



# EC Landing Obligation exemptions 2021

## Applicable to vessels operating outside UK waters

### Introduction

This document needs to be read in conjunction with the Landing Obligation overview guidance document which explains the general rules. This document provides guidance on the Landing Obligation exemptions that apply outside of UK waters

Outside UK waters, vessels must follow

- [2020-2014 \(COMMISSION DELEGATED REGULATION \(EU\) of 21 August 2020 specifying details of implementation of the landing obligation for certain fisheries in the North Sea for the period 2021-2023\)](#) and
- [2020-2015 \(COMMISSION DELEGATED REGULATION \(EU\) of 21 August 2020 specifying details of the implementation of the landing obligation for certain fisheries in Western Waters for the period 2021-2023\)](#)

Regulations sourced at [legislation.gov.uk](http://legislation.gov.uk)

Within UK waters please refer to the 2021 UK Landing Obligation guidance found at [gov.uk](http://gov.uk)



## EC Landing Obligation exemptions

The Landing Obligation applies to all quota species (both pelagic and demersal) in pelagic fisheries. The Landing Obligation does not apply to species for which there are exemptions and species that are prohibited to retain and land.

You must ensure that the following rules are complied with:

- All catches of quota species must be kept on board, landed and counted against quota, except where the exemptions listed below apply.
- All catches and discards must be recorded in your logbook.
- Any fish returned to the sea under the exemptions described below must be kept in good condition in order to maximise their survival chances. This includes keeping them wet, handling them carefully and releasing them promptly.

The exempted species are listed in the sections of this document entitled 'Survival Exemptions' and 'De minimis Exemptions'.

The fish species that you are prohibited to retain and land are listed in the current Total Allowable Catch (TAC) and Quota Regulations.

## Survival Exemption

This type of exemption for pelagic vessels applies to purse seine fisheries. These exemptions also apply to ring net fishing.

These exemptions allow you to discard fish under certain conditions based on the likelihood of a fish being able to survive being caught and returned to the sea.

## De Minimis Exemption

These exemptions are given where it would be inappropriate to have to land these fish because of the difficulty in avoiding catching a particular species of fish and in handling it once it's been caught.

The *De minimis* exemptions are taken into account when setting quota limits. The total amount of discarding is limited to a proportion of total catch - which the fisheries administration will monitor.



You are permitted to discard certain species of fish provided you comply with the conditions specified in the table below: **(All conditions listed below must be met):**

## 1. NORTH SEA (What / With / Where)

Under 2020-2014 (COMMISSION DELEGATED REGULATION (EU) of 21.8.2020 specifying details of implementation of the landing obligation for certain fisheries in the North Sea for the period 2021-2023)

### New exemptions:

De minimis exemption for **BLUE WHITING** in the **industrial pelagic trawler fishery**

### North Sea Survivability exemptions (outside UK waters)

1. **COMMON SOLE BELOW MCRS** caught by **otter trawls** in **ICES division 4c**
2. **FLATFISH** caught with **beam trawl gears (BT2)** and by vessels with an engine power of not more than **221kw** or less than **24m** in length overall, which are constructed to fish in the twelve miles zone, if the average trawl duration is less than ninety minutes.
3. **MACKEREL AND HERRING** caught with **purse seines** under certain conditions
4. **NORWAY LOBSTER** caught in **ICES subarea 4** and **ICES divisions 2a and 3a** using **bottom trawls**, including some with a **selectivity device**.
5. **NORWAY LOBSTER** caught with **pots** in **ICES divisions 2a, 3a and ICES subarea 4**.
6. Catches of **PLAICE BELOW THE MCRS** caught with **80 to 119mm beam trawl gears (BT2)** in **ICES division 2a and ICES subarea 4**.
7. For catch and by-catch of **PLAICE** in the fishery **targeting flatfish or roundfish** carried out with **trawls with a mesh size of at least 120 mm** in **ICES division 3a and ICES subarea 4**. *The joint recommendation also requested a new high survivability exemption for plaice caught with trawls with mesh size of 100 to 119mm in ICES division 3a and ICES subarea 4.*
8. for **PLAICE** caught by the vessels of Member States implementing the roadmap for the Fully Documented Fisheries,
9. for **PLAICE** caught with **gears equipped with the flip-up rope or Benthos release panel (BRP)** and caught by vessels with an engine power of more than **221kW**,
10. **PLAICE** caught with **trawls with a mesh size of at least 80 to 99mm targeting flatfish or roundfish** in Union waters of **ICES subarea 4**.
11. **PLAICE** in the fishery carried out with **Danish seines** in **ICES division 3a and ICES subarea 4**.



12. **PLAICE** in the fishery carried out with **gillnets and trammel nets** in **ICES division 3a and ICES subarea 4**.
13. **SKATES AND RAYS** caught with **all fishing gears** in **ICES divisions 2a, 3a, and ICES subarea 4**.
14. The survivability exemption for the **BY-CATCH OF SPECIES SUBJECT TO CATCH LIMITS** in the fishery carried out with **pots and fyke nets**.
15. **TURBOT** caught by **TBB gears with a codend more than 80mm** in **ICES subarea 4**.

#### **NORTH SEA De-minimis exemptions (outside UK waters)**

1. **ALL SPECIES SUBJECT TO CATCH LIMITS** caught with certain **beam trawls** in **ICES divisions 4b and 4c**,
2. **COMBINED QUANTITY OF SPRAT, SANDEEL, NORWAY POUT AND BLUE WHITING** in demersal fisheries with **trawls** in **ICES division 3a and ICES subarea 4**.
3. **COMMON SOLE** caught with certain **beam trawls equipped with a Flemish panel** in **ICES subarea 4**,
4. **COMMON SOLE** caught with **trammel nets and gillnets** in **ICES divisions 2a and 3a, ICES subarea 4**,
5. **LING** caught with certain **bottom trawls** in **ICES subarea 4**.
6. **LING** caught with **longlines** in **ICES subarea 4**.
7. **MACKEREL AND HORSE MACKEREL** caught with **bottom trawls with a mesh size between 80-99mm** in **ICES subarea 4**.
8. **MACKEREL, HORSE MACKEREL, HERRING AND WHITING** caught with **trawlers up to 25 meters in length overall using mid-water trawls** in **ICES subareas 4b and 4c south of 54 degrees North**.
9. **PLAICE** caught with certain **bottom trawls** in **ICES subarea 4**,
10. **WHITING AND COD BELOW THE MCRS** caught with **bottom trawls or seines** in **ICES subareas 4a and 4b**.
11. **WHITING AND COD** caught with **bottom trawls** in **ICES division 4c**.
12. **WHITING BELOW THE MCRS** caught by vessels using **beam trawls with mesh size 80 to 119mm** in **ICES subarea 4**.



## 2. WESTERN WATERS (What / With / Where)

Under 2020/2015 COMMISSION DELEGATED REGULATION (EU) of 21.8.2020. Specifying details of the implementation of the landing obligation for certain fisheries in Western Waters for the period 2021-2023

### North-Western Waters Survivability exemptions (outside UK waters)

- COMMON SOLE:** The exemption shall apply in **ICES division 7d, within six nautical miles of the coast but outside identified nursery areas**, to catches of **common sole (*Solea solea*) below MCRS** made using **otter trawl gears (OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX) with a cod end mesh size of 80 to 99 mm**, by vessels:
  - **having a maximum length of 10 meters and a maximum engine power of 221 kW;** and
  - **fishing in waters with the depth of 30 meters or less and with tow durations of no more than ninety minutes.**
- MACKEREL AND HERRING** in the **purse seine fisheries** in **ICES subarea 6**, 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 visible buoys 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.**

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.

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

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

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

The survivability exemption provided for in Article 15(4)(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**.



3. **NORWAY LOBSTER** caught in **pots, traps or creels (FPO, FIX and FYK)**, in **ICES subareas 6 and 7**;
4. **NORWAY LOBSTER** 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**;
5. **NORWAY LOBSTER** caught in **ICES subarea 7**, with **bottom trawls (OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX)** with a mesh size of 70 to 99mm in combination with highly selective gear options.

The exemption shall apply to vessels fishing in the **Celtic Sea Protection Zone**, provided that they use one of the following selective gears:

- square mesh panel of at least 300 mm;
- square mesh panel of at least 200 mm for vessels less than 12 meters in length
- Seltra panel;
- Sorting grid with a maximum bar spacing of 35 mm as defined in Annex VI Part B to Regulation (EU) 2019/1241 of the European Parliament and of the Council<sup>45</sup> or equivalent Netgrid selectivity device;
- 100 mm cod-end with a 100 mm square mesh panel.
- Dual cod-end with the uppermost cod-end constructed with T90 mesh of at least 90mm and fitted with a separation panel with a maximum mesh size of 300mm

The exemption under paragraph 1(c) shall apply to vessels fishing in **ICES division 7a** provided that they use one of the following selective gears:

- 300 mm square mesh panel of at least 300 mm;
  - square mesh panel of at least 200 mm for vessels less than 12 meters in length;
  - Seltra panel;
  - Sorting grid with a maximum bar spacing of 35 mm as defined in Annex VI Part B to Regulation (EU) 2019/1241;
  - CEFAS Netgrid;
  - Flip-flap trawl.
6. **NORWAY LOBSTER** 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 twelve nautical miles of the coast**.
  7. **PLAICE** caught in **ICES divisions 7d to 7g** with **trammel nets (GTR, GTN, GEN, GN)**;
  8. **PLAICE** caught in **ICES divisions 7d to 7g** with **otter trawls (OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX)**;
  9. **PLAICE** caught in **ICES divisions 7a to 7g** by **vessels having a maximum engine greater than 221kW, and using beam trawls (TBB) fitted with a flip-up rope or benthic release panel**;



10. **PLAICE** caught in **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 meters**, which are **constructed to fish within 12nms of the coast and with average tow durations of no more than ninety minutes**;
11. **PLAICE** caught in ICES division 7d with **Danish seines (gear code: SDN)**.
12. **SKATES AND RAYS** caught by **any fishing gear** in the **North Western Waters (ICES subareas 6 and 7)**. The exemption laid **shall also apply to Cuckoo ray**.
13. **SPECIES** caught with **pots, traps and creels (gear codes: FPO, FIX, FYK)** in **ICES subareas 5 (excluding 5a and including only Union waters of 5b), 6 and 7**.

#### North-Western Waters De minimis exemptions (outside UK waters)

1. **ALBACORE TUNA** in the albacore tuna directed fisheries using **midwater pair trawls (PTM)** in **ICES subarea 7**;
2. **BLUE WHITING** in the **industrial pelagic trawler** fishery targeting that species in **ICES subareas 5b, 6 and 7** and processing that species on board to obtain surimi base;
3. **BOARFISH** by vessels using **bottom trawls (OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX)** in **ICES divisions 7b, 7c and 7f to 7k**
4. In the **DEMERSAL MIXED FISHERY CARRIED OUT BY VESSELS TARGETING BROWN SHRIMP** and **using beam trawls (TBB) with a mesh size equal to or greater than 31mm** in **ICES division 7a**;
5. **COMMON SOLE** 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**;
6. **COMMON SOLE** by vessels using **TBB gear with a mesh size of 80 to 119 mm equipped with Flemish panel**, to catch common sole in **ICES divisions 7d to 7h**;
7. **COMMON SOLE** 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. **GREATER SILVER SMELT** caught by **vessels using bottom trawls (OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX) with a mesh size greater or equal to 100mm (TR1)** in **ICES division 5b (EU waters) and subarea 6**.
9. **HADDOCK** 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, TBB, TBN, TBS, TB, TX) in 7b, 7c and 7e to 7k** with **catches comprising not more than 30% Norway lobster** and **EXCLUDING BEAM TRAWLS**,
10. **HADDOCK** by vessels operating with **mesh sizes greater than or equal to 80mm in 7b, 7c and 7e to 7k** with **catches comprising more than 30% of Norway lobster**,
11. **HADDOCK** by vessels operating with **beam trawls using mesh sizes greater than or equal to 80mm in 7b, 7c and 7e to 7k** in conjunction with the use of a Flemish panel;



12. **HADDOCK BELOW MCRS** by vessels using **bottom trawls with a mesh size up to 119 mm (OTB, OTT, OT, TBN, TB)** in the West of Scotland Norway lobster (*Nephrops Norvegicus*) fishery in **ICES division 6a** provided that **vessels use the highly selective gear options described in Article 3(3) of the Regulation.**
13. **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 and PTM)**, targeting mackerel, horse mackerel and herring in **ICES division 7d**;
14. **MACKEREL 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 ICES divisions 7b to 7k**;
15. **MEGRIM BELOW MCRS**, 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)** in the following conditions:
  - in **ICES divisions 7f, 7g, the part of 7h North of latitude 49° 30' North and the part of 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;
  - in **ICES subarea 7, outside the abovementioned area**, for **TR2 vessels**.
16. **WHITING** 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 7b to 7k**;

#### South-Western Waters Survivability exemptions

1. **ANCHOVY, HORSE MACKEREL AND MACKEREL** in **purse seine fisheries (PS)**, provided that the net is not fully taken on board.
2. **NORWAY LOBSTER** caught in **ICES subareas 8 and 9** with **bottom trawls (OTB, OTT, PTB, TBN, TBS, TB, TBB, OT, PT and TX)**.
3. **RED SEABREAM** caught with the **artisanal gear voracera** in **ICES division 9a**
4. **RED SEABREAM** caught with **hooks and lines (LHP, LHM, LLS, LLD)** in **ICES subareas 8 and 10 and in ICES division 9a**.
5. **SKATES AND RAYS** caught with **all gears** in **ICES subareas 8 and 9**. The exemption shall apply to **cuckoo ray**:
  - caught by **trammel nets** in **ICES subareas 8 and 9** until 31 December 2022.
  - caught by **bottom trawls** in **ICES subarea 8** until 31 December 2021.





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### South-Western Waters De minimis exemptions

1. **ALBACORE TUNA** in the albacore tuna directed fisheries using midwater pair trawls (PTM) and midwater trawls (OTM) in ICES subarea 8;
2. **ALFONSINOS** by vessels using hooks and lines (LHP, LHM, LLS, LLD) in ICES subarea 10;
3. **ANCHOVY, MACKEREL AND HORSE MACKEREL** in the pelagic trawl fishery which targets anchovy, mackerel and horse mackerel in ICES subarea 8 using pelagic trawls;
4. **ANCHOVY** by vessels using beam trawls, bottom trawls and seines (OTT, OTB, PTB, OT, PT, TBN, TX, SSC, SPR, TB, TBB, SDN, SX, SV) in ICES subareas 8 and 9;
5. **ANGLERFISH** by vessels using pelagic trawls, beam trawls, bottom trawls and seines (OTM, PTM, OTB, OTT, PTB, TBN, TBS, TBB, OT, PT, TX, SSC, SPR, SDN, SX, SV) in ICES subareas 8 and 9;
6. **ANGLERFISH** by vessels using gillnets (GNS, GND, GNC, GTR, GTN) in ICES subareas 8 and 9;
7. **BLUE WHITING** 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;
8. **COMMON SOLE** by vessels using pelagic trawls, beam trawls and bottom trawls (OTM, PTM, OTB, OTT, PTB, TBN, TBS, TBB, OT, PT and TX) in ICES divisions 8a and 8b;
9. **COMMON SOLE** by vessels using trammel nets and gillnets (GNS, GN, GND, GNC, GTN, GTR and GEN) in ICES divisions 8a and 8b;
10. **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;
11. **HORSE MACKEREL** 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, 34.2.0;
12. **HAKE** 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;
13. **HORSE MACKEREL, MACKEREL AND ANCHOVY** using purse seines (PS) in ICES subareas 8, 9 and 10 and CECAF divisions 34.1.1, 34.1.2, 34.2.0.
14. **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;
15. **MACKEREL** by vessels using gillnets (GNS, GND, GNC, GTR, GTN) in ICES subareas 8 and 9 and CECAF zones 34.1.1, 34.1.2, 34.2.0;
16. **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;
17. **MEGRIM** by vessels using gillnets (GNS, GND, GNC, GTR, GTN) in ICES subareas 8 and 9;
18. **RED SEABREAM** 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;



19. **SOLE** 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.**
20. **WHITING** by vessels using **pelagic trawls, beam trawls, bottom trawls and seines (OTB, OTT, PTB, TBN, TBS, TBB, OT, PT, TX, SSC, SPR, SDN, SX, SV)** in **ICES subarea 8;**
21. **WHITING** by vessels using **gillnets (GNS, GND, GNC, GTR, GTN)** in **ICES subarea 8;**