-Western Waters demersal discard plan (Delegated Regulation (EU) 2016/2374). In accordance with Article 15(5) of Regulation (EU) No 1380/2013, a discard plan may contain the following elements:

- specific provisions on fisheries or species covered by the landing obligation;
- specification of exemptions to the landing obligation if fisheries or species meet certain criteria related to high survivability;
- provisions for *de minimis* exemptions;
- provisions on documentation of catches;
- the fixing of minimum conservation reference sizes (MCRS);
- technical measures.

In accordance with Article 18 of Regulation (EU) No 1380/2013, the proposed delegated act is based on the Joint Recommendation (JR) developed and submitted to the Commission by the Member States concerned (*i.e.* Belgium, Spain, France, the Netherlands and Portugal) who have a direct management interest in the relevant fisheries in this region.

¹ OJ L 336, 23.12.2015, p. 36.

² OJ L 352, 23.12.2016, p. 33.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

For the purpose of implementing the regionalised approach the SWW Member States agreed that the chair of the group, Spain, should submit to the Commission a JR. Accordingly, the JR was submitted to the Commission services on 31 May 2018. Additional information has been provided at a later stage. After the Scientific, Technical and Economic Committee for Fisheries (STECF) assessment, the SWW Member States revised the JR on 31 August 2018. It contained, *inter alia*, the following elements:

- A description of the fisheries covered by the discard plan;
- A number of exemptions for high survivability;
- A number of *de minimis* exemptions.

In accordance with the procedure described in Article 18 of Regulation (EU) No 1380/2013, this JR is the result of discussions between the SWW Member States having a direct management interest, and taking account of the views of the South Western Waters Advisory Council (SWW AC), which is concerned by the fisheries covered by the JR. For all of these elements the JR included supporting documentation underpinning the exemptions and other provisions set out in the JR.

The JR was developed by the Member States concerned, cooperating in a regional setup, working together on a technical level under the guidance of a high level group of fisheries Directors and in close consultation with interested parties.

During the development of the JR the SWW AC was consulted in relation to measures envisaged in the JR. Furthermore, the Member States group aimed at consistent approach, as far as possible, with the implementation of the landing obligation in other sea basin areas, especially in the North Western Waters.

The JR mentioned the need to exempt certain catches on account of legislation related to fisheries products unfit for human or animal consumption, i.e. Regulation (EC) No 853/2004 and Regulation (EC) No 1881/2006. However, such an exemption appears to be outside the scope of discard plans under Article 15(5) of Regulation (EU) No 1380/2013 for JRs in the context of the Common Fisheries Policy. Therefore, this exemption has not been included in this regulation.

The JR also mentioned the exemption for fish damaged by predators. However, this exemption is already covered by Article 15(4)(d) of Regulation (EU) No 1380/2013 and does not need to be implemented by a delegated act.

All elements of the JR submitted to the Commission by the Member States relating to the application of the landing obligation to the fisheries concerned and the *de minimis* as well as high-survivability exemptions were evaluated by the relevant STECF Expert Working Group and during the STECF plenary meeting of 2-6 July 2018³.

On the basis of the evaluation by STECF and by the Commission, and following clarification of certain points of the JR, the Commission considers that the JR complies with Article 15(6) of Regulation (EC) No 1380/2013 as outlined above.

³ <https://stecf.jrc.ec.europa.eu/documents/43805/2147402/STECF+PLEN+18-02.pdf>

The Commission is mindful that the nature of fisheries can change over time. It is therefore important to clarify that where exemptions have previously been granted for the duration of a discard plan (i.e. 3 or 5 years) this does not mean they will automatically be renewed in a following discard plan. As the catch composition, fishing technology or fishing behaviour of the fleets covered by an exemption may have changed, it is necessary that established exemptions are reviewed again by STECF after 3 or 5 years from being initially granted and that Member States will have to provide again justification and scientific data for review by the STECF.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Summary of the proposed action

The main legal action is to adopt measures that would facilitate the implementation of the landing obligation.

The Regulation specifies the species and fisheries to which specific measures would apply: i.e. *de minimis* exemptions and the high survivability exemption.

Legal basis

Article 15(6) and Articles 18(1) and (3) of Regulation (EU) No 1380/2013.

Subsidiarity principle

The proposal falls under the exclusive competence of the European Union.

Proportionality principle

The proposal is within the scope of the delegated powers provided to the Commission by Article 15(6) of Regulation (EU) No 1380/2013 and does not go beyond what is necessary to achieve the purpose of that provision.

Choice of instrument

Proposed instrument: Commission Delegated Regulation.

Other means would not be adequate for the following reason: The Commission has been granted powers to adopt a discard plan by means of delegated acts. Member States having a direct management interest submitted their joint recommendation. Measures provided in the joint recommendation and included in this proposal are based on the best available scientific advice and fulfil all the relevant requirements set out in Article 18(5) of Regulation (EU) No 1380/2013.

COMMISSION DELEGATED REGULATION (EU) .../...

of 18.10.2018

establishing a discard plan for certain demersal fisheries in South-Western waters for the period 2019-2021

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC⁴, and in particular Articles 15(6) and 18(1) and (3) thereof,

Whereas:

- (1) Regulation (EU) No 1380/2013 aims to progressively eliminate discards in all Union fisheries through the introduction of a landing obligation for catches of species subject to catch limits.
- (2) Article 15(6) of Regulation (EU) No 1380/2013 empowers the Commission to adopt discard plans by means of a delegated act, for an initial period of no more than three years that may be renewed for a further total period of three years, on the basis of joint recommendations developed by Member States in consultation with the relevant Advisory Councils.
- (3) Belgium, Spain, France, the Netherlands and Portugal have a direct fisheries management interest in the South-Western waters. By Delegated Regulation (EU) 2015/2439⁵, the Commission established a discard plan for certain demersal fisheries in South-Western waters for the period 2016-2018, which was repealed and replaced by Commission Delegated Regulation (EU) 2016/2374⁶, following a joint recommendation submitted by Belgium, Spain, France, the Netherlands and Portugal in 2016. Delegated Regulation (EU) 2016/2374 was amended by Delegated Regulation (EU) 2018/44⁷.
- (4) On 31 May 2018 Belgium, Spain, France, the Netherlands and Portugal submitted a new joint recommendation to the Commission after consulting the South Western Waters Advisory Council. Scientific contributions were obtained from relevant

⁴ OJ L 354, 28.12.2013, p. 22.

⁵ Commission Delegated Regulation (EU) 2015/2439 of 12 October 2015 establishing a discard plan for certain demersal fisheries in south-western waters (OJ L 336, 23.12.2015, p. 36).

⁶ 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).

⁷ OJ L7, 12.1.2018, p. 1.

scientific bodies and reviewed by the Scientific, Technical and Economic Committee for Fisheries (STECF)⁸. On 11 September 2018 an expert group meeting attended by representatives of 28 Member States, the Commission as well as the European Parliament as an observer took place and the measures concerned were discussed.

- (5) Delegated Regulation (EU) 2016/2374 included an exemption from the landing obligation for Norway lobster caught by bottom trawls in International Council for the Exploration of the Seas (ICES) subareas 8 and 9, as existing scientific evidence indicated possible high survival rates, taking into account the characteristics of the gears targeting that species, the fishing practices and the ecosystem. The STECF in its evaluation⁹ concluded that the latest experiments and studies completed in 2016-2018 show survival rates in the range of the survival rate observed in the previous work. Therefore, considering that the circumstances have not changed, that survivability exemption should be maintained in the South-Western waters demersal discard plan for the period 2019-2021.
- (6) For skates and rays caught with all gears in ICES subareas 8 and 9, detailed scientific evidence on survival rates is not available for all fleet segment and combinations that benefit from the exemption. However, with a few exceptions, survival rates are considered to be generally robust, but further detail is required. In order to collect this data, fishing would need to continue and as such, the Commission considers that the exemption should be granted but Member States should have the obligation to submit relevant data allowing STECF to fully assess the justification and allowing the Commission to carry out a review. Member States having a direct management interest should submit as soon as possible before 31 May each year: (a) a roadmap developed in order to increase survivability and to fill in the data gaps identified by STECF, to be annually assessed by STECF, (b) annual reports on the progress and any modifications or adjustments made to the survivability programmes.
- (7) When considering the survival rates of skates and rays, cuckoo rays (*Leucoraja naevus*) were found to have a considerably lower survival rate than other species, with less robust scientific understanding. However to exclude this species altogether from the exemption would prevent fishing and continued, accurate data collection. Therefore, the Commission considers this exemption should only be granted for 1 year and that new studies and improved survivability measures should be developed as a matter of urgency and provided to STECF for assessment as soon as possible before 31 May 2019.
- (8) The new joint recommendation also suggests a survivability exemption for red seabream caught with artisanal gear “*voracera*” in ICES division 9a. The Member States provided scientific evidence in order to demonstrate discard survival rates of red seabream. The evidence was submitted to STECF which concluded that the exemption is well justified. That exemption should therefore be included in the new discard plan for the years 2019-2021.
- (9) The new joint recommendation also suggests a survivability exemption for red seabream caught with hooks and lines in ICES subarea 10. The Member States provided scientific evidence in order to demonstrate the survival rates of red seabream in that fishery. The evidence was submitted to STECF which concluded that the

⁸ <https://stecf.jrc.ec.europa.eu/documents/43805/2147402/STECF+PLEN+18-02.pdf>

⁹ <https://stecf.jrc.ec.europa.eu/documents/43805/1099561/STECF+PLEN+15-02.pdf>

exemption is well justified. That exemption should therefore be included in the new discard plan for the years 2019-2021.

- (10) Delegated Regulation (EU) 2016/2374 included *de minimis* exemptions from the landing obligation pursuant to Article 15(5)(c) of Regulation (EU) No 1380/2013 for common sole caught with beam trawls and bottom trawls in ICES divisions 8a and 8b and for common sole caught with trammel nets and gillnets in ICES divisions 8a and 8b. The evidence provided by the Member States for those exemptions in the new joint recommendation was reviewed by the STECF¹⁰. The STECF concluded that the joint recommendation contained reasoned arguments related to the difficulty of increasing selectivity combined with disproportionate costs of handling unwanted catches. Therefore, considering that the circumstances have not changed, the *de minimis* exemptions should be maintained in the South-Western waters demersal discard plan for the period 2019-2021.
- (11) Delegated Regulation (EU) 2016/2374 included a *de minimis* exemption from the landing obligation pursuant to Article 15(5)(c) of Regulation (EU) No 1380/2013 for hake caught with trawls and seines in ICES subareas 8 and 9. The evidence provided by the Member States for that exemption was reviewed by the STECF, which concluded¹¹ that more trials should be performed in order to assess the selectivity improvement. In order to collect this data, fishing would need to continue and as such, the Commission considers that the exemption should be granted provisionally, but Member States should have the obligation to submit relevant data allowing STECF to fully assess the justification and allowing the Commission to carry out a review. Therefore, the *de minimis* exemption should be granted provisionally until 31 December 2019. The Member States concerned should undertake additional trials and provide information as soon as possible before 31 May 2019 for the assessment of the STECF.
- (12) The new joint recommendation contains new *de minimis* exemptions for:
 - alfonsinos caught with hooks and lines in ICES subarea 10,
 - great forkbeard caught with hooks and lines in ICES subarea 10,
 - horse mackerel caught with trawls and seines in ICES subareas 8 and 9,
 - horse mackerel caught with gillnets in ICES subareas 8, 9 and 10 and Fishery Committee for the Eastern Central Atlantic (CECAF) areas 34.1.1, 34.1.2, 34.2.0,
 - mackerel caught with trawls and seines in ICES subareas 8 and 9,
 - mackerel caught with gillnets in ICES subareas 8, 9 and 10 and CECAF areas 34.1.1, 34.1.2, 34.2.0,
 - anchovy caught with trawls and seines in ICES subareas 8 and 9,
 - boarfish caught with trawls and seines in ICES subareas 8 and 9,

¹⁰ <https://stecf.jrc.ec.europa.eu/documents/43805/1099561/STECF+PLEN+15-02.pdf>

¹¹ <https://stecf.jrc.ec.europa.eu/documents/43805/2147402/STECF+PLEN+18-02.pdf>

- megrim caught with trawls and seines in ICES subareas 8 and 9,
 - megrim caught with gillnets in ICES subareas 8 and 9,
 - plaice caught with trawls and seines in ICES subareas 8 and 9,
 - plaice caught with gillnets in ICES subareas 8 and 9,
 - anglerfish caught with trawls and seines in ICES subareas 8 and 9,
 - anglerfish caught with gillnets in ICES subareas 8 and 9,
 - whiting caught with trawls and seines in ICES subareas 8 and 9,
 - whiting caught with gillnets in ICES subareas 8 and 9,
 - pollack caught with trawls and seines in ICES subareas 8 and 9,
 - pollack caught with gillnets in ICES subareas 8 and 9,
 - great forkbeard caught with trawls and seines in ICES division 9a,
 - red seabream caught with trawls and seines in ICES division 9a,
 - sole caught with trawls and seines in ICES division 9a.
- (13) Member States provided information for the *de minimis* exemptions for alfonsinos and great forkbeard caught with hooks and lines in ICES subarea 10. STECF reviewed that evidence and concluded that the information provided contained reasoned arguments demonstrating that further improvements in selectivity are difficult to achieve or imply disproportionate costs in handling unwanted catches. It is therefore appropriate to include these *de minimis* exemptions in the new discard plan for the years 2019-2021.
- (14) The information provided by the Member States needs to be completed as regards the new *de minimis* exemptions for these species individually:
- horse mackerel, mackerel, anchovy, boarfish, megrim, plaice, anglerfish, whiting, pollack caught with trawls and seines in ICES subareas 8 and 9;
 - megrim, plaice, anglerfish, whiting and pollack caught with gillnets in ICES subareas 8 and 9;
 - horse mackerel and mackerel caught with gillnets in ICES subareas 8, 9 and 10 and CECAF areas 34.1.1, 34.1.2, 34.2.0; and
 - great forkbeard, red seabream and sole caught with trawls and seines in ICES division 9a.

Under those circumstances, these individual exemptions for each species should be limited to 1 year and the Member States should have the obligation to submit relevant data allowing STECF to fully assess the justification and allowing the Commission to carry out a review. These *de minimis* exemptions should be granted provisionally until 31 December 2019. The Member States concerned should

undertake additional trials and provide information as soon as possible before 31 May 2019 for assessment by STECF.

- (15) To ensure reliable estimations of levels of discarding for the purpose of the setting of the total allowable catches (TACs), Member States should, in cases where the *de minimis* exemption is based on extrapolation of data-limited situations and partial fleet information, ensure provision of accurate and verifiable data for the whole fleet covered by this *de minimis* provision.
- (16) The measures suggested by the new joint recommendation are in line with Article 15(4), Article 15(5)(c) and Article 18(3) of Regulation (EU) No 1380/2013 and may thus be included in this Regulation.
- (17) Under Article 18 of the Regulation (EU) No 1380/2013, the Commission has considered both the STECF's assessment and the need for Member States to ensure the full implementation of the landing obligation on the 1 January 2019. In several cases, exemptions require continued fishing activity and data collection in order to address the comments made by the STECF. In these cases, the Commission considers it to be a pragmatic and prudent approach to fisheries management, to allow exemptions on a temporary basis, on the understanding that not to do so, would prevent necessary data collection indispensable for the proper and informed management of discards in view of full entry into force of the landing obligation.
- (18) Since the measures provided for in this Regulation impact directly on the economic activities linked to and the planning of the fishing season of Union vessels, this Regulation should enter into force immediately after its publication. It should apply from 1 January 2019,

HAS ADOPTED THIS REGULATION:

Article 1
Implementation of the landing obligation

In ICES subareas 8, 9, 10 and Fishery Committee for the Eastern Central Atlantic (CECAF) areas 34.1.1, 34.1.2, 34.2.0 the landing obligation provided for in Article 15(1) of Regulation (EU) No 1380/2013 shall apply to demersal species in accordance with this Regulation for the period 2019-2021.

Article 2
Definitions

'Voracera' means an artisanal fishing gear, locally designed and built mechanized hook line, used by the artisanal fleet targeting red seabream in the South of Spain in ICES division 9a.

Article 3
Survivability exemption for Norway lobster

1. The exemption from the landing obligation for species for which scientific evidence demonstrates high survival rates, as provided for in Article 15(4)(b) of Regulation

(EU) No 1380/2013, shall apply to Norway lobster (*Nephrops norvegicus*) caught in ICES subareas 8 and 9 with bottom trawls (gear codes¹²: OTB, OTT, PTB, TBN, TBS, TB, TBB, OT, PT and TX).

2. When discarding Norway lobster caught in 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 skates and rays

1. The exemption from the landing obligation for species for which scientific evidence demonstrates high survival rates, as provided for in Article 15(4)(b) of Regulation (EU) No 1380/2013, shall apply to skates and rays (*Rajiformes*) caught with all gears in ICES subareas 8 and 9. When discarding skates and rays caught in that area, they shall be released immediately.
2. Member States having a direct management interest shall submit yearly additional scientific information supporting the exemption laid down in paragraph 1. The Scientific, Technical and Economic Committee for Fisheries shall assess the provided scientific information before 1 August every year.
3. The exemption referred to in paragraph 1 shall apply to Cuckoo ray until 31 December 2019. Member States having a direct management interest shall submit as soon as possible before 31 May 2019, additional scientific information supporting that exemption. The Scientific, Technical and Economic Committee for Fisheries shall assess the provided scientific information before 1 August 2019.

Article 5

Survivability exemption for red sea bream

1. The exemption from the landing obligation for species for which scientific evidence demonstrates high survival rates, as provided for in Article 15(4)(b) of Regulation (EU) No 1380/2013, shall apply to red seabream (*Pagellus bogaraveo*) caught with the artisanal gear *voracera* used in ICES division 9a and to red seabream (*Pagellus bogaraveo*) caught with hooks and lines in ICES subarea 10.
2. When discarding red sea bream caught in cases referred to in paragraph 1, the red seabream shall be released immediately.

¹² Gear codes used in this Regulation refer to those codes in Annex XI to Commission Implementing Regulation (EU) No 404/2011 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. For the vessels whose LOA is less than 10 metres gear codes used in this table refer to the codes from the FAO gear classification.

Article 6
De minimis exemptions

1. By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the following quantities may be discarded pursuant to Article 15(5)(c) of that Regulation:
 - (a) for hake (*Merluccius merluccius*), up to a maximum of 6% in 2019 of the total annual catches of that species by vessels using trawls and seines (gear codes: OTT, OTB, PTB, OT, PT, TBN, TBS, TX, SSC, SPR, TB, SDN, SX, SV) in ICES subareas 8 and 9;
 - (b) for common sole (*Solea solea*), up to a maximum of 5% of the total annual catches of that species by vessels using beam trawl and bottom trawls (gear codes: OTB, OTT, PTB, TBN, TBS, TBB, OT, PT and TX) in ICES divisions 8a and 8b;
 - (c) 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 (gear codes: GNS, GN, GND, GNC, GTN, GTR and GEN) in ICES divisions 8a and 8b;
 - (d) for alfonosinos (*Beryx spp.*), up to a maximum of 5%, of the total annual catches of that species by vessels using hooks and lines (gear codes: LHP, LHM, LLS, LLD) in ICES subarea 10;
 - (e) for great forkbeard (*Phycis blennoides*), up to a maximum of 3% of the total annual catches of that species by vessels using hooks and lines (gear codes: LHP, LHM, LLS, LLD) in ICES subarea 10;
 - (f) for horse mackerel (*Trachurus spp.*), up to a maximum of 7% in 2019 of the total annual catches of that species by vessels using beam trawl, bottom trawls and seines (gear codes: OTB, OTT, PTB, TBN, TBS, TBB, OT, PT, TX, SSC, SPR, SDN, SX, SV) in ICES subareas 8 and 9;
 - (g) for horse mackerel (*Trachurus spp.*), up to a maximum of 3% in 2019 of the total annual catches of that species by vessels using gillnets (gear codes: GNS, GND, GNC, GTR, GTN) in ICES subareas 8, 9 and 10 and and CECAF areas 34.1.1, 34.1.2, 34.2.0;
 - (h) for mackerel (*Scomber scombrus*), up to a maximum of 7% in 2019 of the total annual catches of that species by vessels using beam trawl, bottom trawls and seines (gear codes: OTB, OTT, PTB, TBN, TBS, TBB, OT, PT, TX, SSC, SPR, SDN, SX, SV) in ICES subareas 8 and 9;
 - (i) for mackerel (*Scomber scombrus*), up to a maximum of 3% in 2019 of the total annual catches of that species by vessels using gillnets (gear codes: GNS, GND, GNC, GTR, GTN) in ICES subareas 8, 9 and 10 and and CECAF areas 34.1.1, 34.1.2, 34.2.0;
 - (j) for anchovy (*Engraulis encrasicolus*), up to a maximum of 7% in 2019 of the total annual catches of that species by vessels using beam trawl, bottom trawls and seines (gear codes: OTB, OTT, PTB, TBN, TBS, TBB, OT, PT, TX, SSC, SPR, SDN, SX, SV) in ICES subareas 8 and 9;

- (k) for boarfish (*Caproidae*), up to a maximum of 7% in 2019 of the total annual catches of that species by vessels using beam trawl, bottom trawls and seines (gear codes: OTB, OTT, PTB, TBN, TBS, TBB, OT, PT, TX, SSC, SPR, SDN, SX, SV) in ICES subareas 8 and 9;
- (l) for megrim (*Lepidorhombus spp.*), up to a maximum of 5% in 2019 of the total annual catches of that species by vessels using beam trawl, bottom trawls and seines (gear codes: OTB, OTT, PTB, TBN, TBS, TBB, OT, PT, TX, SSC, SPR, SDN, SX, SV) in ICES subareas 8 and 9;
- (m) for megrim (*Lepidorhombus spp.*), up to a maximum of 4% in 2019 of the total annual catches of that species by vessels using gillnets (gear codes: GNS, GND, GNC, GTR, GTN) in ICES subareas 8 and 9;
- (n) for plaice (*Pleuronectes platessa*), up to a maximum of 5% in 2019 of the total annual catches of that species by vessels using beam trawl, bottom trawls and seines (gear codes: OTB, OTT, PTB, TBN, TBS, TBB, OT, PT, TX, SSC, SPR, SDN, SX, SV) in ICES subareas 8 and 9;
- (o) for plaice (*Pleuronectes platessa*), up to a maximum of 4% in 2019 of the total annual catches of that species by vessels using gillnets (gear codes: GNS, GND, GNC, GTR, GTN) in ICES subareas 8 and 9;
- (p) for anglerfish (*Lophiidae*), up to a maximum of 5% in 2019 of the total annual catches of that species by vessels using beam trawl, bottom trawls and seines (gear codes: OTB, OTT, PTB, TBN, TBS, TBB, OT, PT, TX, SSC, SPR, SDN, SX, SV) in ICES subareas 8 and 9;
- (q) for anglerfish (*Lophiidae*), up to a maximum of 4% in 2019 of the total annual catches of that species by vessels using gillnets (gear codes: GNS, GND, GNC, GTR, GTN) in ICES subareas 8 and 9;
- (r) for whiting (*Merlangius merlangus*), up to a maximum of 5% in 2019 of the total annual catches of that species by vessels using beam trawl, bottom trawls and seines (gear codes: OTB, OTT, PTB, TBN, TBS, TBB, OT, PT, TX, SSC, SPR, SDN, SX, SV) in ICES subareas 8 and 9;
- (s) for whiting (*Merlangius merlangus*), up to a maximum of 4% in 2019 of the total annual catches of that species by vessels using gillnets (gear codes: GNS, GND, GNC, GTR, GTN) in ICES subareas 8 and 9;
- (t) for pollack (*Pollachius pollachius*), up to a maximum of 5% in 2019 of the total annual catches of that species by vessels using beam trawl, bottom trawls and seines (gear codes: OTB, OTT, PTB, TBN, TBS, TBB, OT, PT, TX, SSC, SPR, SDN, SX, SV) in ICES subareas 8 and 9;
- (u) for pollack (*Pollachius pollachius*), up to a maximum of 4% in 2019 of the total annual catches of that species by vessels using gillnets (gear codes: GNS, GND, GNC, GTR, GTN) in ICES subareas 8 and 9;
- (v) for great forkbeard (*Phycis blennoides*), up to a maximum of 7% in 2019 of the total annual catches of that species by vessels using beam trawl, bottom trawls and seines

(gear codes: OTB, OTT, PTB, TB, TBN, TBS, OT, PT, TX, SSC, SPR, SDN, SX, SV) in ICES division 9a;

- (w) for red seabream (*Pagellus bogaraveo*), up to a maximum of 7% in 2019 of the total annual catches of that species by vessels using beam trawl, bottom trawls and seines (gear codes: OTB, OTT, PTB, TB, TBN, TBS, OT, PT, TX, SSC, SPR, SDN, SX, SV) in ICES division 9a;
 - (x) for sole (*Solea spp.*), up to a maximum of 7% in 2019 of the total annual catches of that species by vessels using beam trawl, bottom trawls and seines (gear codes: OTB, OTT, PTB, TB, TBN, TBS, OT, PT, TX, SSC, SPR, SDN, SX, SV) in ICES division 9a.
2. The de minimis exemptions set out in the paragraph 1 points (a) and (f)-(x) shall be provisionally applicable until 31 December 2019. Member States having a direct management interest shall submit as soon as possible before 31 May 2019, additional scientific information supporting the exemption. The Scientific, Technical and Economic Committee for Fisheries shall assess the provided scientific information before 1 August 2019.

Article 7 ***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 2019 until 31 December 2021.

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

Done at Brussels, 18.10.2018

For the Commission
The President
Jean-Claude JUNCKER