

# Landing Obligation and Fishing Opportunities 2015

*This document serves as a basis for discussion at the Expert Group on Fisheries and Aquaculture. It cannot in any circumstances be regarded as the official position of the Commission. It is intended solely for those to whom it is addressed.*

1. BACKGROUND .....	1
2. CHANGES IN THE FISHING OPPORTUNITIES REGULATION .....	0
3. RECAP - POINTS FOR DISCUSSION .....	0
ANNEX: SPECIAL CONDITIONS POTENTIALLY AFFECTED BY THE LANDING OBLIGATION .....	1

## 1. BACKGROUND

This document reflects on the need to align the fishing opportunities regulation for the Atlantic (FOs) with the new Regulation (EU) No 1389/2014 (CFP), specifically Article 15 (landing obligation).

An important element in Article 15(1) is that the landing obligation applies gradually and **per fishery**<sup>1</sup>. As regards the FOs regulation, all catches subject to TACs which are caught in a pelagic or industrial fishery for the species mentioned in Article 15(1)(a) have to be landed as of 1<sup>st</sup> January 2015.

As of 2016 other fisheries will join the landing obligation, up to 2019, where the landing obligation will apply to all species under TAC.

It is not possible to identify in the 2015 FOs regulation the specific stocks (i.e. TACs) falling under the landing obligation in 2015: the landing obligation covers catches (from different stocks) in fisheries under the landing obligation, but does not cover catches of the same stock in fisheries not under the landing obligation.

The landing obligation enters into force progressively per fishery, **not per stock**. Thus from 2015 until 2019, many TACs on stocks will limit catches to which the landing obligation may or may not apply, depending on the fishery. During this period TACs, *per se*, will not be either under or outside the landing obligation (e.g. in 2015 an undersized cod caught in the fishery for mackerel has to be landed, but an undersized cod caught in the fishery for sole must be discarded). Fishermen and Member States have to determine whether specific catches are under the landing obligation, depending on the fisheries in which they operate and/or, ideally, discard plans in force where fisheries under the landing obligation are defined.

This document **does not deal with control and quota monitoring**, which may be affected as of 1<sup>st</sup> January 2015 as well.

---

<sup>1</sup> Article 15(1) reads: “All catches of species which are subject to catch limits [...] caught during fishing activities in Union waters or by Union fishing vessels outside Union waters in waters not subject to third countries’ sovereignty or jurisdiction, in the fisheries and geographical areas listed below shall be brought and retained on board the fishing vessels, recorded, landed and counted against the quotas [...]”. The species in question are specified in Article 15(1)(a): “small pelagic fisheries (i.e. fisheries for mackerel, herring, horse mackerel, blue whiting, boarfish, anchovy, argentine, sardine, sprat), large pelagic fisheries (i.e. fisheries for bluefin tuna, swordfish, albacore tuna, bigeye tuna, blue and white marlin), fisheries for industrial purposes (inter alia, fisheries for capelin, sandeel, and Norway pout) and certain Baltic fisheries.

## 2. CHANGES IN THE FISHING OPPORTUNITIES REGULATION

In order to ensure compatibility with the landing obligation, the following drafting changes may be needed in the FOs regulation for the Atlantic. This is not an exhaustive list, but only a preliminary screening of regulation for the purposes of discussion.

### (a) Articles

Reference is made here to Articles in the current FOs<sup>1</sup>.

Article 3 – Definitions. These must be in accordance with the CFP. The definition of "Total Allowable Catch" will probably need redrafting. We should also consider to re-introduce a definition of fishing opportunity (the repealed 2002 Regulation included a definition for fishing opportunities). Any definition should remain within the boundaries of the provisions of Article 43(3) of the Treaty

Article 7 – Conditions for landing catches and by-catches. Current wording implies that fish caught over the quota limit must be discarded.

Article 40 – Fishing authorisations for third-country vessels. Since these vessels fish in EU waters, the landing obligation will apply to them in the same terms as EU vessels. The second paragraph of the article currently forces them to discard fish caught over the quota, in similar terms to those of Article 7.

### (b) Special conditions in certain TACs

Many TACs are linked to special conditions, notably related to inter-species quota flexibility, catch composition rules, obligations to release (discard) certain species with high survivability, etc. Special conditions are also in a number of cases connected to fishing in non-EU waters (in particular Norwegian waters). A first screening of the FO regulation has produced around 40 potentially problematic special conditions in Annexes IA and IB of the FO regulation. They need to be reviewed, and possibly redrafted or withdrawn, to ensure consistency with Article 15 of the CFP. A detailed analysis and possible solutions are annexed to this document.

Three main types of conditions have been identified as requiring special attention, and are discussed below:

- **Obligations to release species under TACs 0 – this is the case of certain elasmobranchs (sharks, skates and rays).** For 8 TACs in the FO regulation for the Atlantic for species of sharks, skates and rays, the TAC is 0 (see the annex to this document for details). These species cannot be targeted<sup>2</sup>. These 0 TACs are linked with a special condition obliging the immediate release (discard) of by-caught specimens. This obligation is based on their high survivability.

---

<sup>1</sup> Regulation (EU) No 43/2014. See: <http://eur-lex.europa.eu/legal-content/EN/ALL/?sessionId=3BQCT8nZpQIGQQGvny0YpctsdnfZCjh7DY18QpCq4sPFmBZ3TJVy!-1287418664?uri=CELEX:32014R0043>

<sup>2</sup> However, they are not prohibited species (landing them is not an infringement of EU law), and if landed they are considered overfishing, causing deductions in another stock fished by the MS in question in the next year: TAC 0 stocks cannot undergo deductions.

Some of these species can be caught in pelagic fisheries, in which case they will have to be landed as of 2015. Three options seem possible:

- i. *Change the protection approach:* deletion of the special condition entirely. If the special condition is deleted, this will mean that accidental catches of these elasmobranchs, in any fishery (under the landing obligation or not) have to be landed in all cases. This option is not contemplated as a solution in the annex.
  - ii. *Adapt the protection approach through high survivability exemptions:* redrafting the special condition so as to ensure that it continues to apply for fisheries not yet under the landing obligation – a suggestion is made in the annex by means of adding a specific sentence. This should ideally be coupled with survivability exemptions under Article 15(1)(a) in relevant discard plans. However, at this stage, joint recommendations submitted to the Commission by North-Western Waters and South-Western Waters Member States do not include any survivability exemptions for elasmobranchs under Article 15(1)(a). As things stand, all elasmobranchs caught in pelagic fisheries as of 1<sup>st</sup> January 2014 would have to be landed.
  - iii. *Upgrade the protection:* define these species as prohibited species – for example, adding them to the prohibited list in Article 12 of the FOs. In this case, the obligation to release is maintained because prohibited species are to be released and cannot be landed. No discard plan or multiannual plan seems necessary in this case – prohibited species are automatically exempt from the landing obligation via Article 15(4)(a).
- **Specific provisions on inter-quota flexibility.** Article 15(8) CFP allows for catches subject to the landing obligation in excess of quotas (or those for which a MS has no quota at all) to be deducted from the quota of the target species. With limiting conditions: firstly, this can only be done up to 9% of the quota of the target species. Secondly, the stock of the non-target species must be “within safe biological limits”.

In the FOs regulation, several special conditions establish inter-quota flexibilities but on a different basis compared to Article 15(8) CFP. Possible solutions (deletion or redrafting) are included in the annex to this document, in the relevant TACs.

There are basically two situations:

1. Special conditions that do not affect the EU landing obligation because they refer to fishing activities by EU vessels in third-country waters. These fishing activities are exempted directly by Article 15(1) EU from the EU’s landing obligation.
  2. Special conditions that affect fisheries in Union waters and falling under the landing obligation as of 2015 (for sandeel, sprat, and horse mackerel, etc. see annex), in which by-catches of specific species are to be counted against the target quota, up to a certain percentage.
- **Specific provisions in terms of catch composition rules.** Catch composition rules that create discards would have to be eliminated in relation to the fisheries under the landing obligation.

**(c) Stocks under safe biological limits which can be used for inter-quota flexibility**

In connection with the inter-quota flexibility under Article 15(8) of the CFP, it would also seem important to identify in the FO regulation which stocks are within safe biological limits, i.e. those under the definition of “safe biological limits” included in Article 4(1)(18) CFP.

### 3. RECAP - POINTS FOR DISCUSSION

- i. **The landing obligation applies per fishery** – this cuts across FO TAC entries for the Atlantic: any TAC-managed species caught in pelagic and industrial fisheries has to be landed as of 1<sup>st</sup> January 2015.
- ii. **Special conditions for TACs in the FO regulation may need to be revised or withdrawn.** In this respect:
  - For certain elasmobranchs under a TAC 0 caught in fisheries under the landing obligation it will be necessary, in order to maintain the current protection regime, to either (1) include them in a discard plan (survivability exemption), or (2) to define them as prohibited species in the FO regulation.
  - Several special conditions establish inter-quota flexibilities that deviate from the inter-quota flexibility in Article 15(8) BR. This is either because the fishing activities are carried out in third-country waters. In EU waters, it may be necessary to withdraw from the FO regulation catch composition rules currently included.
  - Special conditions also establish catch composition rules by determining minimum or maximum percentages of a certain species in a fishery. These probably need to be removed.
- iii. **Stocks within safe biological limits** should be identified in the FO regulation, in accordance with Article 15(8) CFP.

## ANNEX: SPECIAL CONDITIONS POTENTIALLY AFFECTED BY THE LANDING OBLIGATION

### Colour codes:

**In grey:** stocks that are probably most affected by the landing obligation:

**In green:** catch composition rules.

**In blue:** quota flexibilities deviating from the landing obligation flexibility.

**In yellow:** TAC 0 for elasmobranchs.

No highlight: other issues, or issues of limited scope.

### In annex IA:

TAC	Special condition	Issue	Possible solutions
Sandeel in Union waters of IIa, IIIa and IV	At least 98 % of landings counted against this quota shall be of sandeel.	Catch composition rule	Catch composition rule: to be removed
	By-catches of dab, mackerel and whiting to be counted against the remaining 2 % of the quota (OT1/*2A3A4)	+ Inter-quota flexibility which deviates from Article 15(8) BR	Quota flexibility: 1. Deletion 2. Redrafting – add this sentence: “This provision shall only apply to catches in fisheries where the landing obligation does not yet apply, in accordance with Article 15(1) of Regulation (EU) No 1380/2014.”
Herring in IIIa (targeted)	Landings of herring taken in fisheries using nets with mesh sizes equal to or larger than 32 mm.	Wording	Redrafting: “Catches of herring...”
Herring in Norwegian waters south of 62°N	By-catches of cod, haddock, pollack and whiting and saithe are to be counted against the quota for these species.	Inter-quota flexibility	TAC in Norwegian waters: special condition can remain - if it is deemed that EU landing obligation does not apply in 3 <sup>rd</sup> country waters according to Article 15(1) BR
Herring in IIIa (by-catch)	Exclusively for landings of herring taken as by-catch in fisheries using nets with mesh sizes smaller than 32 mm.	Wording	Redrafting: “Exclusively for catches of herring...”
Herring in IV, VIId and Union waters of IIa	Exclusively for landings of herring taken as by-catch in fisheries using nets with mesh sizes smaller than	Wording	Redrafting: “Exclusively for catches of herring...”

TAC	Special condition	Issue	Possible solutions
	32 mm.		
<b>Herring in IVc, VIId</b>	Exclusively for <b>landings</b> of herring taken in fisheries using nets with mesh sizes equal to or larger than 32 mm.	Wording	Redrafting: “Exclusively for <b>catches</b> of herring...”
<b>Herring in Union and international waters of Vb, VIb and VIaN</b>	It shall be prohibited to fish or retain on board any herring in the part of the ICES zones subject to this TAC that lies between 56° N and 57° 30' N, with the exception of a six nautical mile belt measured from the baseline of the United Kingdom's territorial sea.	Ambiguity	If this is deemed to be a prohibition as provided for by Article 15(4)(a), then it can stay.
<b>Cod In Norwegian waters south of 62° N</b>	By-catches of haddock, pollack and whiting and saithe are to be counted against the quota for these species.	Inter-quota flexibility	TAC in Norwegian waters: special condition can remain - if it is deemed that EU landing obligation does not apply in 3 <sup>rd</sup> country waters according to Article 15(1) BR
<b>Cod in VIIa</b>	By-catch of cod in the area covered by this TAC may be landed provided that it does not comprise more than 1,5 % of the live weight of the total catch retained on board per fishing trip.	Catch composition rule	Catch composition rule: to be removed.
<b>Porbeagle</b>	French Guiana waters, Kattegat; Union waters of Skagerrak, I, II, III, IV, V, VI, VII, VIII, IX, X, XII and XIV; Union waters of CECAF 34.1.1, 34.1.2 and 34.2	Elasmobranchs with TAC 0 – current obligation to discard because they survive	<p>1. Adapt the protection – adding this text:</p> <p>“This provision shall only apply to catches in fisheries where the landing obligation does not yet apply, in accordance with Article 15(1) of Regulation (EU) No 1380/2014”.</p> <p>2. Upgrade protection to prohibition.</p>
<b>Haddock in Norwegian waters south of 62°N</b>	By-catches of cod, pollack, whiting and saithe are to be counted against the quota for these species.	Inter-quota flexibility	TAC in Norwegian waters: special condition can remain - if it is deemed that EU landing obligation does not apply in 3 <sup>rd</sup> country waters according to Article 15(1) BR
<b>Whiting and pollack in Norwegian waters south of 62°N</b>	By-catches of cod, pollack, whiting and saithe are to be counted against the quota for these species.	Inter-quota flexibility	TAC in Norwegian waters: special condition can remain - if it is deemed that EU landing obligation does not apply in 3 <sup>rd</sup> country waters according to Article 15(1)

TAC	Special condition	Issue	Possible solutions
			BR
Blue ling in Union and international waters of Vb, VI, VII	By-catches of roundnose grenadier and black scabbardfish to be counted against this quota. To be fished in EU waters of VIa north of 56° 30'N and VIb.	Inter-quota flexibility which deviates from Article 15(8) BR	<p>Quota flexibility:</p> <ol style="list-style-type: none"> <li>1. Deletion (or adding to the text: "These provisions shall only apply to catches in fisheries where the landing obligation does not yet apply, in accordance with Article 15(1) of Regulation (EU) No 1380/2014."</li> <li>2. Continue the specific conditions, adding that for situations where Article 15(8) is applied, the application of this special condition has to be seen as part of the flexibility of Article 15(8). This would be to avoid the cumulative inter-quota flexibility.</li> </ol>
Northern prawn in Norwegian waters south of 62°N	By-catches of cod, haddock, pollack, whiting and saithe are to be counted against the quotas for these species.	Inter-quota flexibility	TAC in Norwegian waters: special condition can remain - if it is deemed that EU landing obligation does not apply in 3 <sup>rd</sup> country waters according to Article 15(1) BR
"Penaeus" shrimps in French Guiana waters	Fishing for shrimps <i>Penaeus subtilis</i> and <i>Penaeus brasiliensis</i> is prohibited in waters less than 30 metres deep.	Ambiguity	If this is deemed to be a prohibition as provided for by Article 15(4)(a), then it can stay.
Saithe in Norwegian waters south of 62°N	By-catches of cod, haddock, pollack and whiting are to be counted against the quota for these species.	Inter-quota flexibility	TAC in Norwegian waters: special condition can remain - if it is deemed that EU landing obligation does not apply in 3 <sup>rd</sup> country waters according to Article 15(1) BR
Skates and rays in Union waters of IIa and IV	By-catch quota. These species shall not comprise more than 25 % by live weight of the catch retained on board per fishing trip. This condition applies only to vessels over 15 metres' length overall.	Catch-composition rule	Catch composition rule: to be removed.
	Shall not apply to common skate ( <i>Dipturus batis</i> ) complex ( <i>Dipturus cf. flossada</i> and <i>Dipturus cf. intermedia</i> ) and starry ray ( <i>Amblyraja radiata</i> ). When accidentally caught, these species shall not be harmed. Specimens shall be promptly released. Fishermen shall be encouraged to develop and use techniques and equipment to	Elasmobranchs with TAC 0 – current obligation to discard because they survive	<ol style="list-style-type: none"> <li>1. Adapt the protection – adding this text: "This provision shall only apply to catches in fisheries where the landing obligation does not yet apply, in accordance with Article 15(1) of Regulation (EU) No 1380/2014".</li> </ol>

TAC	Special condition	Issue	Possible solutions
Skates and rays in Union waters of Via, VIb, VIIa-c and VIIe-k	facilitate the rapid and safe release of the species.		2. Upgrade protection to prohibition.
	Shall not apply to undulate ray ( <i>Raja undulata</i> ), common skate ( <i>Dipturus batis</i> ) complex ( <i>Dipturus cf. flossada</i> and <i>Dipturus cf. intermedia</i> ), Norwegian skate ( <i>Raja (Dipturus) nidarosiensis</i> ) and white skate ( <i>Raja alba</i> ). When accidentally caught, these species shall not be harmed. Specimens shall be promptly released. Fishermen shall be encouraged to develop and use techniques and equipment to facilitate the rapid and safe release of the species.	Elasmobranchs with TAC 0 – current obligation to discard because they survive	1. Adapt the protection – adding this text:  “This provision shall only apply to catches in fisheries where the landing obligation does not yet apply, in accordance with Article 15(1) of Regulation (EU) No 1380/2014”.  2. Upgrade protection to prohibition.
	Shall not apply to common skate ( <i>Dipturus batis</i> ) complex ( <i>Dipturus cf. flossada</i> and <i>Dipturus cf. intermedia</i> ), undulate ray ( <i>Raja undulata</i> ) and starry ray ( <i>Amblyraja radiata</i> ). When accidentally caught, these species shall not be harmed. Specimens shall be promptly released. Fishermen shall be encouraged to develop and use techniques and equipment to facilitate the rapid and safe release of the species.	Elasmobranchs with TAC 0 – current obligation to discard because they survive	1. Adapt the protection – adding this text:  “This provision shall only apply to catches in fisheries where the landing obligation does not yet apply, in accordance with Article 15(1) of Regulation (EU) No 1380/2014”.  2. Upgrade protection to prohibition.
Skates and rays in Union waters of VIId	Shall not apply to common skate ( <i>Dipturus batis</i> ) complex ( <i>Dipturus cf. flossada</i> and <i>Dipturus cf. intermedia</i> ), undulate ray ( <i>Raja undulata</i> ) and starry ray ( <i>Amblyraja radiata</i> ). When accidentally caught, these species shall not be harmed. Specimens shall be promptly released. Fishermen shall be encouraged to develop and use techniques and equipment to facilitate the rapid and safe release of the species.	Elasmobranchs with TAC 0 – current obligation to discard because they survive	1. Adapt the protection – adding this text:  “This provision shall only apply to catches in fisheries where the landing obligation does not yet apply, in accordance with Article 15(1) of Regulation (EU) No 1380/2014”.  2. Upgrade protection to prohibition.
Skates and rays in Union waters of VIII and IX	Shall not apply to undulate ray ( <i>Raja undulata</i> ), common skate ( <i>Dipturus batis</i> ) complex ( <i>Dipturus cf. flossada</i> and <i>Dipturus cf. intermedia</i> ) and white skate ( <i>Raja alba</i> ). When accidentally caught, these species shall not be harmed. Specimens shall be promptly released. Fishermen shall be encouraged to develop and use techniques and equipment to facilitate the rapid and safe release of the species.	Elasmobranchs with TAC 0 – current obligation to discard because they survive	1. Adapt the protection – adding this text:  “This provision shall only apply to catches in fisheries where the landing obligation does not yet apply, in accordance with Article 15(1) of Regulation (EU) No 1380/2014”.  2. Upgrade protection to prohibition.
Mackerel	Special condition: including the following tonnage to be taken in Norwegian waters south of 62° N (MAC/*04N-): 247. When fishing under this special condition, by-catches of cod, haddock, pollack and whiting and saithe are to be counted	Inter-quota flexibility which deviates from Article 15(8) BR	Quota flexibility:  1. Deletion (or adding to the text: “These provisions shall only apply to catches in fisheries where the landing obligation does not yet apply, in accordance with Article

TAC	Special condition	Issue	Possible solutions
	against the quotas for these species.		15(1) of Regulation (EU) No 1380/2014."  2. Continue the specific conditions, adding that for situations where Article 15(8) is applied, the application of this special condition has to be seen as part of the flexibility of Article 15(8). This would be to avoid the cumulative inter-quota flexibility.
Sprat and associated by-catches in IIIa	At least 95 % of landings counted against this quota shall be of sprat. By-catches of dab, whiting and haddock to be counted against the remaining 5 % of the quota (OTH/*03A.).	Catch composition rule  +  Inter-quota flexibility which deviates from Article 15(8) BR	Catch composition rule: to be removed.  Quota flexibility:  1. Deletion (or adding to the text: "These provisions shall only apply to catches in fisheries where the landing obligation does not yet apply, in accordance with Article 15(1) of Regulation (EU) No 1380/2014."  2. Continue the specific conditions, adding that for situations where Article 15(8) is applied, the application of this special condition has to be seen as part of the flexibility of Article 15(8). This would be to avoid the cumulative inter-quota flexibility.
Sprat and associated by-catches in Union waters of IIa and IV	At least 98 % of landings counted against this quota shall be of sprat. By-catches of dab and whiting to be counted against the remaining 2 % of the quota (OTH/*2AC4C).	Catch composition rule  +  Inter-quota flexibility which deviates from Article 15(8) BR	Catch composition rule: to be removed  Quota flexibility:  1. Deletion (or adding to the text: "These provisions shall only apply to catches in fisheries where the landing obligation does not yet apply, in accordance with Article 15(1) of Regulation (EU) No 1380/2014."  2. Continue the specific conditions, adding that for situations where Article 15(8) is applied, the application of this special condition has to be seen as part of the flexibility of Article 15(8). This would be to avoid the cumulative inter-quota flexibility.
Spurdog/dogfish in	Catches taken with longlines of tope	Elasmobranchs	1. Adapt the protection – adding

TAC	Special condition	Issue	Possible solutions
Union waters of IIa and IV	shark ( <i>Galeorhinus galeus</i> ), kitefin shark ( <i>Dalatias licha</i> ), bird beak dogfish ( <i>Deania calcea</i> ), leafscale gulper shark ( <i>Centrophorus squamosus</i> ), greater lanternshark ( <i>Etmopterus princeps</i> ), smooth lanternshark ( <i>Etmopterus pusillus</i> ), Portuguese dogfish ( <i>Centroscymnus coelolepis</i> ) and spurdog ( <i>Squalus acanthias</i> ) are included. When accidentally caught, these species shall not be harmed. Specimens shall be promptly released.	with TAC 0 – current obligation to discard because they survive	<p>this text:</p> <p>“This provision shall only apply to catches in fisheries where the landing obligation does not yet apply, in accordance with Article 15(1) of Regulation (EU) No 1380/2014”.</p> <p>2. Upgrade protection to prohibition.</p>
Spurdog/dogfish in Union and international waters of I, V, VI, VII, VIII, XII and XIV	Catches taken with longlines of tope shark ( <i>Galeorhinus galeus</i> ), kitefin shark ( <i>Dalatias licha</i> ), bird beak dogfish ( <i>Deania calcea</i> ), leafscale gulper shark ( <i>Centrophorus squamosus</i> ), greater lanternshark ( <i>Etmopterus princeps</i> ), smooth lanternshark ( <i>Etmopterus pusillus</i> ), Portuguese dogfish ( <i>Centroscymnus coelolepis</i> ) and spurdog ( <i>Squalus acanthias</i> ) are included. When accidentally caught, these species shall not be harmed. Specimens shall be promptly released.	Elasmobranchs with TAC 0 – current obligation to discard because they survive	<p>1. Adapt the protection – adding this text:</p> <p>“This provision shall only apply to catches in fisheries where the landing obligation does not yet apply, in accordance with Article 15(1) of Regulation (EU) No 1380/2014”.</p> <p>2. Upgrade protection to prohibition.</p>
Horse mackerel and associated by-catches in Union waters of IVb, IVc and VIII d	At least 95 % of landings counted against this quota shall be of horse mackerel. By-catches of boarfish, haddock, whiting and mackerel are to be counted against the remaining 5 % of the quota (OTH/*4BC7D).	<p>Catch composition rule</p> <p>+</p> <p>Inter-quota flexibility which deviates from Article 15(8) BR</p>	<p>Catch composition rule: to be removed</p> <p>Quota flexibility:</p> <p>1. Deletion (or adding to the text: "These provisions shall only apply to catches in fisheries where the landing obligation does not yet apply, in accordance with Article 15(1) of Regulation (EU) No 1380/2014."</p> <p>2. Continue the specific conditions, adding that for situations where Article 15(8) is applied, the application of this special condition has to be seen as part of the flexibility of Article 15(8). This would be to avoid the cumulative inter-quota flexibility.</p>
Horse mackerel and associated by-catches in Union waters of IIa, IVa; VI, VII-ac, VIIIe-k, VIIIa, VIIIb, VIII d	At least 95 % of landings counted against this quota shall be of horse mackerel. By-catches of boarfish, haddock, whiting and mackerel are to be counted against the remaining	<p>Catch composition rule</p> <p>+</p> <p>Inter-quota</p>	<p>Catch composition rule: to be removed</p> <p>Quota flexibility:</p> <p>1. Deletion (or adding to the text:</p>

TAC	Special condition	Issue	Possible solutions
and VIIIe; Union and international waters of Vb; international waters of XII and XIV	5 % of the quota (OTH/*2A-14).	flexibility which deviates from Article 15(8) BR	<p>"These provisions shall only apply to catches in fisheries where the landing obligation does not yet apply, in accordance with Article 15(1) of Regulation (EU) No 1380/2014."</p> <p>2. Continue the specific conditions, adding that for situations where Article 15(8) is applied, the application of this special condition has to be seen as part of the flexibility of Article 15(8). This would be to avoid the cumulative inter-quota flexibility.</p>
Horse mackerel in VIIIc	Of which, notwithstanding Article 19 of Regulation (EC) No 850/98 [1], no more than 5 % may consist of horse mackerel between 12 and 15 cm. For the purposes of the control of that quantity, the conversion factor to be applied to the weight of the landings shall be 1,20.	Catch-composition rule	Catch composition rule to be removed
Horse mackerel in X, Union waters of CECAF	Of which, notwithstanding Article 19 of Regulation (EC) No 850/98, no more than 5 % may consist of horse mackerel between 12 and 14 cm. For the purposes of the control of that quantity, the conversion factor to be applied to the weight of the landings shall be 1,20.	Catch-composition rule	Catch composition rule: to be removed
Horse mackerel in Union waters of CECAF	Of which, notwithstanding Article 19 of Regulation (EC) No 850/98, no more than 5 % may consist of horse mackerel between 12 and 14 cm. For the purposes of the control of that quantity, the conversion factor to be applied to the weight of the landings shall be 1,20.	Catch-composition rule	Catch composition rule: to be removed
Norway pout and associated by-catches in IIIa; Union waters of IIa and IV	At least 95 % of landings counted against this quota shall be of Norway pout. By-catches of haddock and whiting to be counted against the remaining 5 % of the quota (OT2/*2A3A4).	<p>Catch composition rule</p> <p>+</p> <p>Inter-quota flexibility which deviates from Article 15(8) BR</p>	<p>Catch composition rule: to be removed</p> <p>Quota flexibility:</p> <p>1. Deletion (or adding to the text: "These provisions shall only apply to catches in fisheries where the landing obligation does not yet apply, in accordance with Article 15(1) of Regulation (EU) No 1380/2014.")</p> <p>2. Continue the specific conditions,</p>

TAC	Special condition	Issue	Possible solutions
			adding that for situations where Article 15(8) is applied, the application of this special condition has to be seen as part of the flexibility of Article 15(8). This would be to avoid the cumulative inter-quota flexibility.
	A sorting grid shall be used. Includes a maximum of 15% of unavoidable by-catches (NOP/*2A3A4), to be counted against this quota.	Catch composition rule	Catch composition rule: to be removed
Industrial fish in Norwegian waters of IV	By-catches of cod, haddock, pollack, whiting and saithe to be counted against the quotas for these species.	Inter-quota flexibility	TAC in Norwegian waters: special condition can remain - if it is deemed that EU landing obligation does not apply in 3 <sup>rd</sup> country waters according to Article 15(1) BR

**In annex IB:**

TAC	Special condition	Type	Possible solution
Snow crab in Greenland waters of NAFO 1	Fishing is prohibited between 1 January and 31 March in Greenland waters of NAFO Subarea 1 North of 64° 15' N.	Ambiguity	TAC in Greenland waters: special condition can remain - if it is deemed that EU landing obligation does not apply in 3 <sup>rd</sup> country waters according to Article 15(1) BR or if this is deemed a (temporary) prohibition in the sense of Article 15(4)(a)
Redfish in international waters of I and II	Vessels shall limit their by-catches of redfish in other fisheries to a maximum of 1 % of the total catch retained on board.	Catch-composition rule	NEAFC stock: to be dealt with in that context