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EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2020/2012

of 5 August 2020

amending Delegated Regulation (EU) 2018/161 establishing a *de minimis* exemption to the landing obligation for certain small pelagic fisheries in the Mediterranean Sea, as regards its period of application

THE EUROPEAN COMMISSION,

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

Having regard 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/EC ⁽¹⁾, and in particular Article 15(7) thereof,

Whereas:

- (1) Regulation (EU) No 1380/2013 aims to eliminate progressively discards in all Union fisheries through the introduction of a landing obligation for catches of species subject to catch limits. In the Mediterranean Sea, it also applies to catches of species subject to minimum conservation reference sizes as listed in Annex IX to Regulation (EU) 2019/1241 of the European Parliament and of the Council ⁽²⁾.
- (2) According to Article 15(1)(a) of Regulation (EU) No 1380/2013, the landing obligation applies to small pelagic fisheries from 1 January 2015.
- (3) In order to avoid disproportionate costs of handling unwanted catches, Commission Delegated Regulation (EU) 2018/161 ⁽³⁾ allowed the discarding of a small percentage of catches of species subject to minimum conservation reference sizes. It provides for a combined *de minimis* exemption that applies to small pelagic fisheries using pelagic mid-water trawl and/or purse seines and catching anchovy, sardine, mackerel and horse mackerel in the General Fisheries for the Commission of the Mediterranean (GFCM) geographical sub-areas 1, 2, 5, 6, 7, 8, 9, 10, 11.1, 11.2, and 12 (western Mediterranean Sea); 17 and 18 (Adriatic Sea); and 15, 16, 19, 20, 22, 23 and 25 (south-eastern Mediterranean Sea).
- (4) Delegated Regulation (EU) 2018/161 is to apply until 31 December 2020.
- (5) In May 2020, the Pescamed Member States High-Level group in the western Mediterranean (Spain, France and Italy), Adriatica High-Level group in the Adriatic Sea (Croatia, Italy and Slovenia) and Sudestmed High-Level group in the south-eastern Mediterranean Sea (Greece, Italy, Cyprus and Malta) having a direct management interest for small pelagic fisheries in the Mediterranean Sea submitted scientific evidence to request the prolongation of the *de minimis* exemption laid down in Delegated Regulation (EU) 2018/161.

⁽¹⁾ OJ L 354, 28.12.2013, p. 22.

⁽²⁾ Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) No 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105).

⁽³⁾ Commission Delegated Regulation (EU) 2018/161 of 23 October 2017 establishing a *de minimis* exemption to the landing obligation for certain small pelagic fisheries in the Mediterranean Sea (OJ L 30, 2.2.2018, p. 1).

- (6) In May 2020, an expert working group of the Scientific, Technical and Economic Committee for Fisheries (STECF) reviewed the scientific evidence submitted and considered that prolonging the *de minimis* exemption would require additional evidence, in particular concerning the level of discards reported in the fisheries concerned.
- (7) In June 2020, the three Member States High-Level groups submitted additional evidence to reply to the observations of the STECF's expert working group. In light of the additional evidence submitted, the STECF ⁽⁴⁾ concluded that the scientific criteria justifying the prolongation of the *de minimis* exemption granted under Delegated Regulation (EU) 2018/161 were met.
- (8) The *de minimis* exemption provided for in Delegated Regulation (EU) 2018/161 applies to several species caught at the same time by small scale fishing vessels and at highly varying quantities, and landed at many different landing points spread out geographically along the coast, which makes a single stock approach more difficult[?]. Those species are subject to minimum conservation sizes as listed in Annex IX to Regulation (EU) 2019/1241.
- (9) The information provided as regards the disproportionate costs of handling unwanted catches and as regards the levels of unwanted catches has improved. However, the STECF notes that improvement in collecting discards data is still needed. In this context, and to avoid disproportionate costs of handling unwanted catches and the interruption of the activities of the fisheries concerned and of related economic activities, the Commission considers it appropriate to prolong the period of application of the *de minimis* exemption laid down in Delegated Regulation (EU) 2018/161.
- (10) Delegated Regulation (EU) 2018/161 should therefore be amended accordingly.
- (11) Since the measures provided for in this Regulation impact directly on the planning of the fishing season of Union vessels and on related economic activities, this Regulation should enter into force immediately after its publication. For the purpose of legal certainty and as Delegated Regulation (EU) 2018/161 expires on 31 December 2020, this Regulation should apply from 1 January 2021.

HAS ADOPTED THIS REGULATION:

Article 1

In Article 4 of Delegated Regulation (EU) 2018/161, the second paragraph is replaced by the following:

'It shall apply until 31 December 2023'.

Article 2

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 2021.

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

Done at Brussels, 5 August 2020.

For the Commission
The President
Ursula VON DER LEYEN

⁽⁴⁾ Scientific, Technical and Economic Committee for Fisheries (STECF) Evaluation of Joint Recommendations on the Landing Obligation and on the Technical Measures Regulation (STECF-20-04). Publications Office of the European Union, Luxembourg, 2020, <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf/d71aef4f-7366-48cb-9cdb-afcf58565ee6>

COMMISSION DELEGATED REGULATION (EU) 2020/2013**of 21 August 2020****amending Regulation (EU) 2019/1241 of the European Parliament and of the Council as regards technical measures for certain demersal and pelagic fisheries in the North Sea and in the South Western Waters**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 ⁽¹⁾, and in particular Articles 2(2), 10(4) and 15(2) thereof,

Whereas:

- (1) On 14 August 2019 a new Regulation (EU) 2019/1241 on the conservation measures of fisheries resources and the protection of marine ecosystems through technical measures entered into force. It establishes in Annex I a list of prohibited species, in Annex V specific provisions regarding technical measures established at regional level for the North Sea and in Annex VII specific provisions regarding technical measures established at regional level for the South Western Waters.
- (2) Article 2(2) of Regulation (EU) 2019/1241 empowers the Commission to adopt delegated acts in accordance with Article 15 and Article 29 to amend this Regulation by providing that the relevant provisions of Article 13 or parts A or C of Annexes V to X also apply to recreational fishing.
- (3) Article 10(4) of Regulation (EU) 2019/1241 empowers the Commission to adopt delegated acts in accordance with Article 29 to amend the list of prohibited species, set out in Annex I.
- (4) Article 15(2) of Regulation (EU) 2019/1241 empowers the Commission to adopt delegated acts in accordance with Article 29 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽²⁾ to amend, supplement, repeal or derogate from the technical measures set out in the Annexes to Regulation (EU) 2019/1241, including when implementing the landing obligation.
- (5) Annex I sets out the list of prohibited species. Annex V and Annex VII of Regulation (EU) 2019/1241 set out specific technical measures for the North Sea and for the South Western Waters, respectively.
- (6) Belgium, Denmark, Germany, France, the Netherlands and Sweden have a direct fisheries management interest in the North Sea. After consulting the North Sea Advisory Council and the Pelagic Advisory Council, those Member States submitted on 4 May 2020 a joint recommendation to the Commission for a delegated act.
- (7) Belgium, Spain, France, the Netherlands and Portugal have a direct fisheries management interest in the South Western Waters. After consulting the South Western Waters Advisory Council and the Pelagic Advisory Council, those Member States submitted on 4 May 2020 a joint recommendation to the Commission for a delegated act.
- (8) This Regulation aims at incorporating into one single act existing provisions on technical measures that were in the past adopted as part of the discard plans for the North Sea and South-Western Waters, and newly proposed technical measures.

⁽¹⁾ OJ L 198, 25.7.2019, p. 105.

⁽²⁾ 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/EC (OJ L 354, 28.12.2013, p. 22).

- (9) Based on the information provided by the Member States, the Scientific, Technical and Economic Committee for Fisheries (STECF) positively assessed the evidence provided by the regional groups in support of the technical measures included in both joint recommendations ⁽³⁾.
- (10) The measures included in this Regulation have been evaluated in accordance with Article 2(2), 10, 15 and Article 18 of Regulation (EU) 2019/1241. Member States provided evidence to demonstrate that the proposals comply with Articles 15(4) and (5) of Regulation (EU) 2019/1241.
- (11) The Fisheries Expert Group was consulted on the joint recommendation on 28 July 2020. The European Parliament attended the meeting as an observer.
- (12) The joint recommendation submitted by the Member States with an interest in the North Sea (NS joint recommendation) suggested to include berried lobster in the list of species in Annex I of Regulation (EU) 2019/1241 for which there is a prohibition to fish for, retain on board, tranship, land, store, sell, display or offer for sale. The STECF analysed the evidence presented by the Member States and concluded that there is compelling evidence to support the introduction of this measure. The STECF noted that similar measures have been taken in other areas and have produced long-term economic benefits from increased landings of lobster due to stock recovery. The proposed measure should therefore be included in this Regulation.
- (13) The NS joint recommendation suggested increasing the minimum conservation reference size for European lobster in the Swedish exclusive economic zone (EEZ) in ICES division 3a. The STECF pointed out that despite no specific evidence for this request, the measure represents an increase of the minimum conservation reference size. With such a measure, the stock will be exploited at a lower intensity, with obvious subsequent benefits for the conservation of the stock. The proposed measure should therefore be included in this Regulation.
- (14) The NS joint recommendation also suggested to harmonise the minimum conservation reference size for seabass caught in recreational fisheries in ICES division 3a and ICES subarea 4 with the minimum conservation reference size of seabass for commercial fisheries, as included in Article 10, paragraph 5 of Council Regulation (EU) 2020/123 ⁽⁴⁾. The STECF noted in its report 20-04 that given recreational fisheries contributes to the overall fishing mortality, applying the minimum conservation reference size for commercial fisheries also to recreational fisheries is a positive management measure. The proposed measure should therefore be included in this Regulation.
- (15) The NS joint recommendation further suggested the continuation of a number of additional technical measures agreed between the Union and Norway in 2011 ⁽⁵⁾ and 2012 ⁽⁶⁾. Certain of these specific technical measures were already included in Annex V of Regulation (EU) 2019/1241, others were included pursuant to Article 15(5)(a) of Regulation (EU) No 1380/2013 for the years 2019-2021 in Commission Delegated Regulation (EU) 2019/2238 ⁽⁷⁾. These measures aim at increasing selectivity and reduce unwanted catches for fisheries or species covered by the landing obligation and should be incorporated into Annex V of Regulation (EU) 2019/1241. These measures should therefore be included in this Regulation.

⁽³⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf> pages 165-169 (North Sea) and 219-220 (South Western Waters).

⁽⁴⁾ Regulation (EU) 2020/123 of 27 January 2020 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 25, 30.1.2020, p. 1).

⁽⁵⁾ Agreed record of fisheries consultations between Norway and the European Union on the regulation of fisheries in the Skagerrak and the Kattegat for 2012.

⁽⁶⁾ Agreed record of fisheries consultations between the European Union and Norway on measures for the implementation of a discard ban and control measures in the Skagerrak area, 4 July 2012.

⁽⁷⁾ Commission Delegated Regulation (EU) 2019/2238 of 1 October 2019 specifying details of implementation of the landing obligation for certain demersal fisheries in the North Sea for the period 2020-2021 (OJ L 336, 30.12.2019, p. 34).

- (16) The NS joint recommendation suggested also continuation of the use of SepNep nets permitted by Delegated Regulation (EU) 2019/2238. The STECF concluded that the information presented was detailed and credible and supporting evidence of the effectiveness of the SepNep was provided. The device was analysed by STECF in previous years and its conclusion remains valid ⁽⁸⁾. On the basis of the provided information STECF also concluded that the SepNep complies with Article 15(5) of Regulation (EU) 2019/1241 as an equivalent selectivity device in the context of the technical provisions set out for Nephrops directed fisheries and will not lead to deterioration of selectivity standards. The measure should therefore be included in this Regulation.
- (17) The NS joint recommendation also suggested a seasonal closure for commercial and recreational fishery for European lobster in the Swedish exclusive economic zone (EEZ) in ICES division 3a. The STECF analysed the evidence provided by the Member States and noted that, although no specific supporting information was provided allowing to quantify its potential benefit, the measure will represent a reduction in fishing mortality that is likely to have positive benefits on lobster stocks in combination with the other measures proposed. The proposed measure should therefore be included in this Regulation.
- (18) The NS joint recommendation suggested a prohibition to fish lobster with gears other than lobster pots in the Swedish exclusive economic zone (EEZ) in ICES division 3a. STECF concluded that, although no specific supporting information was provided allowing to quantify its potential benefit, banning the use of gillnets for targeting lobster and crawfish has had positive effects in other areas and that the measure is likely to have positive benefits on lobster stocks. This measure should therefore be included in this Regulation.
- (19) The joint recommendation submitted by the Member States with an interest in the South Western Waters (SWW joint recommendation) suggested maintaining the minimum conservation reference size of the horse mackerel caught by a small artisanal fishery in Xávega region in ICES division 8c and subarea 9 that is currently included in Commission Delegated Regulation (EU) No 1394/2014 ⁽⁹⁾. The STECF referred to its previous assessment where it assessed this measure positively and concluded ⁽¹⁰⁾ that, with the conditions laid down in the joint recommendation, the proposal was not likely to change the historical exploitation pattern of the stock. Given that the conditions of this request have not changed and that the STECF noted that the exploitation pattern has been stable for at least 20 years, this measure should therefore be included in this Regulation.
- (20) The SWW joint recommendation suggested to harmonise the minimum conservation reference size for the following species caught in recreational fisheries in the South Western Waters with the minimum conservation reference size applicable to commercial fisheries: haddock, saithe, pollack, hake, megrim, sole, plaice, whiting, ling, blue ling, mackerel, herring, horse mackerel, anchovy and sardine. The joint recommendation suggested higher minimum conservation reference sizes for cod, red seabream and seabass for recreational fisheries. The STECF analysed the evidence provided and concluded ⁽¹¹⁾ that given recreational fisheries contributes to the overall fishing mortality, applying the minimum conservation reference size for commercial fisheries also to recreational fisheries is a positive management measure. This measure should therefore be included in this Regulation.
- (21) In order to optimise exploitation patterns, increase gear selectivity and reduce unwanted catches it is therefore appropriate to adopt the technical measures submitted by the Member States.
- (22) As the measures provided for in this Regulation have a direct impact on the planning of the fishing season of Union vessels and on related economic activities, this Regulation should enter into force immediately after its publication. Given that certain technical measures adopted as part of discard plans expire at the end of 2020, this Regulation should apply from 1 January 2021,

⁽⁸⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/1710831/STECF+17-08+-+Evaluation+of+LO+joint+recommendations.pdf>

⁽⁹⁾ Commission Delegated Regulation (EU) No 1394/2014 of 20 October 2014 establishing a discard plan for certain pelagic fisheries in south-western waters (OJ L 370, 30.12.2014, p. 31).

⁽¹⁰⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/1471816/STECF+16-10+-+Evaluation+of+LO+joint+recommendations.pdf> pages 86-87.

⁽¹¹⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2660523/STECF+PLEN+20-01.pdf> pages 154-155.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2019/1241 is amended as follows:

(1) in Annex I, the following point is added:

‘(q) berried female European lobster (*Homarus gammarus*) in ICES divisions 3a, 4a and 4b’;

(2) Annex V is amended as follows:

(a) Part A is amended as follows:

(i) the following entry is added to the table:

European lobster (<i>Homarus gammarus</i>)	90 mm (Carapace length) in the Swedish exclusive economic zone in ICES division 3a
--	--

(ii) the following point is inserted below the table:

— ‘1. The minimum conservation reference sizes specified in this Part for seabass (*Dicentrarchus labrax*) in the North Sea and European lobster (*Homarus gammarus*) in Swedish exclusive economic zone in the Skagerrak and Kattegat (ICES division 3a) shall apply to recreational fisheries.’;

(b) the following points are added in Part B:

- ‘1.3. By way of derogation from the specifications in the table, a fish retention device may be used in Northern prawn fisheries in the Skagerrak (ICES division 3an) provided that there are adequate fishing opportunities to cover by-catch and that the retention device is:
 - constructed with a top panel with a minimum mesh size of 120 mm square mesh;
 - at least 3 metres long; and
 - at least as wide as the sorting grid.
- 1.4. The use of SepNep ** as referred to in Annex I of this Regulation shall be permitted as an equivalent selectivity device in the directed fisheries for Norway lobster (*Nephrops norvegicus*).

** “SepNep” means an otter trawl which:

- is constructed within the mesh size range of 80 to 99 + ≥ 100 mm,
- is fitted with multiple cod-ends of mesh sizes ranging from at least 80 to 120 mm attached to a single extension piece, the uppermost cod-end being constructed with a mesh size of at least 120 mm and fitted with a separation panel with a maximum mesh size of 105 mm, and
- may furthermore be fitted with an optional selection grid with a bar spacing of at least 17 mm provided it is constructed in such a way so as to allow the escape of small Norway lobster.’;

(c) the following point is added to Part C:

‘7. Measures on European lobster in ICES division 3a

7.1. In the Swedish exclusive economic zone of ICES division 3a, European lobster (*Homarus gammarus*) may only be fished with lobsterpots (FPO).

The lobsterpot shall have at least two circular escape openings with a diameter of at least 60mm which are situated in the lower part of each compartment of the lobsterpot. Lobster accidentally caught with other fishing gear shall not be harmed and shall be promptly released back into the sea.

7.2. It shall be prohibited to fish for, retain on board, tranship and land European lobster (*Homarus gammarus*) in the Swedish exclusive economic zone of ICES division 3a:

- (a) in commercial fisheries during the period 1 January to first Monday after 20 September;
- (b) in recreational fisheries during the period 1 December to first Monday after 20 September.

When caught accidentally during these periods, specimens of European lobster shall not be harmed and shall be promptly released back into the sea.’;

(3) Part A of Annex VII is amended as follows:

(a) in footnote 7, the first sentence is replaced by the following:

‘The minimum conservation reference size for horse mackerel (*Trachurus* spp.) caught in ICES division 8c and ICES subarea 9 shall be 12 cm for 5 % of the respective quotas of Spain and Portugal in those areas. Within that limit of 5 %, in the xávega artisanal beach sein fishery in ICES division 9a, 1 % of the quota of Portugal may be caught with the size below 12 cm.’;

(b) the following point is added below the table:

‘1. The minimum conservation reference sizes specified in this Part for haddock (*Melanogrammus aeglefinus*), saithe (*Pollachius virens*), pollack (*Pollachius pollachius*), hake (*Merluccius merluccius*), megrim (*Lepidorhombus* spp.), sole (*Solea* spp.), plaice (*Pleuronectes platessa*), whiting (*Merlangius merlangus*), ling (*Molva molva*), blue ling (*Molva dipterygia*), mackerel (*Scomber* spp.), herring (*Clupea harengus*), horse mackerel (*Trachurus* spp.), anchovy (*Engraulis encrasicolus*) and sardine (*Sardina pilchardus*) shall apply to recreational fisheries in the South Western Waters. However, the following minimum conservation reference sizes shall apply in ICES subarea 8 to the following species caught in recreational fisheries:

Cod (<i>Gadus morhua</i>)	42 cm
Red seabream (<i>Pagellus bogaraveo</i>)	40 cm
European seabass (<i>Dicentrarchus labrax</i>)	42 cm’

Article 2

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*.

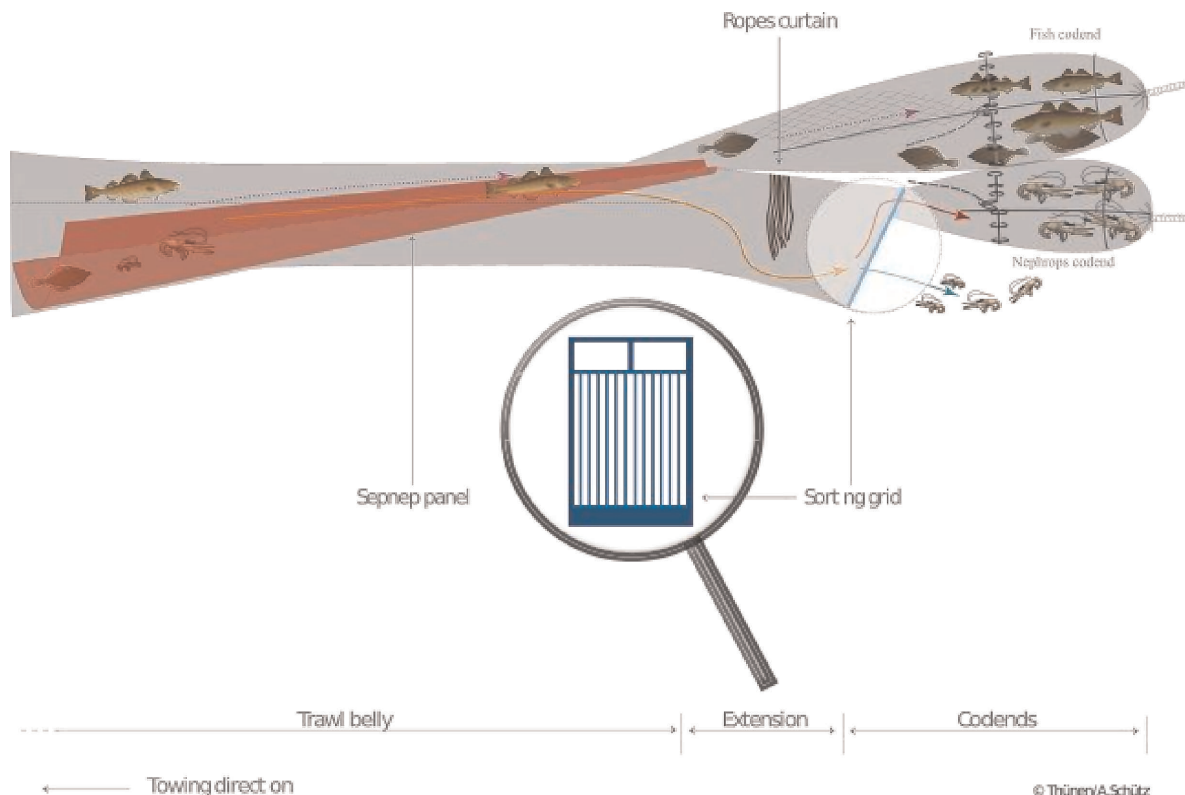
It shall apply from 1 January 2021.

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

Done at Brussels, 21 August 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

SepNep gear specificationsUpper cod end (fish cod-end)

- Minimum mesh opening 120mm (between knots)
- Maximum 80 mesh round (including selvages)

Lower cod end (Nephrops cod-end)

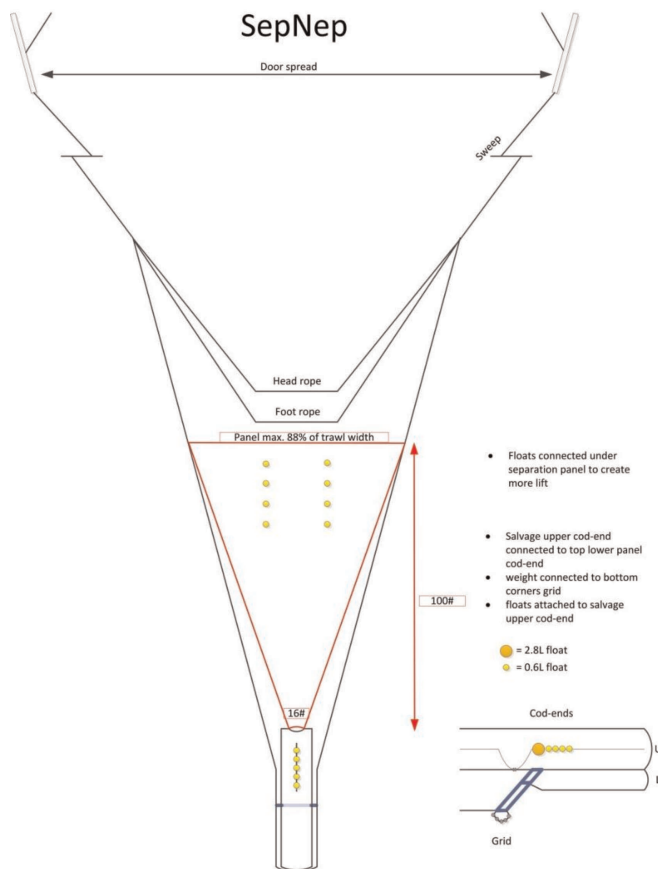
- Minimum mesh opening 80mm (between knots)
- Maximum 110 mesh round (including selvages)

Separation panel

- The separation panel should be attached to all netting material of the trawl, so that the only way for a fish/Nephrops to enter the lower compartment of the trawl is by passing through the meshes of the panel. The panel should guide the large individuals towards the entrance of the upper cod-end. The start of the panel should be connected to the trawl belly.
- Maximum mesh opening 105mm (between knots)
- Minimum length panel 100# meshes
- Aft edge of the panel, maximum 16# mesh wide
- The front edge the panel should have a maximum width of 88 % of the trawl width. This equals for instance 2 panel meshes (105mm) on 3 trawl meshes (80mm).
 - o Double knotted Dyneema advised for efficient functioning panel
 - o Floats attached to under panel raise the fore section improving sieving efficiency for Nephrops

Grid (optional)

- The grid should be attached to all cod-end or extension netting material around the grid, preventing any form of free entrance to the lower cod-end other than upper openings of the grid.
- Minimum bar spacing 17mm
- Angle of the grid should be between 40 and 90 degree, but 45 is advised.
- Entrance to the lower cod-end should be on the upper section of the grid.
- The vertical grid entrance to the lower cod-end should be maximal 35 % of the combined length of the vertical bar openings and opening to the lower cod-end.
- Weighted curtain ropes (72gr/m, 6mm diameter) are connected to the upper section of the extension or cod-end, and should be at least 4 meshes before the bottom section of the grid.
- Weighted curtain ropes should be extended until they reach through the lower bars of the grid.



COMMISSION DELEGATED REGULATION (EU) 2020/2014**of 21 August 2020****specifying details of implementation of the landing obligation for certain fisheries in the North Sea for the period 2021-2023**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2018/973 of the European Parliament and of the Council of 4 July 2018 establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea and repealing Council Regulations (EC) No 676/2007 and (EC) No 1342/2008 ⁽¹⁾, and in particular Article 11 thereof,

Whereas:

- (1) Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽²⁾ 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 9 of Regulation (EU) No 1380/2013 provides for the adoption of multiannual plans containing conservation measures for fisheries exploiting certain stocks in a relevant geographical area. Such multiannual plans specify details of the implementation of the landing obligation and may empower the Commission to further specify those details on the basis of joint recommendations developed by Member States.
- (3) Regulation (EU) 2018/973 establishes a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks. Article 11 of that Regulation empowers the Commission to adopt delegated acts to supplement that Regulation by specifying details of the landing obligation for all stocks of species in the North Sea to which the landing obligation applies under Article 15(1) of Regulation (EU) No 1380/2013, as provided for in points (a) to (e) of Article 15(5) of that Regulation on the basis of joint recommendations developed by Member States.
- (4) As set out in Regulation (EU) 2018/973, the North Sea comprises International Council for the Exploration of the Sea ('ICES') divisions 2a, 3a and subarea 4.
- (5) Commission Delegated Regulation (EU) 2019/2238 ⁽³⁾ specifies details of implementation of the landing obligation for certain demersal fisheries in the North Sea for the period 2020-2021, following a joint recommendation submitted by Belgium, Denmark, France, Germany, the Netherlands, Sweden and the United Kingdom ⁽⁴⁾ which have a direct fisheries management interest in the North Sea.
- (6) Belgium, Denmark, France, Germany, the Netherlands and Sweden, after consulting the North Sea Advisory Council and the Pelagic Advisory Council, submitted a joint recommendation to the Commission on 04 May 2020 establishing a discard plan for pelagic and demersal species in the North Sea for the period 2021-2023. The Member States submitted a revised version of the joint recommendation on 23 July 2020.
- (7) Scientific contributions were obtained from relevant scientific bodies and reviewed by the Scientific, Technical and Economic Committee for Fisheries ('STECF') ⁽⁵⁾. The Commission presented the measures concerned to an expert group consisting of representatives of 27 Member States on 28 July 2020 in a meeting attended by the European Parliament as an observer.

⁽¹⁾ OJ L 179, 16.7.2018, p. 1.

⁽²⁾ 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/EC (OJ L 354, 28.12.2013, p. 22).

⁽³⁾ Commission Delegated Regulation (EU) 2019/2238 of 1 October 2019 specifying details of implementation of the landing obligation for certain demersal fisheries in the North Sea for the period 2020-2021 (OJ L 336, 30.12.2019, p. 34).

⁽⁴⁾ The United Kingdom ceased being a Member State from 1 February 2020.

⁽⁵⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2537709/STECF+PLEN+19-02.pdf>

- (8) Under Article 18 of the Regulation (EU) No 1380/2013, the Commission has considered both the STECF assessment and the need for Member States to ensure the full implementation of the landing obligation. The regional group of Member States have based most of their *de minimis* exemption requests on a potential increase in costs as a consequence of handling unwanted catches. The information provided by the Member States in this regard has improved. However, STECF notes that improving data collection is still needed in some of the cases and that improving selectivity should be the priority to reduce the level of unwanted catches. Therefore, in such cases the exemptions will be granted on a case-by-case basis for 1 or 2 years. Member States should provide additional data resulting from trials and scientific studies that are ongoing.
- (9) Commission Delegated Regulation (EU) 2019/2238 included a survivability exemption, as provided for by Article 15(4)(b) of Regulation (EC) No 1380/2013, for Norway lobster caught with pots in ICES divisions 2a, 3a and ICES subarea 4, based on the scientific evidence which demonstrated high discard survival rates. Member States requested that the exemption be continued. The STECF evaluated the evidence submitted by the Member States in previous years and concluded ⁽⁶⁾ that the exemption is justified. Considering that the circumstances have not changed, that exemption should be maintained.
- (10) Delegated Regulation (EU) 2019/2238 included a survivability exemption for Norway lobster caught in ICES subarea 4 and ICES divisions 2a and 3a using bottom trawls, including some with a selectivity device. The Member States requested that the exemption be continued and provided new evidence. The STECF analysed the new evidence submitted by the Member States and concluded ⁽⁷⁾ that additional information had been provided for the East coast otter-trawl fishery for Nephrops, as required by STECF ⁽⁸⁾. The STECF concluded in previous years that the supporting information was robust and the validation technique used in the context of the wider fleets was reasonable ⁽⁹⁾. Considering that the circumstances have not changed, that exemption should be maintained.
- (11) Delegated Regulation (EU) 2019/2238 included a survivability exemption for common sole below minimum conservation reference size ("MCRS") caught by otter trawls in ICES division 4c, based on scientific evidence which demonstrated high discard survival rates. The Member States requested International Council for the Exploration of the Sea that the exemption be continued. The STECF evaluated the evidence in previous years and concluded ⁽¹⁰⁾ that it was sufficient. Considering that the circumstances have not changed, that exemption should be maintained.
- (12) Delegated Regulation (EU) 2019/2238 included a survivability exemption for the by-catch of species subject to catch limits in the fishery carried out with pots and fyke nets, based on the scientific evidence that demonstrated high discard survival rates. The STECF evaluated the evidence in previous years and concluded ⁽¹¹⁾ that the available data indicates that mortality of discarded fish is likely to be low; however, the actual catches in the fishery are negligible. The exemption should continue to apply given that the catches are not significant and considering that the circumstances have not changed.
- (13) Delegated Regulation (EU) 2019/2238 included a survivability exemption for plaice in the fishery carried out with gillnets and trammel nets in ICES division 3a and ICES subarea 4. The Member States requested that the exemption be continued. The STECF assessed the evidence in previous years and concluded ⁽¹²⁾ that the information was reasonable, showing considerably high survivability. Considering that the circumstances have not changed, that exemption should therefore be maintained in this Regulation.
- (14) Delegated Regulation (EU) 2019/2238 included a survivability exemption for plaice in the fishery carried out with Danish seines in ICES division 3a and ICES subarea 4. The Member States requested that the exemption be continued. The STECF assessed the evidence in previous years and concluded ⁽¹³⁾ that the data of the study on the survival rates are reliable. Considering that the circumstances have not changed, that exemption should therefore be maintained.

⁽⁶⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/1099561/STECF+PLEN+15-02.pdf>

⁽⁷⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf>

⁽⁸⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2537709/STECF+PLEN+19-02.pdf>

⁽⁹⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2147402/STECF+PLEN+18-02.pdf>

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

⁽¹¹⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/1780485/STECF+PLEN+17-02.pdf>

⁽¹²⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2147402/STECF+PLEN+18-02.pdf>

⁽¹³⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2147402/STECF+PLEN+18-02.pdf>

- (15) Delegated Regulation (EU) 2019/2238 included a survivability exemption 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 Member States requested that the exemption be continued. The joint recommendation also requested a new high survivability exemption for plaice caught with trawls with mesh size of 100 to 119 mm in ICES division 3a and ICES subarea 4. The Member States provided additional scientific evidence in order to demonstrate high discard survival rates for plaice in that fishery. The STECF noted that the supporting studies were performed with a 90 mm mesh size; therefore, it is unlikely that the survival rates are lower with a mesh size of at least 100 mm. Given that the season and air exposure are main factors influencing plaice survival and that survival rates may be lower after 60 minutes of air exposure, the exemptions should be included in this Regulation and the unwanted catches of plaice should be released immediately.
- (16) Delegated Regulation (EU) 2019/2238 included survivability exemptions for:
- plaice caught with trawls with a mesh size of at least 90 to 99 mm equipped with Seltra panel targeting flatfish or roundfish in Union waters of ICES division 3a,
 - plaice caught with trawls with a mesh size of at least 80 to 99 mm targeting flatfish or roundfish in Union waters of ICES subarea 4.
- (17) The Member States requested that the exemption be continued and submitted new scientific evidence resulting from ongoing studies. The STECF observed ⁽¹⁴⁾ that improvements in the definition to distinguish the flatfish and roundfish fishery from the fishery targeting nephrops are still needed. The Commission noted that Member States committed in the joint recommendation to carry out further work in this regard. This exemption should therefore be maintained.
- (18) Delegated Regulation (EU) 2019/2238 included a survivability exemption for catches of plaice below the MCRC caught with 80 to 119 mm beam trawl gears (BT2) in ICES division 2a and ICES subarea 4:
- 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 221 kW,
 - for plaice caught by the vessels of Member States implementing the roadmap for the Fully Documented Fisheries,
 - for flatfish caught with beam trawl gears (BT2) and by vessels with an engine power of not more than 221kW or less than 24 m in length overall, which are constructed to fish in the twelve miles zone, if the average trawl duration is less than ninety minutes.
- (19) The Member States requested that the exemption be continued and submitted new evidence. The STECF noted ⁽¹⁵⁾ that there are substantial research projects ongoing that should provide useful information about this exemption. Therefore, these exemptions should be maintained. Member States should submit relevant data resulting from the ongoing projects as soon as possible and not later than 1 May every year. The Commission also notes that Member States committed in the joint recommendation to submit a timetable for the completion of the roadmap with the next annual report by 1 May 2021.
- (20) Delegated Regulation (EU) 2019/2238 included a survivability exemption for turbot caught by TBB gears with a codend more than 80 mm in ICES subarea 4. The Member States requested that the exemption be continued and submitted new scientific information. The STECF noted ⁽¹⁶⁾ that it is unclear whether the survival estimates provided are applicable to this request. The Commission notes that Member States have committed in the joint recommendation to carrying out further research to observe the survival of discarded turbot and to provide more detailed information on survivability in a new scientific project, ongoing until the end of 2021. Therefore, this exemption should be maintained until 31 December 2022. Member States should submit annual reports on the progress of the ongoing work by 1 May every year.

⁽¹⁴⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf>

⁽¹⁵⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf>

⁽¹⁶⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf>

- (21) Delegated Regulation (EU) 2019/2238 included a survivability exemption for skates and rays caught with all fishing gears in ICES divisions 2a and 3a, and ICES subarea 4. The Member States requested that the exemption be continued and submitted new scientific information. The STECF concluded ⁽¹⁷⁾ that significant efforts have been made in addressing data gaps to meet the objectives of the roadmap. That exemption should therefore be maintained. However, improvements in data collection are required. Member States having a direct management interest should submit additional scientific information by 1 May each year, in particular for cuckoo ray that were found to have a lower survival rate. The Commission notes that following STECF's request, Member States have committed in the joint recommendation to report on the agreed roadmap, including for cuckoo ray.
- (22) Commission Delegated Regulation (EU) No 1395/2014 ⁽¹⁸⁾ included a survivability exemption for mackerel and herring caught with purse seines under certain conditions following a positive STECF evaluation ⁽¹⁹⁾. The studies found that survival rates depend on the crowding time and the density of fish within the net, which are typically limited in these fisheries. The Member States requested that the exemption be continued. Considering that the circumstances have not changed, the exemption should be maintained. Member States having a direct management interest should submit updated data on the fishery not later than 1 May 2022.
- (23) Delegated Regulation (EU) 2019/2238 included *de minimis* exemptions for:
- common sole caught with trammel nets and gillnets in ICES divisions 2a and 3a, ICES subarea 4,
 - common sole caught with certain beam trawls equipped with a Flemish panel in ICES subarea 4,
 - combined catches of common sole, haddock, whiting, cod, saithe and hake made with certain bottom trawls in ICES division 3a,
 - combined catches of common sole, haddock, whiting, cod, saithe, plaice, herring, Norway pout, greater silver smelt and blue whiting made with certain bottom trawls in ICES division 3a,
 - whiting caught with certain bottom trawls in ICES division 3a,
 - plaice caught with certain bottom trawls in ICES subarea 4,
 - all species subject to catch limits caught with certain beam trawls in ICES divisions 4b and 4c,
 - ling caught with certain bottom trawls in ICES subarea 4.
- (24) Member States requested that the exemption be continued. The STECF reviewed that evidence in previous years and concluded ⁽²⁰⁾ ⁽²¹⁾ ⁽²²⁾ that the documents submitted by the Member States contained reasoned arguments demonstrating that further improvements in selectivity are difficult to achieve or imply disproportionate costs in handling unwanted catches. Considering that the circumstances have not changed, it is appropriate to continue the *de minimis* exemptions in accordance with the percentage level and the necessary modifications suggested in the new joint recommendation pursuant to Article 15(5)(c) of Regulation (EU) No 1380/2013.
- (25) Delegated Regulation (EU) 2019/2238 included a *de minimis* exemption for whiting and cod caught with bottom trawls in ICES division 4c. Member States requested that the exemption be continued. The STECF reviewed this exemption in previous years ⁽²³⁾ and the exemption was granted on the grounds that selectivity was difficult to improve. However, given the current status of cod ⁽²⁴⁾, the STECF noted in its report 20-04 that Member States should take measures to reduce the level of unwanted catches. The exemption should therefore be granted for one year and Member States with an interest in this fishery should submit not later than 1 May 2021 additional information on catch composition for the assessment by the STECF.

⁽¹⁷⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf>

⁽¹⁸⁾ Commission Delegated Regulation (EU) No 1395/2014 of 20 October 2014 establishing a discard plan for certain small pelagic fisheries and fisheries for industrial purposes in the North Sea (OJ L 370, 30.12.2014, p. 35).

⁽¹⁹⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/812327/STECF+PLEN+14-02.pdf>

⁽²⁰⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/1099561/STECF+PLEN+15-02.pdf>

⁽²¹⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2147402/STECF+PLEN+18-02.pdf>

⁽²²⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/1710831/STECF+17-08+-+Evaluation+of+LO+joint+recommendations.pdf>

⁽²³⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/1710831/STECF+17-08+-+Evaluation+of+LO+joint+recommendations.pdf>

⁽²⁴⁾ <http://ices.dk/sites/pub/Publication%20Reports/Advice/2020/2020/cod.27.47d20.pdf>

- (26) Delegated Regulation (EU) 2019/2238 included a *de minimis* exemption for whiting and cod below the MCRS caught with bottom trawls or seines in ICES subareas 4a and 4b. Member States requested that the exemption be continued and provided new evidence. The STECF reviewed the evidence submitted by the Member States and noted that a new study is ongoing but that improvements in the evidence provided are still needed. Given the current status of cod ⁽²⁵⁾, the STECF noted in its report 20-04 that Member States should take measures to reduce the level of unwanted catches. The exemption should therefore be granted for two years and only for whiting at a reduced percentage.
- (27) Delegated Regulation (EU) 2019/2238 included a *de minimis* exemption for whiting below the minimum conservation reference size caught by vessels using beam trawls with mesh size 80 to 119 mm in ICES subarea 4. Member States requested that the exemption be continued and provided new evidence. The STECF noted ⁽²⁶⁾ that there is evidence on increased costs. Member States pointed to a potential choke risk for this fishery, as well as to ongoing studies on the uptake of selectivity measures that should provide useful information about this exemption. However, STECF observed that the information provided is limited and only covers the Dutch fleet. The exemption should therefore be granted for one year. Member States should submit further evidence on disproportionate costs and improvements on selectivity by 1 May 2021.
- (28) Delegated Regulation (EU) No 1395/2014 included a *de minimis* exemption for 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. Member States requested that the exemption be continued and provided new evidence. The STECF concluded ⁽²⁷⁾ that it is reasonable to assume that achieving additional selectivity improvements would be difficult and that the costs for sorting catches would be high given the nature of the fisheries involved. However, STECF observed that limited new information is provided Member States should provide further quantitative evidence supporting the *de minimis* exemption. The exemption should therefore be granted for two years. Member States should submit additional information for assessment by the STECF not later than 1 May 2022.
- (29) Delegated Regulation (EU) 2019/2238 granted a *de minimis* exemption for a combined quantity of sprat, sandeel, Norway pout and blue whiting in demersal fisheries with trawls in ICES division 3a and ICES subarea 4. Member States requested that the exemption be continued and provided new evidence. The STECF concluded ⁽²⁸⁾ that it is reasonable to assume that achieving additional selectivity improvements would be difficult and that the costs for sorting catches would be high given the nature of the fisheries involved. However, STECF noted that further quantitative data was needed to support the exemption. The exemption should therefore be granted for two years. Member States should provide updated scientific data and appropriate supporting information by 1 May 2022.
- (30) Delegated Regulation (EU) 2019/2238 granted a *de minimis* exemption for ling caught with longlines in ICES subarea 4. Member States requested that the exemption be continued and provided new evidence. The STECF reviewed the information submitted by the Member States and concluded ⁽²⁹⁾ that although the information presented is limited, the arguments regarding difficulties in improving selectivity are credible. The exemption should therefore be granted for two years. Member States should present additional information underpinning this exemption by 1 May 2022.
- (31) Delegated Regulation (EU) 2019/2238 granted *de minimis* exemptions for mackerel and horse mackerel caught with bottom trawls with a mesh size between 80-99 mm in ICES subarea 4. Member States requested that the exemption be continued and provided new evidence. The STECF reviewed the evidence submitted by the Member States and concluded ⁽³⁰⁾ that there is evidence of increased costs associated with handling and storing unwanted catches but that the information provided was limited to certain areas and fleets. The exemption should therefore be granted for two years and it should apply to those areas and fleets. Member States should present additional information underpinning this exemption by 1 May 2022.

⁽²⁵⁾ <http://ices.dk/sites/pub/Publication%20Reports/Advice/2020/2020/cod.27.47d20.pdf>

⁽²⁶⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf>

⁽²⁷⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf>

⁽²⁸⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf>

⁽²⁹⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf>

⁽³⁰⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf>

- (32) The joint recommendation included a new *de minimis* exemption for blue whiting in the industrial pelagic trawler fishery. The STECF analysed the evidence provided by the Member States and concluded ⁽³¹⁾ that the information supporting the arguments of selectivity being difficult to achieve and disproportionate costs of handling unwanted catches was limited. However, STECF observed that achieving additional selectivity improvements would be difficult given the technical and sanitary specificities of the factory trawler involved. The exemption should be granted for two years to align to other sea basins and to allow Member States sufficient time to clarify the discrepancies in the data, as identified by the STECF. Member States should present additional information by 1 May 2022.
- (33) To ensure reliable estimations of levels of discarding for the purpose of the setting of the total allowable catches, Member States should, in the 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 that exemption.
- (34) 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 with Regulation (EU) 2018/973, in particular Article 11 thereof, and may thus be included in this Regulation.
- (35) Pursuant to Article 16(2) of Regulation (EU) 2018/973, the power to adopt delegated acts with regards to the landing obligation is conferred on the Commission for a period of five years from 5 August 2018. It is therefore appropriate to revise the impact of the survivability and *de minimis* exemptions from the landing obligation.
- (36) Delegated Regulation (EU) 2019/2238 should be repealed and replaced by a new Regulation. However, Articles 11 and 12 of Delegated Regulation (EU) 2019/2238 provide for technical measures to increase gear selectivity and reduce unwanted catches in the Skagerrak, and to permit the use of SepNep nets. Those measures should remain applicable until the end of 2021, as initially provided for in Delegated Regulation (EU) 2019/2238, or until a new Delegated act to be adopted pursuant to Regulation (EU) 2019/1241 of the European Parliament and of the Council ⁽³²⁾ provides for those technical measures.
- (37) As the measures provided for in this Regulation have a direct impact on the planning of the fishing season of Union vessels and on related economic activities, this Regulation should enter into force immediately upon publication. It should apply from 1 January 2021,

HAS ADOPTED THIS REGULATION:

Article 1

Implementation of the landing obligation

In Union waters of the North Sea (ICES divisions 2a, 3a and subarea 4), the landing obligation provided for in Article 15(1) of Regulation (EU) No 1380/2013 shall apply to demersal and pelagic fisheries which are subject to catch limits in accordance with this Regulation for the period 2021-2023.

Article 2

Definitions

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

⁽³¹⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf>

⁽³²⁾ Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) No 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105).

- (1) '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;
- (2) '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,
 - stretched length is at least 3 m;
- (3) '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 codend;
- (4) 'SepNep' means an otter trawl which:
 - is constructed within the mesh size range of 80 to 99 + $\geq$ 100 mm,
 - is fitted with multiple cod-ends of mesh sizes ranging from at least 80 to 120 mm attached to a single extension piece, the uppermost cod-end being constructed with a mesh size of at least 120 mm and fitted with a separation panel with a maximum mesh size of 105 mm, and
 - may furthermore be fitted with an optional selection grid with a bar spacing of at least 17 mm provided it is constructed in such a way so as to allow the escape of small Norway lobster.

Article 3

Survivability exemptions for Norway lobster

1. The survivability exemption provided for in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply in the Union waters of the North Sea (ICES divisions 2a, 3a and subarea 4) to the following catches of Norway lobster (*Nephrops norvegicus*):
 - (a) catches with pots (FPO ⁽³³⁾);
 - (b) catches with bottom trawls (OTB, OTT, TBN) fitted with:
 - (i) a cod-end equal or larger than 80 mm; or
 - (ii) a cod-end with a mesh size of at least 70 mm equipped with a species selective grid with a bar spacing of maximum 35 mm.
2. 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 referred to in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply to common sole (*Solea solea*) below the minimum conservation reference size caught using otter trawls (OTB) with a cod-end mesh size of 80 to 99 mm in the Union waters of ICES division 4c, within six nautical miles of the coast but outside identified nursery areas.
2. The exemption referred to in paragraph 1 shall only apply to vessels with a maximum length of 10 meters and a maximum engine power of 221 kW, fishing in waters with a depth of 30 meters or less and with tow durations of no more than ninety minutes.
3. When discarding common sole caught in the cases referred to in paragraph 1, the common sole shall be released immediately.

⁽³³⁾ Gear codes used in this Regulation are set out 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 Regulation are set out in the FAO gear classification.

*Article 5***Survivability exemption for by-catch of all species subject to catch limits in pots and fyke nets**

1. The survivability exemption referred to in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply to all species subject to catch limits caught with pots and fyke nets (FPO, FYK) in the Union waters of ICES division 3a and ICES subarea 4.
2. When discarding fish caught in the cases referred to in paragraph 1, the fish shall be released immediately and below the sea surface.

*Article 6***Survivability exemption for catch and by-catch of plaice**

1. The survivability exemption referred to in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply in the Union waters of ICES division 3a and subarea 4 to:
 - (a) plaice (*Pleuronectes platessa*) caught with nets (GNS, GTR, GTN, GEN);
 - (b) plaice caught with Danish seines;
 - (c) plaice caught with bottom trawls (OTB, PTB):
 - (i) with a mesh size of at least 120 mm when targeting flatfish or roundfish in the Union waters of ICES division 3a and subarea 4;
 - (ii) with a mesh size of 90 to 119 mm equipped with Seltra panel with a top panel of 140 mm mesh size (square mesh), 270 mm mesh size (diamond mesh) or 300 mm mesh size (square-mesh), which target flatfish or roundfish in the Union waters of ICES division 3a;
 - (iii) with a mesh size of 80 to 119 mm targeting flatfish or roundfish in the Union waters of ICES subarea 4.
2. When discarding plaice caught in the cases referred to in paragraph 1, the plaice shall be released immediately.

*Article 7***Survivability exemption for plaice below the minimum conservation reference size**

1. The survivability exemption referred to in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply in the Union waters of ICES division 2a and ICES subarea 4 and to plaice caught which is below the minimum conservation reference size and caught using 80 to 119 mm beam trawls (BT2) if the plaice is caught:
 - (a) with gears equipped with the flip-up rope or Benthos release panel (BRP) and caught by vessels with an engine power of more than 221 kW; or
 - (b) by the vessels of Member States implementing the roadmap for the Fully Documented Fisheries.
2. The exemption referred to in paragraph 1 shall also apply to flatfish caught with beam trawls (BT2) 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. Member States having a direct management interest shall submit every year, as soon as possible and not later than 1 May, additional scientific information supporting the exemptions laid down in paragraphs 1 and 2. The Scientific, Technical and Economic Committee for Fisheries ("STECF") shall assess the provided scientific information by 31 July every year.
4. When discarding plaice caught in the cases referred to in paragraphs 1 and 2, the plaice shall be released immediately.

*Article 8***Survivability exemption for turbot**

1. The survivability exemption referred to in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply in the Union waters of ICES subarea 4 to catches of turbot (*Scophthalmus maximus*) with beam trawls with a cod-end equal to or larger than 80 mm (TBB).
2. The exemption referred to in paragraph 1 shall be provisionally applicable until 31 December 2022. Member States having a direct management interest shall submit every year, as soon as possible and not later than 1 May, additional scientific information supporting the exemption laid down in paragraph 1. STECF shall assess the provided scientific information by 31 July every year.
3. When discarding turbot caught in the cases referred to in paragraph 1, the turbot shall be released immediately.

*Article 9***Survivability exemption for skates and rays**

1. The survivability exemption referred to in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply to skates and rays caught with fishing gear in the Union waters of the North Sea (ICES divisions 2a, 3a and subarea 4).
2. Member States having a direct management interest shall submit every year, as soon as possible and not later than 1 May, additional scientific information, in particular for cuckoo ray, supporting the exemption laid down in paragraph 1. STECF shall assess the provided scientific information by 31 July every year.
3. When discarding skates and rays caught in the cases referred to in paragraph 1, the skates and rays shall be released immediately.

*Article 10***Survivability exemption for catches of mackerel and herring in the purse seine fisheries**

1. The survivability exemption referred to in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply to mackerel and herring caught in the purse seine fisheries in the Union waters of the North Sea (ICES divisions 2a, 3a and subarea 4), if all of the following conditions are met:
 - (a) 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');
 - (b) the purse seine gear is fitted with a visible buoy clearly marking the limit for the point of retrieval;
 - (c) the vessel and the purse seine gear are equipped with an electronic recording and documenting system when, where and extent to which the purse seine has been hauled for all fishing operations.
2. The point of retrieval shall be 80 % closure of the purse seine in fisheries for mackerel and it shall be 90 % closure of the purse seine in fisheries for herring.
3. If the surrounded school consists of a mixture of both species the point of retrieval shall be 80 % closure of the purse seine.
4. It is prohibited to release catches of mackerel and herring after the point of retrieval.
5. The surrounded school of fish shall be sampled before its release to estimate the species composition, the fish size composition and the quantity.
6. Member States having a direct management interest shall submit as soon as possible and not later than 1 May 2022 evidence justifying the need to continue this exemption.

Article 11

De minimis exemptions for pelagic and demersal fisheries

By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the following quantities may be discarded pursuant to Article 15(4)(c) of that Regulation:

- (1) in fisheries for common sole by vessels using trammel nets and gillnets (GN, GNS, GND, GNC, GTN, GTR, GEN, GNF) in the Union waters of the North Sea (ICES divisions 2a, 3a and subarea 4):

a quantity of common sole below and above the minimum conservation reference size, which shall not exceed 3 % of the total annual catches of that species;

- (2) in fisheries for common sole by vessels using beam trawl (TBB) of mesh size 80-119 mm equipped with a Flemish panel, in the Union waters of ICES subarea 4:

a quantity of common sole below the minimum conservation reference size, which shall not exceed 5 % of the total annual catches of that species;

- (3) in the fishery for Norway lobster by vessels using bottom trawls (OTB, OTT, TBN) with a mesh size equal to or larger than 70 mm equipped with a species-selective grid with a bar spacing of maximum 35 mm in the Union waters of ICES division 3a:

a combined quantity of common sole, haddock, whiting, cod, saithe and hake below the minimum conservation reference size, which shall not exceed 4 % of the total annual catches of Norway lobster, common sole, haddock, whiting and Northern prawn, cod, saithe and hake;

- (4) in the fishery for Northern prawn by vessels using bottom trawls (OTB, OTT) with a mesh size equal to or larger than 35 mm equipped with a species selective grid with a bar spacing of maximum 19 mm, and with unblocked fish outlet, in the Union waters of ICES division 3a:

a combined quantity of common sole, haddock, whiting, cod, plaice, saithe, herring, Norway pout, greater silver smelt and blue whiting below the minimum conservation reference size where it exists, which shall not exceed 5 % of the total annual catches of Norway lobster, common sole, haddock, whiting, cod, saithe, plaice, Northern prawn, hake, Norway pout, greater silver smelt, herring and blue whiting;

- (5) in fisheries by vessels using bottom trawls (OTB, OTT, TBN, PTB) with a mesh size of 90-119 mm, equipped with Seltra panel with a top panel of 140 mm mesh size (square mesh), 270 mm mesh size (diamond mesh) or 300 mm mesh size (square mesh), or bottom trawls (OTB, OTT, TBN, PTB) with a mesh size equal to or larger than 120 mm, in the Union waters of ICES division 3a:

a quantity of whiting below the minimum conservation reference sizes, up to a maximum of 2 % of the total annual catches of Norway lobster, cod, haddock, whiting, saithe, common sole, plaice and hake;

- (6) in the fisheries for Norway lobster by vessels using bottom trawls with a mesh size of 80-99 mm, equipped with a SepNep, in the Union waters of ICES subarea 4:

a quantity of plaice below the minimum conservation reference size, which shall not exceed 3 % of the total annual catches of saithe, plaice, haddock, whiting, cod, Northern prawn, common sole and Norway lobster;

- (7) in the fisheries for brown shrimp by vessels using beam trawls, in the Union waters of ICES divisions 4b and 4c:

a quantity of all species subject to catch limits, which shall not exceed 6 % in 2021 and 2022, and 5 % in 2023 of the total annual catches of all species subject to catch limits made in those fisheries;

- (8) in the demersal fisheries by vessels using bottom trawls (OTB, OTT, PTB) with a mesh size equal to or greater than 120 mm catching ling in Union waters of ICES subarea 4:

a quantity of ling below minimum conservation reference size, which shall not exceed 3 % of the total annual catches of ling in that fishery;

- (9) in the mixed demersal fisheries by vessels using bottom trawls or seines (OTB, OTT, SDN, SSC) with a mesh size of 70-99 mm (TR2) in the Union waters of ICES division 4c:

a combined quantity of whiting and cod below the minimum conservation reference size, which shall not exceed 5 % of the total annual catches of whiting and cod; the maximum amount of cod that may be discarded shall be limited to 2 % of those total annual catches;

the *de minimis* exemption set out in this point shall be provisionally applicable until 31 December 2021. Member States having a direct management interest shall submit, as soon as possible and not later than 1 May 2021, additional scientific information supporting the exemption. The STECF shall assess the provided scientific information by 31 July 2021;

- (10) in the mixed demersal fisheries by vessels using bottom trawls or seines (OTB, OTT, SDN, SSC) with a mesh size of 70-99 mm (TR2) in the Union waters of ICES divisions 4a and 4b:

a quantity of whiting below the minimum conservation reference size, which shall not exceed 4 % of the total annual catches of whiting;

the *de minimis* exemption set out in this point shall be provisionally applicable until 31 December 2022. Member States having a direct management interest shall submit, as soon as possible and not later than 1 May 2022, additional scientific information supporting the exemption. The STECF shall assess the provided scientific information by 31 July 2022;

- (11) in the demersal mixed fishery by vessels using beam trawls with a mesh size of 80-119 mm in Union waters of ICES subarea 4:

a quantity of whiting below the minimum conservation reference size, which shall not exceed 2 % of the total annual catches of plaice and sole;

the *de minimis* exemption set out in this point shall be provisionally applicable until 31 December 2021. Member States having a direct management interest shall submit, as soon as possible and not later than 1 May 2021, additional scientific information supporting the exemption. The STECF shall assess the provided scientific information by 31 July 2021;

- (12) in pelagic fisheries carried out by pelagic trawlers up to 25 meters in length overall, using mid-water trawls (OTM/PTM), and targeting mackerel, horse mackerel and herring in ICES divisions 4b and 4c south of 54 degrees north;

a combined quantity of mackerel, horse mackerel, herring and whiting that shall not exceed 1 % of the total annual catches of mackerel, horse mackerel, herring and whiting;

the *de minimis* exemption set out in this point shall be provisionally applicable until 31 December 2022. Member States having a direct management interest shall submit, as soon as possible and not later than 1 May 2022, additional scientific information supporting the exemption. The STECF shall assess the provided scientific information by 31 July 2022;

- (13) in the demersal mixed fishery with trawls (OTB, OTM, OTT, PTB, PTM, SDN, SPR, SSC, TB, TBN) with mesh sizes above 80 mm in ICES division 3a and ICES subarea 4 and in the fishery for Northern prawn carried out using gears with a sorting grid with a maximum bar spacing of 19 mm or equivalent selectivity device and a fish retention device with mesh sizes above 35 mm in ICES division 3a and 32 mm in ICES subarea 4:

a combined quantity of sprat, sandeel, Norway pout and blue whiting, which shall not exceed 1 % of the total annual catches made in mixed demersal fishery and in the fishery for Northern prawn;

the *de minimis* exemption set out in this point shall be provisionally applicable until 31 December 2022. Member States having a direct management interest shall submit, as soon as possible and not later than 1 May 2022, additional scientific information supporting the exemption. The STECF shall assess the provided scientific information by 31 July 2022;

- (14) in the demersal fishery for hake by vessels using longlines (LLS) in ICES subarea 4:

a quantity of ling (*Molva molva*) below the minimum conservation reference size, which shall not exceed 3 % of the total annual catches of ling made in that demersal fishery;

the *de minimis* exemption set out in this point shall be provisionally applicable until 31 December 2022. Member States having a direct management interest shall submit, as soon as possible and not later than 1 May 2022, additional scientific information supporting the exemption. The STECF shall assess the provided scientific information by 31 July 2022;

- (15) in the demersal mixed fishery with bottom trawls (OTB, OTT, PTB) with a mesh size between 80 and 99 mm (TR2) in ICES divisions 4b and 4c:

a quantity of horse mackerel (*Trachurus spp.*), which shall not exceed 6 % of the total annual catches of horse mackerel made in that fishery;

the *de minimis* exemption set out in this point shall be provisionally applicable until 31 December 2022. Member States having a direct management interest shall submit, as soon as possible and not later than 1 May 2022, additional scientific information supporting the exemption. The STECF shall assess the provided scientific information by 31 July 2022;

- (16) in the demersal mixed fishery with bottom trawls (OTB, OTT, PTB) with a mesh size between 80 and 99 mm (TR2) in ICES divisions 4b and 4c:

a quantity of mackerel (*Scomber scombrus*), which shall not exceed 6 % of the total annual catches of mackerel made in that fishery;

the *de minimis* exemption set out in this point shall be provisionally applicable until 31 December 2022. Member States having a direct management interest shall submit, as soon as possible and not later than 1 May 2022, additional scientific information supporting the exemption. The STECF shall assess the provided scientific information by 31 July 2022;

- (17) in the industrial pelagic trawler fishery targeting blue whiting in ICES subarea 4, and processing that species on board to obtain surimi base:

a quantity of blue whiting (*Micromesistius poutassou*), which shall not exceed 5 % of the total annual catches of blue whiting;

the *de minimis* exemption set out in this point shall be provisionally applicable until 31 December 2022. Member States having a direct management interest shall submit, as soon as possible and not later than 1 May 2022, additional scientific information supporting the exemption. The STECF shall assess the provided scientific information by 31 July 2022.

Article 12

Repeal and transitional provisions

Delegated Regulation (EU) 2019/2238 is repealed with effect from 1 January 2021.

However, Articles 11 and 12 of Delegated Regulation (EU) 2019/2238 shall continue to apply until 31 December 2021 or until a delegated act, to be adopted pursuant to Article 15(2) of Regulation (EU) 2019/1241 becomes applicable, whichever is the earlier.

Article 13

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*.

Articles 1 to 11 shall apply from 1 January 2021 until 31 December 2023.

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

Done at Brussels, 21 August 2020.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION DELEGATED REGULATION (EU) 2020/2015**of 21 August 2020****specifying details of the implementation of the landing obligation for certain fisheries in Western Waters for the period 2021-2023**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2019/472 of the European Parliament and of the Council of 19 March 2019 establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulations (EU) 2016/1139 and (EU) 2018/973, and repealing Council Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008 ⁽¹⁾, and in particular Article 13 thereof,

Whereas:

- (1) Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽²⁾ 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 9 of Regulation (EU) No 1380/2013 provides for the adoption of multiannual plans containing conservation measures for fisheries exploiting certain stocks in a relevant geographical area.
- (3) Such multiannual plans specify details of the implementation of the landing obligation and may empower the Commission to further specify those details on the basis of joint recommendations developed by Member States.
- (4) Regulation (EU) 2019/472 establishes a multiannual plan for stocks fished in the Western Waters, and for fisheries exploiting those stocks. Article 13 of that Regulation empowers the Commission to adopt delegated acts in order to supplement that Regulation by specifying details of the landing obligation for all stocks of species in the Western Waters to which the landing obligation applies under Article 15(1) of Regulation (EU) No 1380/2013, as provided for in points (a) to (e) of Article 15(5) of Regulation (EU) No 1380/2013, on the basis of joint recommendations developed by Member States.
- (5) Commission Delegated Regulation (EU) 2019/2239 ⁽³⁾ specifies details of the implementation of the landing obligation for certain demersal fisheries in the North-Western waters for the period 2020-2021, following a joint recommendation submitted by Belgium, Spain, France, Ireland, the Netherlands and the United Kingdom ⁽⁴⁾ which have a direct fisheries management interest in the North-Western waters.
- (6) Belgium, Spain, France, Ireland and the Netherlands, after consulting the North- Western Waters Advisory Council and the Pelagic Advisory Council, submitted on 5 May 2020 a joint recommendation to the Commission concerning a discard plan for certain fisheries in the North-Western Waters for the period 2021-2023. The Member States reviewed the joint recommendation on 29 July 2020.
- (7) Commission Delegated Regulation (EU) 2019/2237 ⁽⁵⁾ specifies details of the implementation of the landing obligation for certain demersal fisheries in the South-Western waters for the period 2020-2021, following a joint recommendation submitted by Belgium, Spain, France, the Netherlands and Portugal which have a direct fisheries management interest in the South-Western waters.

⁽¹⁾ OJ L 83, 25.3.2019, p. 1.

⁽²⁾ 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/EC (OJ L 354, 28.12.2013, p. 22).

⁽³⁾ Commission Delegated Regulation (EU) 2019/2239 of 1 October 2019 specifying details of the landing obligation for certain demersal fisheries in North-Western waters for the period 2020-2021 (OJ L 336, 30.12.2019, p. 47).

⁽⁴⁾ The United Kingdom ceased being a Member State from 1 February 2020.

⁽⁵⁾ Commission Delegated Regulation (EU) 2019/2237 of 1 October 2019 specifying details of the landing obligation for certain demersal fisheries in South-Western waters for the period 2020-2021 (OJ L 336, 30.12.2019, p. 26).

- (8) Belgium, Spain, France, the Netherlands and Portugal, after consulting the South Western Waters Advisory Council and the Pelagic Advisory Council on 24 April 2020, submitted on 5 May 2020 a joint recommendation to the Commission concerning a discard plan for certain fisheries in the South-Western Waters for the period 2021-2023. The Member States reviewed the joint recommendation on 16 July 2020.
- (9) Scientific contributions were obtained from relevant scientific bodies and reviewed by the Scientific, Technical and Economic Committee for Fisheries ('STECF') ⁽⁶⁾. The Commission presented the measures concerned to an expert group consisting of representatives of the Member States on 28 July 2020 in a meeting attended by the European Parliament as an observer.
- (10) Under Article 18 of 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. In several cases, new evidence has been submitted but STECF has considered that improvements in the information provided are required. In those cases, it is appropriate to grant exemptions on a temporary basis. By continuing fishing activities, data collection will improve and STECF considerations will be addressed.
- (11) The regional groups of Member States have based most of their *de minimis* exemption requests on a potential increase in costs as a consequence of handling unwanted catches. The information provided by the Member States in this regard has improved. However, STECF notes that improving data collection is still needed and that improving selectivity should be the priority to reduce the level of unwanted catches. Therefore, in such cases the exemptions should be granted on a case-by-case basis for 1 or 2 years. Member States should provide additional data resulting from trials and scientific studies that are ongoing.
- (12) The following high survivability exemptions to the landing obligation should apply to the North-Western Waters.
- (13) Delegated Regulation (EU) 2019/2239 included a survivability exemption, as provided for by Article 15(4)(b) of Regulation (EU) No 1380/2013, for Norway lobster caught with pots, traps or creels in International Council for the Exploration of the Sea (ICES) subareas 6 and 7. Member States requested that the exemption be continued. The STECF evaluated the evidence submitted by the Member States in previous years and concluded ⁽⁷⁾ that the exemption is justified. Considering that the circumstances have not changed, that exemption should be maintained.
- (14) Delegated Regulation (EU) 2019/2239 included a survivability exemption for Norway lobster caught using bottom trawls with a mesh size equal to or larger than 100 mm and for Norway lobster caught with bottom trawls with a mesh size of 70 to 99 mm in combination with selective gear options (TRI and TR2 fisheries) in ICES subarea 7. The Member States requested that the exemption be continued. The STECF reviewed in previous years the evidence provided by the Member States and concluded ⁽⁸⁾ that the survival study made with Seltra trawl provided sufficient data, but that the overall effect on the extensive fishery of Norway lobster with other fishing gears remains difficult to assess. The STECF noted that assuming that a relatively high survival rate applies to all gears, a relatively low discard rate is implied in that fishery. Considering that the circumstances have not changed, that exemption should therefore be maintained with gear specificities for the Celtic Sea Protection Zone and the Irish Sea.
- (15) Delegated Regulation (EU) 2019/2239 included a survivability exemption for Norway lobster caught in ICES division 6a, within twelve nautical miles of the coast, using otter trawls with a mesh size of 80 to 110 mm in combination with selective gear options. The Member States requested that the exemption be continued. The STECF analysed the evidence submitted by the Member States in previous years and concluded ⁽⁹⁾ that the survivability study is robust and indicates a relatively high survival rate. Considering that the circumstances have not changed, that exemption should be maintained.
- (16) Delegated Regulation (EU) 2019/2239 included a survivability exemption for common sole below the minimum conservation reference size ('MCRS') caught with 80 to 99 mm otter trawl gears in ICES division 7d within six nautical miles from the coast and outside identified nursery areas. The Member States requested that the exemption be continued. The STECF evaluated in previous years the evidence submitted by the Member States and concluded ⁽¹⁰⁾ that the evidence was sufficient. Considering that the circumstances have not changed, that exemption should therefore be maintained.

⁽⁶⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2537709/STECF+PLEN+19-02.pdf>

⁽⁷⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/1099561/STECF+PLEN+15-02.pdf>

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

⁽⁹⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2147402/STECF+PLEN+18-02.pdf>

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

- (17) Delegated Regulation (EU) 2019/2239 granted a survivability exemption for skates and rays caught with any gear in ICES subareas 6 and 7. The Member States requested that the exemption be continued. The STECF analysed the new evidence submitted by the Member States and concluded ⁽¹¹⁾ that survival varies across species and fisheries. The STECF noted that there are projects ongoing that should provide useful information about this exemption. This conclusion applies to cuckoo ray (*Leucoraja naevus*). STECF noted that the evidence indicated lower survival rates for cuckoo ray. Member States should submit additional scientific information resulting from these studies as soon as possible, but not later than 1 May every year.
- (18) Delegated Regulation (EU) 2019/2239 granted a survivability exemption for plaice caught in ICES divisions 7a to 7k by vessels using beam trawls, with a maximum engine power of 221 kW, a maximum length of 24 metres, fishing within 12 nautical miles of the coast and with tow durations of no more than ninety minutes, and by vessels using beam trawls with an engine power of more than 221 kW, using a flip-up rope or benthic release panel. The Member States requested that the exemption be continued. The STECF analysed the new evidence provided by the Member States and concluded ⁽¹²⁾ that the discard survival estimates are variable between trips and evidence was insufficient for ICES divisions 7h, 7j, and 7k. Under those circumstances, the exemption for plaice should be maintained only in ICES divisions 7a to 7g. The Member States concerned should submit evidence as soon as possible, but not later than 1 May every year. The Commission also notes that Member States committed in the joint recommendation to submit a timetable for the completion of the agreed roadmap with the next annual report by 1 May 2021.
- (19) Delegated Regulation (EU) 2019/2239 included a survivability exemption for plaice caught with trammel nets or otter trawls in ICES divisions 7d to 7g. The Member States requested that the exemption be continued. The STECF analysed the evidence submitted by the Member States in previous years and concluded ⁽¹³⁾ that the survivability study is robust and indicates a relatively high survival rate. Considering that the circumstances have not changed, that exemption should therefore be maintained.
- (20) Delegated Regulation (EU) 2019/2239 granted a survivability exemption for plaice caught with Danish seines in ICES division 7d. The Member States requested that the exemption be continued. The STECF analysed in previous years the evidence submitted by the Member States and concluded ⁽¹⁴⁾ that the data of the study on survival rates are reliable and give robust survival estimates for that fishery. Considering that the circumstances have not changed, that exemption should therefore be maintained.
- (21) Delegated Regulation (EU) 2019/2239 included a survivability exemption for species caught in pots, traps and creels in North-Western Waters (ICES subareas 5, 6 and 7). The Member States requested that the exemption be continued. Member States provided scientific evidence in order to demonstrate high discard survival rates for species caught in that fishery. The STECF analysed the evidence in previous years and concluded ⁽¹⁵⁾ that the survival of the species discarded from trap and pot fishing is likely to be substantial. Considering that the circumstances have not changed this exemption should therefore be maintained.
- (22) Commission Delegated Regulation (EU) No 1393/2014 ⁽¹⁶⁾ included a survivability exemption for mackerel and herring caught with purse seines under certain conditions in ICES subarea 6. The Member States requested that the exemption be continued. The STECF reviewed the supporting evidence in previous years and concluded ⁽¹⁷⁾ that survival rates depend on the crowding time and the density of fish within the net, which are typically limited in these fisheries. Assuming the results of the survival study are representative of survival rates under commercial fishing operations, the proportion of slipped mackerel surviving would likely be around 70 %. The densities would also be lower than the density where mortality of herring was observed to increase. Considering that the circumstances have not changed, this exemption should therefore be maintained in this Regulation.

⁽¹¹⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf>

⁽¹²⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf>

⁽¹³⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2147402/STECF+PLEN+18-02.pdf>

⁽¹⁴⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2537709/STECF+PLEN+19-02.pdf>

⁽¹⁵⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2147402/STECF+PLEN+18-02.pdf>

⁽¹⁶⁾ Commission Delegated Regulation (EU) No 1393/2014 of 20 October 2014 establishing a discard plan for certain pelagic fisheries in north-western waters (OJ L 370, 30.12.2014, p. 25).

⁽¹⁷⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/812327/STECF+PLEN+14-02.pdf>

- (23) Delegated Regulation (EU) No 1393/2014 included a survivability exemption for mackerel and herring caught in the ring net fishery targeting pelagic species not subject to quotas in ICES divisions 7e and 7f. The Member States requested that the exemption be continued. The STECF reviewed the evidence provided by the Member States in previous years and concluded ⁽¹⁸⁾ that the survival rates were likely to be similar to survival rates from purse seine fishery and the supporting evidence was similar to the evidence justifying other exemptions included in previous discard plans. Considering that the circumstances have not changed, the exemption should therefore be maintained.
- (24) The following high survivability exemptions from the landing obligation should apply to the South-Western Waters.
- (25) Delegated Regulation (EU) 2019/2237 included an exemption from the landing obligation for Norway lobster caught with bottom trawls in ICES subareas 8 and 9 and for red seabream caught with the artisanal gear '*voracera*' in ICES division 9a. The Member States requested that the exemption be continued. The STECF evaluated the exemption on Norway lobster in the previous years and concluded ⁽¹⁹⁾ that the evidence was robust. For red seabream, the STECF concluded in previous assessments ⁽²⁰⁾ that the studies represented reasonably sound scientific evidence for the survival of red seabream. Considering that the circumstances have not changed, these two exemptions should therefore be maintained.
- (26) Delegated Regulation (EU) 2019/2237 granted a survivability exemption for skates and rays caught with all gears in ICES subareas 8 and 9. The Member States requested that the exemption be continued and provided new evidence. The STECF concluded ⁽²¹⁾ that there was a significant effort in addressing data gaps, with several projects still ongoing. However, improvements in data collection are required. Member States with a direct management interest should submit as soon as possible, but not later than 1 May 2022, additional scientific evidence resulting from the ongoing projects. The exemption should therefore be maintained.
- (27) Delegated Regulation (EU) 2019/2237 granted an exemption for cuckoo ray caught with trammel nets in ICES subareas 8 and 9 and caught with bottom trawls in ICES subarea 8. The Member States requested that the exemption be continued and provided new evidence. The STECF analysed the evidence and noted ⁽²²⁾ that there was a significant effort in addressing data gaps and that there are significant number of ongoing projects. However, improvements in data collection are required. Given that in the past survival rates for cuckoo ray revealed to be lower than for other skates and rays, the exemption should be maintained until 31 December 2022 for cuckoo ray caught by trammel nets in ICES subareas 8 and 9, and until 31 December 2021 for cuckoo ray caught with bottom trawls in ICES subarea 8. Member States should submit additional scientific information resulting from the ongoing projects as soon as possible.
- (28) Delegated Regulation (EU) 2019/2237 granted a survivability exemption for red seabream caught with the artisanal gear '*voracera*' in ICES division 9a and with hooks and lines in ICES subareas 8 and 10 and ICES division 9a. The Member States requested to continue this exemption and provided new evidence. However, improvements in data collection are required. The STECF noted ⁽²³⁾ that several scientific projects on survivability planned for the period 2019-2020 were not performed due to constraints acquiring material. The exemption may be granted until 31 December 2022. Member States having a direct management interest should submit as soon as possible, but not later than by 1 May 2022 additional scientific information supporting the exemption.
- (29) Commission Delegated Regulation (EU) No 1394/2014 ⁽²⁴⁾ included a high survivability exemption for anchovy, horse mackerel and mackerel in artisanal purse seine fisheries (PS), provided that the net is not fully taken on board. The Member States requested that the exemption be continued and provided new evidence. The STECF noted ⁽²⁵⁾ that the evidence showed high survival rates for anchovy, horse mackerel and mackerel when the crowding time related to slipping procedure is estimated to be less than 5 minutes, which is the estimated crowding time under real fishing conditions. Therefore, the exemption should be maintained.

⁽¹⁸⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/1710831/STECF+17-08+-+Evaluation+of+LO+joint+recommendations.pdf/d7110d8a-c4da-498c-8b30-98d0b5c2fc22>

⁽¹⁹⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/1710831/STECF+17-08+-+Evaluation+of+LO+joint+recommendations.pdf>

⁽²⁰⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2124128/STECF+18-06+-+Evaluation+of+LO+joint+recommendations.pdf>

⁽²¹⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf>

⁽²²⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf>

⁽²³⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf>

⁽²⁴⁾ Commission Delegated Regulation (EU) No 1394/2014 of 20 October 2014 establishing a discard plan for certain pelagic fisheries in south-western waters (OJ L 370, 30.12.2014, p. 31).

⁽²⁵⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf>

- (30) The following *de minimis* exemptions from the landing obligation should apply to the North-Western Waters.
- (31) Delegated Regulation (EU) 2019/2239 included *de minimis* exemptions from the landing obligation for certain fisheries. The Member States requested that the exemption be continued. The STECF reviewed in previous years the evidence provided by the Member States and concluded ⁽²⁶⁾ that the arguments on disproportionate costs in handling unwanted catches were reasonable. Considering that the circumstances have not changed, it is appropriate to maintain the *de minimis* exemptions for:
- whiting caught by vessels using bottom trawls and seines with a mesh size equal to or larger than 80 mm (OTB, OTT, OT, PTB, PT, SSC, SDN, SPR, SX, SV, TBN, TBS, TB, TX), pelagic trawls (OTM, PTM) and beam trawls (BTT) with a mesh size of 80 to 119 mm (BT2) in ICES divisions 7b to 7k.
- The exemption set out in this indent shall be applicable until December 2021 given the general observation made by the STECF on the overall conservation status of whiting in ICES subareas 7b to k. The Member States concerned should submit additional information on catch composition not later than 1 May 2021,
- common sole caught by vessels using trammel and gill nets to catch common sole in ICES divisions 7d to 7g,
 - common sole caught by vessels using TBB gear with a mesh size of 80 to 119 mm and with increased selectivity (Flemish panel) in ICES divisions 7d to 7h.
- (32) Delegated Regulation (EU) 2019/2239 included a *de minimis* exemption for haddock caught by vessels using bottom trawls with a mesh size greater than or equal to 80 mm in ICES divisions 7b, 7c and 7e to 7k. The Member States requested that the exemption be continued. The STECF ⁽²⁷⁾ reviewed the new evidence provided by the Member States and concluded that haddock is a high-risk choke species in this area. However, the STECF also noted that cod and whiting are heavily depleted in the Celtic Sea and advised to reduce the level of unwanted catches of these species. The exemption may therefore be granted for bottom trawls with a mesh size greater than or equal to 100 mm, seines and excluding beam trawls and the Norway lobster directed fisheries; for vessels targeting Norway lobster with a mesh size of at least 80 mm for the Norway lobster directed fishing; and for beam trawls with a mesh size greater or equal to 80 mm with a Flemish panel. This exemption should be maintained until 31 December 2022.
- (33) Delegated Regulation (EU) 2019/2239 granted a *de minimis* exemption for demersal mixed fishery made by vessels targeting brown shrimp and using beam trawls in ICES division 7a. The Member States requested that the exemption be continued. The STECF reviewed in previous years the evidence submitted by the Member States and concluded ⁽²⁸⁾ that the exemption for this fishery is well documented in the North Sea and it is likely that the North Sea fishery is representative of the Irish Sea fishery. Considering that the circumstances have not changed, the exemption should be maintained.
- (34) Delegated Regulation (EU) 2019/2239 granted a *de minimis* exemption for boarfish caught by vessels using bottom trawls in ICES divisions 7b, 7c and 7f to k. The Member States requested that the exemption be continued. The STECF reviewed the new data submitted by the Member States and concluded ⁽²⁹⁾ that there is evidence of increased costs associated with handling and storing unwanted catches in the relevant fisheries. However, improving selectivity should be the priority. The exemption should be maintained until 31 December 2022. The Member States concerned should present as soon as possible, and not later than by May 2022 additional evidence supporting this exemption.
- (35) Delegated Regulation (EU) 2019/2239 granted a *de minimis* exemption for megrim below minimum conservation reference size caught by vessels using beam trawls with a mesh size of 80 to 119 mm in ICES subarea 7 and using bottom trawls under specific conditions. The Member States requested that the exemption be continued. The STECF analysed the new data provided by the Member States and concluded ⁽³⁰⁾ that there are indications of additional costs of handling unwanted catches. The exemption should be maintained for two years with additional specifications to allow for additional data collection. The Member States concerned should present as soon as possible, and not later than May 2021 additional evidence supporting this exemption.

⁽²⁶⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/1099561/STECF+PLEN+15-02.pdf>

⁽²⁷⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf>

⁽²⁸⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2537709/STECF+PLEN+19-02.pdf>

⁽²⁹⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf>

⁽³⁰⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf>

- (36) Delegated Regulation (EU) 2019/2239 granted a *de minimis* exemption for common sole caught by vessels using beam trawls with a mesh size of 80 to 119 mm with increased selectivity (Flemish panel) in ICES divisions 7a, 7j and 7k. The Member States requested that the exemption be continued. The STECF analysed the new evidence submitted by the Member States and concluded ⁽³¹⁾ that additional technical specifications concerning the fishing gears were needed. The exemption should be maintained for two years but only for ICES division 7a and Member States should submit as soon as possible, and not later than by 1 May 2022 the evidence supporting the exemption.
- (37) Delegated Regulation (EU) 2019/2239 granted a *de minimis* exemption for greater silver smelt caught by vessels using bottom trawls with a mesh size equal to or greater than 100 mm in ICES division 5b and ICES subarea 6. The Member States requested that the exemption be continued. The STECF analysed the new evidence submitted by the Member States and concluded ⁽³²⁾ that there is evidence of increased costs associated with handling and storing unwanted catches. The exemption should be maintained for two years and Member States should submit as soon as possible, but not later than 1 May 2022, additional evidence supporting this exemption.
- (38) Delegated Regulation (EU) 2019/2239 granted a *de minimis* exemption for mackerel and horse mackerel caught in demersal mixed fisheries by vessels using bottom trawls, seines and beam trawls in ICES subarea 6 and ICES divisions 7b to 7k. The Member States requested that the exemption be continued. The STECF analysed the evidence submitted by the Member States and concluded that there is evidence of increased costs associated with handling unwanted catches, as concluded in previous evaluations. Considering that the circumstances have not changed, the exemption should be maintained for two years and Member States should submit as soon as possible, and not later than 1 May 2022, additional evidence supporting the exemption.
- (39) Delegated Regulation (EU) 2019/2239 granted a *de minimis* exemption for haddock below minimum conservation reference size caught by vessels using bottom trawls with a mesh size up to 119 mm in the West of Scotland Norway lobster fishery in ICES division 6a. The Member States requested that the exemption be continued. The STECF analysed the evidence submitted by the Member States and noted ⁽³³⁾ that the conclusions of the STECF report 19-08 were still valid and the arguments of disproportionate costs seem reasonable. Given the current level of unwanted catches in this fishery, the exemption should be maintained but only for vessels that use the highly selective gears.
- (40) Delegated Regulation (EU) No 1393/2014 granted *de minimis* exemptions for the following pelagic fisheries:
- blue whiting in the industrial pelagic trawler fishery targeting that species in ICES zones 5b, 6 and 7 and processing that species on board to obtain surimi base,
 - albacore tuna in the albacore tuna directed fisheries using midwater pair trawls in ICES subarea 7,
 - mackerel, horse mackerel, herring and whiting caught by pelagic trawlers up to 25 metres in length overall using midwater trawls in ICES division 7d.
- (41) The Member States requested to continue the *de minimis* exemption for blue whiting (*Micromesistius poutassou*) in the industrial pelagic trawler fishery targeting that species in ICES divisions 5b, 6, and 7 and processing that species on board to obtain surimi base. The STECF analysed positively this exemption in previous years ⁽³⁴⁾ and it was granted on the basis of difficulties to improve selectivity. Considering that the circumstances of the fishery have not changed, the exemptions should be maintained. The Member States should provide by 1 May 2023 evidence on fishing patterns.
- (42) The Member States requested to continue the *de minimis* exemption for albacore tuna (*Thunnus alalunga*) in the albacore tuna directed fisheries using midwater pair trawls (PTM) in ICES subarea 7. The STECF analysed the evidence submitted by the Member States on disproportionate costs of storage and handling unwanted catches in previous years and concluded ⁽³⁵⁾ that the request is related to the loss of marketable catches. The Member States argued costs of storage and handling at sea and on shore. Considering that the circumstances of the fishery have not changed, the exemptions should be maintained. The Member States should provide by 1 May 2023 evidence on fishing patterns.

⁽³¹⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf>

⁽³²⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf>

⁽³³⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf>

⁽³⁴⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/812327/STECF+PLEN+14-02.pdf>

⁽³⁵⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/812327/STECF+PLEN+14-02.pdf>

- (43) The Member States requested to continue the *de minimis* exemption for mackerel, horse mackerel, herring and whiting caught by pelagic trawlers up to 25 metres in length overall using midwater trawls in ICES division 7d. The STECF analysed the evidence submitted by Member States in previous years and concluded ⁽³⁶⁾ that reasoned qualitative arguments supported the exemption on the grounds of disproportionate costs. Considering that the circumstances of the fishery have not changed, the exemptions should be maintained. The Member States should provide by 1 May 2023 evidence on fishing patterns.
- (44) The following *de minimis* exemptions from the landing obligation should apply to the South-Western Waters.
- (45) Delegated Regulation (EU) 2019/2237 included a *de minimis* exemption for:
- hake caught with trawls and seines in ICES subareas 8 and 9,
 - common sole caught using trawls in ICES divisions 8a and 8b,
 - common sole caught using trammel nets and gillnets in ICES divisions 8a and 8b,
 - alfonsinos caught using hooks and lines in ICES subarea 10.
- (46) Delegated Regulation (EU) 2019/2237 included a *de minimis* exemption for hake caught with trawls and seines in ICES subareas 8 and 9. The Member States requested that the exemption be continued. The STECF reviewed the new evidence submitted by the Member States in 2020. STECF concluded ⁽³⁷⁾ that the analysis on additional costs as a consequence of handling unwanted catches are tailored to the fleets targeting hake and that the results indicate that there will be an increase in handling and sorting time of unwanted catches. The evidence is comprehensive and sufficient to support the exemption and it should be maintained. The exemption should also be granted for hake and common sole caught by vessels using pair trawls and otter trawls (OTM, PTM).
- (47) Delegated Regulation (EU) 2019/2237 included a *de minimis* exemption 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 Member States requested that the exemptions be continued. The STECF reviewed the evidence submitted by the Member States in previous years and concluded ⁽³⁸⁾ that the joint recommendation contained reasoned arguments demonstrating difficulties in increasing selectivity and disproportionate costs of handling unwanted catches. Therefore, considering that the circumstances have not changed, these *de minimis* exemptions should be maintained. The exemption should also be granted for common sole caught by vessels using pair trawls and otter trawls (OTM, PTM).
- (48) Delegated Regulation (EU) 2019/2237 included a *de minimis* exemption for alfonsinos caught with hooks and lines in ICES subarea 10. The Member States requested that the exemption be continued. The STECF reviewed the evidence submitted by the Member States in previous years and concluded ⁽³⁹⁾ 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. Considering that the circumstances have not changed, that exemption should be maintained.
- (49) Delegated Regulation (EU) 2019/2237 included a *de minimis* exemption for:
- 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 CECAF zones 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 and 9 and CECAF zones 34.1.1, 34.1.2, 34.2.0,
 - megrim caught with trawls and seines in ICES subareas 8 and 9,
 - megrim 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,

⁽³⁶⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/812327/STECF+PLEN+14-02.pdf>

⁽³⁷⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf>

⁽³⁸⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/1099561/STECF+PLEN+15-02.pdf>

⁽³⁹⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2147402/STECF+PLEN+18-02.pdf>

- (50) Delegated Regulation (EU) 2018/2033 included a *de minimis* exemption for:
- anchovy caught by trawls and seines in ICES subareas 8 and 9,
 - red seabream caught by trawls and seines in ICES division 9a,
 - sole caught by trawls and seines in ICES division 9a.
- (51) The Member States requested that these exemptions be continued and that it be granted for anglerfish caught with pelagic trawls. The Member States provided a detailed economic analysis on disproportionate costs of unwanted catches that was evaluated by STECF ⁽⁴⁰⁾. The STECF concluded that although the study is detailed and extensive, the STECF could not fully evaluate its methodology during the written procedure. Given the information provided by the Member States and that the STECF could not assess the methodology of the study, those exemptions should be included in this Regulation. Member States should provide as soon as possible, but not later than 1 May every year additional data supporting the exemption.
- (52) Delegated Regulation (EU) 2019/2237 included a *de minimis* exemption for:
- whiting caught with trawls and seines in ICES subarea 8,
 - whiting caught with gillnets in ICES subarea 8.
- (53) The Member States requested that these exemptions be continued for whiting caught with trawls and seines in ICES subarea 8, and be granted for whiting caught with pelagic trawls. Member States provided new evidence. The STECF concluded ⁽⁴¹⁾ that there are indications that improving selectivity is difficult in mixed demersal fisheries in which whiting are caught without significant losses of other marketable catch and that new studies are ongoing. The exemption should be granted for two years. The Member States concerned should provide additional scientific information resulting from the ongoing studies as soon as possible and not later than 1 May every year.
- (54) The Member States requested to continue the *de minimis* exemption for whiting caught with gillnets in ICES subarea 8 and provided new evidence. The STECF concluded ⁽⁴²⁾ that improving selectivity in gillnet fisheries is difficult to achieve. However, improvements in the information provided on disproportionate costs are required. The exemption should be granted for two years and the Member States concerned should provide additional data as soon as possible, but not later than 1 May every year.
- (55) Delegated Regulation (EU) No 1394/2014 included *de minimis* exemptions for:
- blue whiting in the industrial pelagic trawler fishery in ICES subarea 8,
 - albacore tuna caught by trawls in ICES subarea 8,
 - anchovy, mackerel and horse mackerel caught by pelagic trawls in ICES subarea 8,
 - horse mackerel and mackerel caught by purse seines (PS) in ICES subarea 8.
- (56) The Member States requested that the exemptions be continued with regard to pelagic fisheries. Delegated Regulation (EU) No 1394/2014 provided for these exemptions following a positive STECF assessment in previous years ⁽⁴³⁾ and the exemptions were granted on the basis of difficulties encountered in improving selectivity for blue whiting, horse mackerel and mackerel; and high costs of handling unwanted catches in the case of albacore and anchovy. Considering that the circumstances have not changed, the exemption should therefore be maintained.
- (57) Following the new joint recommendations, it is appropriate to repeal Delegated Regulation (EU) 2019/2239 and Delegated Regulations (EU) 2019/2237 and to replace them with a new Regulation.
- (58) As the measures provided for in this Regulation have a direct impact on the planning of the fishing season of Union vessels and on related economic activities, this Regulation should enter into force immediately upon publication. It should apply from 1 January 2021,

⁽⁴⁰⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf>

⁽⁴¹⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf>

⁽⁴²⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2694823/STECF+20-04+-+Eval+JRs+LO+and+TM+Reg.pdf>

⁽⁴³⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/812327/STECF+PLEN+14-02.pdf>

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

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 2021-2023.

Article 2

Definitions

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 selvage to selvage).
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 codend.
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.

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)(b) of Regulation (EU) No 1380/2013 shall apply to:
 - (a) Norway lobster (*Nephrops norvegicus*) caught in pots, traps or creels (gear codes: ⁽⁴⁴⁾ FPO and 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 twelve nautical miles of the coast.
2. The exemption under paragraph 1(c) shall apply to vessels fishing in the Celtic Sea Protection Zone, provided that they use one of the following selective gears:
 - (a) square mesh panel of at least 300 mm;
 - (b) square mesh panel of at least 200 mm for vessels less than 12 metres in length
 - (c) Seltra panel;
 - (d) 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 ⁽⁴⁵⁾ or equivalent Netgrid selectivity device;
 - (e) 100 mm cod-end with a 100 mm square mesh panel.
 - (f) Dual cod-end with the uppermost cod-end constructed with T90 mesh of at least 90 mm and fitted with a separation panel with a maximum mesh size of 300 mm.
3. 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:
 - (a) 300 mm square mesh panel of at least 300 mm;
 - (b) square mesh panel of at least 200 mm for vessels less than 12 metres in length;
 - (c) Seltra panel;
 - (d) Sorting grid with a maximum bar spacing of 35 mm as defined in Annex VI Part B to Regulation (EU) 2019/1241;
 - (e) CEFAS Netgrid;
 - (f) Flip-flap trawl.
4. 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.

⁽⁴⁴⁾ 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.

⁽⁴⁵⁾ Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105).

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 in ICES division 7d, within six nautical miles of the coast but outside identified nursery areas, to catches of common sole (*Solea solea*) below the minimum conservation reference size made using otter trawl gears (gear codes: OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX) with a cod end mesh size of 80 to 99 mm, by vessels:

- (a) having a maximum length of 10 metres and a maximum engine power of 221 kW; and
- (b) fishing in waters with the depth of 30 metres or less and with tow durations of no more than ninety minutes.

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)(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, every year as soon as possible and not later than by 1 May, additional scientific information supporting the exemption laid down in paragraph 1. The Scientific, Technical and Economic Committee for Fisheries (STECF) shall assess that scientific information by 31 July every year.

3. The exemption laid down in paragraph 1 shall also apply to Cuckoo ray. Member States having a direct management interest shall submit, every year as soon as possible and not later than by 1 May, additional scientific information supporting that exemption including provisional information on Cuckoo ray catches, Cuckoo ray discards and the progress of Cuckoo ray vitality or survival research in relevant fisheries. The STECF shall assess the provided scientific information before 31 July every year.

4. 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)(b) of Regulation (EU) No 1380/2013 shall apply to:

- (a) plaice (*Pleuronectes platessa*) caught in ICES divisions 7d to 7g with trammel nets (gear codes: GTR, GTN, GEN, GN);
- (b) plaice (*Pleuronectes platessa*) caught in ICES divisions 7d to 7g with otter trawls (gear codes: OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX);
- (c) plaice (*Pleuronectes platessa*) caught in 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 benthic release panel;
- (d) plaice (*Pleuronectes platessa*) 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 metres, which are constructed to fish within 12 nautical miles of the coast and with average tow durations of no more than ninety minutes;
- (e) plaice (*Pleuronectes platessa*) caught in ICES division 7d with Danish seines (gear code: SDN).

2. For the exemptions set out in points (c) and (d), Member States having a direct management interest shall submit, as soon as possible and not later than by 1 May every year, additional scientific information supporting these exemptions, including provisional information on plaice catches, discards and the progress of vitality or survival research in the relevant fisheries. Member States shall also submit a timetable for the completion of the agreed roadmap by 1 May 2021. The STECF shall assess that information by 30 June 2021.
3. 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)(b) of Regulation (EU) No 1380/2013 shall apply to 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.
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)(b) of Regulation (EU) No 1380/2013 shall apply to catches of mackerel and herring in the purse seine fisheries in ICES subarea 6, if all of the following conditions are met:
 - (a) 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');
 - (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 recording and documenting system when, where and extent to which the purse seine has been hauled for all fishing operations.
2. The point of retrieval shall be 80 % closure of the purse seine in fisheries for mackerel and it shall be 90 % closure of the purse seine in fisheries for herring.
3. If the surrounded school consists of a mixture of both species the point of retrieval shall be 80 % closure of the purse seine.
4. It shall be prohibited to release catches of mackerel and herring after the point of retrieval.
5. The surrounded school of fish shall be sampled before its release to estimate the species composition, the fish size composition and the quantity.
6. 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, if the requirements set out in paragraphs 1 to 5 of this Article and in Article 15 of this Regulation are met *mutatis mutandis*.

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)(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 codes: 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)(b) of Regulation (EU) No 1380/2013 shall apply to skates and rays (*Rajiformes*) caught with all gears 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.
3. Member States having a direct management interest shall submit as soon as possible, but not later than by 1 May 2022 additional scientific information supporting the exemption laid down in paragraph 1. The STECF shall assess that scientific information by 31 July 2022.
4. The exemption referred to in paragraph 1 shall apply to cuckoo ray:
 - (a) caught by trammel nets in ICES subareas 8 and 9 until 31 December 2022. Member States having a direct management interest shall submit as soon as possible, but not later than by 1 May 2022, additional scientific information supporting this exemption for cuckoo ray caught with trammel nets. The STECF shall assess that scientific information by 31 July 2022;
 - (b) caught by bottom trawls in ICES subarea 8 until 31 December 2021. Member States having a direct management interest shall submit as soon as possible, but not later than by 1 May 2021, additional scientific information supporting this exemption for cuckoo ray caught with bottom trawls. The STECF shall assess that scientific information by 31 July 2021.

Article 11

Survivability exemption for red sea bream

1. The survivability exemption 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* in ICES division 9a and to red seabream (*Pagellus bogaraveo*) caught with hooks and lines (gear codes: LHP, LHM, LLS, LLD) until 31 December 2022 in ICES subareas 8 and 10 and in ICES division 9a.
2. Member States having a direct management interest shall submit as soon as possible, but not later than by 1 May 2022 additional scientific information supporting the exemption laid down in paragraph 1 for red seabream caught with hooks and lines in ICES subareas 8 and in ICES division 9a. The STECF shall assess the provided scientific information by 31 July 2022.
3. When discarding red sea bream 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)(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 the North-Western Waters

1. By way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the following quantities may be discarded in the North-Western Waters pursuant to Article 15(5)(c) of that Regulation, subject to paragraphs 2 to 7:
 - (a) for whiting (*Merlangius merlangus*), up to a maximum of 5 % of the total annual catches of that species 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;

- (b) for common sole (*Solea solea*), up to a maximum of 3 % of the total annual catches of that species 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;
- (c) for common sole (*Solea solea*), up to a maximum of 3 % of the total annual catches of that species 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;
- (d) for haddock (*Melanogrammus aeglefinus*), up to a maximum of 5 % of the total annual catches of that species caught:
 - (i) 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) in 7b, 7c and 7e to 7k with catches comprising not more than 30 % Norway lobster and excluding beam trawls;
 - (ii) by vessels operating with mesh sizes greater than or equal to 80 mm in 7b, 7c and 7e to 7k with catches comprising more than 30 % of Norway lobster;
 - (iii) by vessels operating with beam trawls using mesh sizes greater than or equal to 80 mm in 7b, 7c and 7e to 7k in conjunction with the use of a Flemish panel;
- (e) 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 31 mm in ICES division 7a:

a combined quantity of fish species below MCRS, which shall not exceed 0,85 % of the total annual catches of plaice and 0,15 % of the total annual catches of whiting in the demersal mixed fisheries;
- (f) for boarfish (*Caproidae*), up to a maximum of 0,5 % of the total annual catches of that species by vessels using bottom trawls (OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX) in ICES divisions 7b, 7c and 7f to 7k;
- (g) for megrim (*Lepidorhombus* spp.) below MCRS, up to a maximum of 4 % of the total annual catches of those species 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:
 - (i) 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;
 - (ii) in ICES subarea 7, outside the abovementioned area, for TR2 vessels.
- (h) for common sole (*Solea solea*), up to a maximum of 3 % of the total annual catches of that species by vessels using beam trawls with a mesh size of 80 to 119 mm (BT2) with increased selectivity (Flemish panel) in ICES divisions 7a;
- (i) for greater silver smelt (*Argentina silus*), 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 (EU waters) and subarea 6, up to 0,6 % of the total annual catches of that species from all gears in those areas.
- (j) 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 ICES divisions 7b to 7k;
- (k) 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 ICES divisions 7b to 7k;
- (l) for haddock (*Melanogrammus aeglefinus*) below minimum conservation reference size, up to a maximum of 3 % of the total annual catches of that species 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 this Regulation.
- (m) for blue whiting (*Micromesistius poutassou*), up to a maximum of 5 % of the total annual catches 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;
- (n) for albacore tuna (*Thunnus alalunga*) in the albacore tuna directed fisheries, up to a maximum of 5 % of the total annual catches using midwater pair trawls (PTM) in ICES subarea 7;

- (o) for mackerel (*Scomber scombrus*), horse mackerel (*Trachurus* spp.), herring (*Clupea harengus*) 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), targeting mackerel, horse mackerel and herring in ICES division 7d;
2. The *de minimis* exemption laid down in point (a) of paragraph 1, shall be applicable until 31 December 2021. Member States having a direct management interest shall submit, as soon as possible and not later than by 1 May 2021, additional information on catch composition. The STECF shall assess the provided scientific information by 31 July 2021.
3. The *de minimis* exemption laid down in point (g) of paragraph 1, shall be applicable until 31 December 2022. Member States having a direct management interest shall submit, as soon as possible and not later than by 1 May 2022 additional information on costs of megrim below MCRS being stored on vessels and fleet data. The STECF shall assess the provided scientific information by 31 July 2022.
4. The *de minimis* exemption laid down in point (h) of paragraph 1, shall be applicable until 31 December 2022. Member States having a direct management interest in the *de minimis* exemption shall submit, as soon as possible and not later than by 1 May 2022 additional information on selectivity and the use of this *de minimis* exemption. The STECF shall assess the provided scientific information by 31 July 2022.
5. Member States having a direct management interest shall submit, as soon as possible and not later than by 1 May 2022 additional information on selectivity and disproportionate costs supporting the exemptions set out in points (f) and (i) to (k) of paragraph 1. The STECF shall assess the provided scientific information by 31 July 2022.
6. Member States having a direct management interest shall submit, as soon as possible and not later than by 1 May 2023 additional information on fishing patterns supporting the exemptions set out in points (m), (n) and (o) of paragraph 1. The STECF shall assess the provided scientific information by 31 July 2023.
7. The *de minimis* exemptions laid down in points (d), (f) and (i) to (l) of paragraph 1 shall be applicable until 31 December 2022.

CHAPTER V

DE MINIMIS EXEMPTIONS IN SOUTH-WESTERN WATERS

Article 14

De minimis exemptions in the South-Western Waters

1. 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)(c) of that Regulation:
- (a) for hake (*Merluccius merluccius*), up to a maximum of 5 % of the total annual catches of that species by vessels using trawls and seines (gear codes: OTM, PTM, 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 pelagic trawls, beam trawls and bottom trawls (gear codes: OTM, PTM, 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 alfonsoinos (*Beryx* spp.), up to a maximum of 5 %, of the total annual catches of those species by vessels using hooks and lines (gear codes: LHP, LHM, LLS, LLD) in ICES subarea 10;
- (e) 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 (gear codes: OTB, OTT, PTB, TBN, TBS, TBB, OT, PT, TX, SSC, SPR, SDN, SX, SV) in ICES subareas 8 and 9;
- (f) for horse mackerel (*Trachurus* spp.), up to a maximum of 3 % of the total annual catches of horse mackerel by vessels using gillnets (gear codes: GNS, GND, GNC, GTR, GTN) in ICES subareas 8, 9 and 10 and and CECAF zones 34.1.1, 34.1.2, 34.2.0;

- (g) 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 (gear codes: OTB, OTT, PTB, TBN, TBS, TBB, OT, PT, TX, SSC, SPR, SDN, SX, SV) in ICES subareas 8 and 9;
- (h) for mackerel (*Scomber scombrus*), up to a maximum of 3 % 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 and CECF zones 34.1.1, 34.1.2, 34.2.0;
- (i) 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 (gear codes: OTB, OTT, PTB, TBN, TBS, TBB, OT, PT, TX, SSC, SPR, SDN, SX, SV) in ICES subareas 8 and 9;
- (j) for megrim (*Lepidorhombus* spp.), up to a maximum of 4 % of the total annual catches of megrim by vessels using gillnets (gear codes: GNS, GND, GNC, GTR, GTN) in ICES subareas 8 and 9;
- (k) for anglerfish (*Lophiidae*), up to a maximum of 5 % of the total annual catches of anglerfish by vessels using pelagic trawls, beam trawls, bottom trawls and seines (gear codes: OTM, PTM, OTB, OTT, PTB, TBN, TBS, TBB, OT, PT, TX, SSC, SPR, SDN, SX, SV) in ICES subareas 8 and 9;
- (l) for anglerfish (*Lophiidae*), up to a maximum of 4 % of the total annual catches of anglerfish by vessels using gillnets (gear codes: GNS, GND, GNC, GTR, GTN) in ICES subareas 8 and 9;
- (m) for whiting (*Merlangius merlangus*), up to a maximum of 5 % of the total annual catches of that species by vessels using pelagic trawls, beam trawls, bottom trawls and seines (gear codes: OTB, OTT, PTB, TBN, TBS, TBB, OT, PT, TX, SSC, SPR, SDN, SX, SV) in ICES subarea 8;
- (n) for whiting (*Merlangius merlangus*), up to a maximum of 4 % of the total annual catches of that species by vessels using gillnets (gear codes: GNS, GND, GNC, GTR, GTN) in ICES subarea 8;
- (o) 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;
- (p) 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;
- (q) for sole (*Solea* spp.) up to a maximum of 1 % of the total annual catches of sole by vessels using beam trawls, bottom trawls and seines (gear codes: 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.
- (r) for blue whiting (*Micromesistius poutassou*) up to a maximum of 5 % of the total annual catches 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;
- (s) for albacore tuna (*Thunnus alalunga*) up to a maximum of 5 % of the total annual catches in the albacore tuna directed fisheries using midwater pair trawls (PTM) and midwater trawls (OTM) in ICES subarea 8;
- (t) for anchovy (*Engraulis encrasicolus*), mackerel (*Scomber scombrus*) and horse mackerel (*Trachurus* spp.) up to a maximum of 4 % in of the total annual catches in the pelagic trawl fishery which targets anchovy, mackerel and horse mackerel in ICES subarea 8 using pelagic trawls;
- (u) 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 using purse seines (PS) in ICES subareas 8, 9 and 10 and CECF divisions 34.1.1, 34.1.2, 34.2.0.

2. Member States having a direct management interest shall submit, as soon as possible and not later than 1 May every year, additional scientific information supporting the exemptions set out in paragraph 1(e) to (q).

3. The *de minimis* exemptions laid down in points (m) and (n) of paragraph 1 shall be applicable until 31 December 2022.

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.

CHAPTER VII

FINAL PROVISIONS*Article 16***Repeal**

Delegated Regulations (EU) 2019/2239 and (EU) 2019/2237 are repealed.

*Article 17***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 2021 until 31 December 2023.

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

Done at Brussels, 21 August 2020.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2016**of 9 December 2020****amending Annex II to Implementing Regulation (EU) No 577/2013 as regards the entries for the United Kingdom, Guernsey, the Isle of Man and Jersey****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003 ⁽¹⁾, and in particular Article 13(2) thereof,

Whereas:

- (1) Regulation (EU) No 576/2013 lays down the animal health requirements applicable to the non-commercial movement of pet animals into a Member State. In particular, Article 13 of that Regulation provides that the Commission is to adopt two lists of territories and third countries from which the pet animals listed in Part A of Annex I thereto, namely dogs, cats and ferrets, may be moved for non-commercial purposes into a Member State.
- (2) The conditions applicable to the non-commercial movement of pet animals into a Member State vary depending on the situation of the territory or the third country of origin. Taking into account their particular situation, the third countries or territories may be listed in accordance with Article 13(1) or (2) of Regulation (EU) No 576/2013.
- (3) Part 2 of Annex II to Commission Implementing Regulation (EU) No 577/2013 ⁽²⁾ sets out the list of territories and third countries referred to in Article 13(2) of Regulation (EU) No 576/2013.
- (4) In view of the end of the transition period provided for in the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (Withdrawal Agreement) on 31 December 2020, the United Kingdom has submitted an application to the Commission to be listed, together with the Crown Dependencies of Guernsey, the Isle of Man and Jersey, in Annex II to Implementing Regulation (EU) No 577/2013. The Commission has assessed that application and verified that, as regards the pet animals listed in Part A of Annex I to Regulation (EU) No 576/2013, the United Kingdom, as well as the Crown Dependencies of Guernsey, the Isle of Man and Jersey fulfil the criteria laid down in Article 13(2) of Regulation (EU) No 576/2013, and accordingly should be listed in Part 2 of Annex II to Implementing Regulation (EU) No 577/2013, without prejudice to the application of Union law to and in the United Kingdom in respect of Northern Ireland in accordance with Article 5(4) of the Protocol on Ireland/Northern Ireland to the Withdrawal Agreement in conjunction with Annex 2 to that Protocol.
- (5) Part 2 of Annex II to Implementing Regulation (EU) No 577/2013 should therefore be amended accordingly.
- (6) As the transitional period provided for in the Withdrawal Agreement ends on 31 December 2020, this Regulation should apply from 1 January 2021.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 178, 28.6.2013, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 577/2013 of 28 June 2013 on the model identification documents for the non-commercial movement of dogs, cats and ferrets, the establishment of lists of territories and third countries and the format, layout and language requirements of the declarations attesting compliance with certain conditions provided for in Regulation (EU) No 576/2013 of the European Parliament and of the Council (OJ L 178, 28.6.2013, p. 109).

HAS ADOPTED THIS REGULATION:

Article 1

Part 2 of Annex II to Implementing Regulation (EU) No 577/2013 is replaced by the text set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2021.

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

Done at Brussels, 9 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

PART 2

List of territories and third countries referred to in Article 13(2) of Regulation (EU) No 576/2013

ISO code	Territory or third country	Included territories
AC	Ascension Island	
AE	United Arab Emirates	
AG	Antigua and Barbuda	
AR	Argentina	
AU	Australia	
AW	Aruba	
BA	Bosnia and Herzegovina	
BB	Barbados	
BH	Bahrain	
BM	Bermuda	
BQ	Bonaire, Sint Eustatius and Saba (the BES Islands)	
BY	Belarus	
CA	Canada	
CL	Chile	
CW	Curaçao	
FJ	Fiji	
FK	Falkland Islands	
GB	United Kingdom (*)	
GG	Guernsey	
HK	Hong Kong	
IM	Isle of Man	
JM	Jamaica	
JP	Japan	
JE	Jersey	
KN	Saint Kitts and Nevis	
KY	Cayman Islands	
LC	Saint Lucia	
MS	Montserrat	
MK	North Macedonia	
MU	Mauritius	
MX	Mexico	
MY	Malaysia	
NC	New Caledonia	

NZ	New Zealand	
PF	French Polynesia	
PM	Saint Pierre and Miquelon	
RU	Russia	
SG	Singapore	
SH	Saint Helena	
SX	Sint Maarten	
TT	Trinidad and Tobago	
TW	Taiwan	
US	United States of America	AS – American Samoa GU – Guam MP – Northern Mariana Islands PR – Puerto Rico VI – US Virgin Islands
VC	Saint Vincent and the Grenadines	
VG	British Virgin Islands	
VU	Vanuatu	
WF	Wallis and Futuna	

(*) In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to the United Kingdom do not include Northern Ireland.'

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2017**of 9 December 2020****amending Part 2 of the Annex to Implementing Regulation (EU) 2018/878 as regards the entry for United Kingdom in respect of Northern Ireland****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003 ⁽¹⁾, and in particular Article 20 thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2018/772 ⁽²⁾ lays down rules for the application of preventive health measures for the control of *Echinococcus multilocularis* infection in dogs intended for non-commercial movement into the territory or parts of the territory of certain Member States. More particularly, Article 2 of that Delegated Regulation lays down the rules for the categorisation of Member States, or parts thereof, with regard to *Echinococcus multilocularis* infection, and establishes the conditions that Member States must fulfil in order to remain eligible to apply those preventive health measures.
- (2) Commission Implementing Regulation (EU) 2018/878 ⁽³⁾ lists the Member States or part of the territories of Member States that comply with the rules for categorisation with regard to *Echinococcus multilocularis* laid down in Delegated Regulation (EU) 2018/772. The list of Member States or parts of the territory of Member States that comply with the rules for categorisation laid down in Article 2(3) of Delegated Regulation (EU) 2018/772 is set out in Part 2 of the Annex to Implementing Regulation (EU) 2018/878.
- (3) In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (Withdrawal Agreement), and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, Regulation (EU) No 576/2013, as well as the Commission acts based on it, applies to and in the United Kingdom in respect of Northern Ireland after the end of the transitional period.
- (4) The whole of the territory of the United Kingdom is currently listed in Part 2 of the Annex to Implementing Regulation (EU) 2018/878. Accordingly, it is necessary to amend Part 2 of that Annex by replacing the entry referring to the United Kingdom by an entry referring to the United Kingdom in respect of Northern Ireland.
- (5) As the transitional period provided for in the Withdrawal Agreement ends on 31 December 2020, this Regulation should apply from 1 January 2021.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 178, 28.6.2013, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2018/772 of 21 November 2017 supplementing Regulation (EU) No 576/2013 of the European Parliament and of the Council with regard to preventive health measures for the control of *Echinococcus multilocularis* infection in dogs, and repealing Delegated Regulation (EU) No 1152/2011. (OJ L 130, 28.5.2018, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) 2018/878 of 18 June 2018 adopting the list of Member States, or parts of the territory of Member States, that comply with the rules for categorisation laid down in Article 2(2) and (3) of Delegated Regulation (EU) 2018/772 concerning the application of preventive health measures for the control of *Echinococcus multilocularis* infection in dogs (OJ L 155, 19.6.2018, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Part 2 of the Annex to Implementing Regulation (EU) 2018/878 is replaced by the text set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2021.

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

Done at Brussels, 9 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

PART 2

List of Member States (*) or parts of the territory of Member States complying with the rules for categorisation laid down in Article 2(3) of Delegated Regulation (EU) 2018/772

	Code	Whole/parts of territory
Finland	FI	Whole territory
Ireland	IE	Whole territory
United Kingdom (Northern Ireland)	UK(NI)	Northern Ireland

(*) In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Protocol on Ireland/Northern Ireland in conjunction with Annex 2 to that Protocol, for the purposes of this Annex, references to Member States include the United Kingdom in respect of Northern Ireland.'

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2018**of 9 December 2020****entering a name in the register of protected designations of origin and protected geographical indications (Mozzarella di Gioia del Colle (PDO))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(3)(b) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, the application from Italy to register the name 'Mozzarella di Gioia del Colle' as protected designation of origin (PDO) was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) On 19 December 2019 the Commission received the notice of opposition and the related reasoned statement of opposition from Germany. The Commission forwarded the notice of opposition and the reasoned statement of opposition sent by Germany to Italy on 13 January 2020.
- (3) The Commission examined the opposition sent by Germany and found it admissible. The word 'Mozzarella', which forms part of the name 'Mozzarella di Gioia del Colle' is identical to the name which is used in Germany for a type of cheese that is produced and marketed in Germany on a commercial scale. The opposition claims that the name 'Mozzarella di Gioia del Colle' cannot be registered as a protected designation of origin under Regulation (EU) No 1151/2012 because it does not meet the requirements of that Regulation as the name 'Mozzarella' is deemed generic and accordingly ineligible for registration. The opposition claims that the application for registration of 'Mozzarella di Gioia del Colle' does not comply with the condition referred to in Article 5 and 7(1) of Regulation (EU) No 1151/2012 since neither the quality nor the characteristics of the cheese are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors. The opposition claims also that the registration of the proposed name 'Mozzarella di Gioia del Colle' would jeopardise the existence of the identical name ('Mozzarella') and the existence of products which have been legally on the German market for at least five years preceding the date of publication of the application for registration of the name 'Mozzarella di Gioia del Colle'. Furthermore, the opposition claims that this application for registration is in contradiction with the registration of the name 'Mozzarella' as Traditional Specialty Guaranteed without reservation of the name (Regulation (EC) No 2527/98).
- (4) By letter of 12 February 2020 the Commission invited the interested parties to engage in appropriate consultations to seek agreement among themselves in accordance with their internal procedures.
- (5) Because of an administrative error the Commission's letter of 12 February 2020 was however not received by the parties. Germany formally received the invitation to engage in appropriate consultations to seek agreement on 14 October 2020. Italy formally received it on 26 October 2020.
- (6) Although there have been exchanges and a substantial understanding on the registration of the name 'Mozzarella di Gioia del Colle' already in March 2020, the parties reached a formal agreement only in November 2020. The agreement has been communicated to the Commission by Italy on 9 November 2020.

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 356, 21.10.2019, p. 10.

- (7) Italy and Germany confirmed that the protection of the designation 'Mozzarella di Gioia del Colle' should not cover the stand-alone name 'Mozzarella' but only the compound name 'Mozzarella di Gioia del Colle' as a whole. By applying for the registration of the name 'Mozzarella di Gioia del Colle' Italy did not aim at reserving the use of the term 'Mozzarella'.
- (8) Furthermore, they agreed that the term 'Mozzarella' in the product specification and in the single document should be always followed by the terms 'di Gioia del Colle' in order to signify that the protection is referred only to that compound name. The product specification and the single document have been amended accordingly.
- (9) As it complies with the provisions of Regulation (EU) No 1151/2012 and EU legislation, the content of the agreement concluded between Italy and Germany should be taken into account.
- (10) Italy and Germany have also proposed that this Regulation should include a footnote explaining that the protection of the name 'Mozzarella' is not sought. However, for the sake of clarity and legal certainty, the statement on the status of protection of a specific term should be moved directly in the operative part of this Regulation.
- (11) Following the expressed clarification in an Article of this Regulation of the status of the term 'Mozzarella', the claim based on the inconsistency of this application with the registration of the term 'Mozzarella' as Traditional Specialty Guaranteed without reservation of the name becomes void.
- (12) On 17 January 2020 the Commission received the notice of opposition from the Consortium for Common Food Names (CCFN) and the U.S. Dairy Export Council (USDEC). The Commission forwarded the notice of opposition to Italy on 21 January 2020. On 17 March 2020, the Commission received the reasoned statement of opposition, within the prescribed deadline.
- (13) The Commission examined the opposition sent by the Consortium for Common Food Names (CCFN) and the U.S. Dairy Export Council (USDEC) and found it admissible. The term 'Mozzarella', which forms part of the name 'Mozzarella di Gioia del Colle' is identical to the term which is used for a type of cheese for which there is an active Codex Alimentarius Standard (Codex Stan 262-2006). The opposition claims that the name 'Mozzarella di Gioia del Colle' cannot be registered as a protected designation of origin under Regulation (EU) No 1151/2012 because the name 'Mozzarella' is a generic term and the application does not include an assurance that protection is not sought for that term and that this generic term will remain in free usage. In addition, the CCFN and the USDEC raised concerns on the procedure carried out at Member State level in relation to the alleged change of the name of the product, so claiming a breach of the conditions laid down in Article 5 and 7(1) of Regulation (EU) No 1151/2012.
- (14) By letter of 8 April 2020 the Commission invited the interested parties to engage in appropriate consultations to seek agreement among themselves in accordance with their internal procedures.
- (15) Italy and the Consortium for Common Food Names (CCFN) and the U.S. Dairy Export Council (USDEC) confirmed that the designation 'Mozzarella di Gioia del Colle' should be protected as a whole, whereas the stand-alone name 'Mozzarella' may continue to be used in labelling or presentations within the territory of the Union provided the principles and rules applicable in its legal order are respected.
- (16) However, the Consortium for Common Food Names (CCFN) and the U.S. Dairy Export Council (USDEC) did not give their final consent for the reason that Italy did not give them access to the documents of the national procedure and that it did not engage in confirming the free status of the name 'Mozzarella' for future requests of protection of the name 'Mozzarella di Gioia del Colle' outside the EU.
- (17) As it complies with the provisions of Regulation (EU) No 1151/2012 and EU legislation, the content of the partial agreement concluded between Italy and the Consortium for Common Food Names (CCFN) and the U.S. Dairy Export Council (USDEC) should be taken into account.

- (18) For the rest, the Commission has verified that the procedure carried out at Member State level concerned the applied name and that that name has been in use in trade and in common language to describe the specific product, in compliance with Article 7(1) of Regulation (EU) No 1151/2012.
- (19) The possible future applications of the Protected Designation of Origin 'Mozzarella di Gioia del Colle' outside the EU remains outside the scope of Regulation (EU) No 1151/2012.
- (20) The protection is not sought for the term 'Mozzarella' as such.
- (21) Therefore, the designation of origin 'Mozzarella di Gioia del Colle' (PDO) should be protected as a whole, whereas the term 'Mozzarella' should be allowed to continue to be used within the territory of the Union provided the principles and rules applicable in its legal order respected. The consolidated version of the single document should be published for information.
- (22) The measures provided for in this Regulation are in accordance with the opinion of the Agricultural Product Quality Policy Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Mozzarella di Gioia del Colle' (PDO) is registered.

The name in the first paragraph identifies a product from Class 1.3. Cheeses set out in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾. The consolidated single document is set out in the Annex to this Regulation.

Article 2

The name 'Mozzarella' may continue to be used within the territory of the Union, provided the principles and rules applicable in its legal order are respected.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 9 December 2020.

For the Commission
The President
Ursula VON DER LEYEN

⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

ANNEX

'MOZZARELLA DI GIOIA DEL COLLE'

EU No: PDO-IT-02384 – 29.12.2017

PDO (X) PGI ()**1. Name(s)**

'Mozzarella di Gioia del Colle'

2. Member State or third country

Italy

3. Description of the agricultural product or foodstuff**3.1. Type of product**

Class 1.3. Cheeses

3.2. Description of the product to which the name in (1) applies

'Mozzarella di Gioia del Colle' is a fresh stretched-curd cheese made with whole cow's milk only and a whey starter culture. It is characterised by:

- (a) The following chemical composition (values for fresh cheese): lactose $\leq$ 0,6 %, lactic acid $\geq$ 0,20 %, moisture 58-65 %, fat 15-21 % on a wet basis.
- (b) A taste reminiscent of slightly soured milk, with a pleasant after-taste of fermentation or sour whey (stronger in freshly made cheese) and a sour milky aroma, sometimes accompanied by a slight hint of butter.
- (c) The absence of preservatives, additives and processing aids.

'Mozzarella di Gioia del Colle' has a smooth or slightly fibrous surface. The cheese is glossy, not slimy or flaky. It is a white cheese, possibly with a slight straw-coloured tinge depending on the season. When the cheese is cut, it should have a springy consistency and be free of defects. A small amount of white whey should ooze from the cut cheese.

'Mozzarella di Gioia del Colle' comes in three shapes: round, twisted into knots, and braided. Depending on the shape and size, portion weight varies from 50 g to 1 000 g. The cheese is marketed immersed in preservative liquid (water, possibly with added salt and slightly acidified).

3.3. Feed (for products of animal origin only) and raw materials (for processed products only)

Only raw whole cow's milk, collected over two separate milking sessions, is used to make this cheese. The milk may be thermised or pasteurised.

The cheese is made according to the traditional practice of using a whey starter culture.

The milk used to make 'Mozzarella di Gioia del Colle' comes from herds of cattle belonging to the Bruna [Brown], Frisona [Friesian], Pezzata Rossa [Red Pied] or Jersey breeds and crosses thereof, where at least 60 % of the total dry matter fed to the dairy cows is grass and/or hay from meadows offering a wide variety of vegetation.

The cows' diet may also include cereal-based (maize, barley, wheat, oats) and legume-based (soya, broad beans, field beans, field peas) concentrates, meal or flakes, which may also be administered as complementary feed. Carob and cereal processing by-products – common wheat bran and middlings, durum wheat middlings – can also be used, provided that they do not exceed 40 % of dry matter. Finally, the cows' diet can be supplemented with vitamin and mineral complexes.

To avoid compromising the quality characteristics conferred on 'Mozzarella di Gioia del Colle' by its link with the local area, at least 60 % of the products used to feed the cows must come from the area described in point 4. This percentage requirement is met using grass and/or hay from meadows located within the identified area. It is the

portion of the feed which is associated with digestible fibre, broadly defined as 'forage' (grass and/or hay, pasture, etc.), and it has a major impact on the chemical and organoleptic characteristics of the milk.

Given its geographical, soil and climate conditions, the geographical area has never been – and will never be – suitable for growing cereals such as maize or oilseed crops such as soya from which to obtain protein feedstuffs. As it is not possible to substitute these feedstuffs with high-quality fodder from within the area, the use of complementary concentrates and feedstuffs from outside it must be allowed. These products are easily broken down and dissolved in the rumen (grain size smaller than 0,8 cm – i.e. incapable of stimulating ruminal contractions) so they provide energy (mainly from reserve carbohydrates such as starch) and readily available protein for the rumen microbiome. However, as their role is limited to the physiological function of supporting the microbiome, they have no impact at all on the properties of the milk or of the 'Mozzarella di Gioia del Colle'. Therefore, it is the compulsory grazing for the time it is actually possible (150 days), and the diet rich in fodder produced in the area, which are the aspects of the diet that help determine the chemical and sensorial properties of the raw material and of the finished product. These are therefore two fundamental elements linking the raw material, the finished product and the territory.

3.4. Specific steps in production that must take place in the identified geographical area

All of the stages of the production process – rearing and milking the cows, collecting and processing the milk, and making the cheese itself – take place in the geographical area described in point 4.

3.5. Specific rules concerning slicing, grating, packaging, etc. of the product the registered name refers to

As it is a fresh product that tends to deteriorate rapidly, 'Mozzarella di Gioia del Colle' must be packaged on the same premises at which it is made, within the geographical area defined under point 4.

'Mozzarella di Gioia del Colle' may be marketed in packages of various weights and/or in individual portions. It is marketed immersed in preservative liquid (water, possibly with added salt and slightly acidified).

3.6. Specific rules concerning labelling of the product the registered name refers to

The logo (Figure 1) and production date must be printed on the packaging used to market 'Mozzarella di Gioia del Colle'.

The logo shown in Figure 1 must be displayed prominently on the upper face of the labelling or packaging, as well as on the sides. The logo shown in Figure 1 must be displayed on both sides of single wrapped portions.



Figure 1: logo

4. Concise definition of the geographical area

The production area spans the municipalities of Acquaviva delle Fonti, Alberobello, Altamura, Casamassima, Cassano delle Murge, Castellana Grotte, Conversano, Gioia del Colle, Gravina in Puglia, Locorotondo, Monopoli, Noci, Putignano, Sammichele di Bari, Santeramo in Colle and Turi in the province of Bari; Castellaneta, Crispiano, Laterza,

Martina Franca, Massafra and Mottola in the Province of Taranto; and a portion of the municipality of Matera lying adjacent to the municipalities of Altamura, Santeramo in Colle and Laterza, demarcated by the SS 99 and SS 7 trunk roads.

5. Link with the geographical area

The geographical area where this cheese is produced spans parts of the provinces of Bari and Taranto on the Murge plateau, where there are many dairy farms (the 'cow farms' of Frederician origin). In this area, where farms and dairies are located quite close together (many even on the same premises), it has long been the local custom to produce 'Mozzarella di Gioia del Colle' from cow's milk: there are references dating from 1885 to the 'exquisite mozzarella from Apulia' in a publication entitled *L' Italia agricola, giornale dedicato al miglioramento morale ed economico delle popolazioni rurali* ('Agricultural Italy, a journal devoted to the moral and economic betterment of rural populations') (Redaelli, Milan). As well as for certain peculiarities of its geography, soil and climate, the area is distinctive for its ancient deep-rooted cheese-making tradition which has withstood the test of time and been passed down from one generation to the next. Both of these aspects have a profound impact on the characteristics of the milk and cheese and they are the main factors which link 'Mozzarella di Gioia del Colle' to the territory.

The chemico-physical and nutritional characteristics of the milk, in particular, are linked to the territory via the diet fed to the animals and the broader environmental context in which they are reared. It is well known that the composition of milk is generally closely linked to the zootechnical context in which the animals live and that the type of volatile compounds is very important for the composition. The aromatic characteristics of the milk depend on these substances, which are partly formed by the animal's metabolism and partly by the environment. The volatile compounds from the environment can enter the milk either via digestion (rumination) or through the lungs (inhalation). In the geographical area where 'Mozzarella di Gioia del Colle' PDO is produced, the geographical, soil and climate conditions have led to the selection of certain naturally occurring and cultivated plant varieties which are resistant to the hot, dry conditions typical of a pseudo-steppe environment. The naturally occurring vegetation is mostly xerophilous and it includes aromatic grasses such as *Thymus striatus*, *Ferula communis* and *Foeniculum vulgare*. These plants – and xerophilous vegetation in general – are particularly rich in polyphenols, terpenes, carbonyl compounds and other volatile substances that can have a direct or indirect influence on the milk's flavour. This influence is direct when they are transferred unchanged and indirect when they act as precursors for other volatile metabolites with an impact on the fragrance. The constant presence of the animals in this environment is conducive to volatile principles with aromatic properties being passed into the milk, especially at certain times of the year. On the whole, it is the compulsory grazing and the diet rich in fodder produced in the area that guarantee the distinctive nutritional and functional characteristics of the milk, such as its lipid profile and its volatile compound content. Local environmental conditions and livestock-rearing techniques play an important role in shaping the milk microbiota. All of these factors combined have a major impact on the organoleptic characteristics of 'Mozzarella di Gioia del Colle'.

As regards the influence of the processing technique, this is the traditional, historical method which only allows for fresh milk to be used and local whey added (the starter culture). The whey starter that is added to the milk represents yet another link to the local territory, as it has been made in the same way for a very long time: using the previous day's whey which has been left to turn sour, allowing it to become enriched with the milk enzymes characteristic of the dairy. These aspects guarantee a strong link to the territory, as they determine that most of the microbiological component will also be native. The microbial component plays an important role in the sensorial properties because it is responsible for the formation of the product's 'secondary aromas'. The native microbiological profile of the whey starter culture is guaranteed partly by the characteristics of the milk from which it is derived, but more importantly, by the preparation method and the environment in which it is left to develop. The 'mix of native micro-organisms' contained in the starter culture reflects all phases in the production process and is transferred on a daily basis to the milk and therefore to the finished product, thus constantly perpetuating the link to the territory. The methods used by the cheese-maker to manage the whey in the vat, mature the curds and process the mixture afterwards combine to form another distinctive link to the territory. In fact, the combination of all of the processing parameters has an impact on the microbial ecosystem, which is already quite distinctive, thus shaping how the fermentation progresses. The cheese-maker's expertise is essential in that regard as it allows the set of microbes to develop in a unique and irreplicable manner, thus giving the 'Mozzarella di Gioia del Colle' its typical sensorial characteristics. As far as the taste is concerned, this fermentation creates slightly sour notes with a pleasant yeasty after-taste that is stronger in freshly made cheese. The aroma derived from the cheese-making process combines with those which are derived from the milk, i.e. from the fermentation process ('secondary aroma') which creates fresh notes of milk, butter and acid whey and from the raw material ('primary aroma') with its characteristically delicate plant and animal notes. To sum up, the primary aromas reflect the conditions in which the cows were raised, with an important role played by the diet of local forage (fresh or hay) and the secondary aromas are linked to the native microbiota.

As well as the specific characteristics shaped by the techniques used in rearing the animals and making the cheese, environmental, historical and cultural influences also play a part. The landscape (Natura 2000), local geology (Apulia's Murge plateau region, with cretaceous limestone, rocky outcrops and reduced clays) and climate are all significant. In historical and cultural terms, there is a deep-rooted link between the product and the type of farming in the area: small and medium-sized livestock farms which are mostly family-run and structured according to local customs, where cattle spend long periods of time grazing. Finally, there is a great deal of evidence proving that mozzarella has featured in the history of Gioia del Colle, including a documentary produced by the Istituto Luce in Gioia del Colle on 28 August 1950. Other records show that in the early decades of the twentieth century 'a farmer named Clemente Milano rearing Alpine Brown cattle in the Gioia del Colle area was the first to use the milk from his stock to make the special fresh dairy product known as mozzarella' (from *Gioia del Colle, oggi* ('Gioia del Colle, Today'), edited by Giovanni Bozzo for Japigia Editrice, Bari 1970). A 1922 article by Giovanni Carano Donvito mentions that '....'Mozzarella di Gioia (del Colle)' was highly appreciated, sought-after and handsomely paid for on the market in Rome and Naples as well as in Bari, Taranto, Lecce, Foggia and other smaller cities' (*La riforma sociale* ('Social reform'), F.S. Nitti, L. Roux, L. Einaudi – Roux e Viarengo, Turin). Finally, there is evidence that a great many local events aimed at raising the profile of 'Mozzarella di Gioia del Colle' have been taking place since the 1960s.

Reference to publication of the product specification

(the second subparagraph of Article 6(1) of this Regulation)

The consolidated text of the product specification can be consulted on the following website: <http://www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/3335>

or alternatively:

by going directly to the homepage of the Ministry of Agricultural, Food and Forestry Policy (www.politicheagricole.it) and clicking on 'Prodotti DOP IGP' (at the top right-hand side of the screen), then on 'Prodotti DOP IGP STG' (on the left-hand side of the screen), and finally by clicking on 'Disciplinari di Produzione all'esame dell'UE'.

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2020/2019

of 9 December 2020

amending the Annex to Implementing Decision 2014/709/EU concerning animal health control measures relating to African swine fever in certain Member States

(notified under document C(2020) 8984)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary checks applicable in intra-Union trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽³⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) Commission Implementing Decision 2014/709/EU ⁽⁴⁾ lays down animal health control measures in relation to African swine fever in certain Member States, where there have been confirmed cases of that disease in domestic or feral pigs (the Member States concerned). The Annex to that Implementing Decision demarcates and lists certain areas of the Member States concerned in Parts I to IV thereof, differentiated by the level of risk based on the epidemiological situation as regards that disease. The Annex to Implementing Decision 2014/709/EU has been amended several times to take account of changes in the epidemiological situation in the Union as regards African swine fever that need to be reflected in that Annex. The Annex to Implementing Decision 2014/709/EU was last amended by Commission Implementing Decision (EU) 2020/1780 ⁽⁵⁾, following changes in the epidemiological situation as regards that disease in Lithuania and Slovakia.
- (2) Since the date of adoption of Implementing Decision (EU) 2020/1780, there have been new occurrences of African swine fever in domestic pigs in Romania, and in feral pigs in Poland.
- (3) In December 2020, several outbreaks of African swine fever in domestic pigs were observed in the county of Bistrița-Năsăud in Romania in an area currently listed in Part II of the Annex to Implementing Decision 2014/709/EU. These outbreaks of African swine fever in domestic pigs constitute an increased level of risk, which should be reflected in that Annex. Accordingly, this area of Romania currently listed in Part II of that Annex affected by these recent outbreaks of African swine fever, should now be listed in Part III of that Annex instead of in Part II thereof.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ OJ L 18, 23.1.2003, p. 11.

⁽⁴⁾ Commission Implementing Decision 2014/709/EU of 9 October 2014 concerning animal health control measures relating to African swine fever in certain Member States and repealing Implementing Decision 2014/178/EU (OJ L 295, 11.10.2014, p. 63).

⁽⁵⁾ Commission Implementing Decision (EU) 2020/1780 of 27 November 2020 amending the Annex to Implementing Decision 2014/709/EU concerning animal health control measures relating to African swine fever in certain Member States (OJ L 399, 30.11.2020, p. 12).

- (4) In December 2020, one case of African swine fever in a feral pig was observed in the district of ławski in Poland in an area currently listed in Part I of the Annex to Implementing Decision 2014/709/EU. This case of African swine fever in a feral pig constitutes an increased level of risk, which should be reflected in that Annex. Accordingly, this area of Poland currently listed in Part I of the Annex to Implementing Decision 2014/709/EU, affected by this recent case of African swine fever, should now be listed in Part II of that Annex instead of in Part I thereof, and the current boundaries of Part I also need to be redefined and enlarged to take account of this recent case.
- (5) In addition, in December 2020 one case of African swine fever in a feral pig was observed in the district of grójecki in Poland in an area listed in Part II of the Annex to Implementing Decision 2014/709/EU, located in close proximity to an area currently listed in Part I thereof. This new case of African swine fever in a feral pig constitutes an increased level of risk, which should be reflected in that Annex. Accordingly, this area of Poland currently listed in Part I of that Annex, that is in close proximity to an area listed in Part II affected by this recent case of African swine fever, should now be listed in Part II of that Annex instead of in Part I thereof and the current boundaries of Part I also need to be redefined and enlarged to take account of this recent case.
- (6) Following the recent outbreaks of African swine fever in domestic pigs in Romania and the recent cases of African swine fever in feral pigs in Poland and taking into account the current epidemiological situation in the Union, regionalisation in these Member States has been reassessed and updated. In addition, the risk management measures in place have also been reassessed and updated. These changes need to be reflected in the Annex to Implementing Decision 2014/709/EU.
- (7) In order to take account of recent developments in the epidemiological situation of African swine fever in the Union, and in order to combat the risks associated with the spread of that disease in a proactive manner, a new high-risk area of a sufficient size should be demarcated for Romania and duly listed in Part III of the Annex to Implementing Decision 2014/709/EU. In addition new high-risk areas of a sufficient size should be demarcated for Poland and duly listed in Parts I and II of the Annex to Implementing Decision 2014/709/EU.
- (8) Given the urgency of the epidemiological situation in the Union as regards the spread of African swine fever, it is important that the amendments made to the Annex to Implementing Decision 2014/709/EU by this Decision take effect as soon as possible.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision 2014/709/EU is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 9 December 2020.

For the Commission
Stella KYRIAKIDES
Member of the Commission

ANNEX

The Annex to Implementing Decision 2014/709/EU is replaced by the following:

‘ANNEX

PART I

1. Estonia

The following areas in Estonia:

- Hiiu maakond.

2. Hungary

The following areas in Hungary:

- Békés megye 950950, 950960, 950970, 951950, 952050, 952750, 952850, 952950, 953050, 953150, 953650, 953660, 953750, 953850, 953960, 954250, 954260, 954350, 954450, 954550, 954650, 954750, 954850, 954860, 954950, 955050, 955150, 955250, 955260, 955270, 955350, 955450, 955510, 955650, 955750, 955760, 955850, 955950, 956050, 956060, 956150 és 956160 kódszámú vadgazdálkodási egységeinek teljes területe,
- Bács-Kiskun megye 600150, 600850, 601550, 601650, 601660, 601750, 601850, 601950, 602050, 603250, 603750 és 603850 kódszámú vadgazdálkodási egységeinek teljes területe,
- Budapest 1 kódszámú, vadgazdálkodási tevékenységre nem alkalmas területe,
- Csongrád-Csanád megye 800150, 800160, 800250, 802220, 802260, 802310 és 802450 kódszámú vadgazdálkodási egységeinek teljes területe,
- Fejér megye 400150, 400250, 400351, 400352, 400450, 400550, 401150, 401250, 401350, 402050, 402350, 402360, 402850, 402950, 403050, 403250, 403350, 403450, 403550, 403650, 403750, 403950, 403960, 403970, 404570, 404650, 404750, 404850, 404950, 404960, 405050, 405750, 405850, 405950, 406050, 406150, 406550, 406650 és 406750 kódszámú vadgazdálkodási egységeinek teljes területe,
- Jász-Nagykun-Szolnok megye 750150, 750160, 750260, 750350, 750450, 750460, 754450, 754550, 754560, 754570, 754650, 754750, 754950, 755050, 755150, 755250, 755350 és 755450 kódszámú vadgazdálkodási egységeinek teljes területe,
- Komárom-Esztergom megye 250150, 250250, 250350, 250450, 250460, 250550, 250650, 250750, 250850, 250950, 251050, 251150, 251250, 251350, 251360, 251450, 251550, 251650, 251750, 251850, 252150 és 252250, kódszámú vadgazdálkodási egységeinek teljes területe,
- Pest megye 571550, 572150, 572250, 572350, 572550, 572650, 572750, 572850, 572950, 573150, 573250, 573260, 573350, 573360, 573450, 573850, 573950, 573960, 574050, 574150, 574350, 574360, 574550, 574650, 574750, 574850, 574860, 574950, 575050, 575150, 575250, 575350, 575550, 575650, 575750, 575850, 575950, 576050, 576150, 576250, 576350, 576450, 576650, 576750, 576850, 576950, 577050, 577150, 577350, 577450, 577650, 577850, 577950, 578050, 578150, 578250, 578350, 578360, 578450, 578550, 578560, 578650, 578850, 578950, 579050, 579150, 579250, 579350, 579450, 579460, 579550, 579650, 579750, 580250 és 580450 kódszámú vadgazdálkodási egységeinek teljes területe.

3. Latvia

The following areas in Latvia:

- Pāvilostas novada Vērgales pagasts,
- Stopiņu novada daļa, kas atrodas uz rietumiem no autoceļa V36, P4 un P5, Acones ielas, Daugulupes ielas un Daugulupītes,
- Grobiņas novads,
- Rucavas novada Dunikas pagasts.

4. Lithuania

The following areas in Lithuania:

- Klaipėdos rajono savivaldybės: Agluonėnų, Priekulės, Veiviržėnų, Judrėnų, Endriejavo, Vėžaičių, Kretingalės ir Dauparų-Kvietinių seniūnijos,

- Palangos miesto savivaldybė,
- Plungės rajono savivaldybės: Nausodžio sen dalis nuo kelio 166 į pietryčius ir Kulių seniūnija.

5. Poland

The following areas in Poland:

w województwie warmińsko-mazurskim:

- gminy Wielbark i Rozogi w powiecie szczycieńskim,
- gminy Janowiec Kościelny, Janowo i część gminy Kozłowo położona na południe od linii wyznaczonej przez drogę łączącą miejscowości Rączki – Kownatki – Gardyny w powiecie nidzickim,
- powiat działdowski,
- część gminy Dąbrówno położona na wschód od linii wyznaczonej przez drogę nr 542 biegnącą od północnej granicy gminy do miejscowości Dąbrówno, a następnie na wschód od linii wyznaczonej przez drogę biegnącą od miejscowości Dąbrówno przez miejscowości Zamkowy Młyn – Wądryń do południowej granicy gminy w powiecie ostródzkim,
- gminy Kisielice, Susz, miasto Ława i część gminy wiejskiej Ława położona na północ od linii wyznaczonej przez drogę nr 16 biegnącą od wschodniej granicy gminy do granicy miasta Ława, a następnie na zachód od linii wyznaczonej przez drogę biegnącą od południowej granicy gminy miasta Ława przez miejscowość Katarzynki do południowej granicy gminy, w powiecie ławskim,
- powiat nowomiejski.

w województwie podlaskim:

- gminy Wysokie Mazowieckie z miastem Wysokie Mazowieckie, Czyżew i część gminy Kulesze Kościelne położona na południe od linii wyznaczonej przez linię kolejną w powiecie wysokomazowieckim,
- gminy Miastkowo, Nowogród, Śniadowo i Zbójna w powiecie łomżyńskim,
- gminy Szumowo, Zambrów z miastem Zambrów i część gminy Kołaki Kościelne położona na południe od linii wyznaczonej przez linię kolejową w powiecie zambrowskim,

w województwie mazowieckim:

- powiat ostrołęcki,
- powiat miejski Ostrołęka,
- gminy Bielsk, Brudzeń Duży, Drobin, Gąbin, Łąck, Nowy Duninów, Radzanowo, Słupno i Stara Biała w powiecie płockim,
- powiat miejski Płock,
- powiat sierpecki,
- powiat żuromiński,
- gminy Andrzejewo, Brok, Stary Lubotyń, Szulborze Wielkie, Wąsewo, Ostrów Mazowiecka z miastem Ostrów Mazowiecka, część gminy Małkinia Górna położona na północ od rzeki Brok w powiecie ostrowskim,
- gminy Dzierzgowo, Lipowiec Kościelny, miasto Mława, Radzanów, Szreńsk, Szydłowo i Wieczfnia Kościelna, w powiecie mławskim,
- powiat przasnyski,
- powiat makowski,
- gminy Gzy, Obryte, Zatory, Pułtusk i część gminy Winnica położona na wschód od linii wyznaczonej przez drogę łączącą miejscowości Bielany, Winnica i Pokrzywnica w powiecie pułtuskim,
- gminy wyszkowski,
- gminy Jadów, Strachówka i Tłuszcz w powiecie wołomińskim,

- gminy Korytnica, Liw, Łochów, Miedzna, Sadowne, Stoczek i miasto Węgrów w powiecie węgrowskim,
- gminy Kowala, Wierzbica, część gminy Wolanów położona na południe od linii wyznaczonej przez drogę nr 12 w powiecie radomskim,
- powiat miejski Radom,
- powiat szydłowiecki,
- powiat gostyński,

w województwie podkarpackim:

- gminy Pruchnik, Rokietnica, Roźwienica, w powiecie jarosławskim,
- gminy Fredropol, Krasiczyn, Krzywca, Medyka, Orły, Żurawica, Przemyśl w powiecie przemyskim,
- powiat miejski Przemyśl,
- gminy Gać, Jawornik Polski, Kańczuga, część gminy wiejskiej Przeworsk położona na zachód od miasta Przeworsk i na zachód od linii wyznaczonej przez autostradę A4 biegnącą od granicy z gminą Tryńcza do granicy miasta Przeworsk, część gminy Zarzecze położona na zachód od linii wyznaczonej przez drogę nr 1594R biegnącą od północnej granicy gminy do miejscowości Zarzecze oraz na południe od linii wyznaczonej przez drogi nr 1617R oraz 1619R biegnącą do południowej granicy gminy w powiecie przeworskim,
- powiat łańcucki,
- gminy Trzebownik, Głogów Małopolski i część gminy Sokołów Małopolski położona na południe od linii wyznaczonej przez drogę nr 875 w powiecie rzeszowskim,
- gminy Dzikowiec, Kolbuszowa, Niwiska i Raniżów w powiecie kolbuszowskim,
- gminy Borowa, Czermin, Gawłuszowice, Mielec z miastem Mielec, Padew Narodowa, Przecław, Tuszów Narodowy w powiecie mieleckim,

w województwie świętokrzyskim:

- powiat opatowski,
- powiat sandomierski,
- gminy Bogoria, Łubnice, Oleśnica, Osiek, Połaniec, Rytwiany i Staszów w powiecie staszowskim,
- gmina Skarżysko Kościelne w powiecie skarżyskim,
- gmina Wąchock, część gminy Brody położona na zachód od linii wyznaczonej przez drogę nr 9 oraz na południowy – zachód od linii wyznaczonej przez drogi: nr 0618T biegnącą od północnej granicy gminy do skrzyżowania w miejscowości Lipie, drogę biegnącą od miejscowości Lipie do wschodniej granicy gminy oraz na północ od drogi nr 42 i część gminy Mirzec położona na zachód od linii wyznaczonej przez drogę nr 744 biegnącą od południowej granicy gminy do miejscowości Tychów Stary a następnie przez drogę nr 0566T biegnącą od miejscowości Tychów Stary w kierunku północno – wschodnim do granicy gminy w powiecie starachowickim,
- powiat ostrowiecki,
- gminy Gowarczów, Końskie i Stąporków w powiecie koneckim,

w województwie łódzkim:

- gminy Łyszkowice, Kocierzew Południowy, Kiernoza, Chąsno, Nieborów, część gminy wiejskiej Łowicz położona na północ od linii wyznaczonej przez drogę nr 92 biegnącej od granicy miasta Łowicz do zachodniej granicy gminy oraz część gminy wiejskiej Łowicz położona na wschód od granicy miasta Łowicz i na północ od granicy gminy Nieborów w powiecie łowickim,
- gminy Cielądz, Rawa Mazowiecka z miastem Rawa Mazowiecka w powiecie rawskim,
- gminy Bolimów, Głuchów, Godzianów, Lipce Reymontowskie, Maków, Nowy Kawęczyn, Skierniewice, Słupia w powiecie skierniewickim,
- powiat miejski Skierniewice,

- gminy Białaczów, Mniszków, Paradyż, Sławno i Żarnów w powiecie opoczyńskim,
- gminy Czerniewice, Inowódz, Lubochnia, Rzeczyca, Tomaszów Mazowiecki z miastem Tomaszów Mazowiecki i Żelechlinek w powiecie tomaszowskim,

w województwie pomorskim:

- gminy Ostaszewo, miasto Krynica Morska oraz część gminy Nowy Dwór Gdański położona na południowy – zachód od linii wyznaczonej przez drogę nr 55 biegnącą od południowej granicy gminy do skrzyżowania z drogą nr 7, następnie przez drogę nr 7 i S7 biegnącą do zachodniej granicy gminy w powiecie nowodworskim,
- gminy Lichnowy, Miłoradz, Nowy Staw, Malbork z miastem Malbork w powiecie malborskim,
- gminy Mikołajki Pomorskie, Stary Targ i Sztum w powiecie sztumskim,
- powiat gdański,
- Miasto Gdańsk,
- powiat tczewski,
- powiat kwidzyński,

w województwie lubuskim:

- gminy Przytoczna, Pszczew, Skwierzyna i część gminy Trzciel położona na północ od linii wyznaczonej przez drogę nr 92 w powiecie międzyrzeckim,
- gminy Lubniewice i Krzeszyce w powiecie sulęcińskim,
- gminy Bogdaniec, Deszczno, Lubiszyn i część gminy Witnica położona na północny – wschód od drogi biegnącej od zachodniej granicy gminy od miejscowości Krześnica, przez miejscowości Kamień Wielki – Mościce -Witnica – Kłopotowo do południowej granicy gminy w powiecie gorzowskim,

w województwie dolnośląskim:

- gminy Bolesławiec z miastem Bolesławiec, Gromadka i Osiecznica w powiecie bolesławieckim,
- gmina Węgliniec w powiecie zgorzeleckim,
- gmina Chocianów i część gminy Przemków położona na południe od linii wyznaczonej przez drogę nr 12 w powiecie polkowickim,
- gmina Jemielno, Niechlów i Góra w powiecie górowskim,
- gmina Rudna i Lubin z miastem Lubin w powiecie lubińskim,

w województwie wielkopolskim:

- gminy Krzemieniewo, Rydzyna, część gminy Świąciechowa położona na południe od linii wyznaczonej przez drogę nr 12 w powiecie leszczyńskim,
- część gminy Kwilcz położona na południe od linii wyznaczonej przez drogę nr 24, część gminy Międzychód położona na południe od linii wyznaczonej przez drogę nr 24 w powiecie międzychodzkim,
- gminy Lwówek, Kuślin, Opalenica, część gminy Miedzichowo położona na północ od linii wyznaczonej przez drogę nr 92, część gminy Nowy Tomyśl położona na wschód od linii wyznaczonej przez drogę nr 305 w powiecie nowotomyskim,
- gminy Granowo, Grodzisk Wielkopolski i część gminy Kamieniec położona na wschód od linii wyznaczonej przez drogę nr 308 w powiecie grodziskim,
- gmina Czempin, miasto Kościan, część gminy wiejskiej Kościan położona na północny – zachód od linii wyznaczonej przez drogę nr 5 oraz na wschód od linii wyznaczonej przez kanał Obry, część gminy Krzywiń położona na wschód od linii wyznaczonej przez kanał Obry w powiecie kościańskim,
- powiat miejski Poznań,

- gminy Buk, Dopiewo, Komorniki, Tarnowo Podgórne, Stęszew, Swarzędz, Pobiedziska, Czerwonak, Mosina, miasto Luboń, miasto Puszczykowo i część gminy Kórnik położona na zachód od linii wyznaczonych przez drogi: nr S11 biegnącą od północnej granicy gminy do skrzyżowania z drogą nr 434 i drogę nr 434 biegnącą od tego skrzyżowania do południowej granicy gminy, część gminy Rokietnica położona na południowy zachód od linii kolejowej biegnącej od północnej granicy gminy w miejscowości Krzyszkowo do południowej granicy gminy w miejscowości Kiekrz oraz część gminy wiejskiej Murowana Goślina położona na południe od linii kolejowej biegnącej od północnej granicy miasta Murowana Goślina do północno-wschodniej granicy gminy w powiecie poznańskim,
- gmina Kiskowo i część gminy Klecko położona na zachód od rzeki Mała Węła w powiecie gnieźnieńskim,
- gminy Lubasz, Czarnków z miastem Czarnków, część gminy Połajewo na położona na północ od drogi łączącej miejscowości Chraplewo, Tarnówko-Boruszyn, Krosin, Jakubowo, Połajewo – ul. Ryczywolska do północno-wschodniej granicy gminy oraz część gminy Wieleń położona na południe od linii kolejowej biegnącej od wschodniej granicy gminy przez miasto Wieleń i miejscowość Herburtowo do zachodniej granicy gminy w powiecie czarnkowsko-trzcianeckim,
- gminy Duszniki, Kaźmierz, Pniewy, Ostroróg, Wronki, miasto Szamotuły i część gminy Szamotuły położona na zachód od zachodniej granicy miasta Szamotuły i na południe od linii kolejowej biegnącej od południowej granicy miasta Szamotuły, do południowo-wschodniej granicy gminy oraz część gminy Obrzycko położona na zachód od drogi nr 185 łączącej miejscowości Gaj Mały, Słopanowo i Obrzycko do północnej granicy miasta Obrzycko, a następnie na zachód od drogi przebiegającej przez miejscowość Chraplewo w powiecie szamotulskim,
- gmina Budzyń w powiecie chodzieskim,
- gminy Mieścisko, Skoki i Wągrowiec z miastem Wągrowiec w powiecie wągrowieckim,
- gmina Dobrzyca i część gminy Gizalki położona na północ od linii wyznaczonej przez drogę nr 443 w powiecie pleszewskim,
- gmina Zagórów w powiecie śłupeckim,
- gmina Pyzdry w powiecie wrzesińskim,
- gminy Kotlin, Żerków i część gminy Jarocin położona na wschód od linii wyznaczonej przez drogi nr S11 i 15 w powiecie jarocińskim,
- gmina Rozdrażew, część gminy Koźmin Wielkopolski położona na wschód od linii wyznaczonej przez drogę nr 15, część gminy Krotoszyn położona na wschód od linii wyznaczonej przez drogę nr 15 oraz na wschód od granic miasta Krotoszyn w powiecie krotoszyńskim,
- gminy Nowe Skalmierzyce, Raszków, Ostrów Wielkopolski z miastem Ostrów Wielkopolski w powiecie ostrowskim,
- powiat miejski Kalisz,
- gminy Ceków – Kolonia, Godziesze Wielkie, Koźminek, Lisków, Mycielin, Opatówek, Szczytniki w powiecie kaliskim,
- gmina Malanów i część gminy Tuliszków położona na zachód od linii wyznaczonej przez drogę nr 72 w powiecie tureckim,
- gminy Rychwał, Rzgów, część gminy Grodziec położona na północ od linii wyznaczonej przez drogę nr 443, część gminy Stare Miasto położona na południe od linii wyznaczonej przez autostradę nr A2 w powiecie konińskim,

w województwie zachodniopomorskim:

- część gminy Boleszkowice położona na północny wschód od linii wyznaczonej przez drogę nr 31 i część gminy Dębno położona na północ od linii wyznaczonej przez drogę nr 31 biegnącą od zachodniej granicy gminy do miejscowości Sarbinowo, a następnie na północ od linii wyznaczonej przez drogę biegnącą od miejscowości Sarbinowo przez miejscowość Krześnica do wschodniej granicy gminy w powiecie myśliborskim,
- gmina Mieszkowice w powiecie gryfińskim.

6. Slovakia

The following areas in Slovakia:

- the whole district of Vranov nad Topľou, except municipalities included in part II,
- the whole district of Humenné,
- the whole district of Snina,
- the whole district of Medzilaborce
- the whole district of Stropkov
- the whole district of Svidník, except municipalities included in part II,
- the whole district of Bardejov, except municipalities included in part II,
- the whole district of Sobrance, except municipalities included in part III,
- in the district of Michalovce municipality Strážske,
- in the district of Gelnica, the whole municipalities of Uhorná, Smolnícka Huta, Mníšek nad Hnilcom, Prakovce, Helcmanovce, Gelnica, Kojšov, Veľký Folkmár, Jaklovce, Žakarovce, Margecany, Henclová and Stará Voda,
- in the whole district of Prešov, except municipalities included in part II,
- in the whole district of Sabinov, except municipalities included in part II,
- in the district Stará Ľubovňa, the whole municipalities of Šambron, Hromoš, Vislanka, Ďurková, Plavnica, Plaveč, Eubotín, Údol, Orlov, Starina, Legnava,
- in the district of Rožňava, the whole municipalities of Brzotín, Gočaltovo, Honce, Jovice, Kružná, Kunová Teplica, Pača, Pašková, Pašková, Rakovnica,
- Rozložná, Rožňavské Bystré, Rožňava, Rudná, Štítnik, Vidová, Čučma and Betliar,
- in the district of Revúca, the whole municipalities of Držkovce, Chvalová, Gemerské Teplice, Gemerský Sad, Hucín, Jelšava, Leváre, Licince, Nadraž, Prihradzaný, Sekerešovo, Šivetice, Kameňany, Višňové, Rybník and Sása, Turčok, Rákoš, Sirk, Hrlica, Ploské, Ratková,
- in the district of Michalovce, the whole municipality of Strážske,
- in the district of Rimavská Sobota, municipalities located south of the road No 526 not included in Part II,
- in the district of Lučenec, the whole municipalities of Trenč, Veľká nad Ipľom, Jelšovec, Panické Dravce, Lučenec, Kalonda, Rapovce, Trebeľovce, Mučín, Lipovany, Pleš, Fiľakovské Kováče, Ratka, Fiľakovo, Biskupice, Belina, Radzovce, Čakanovce, Šiatorská Bukovinka, Čamovce, Šurice, Halič, Mašková, Ľuboreč, Šíd and Prša,
- in the district of Veľký Krtíš, the whole municipalities of Ipeľské Predmostie, Veľká Ves nad Ipľom, Sečianky, Kleňany, Hrušov, Vinica, Balog nad Ipľom, Dolinka, Kosihy nad Ipľom, Ďurkovce, Širákov, Kamenné Kosihy, Seľany, Veľká Čalomija, Malá Čalomija, Koláre, Trebušovce, Chrastince, Lesenice, Slovenské Ďarmoty, Opatovská Nová Ves, Bátorová, Nenince, Záhorce, Želovce, Sklabiná, Nová Ves, Obeckov, Vrbovka, Kiarov, Kováčovce, Zombor, Olováry, Čeláre, Glabušovce, Veľké Straciny, Malé Straciny, Malý Krtíš, Veľký Krtíš, Pôtor, Veľké Zlievce, Malé Zlievce, Bušince, Muľa, Ľuboriečka, Dolná Strehová, Vieska, Slovenské Kľačany, Horná Strehová, Chrtány and Závada.

7. Greece

The following areas in Greece:

- in the regional unit of Drama:
 - the community departments of Sidironero and Skaloti and the municipal departments of Livadero and Ksiropotamo (in Drama municipality),
 - the municipal department of Paranesti (in Paranesti municipality),

- the municipal departments of Kokkinogeia, Mikropoli, Panorama, Pyrgoi (in Prosotsani municipality),
- the municipal departments of Kato Nevrokopi, Chrysokéfalo, Achladea, Vathytopos, Volakas, Granitis, Dasotos, Eksohi, Katafyto, Lefkogeia, Mikrokleisoura, Mikromilea, Ochyro, Pagoneri, Perithorio, Kato Vrontou and Potamoi (in Kato Nevrokopi municipality),
- in the regional unit of Xanthi:
 - the municipal departments of Kimmerion, Stavroupoli, Gerakas, Dafnonas, Komnina, Kariofyto and Neochori (in Xanthi municipality),
 - the community departments of Satres, Thermes, Kotyli, and the municipal departments of Myki, Echinós and Oraio and (in Myki municipality),
 - the community department of Selero and the municipal department of Sounio (in Avdira municipality),
- in the regional unit of Rodopi:
 - the municipal departments of Komotini, Anthochorio, Gratini, Thrylorio, Kalhas, Karydia, Kikidio, Kosmio, Pandrosos, Aigeiros, Kallisti, Meleti, Neo Sidirochori and Mega Doukato (in Komotini municipality),
 - the municipal departments of Ipio, Arriana, Darmeni, Archontika, Fillyra, Ano Drosini, Aratos and the Community Departments Kehros and Organi (in Arriana municipality),
 - the municipal departments of Iasmos, Sostis, Asomatoi, Polyanthos and Amvrosia and the community department of Amaxades (in Iasmos municipality),
 - the municipal department of Amaranta (in Maroneia Sapon municipality),
- in the regional unit of Evros:
 - the municipal departments of Kyriaki, Mandra, Mavrokklisi, Mikro Dereio, Protokklisi, Roussa, Goniko, Geriko, Sidirochori, Megalo Derio, Sidiro, Giannouli, Agriani and Petrolofos (in Soufli municipality),
 - the municipal departments of Dikaia, Arzos, Elaia, Therapio, Komara, Marasia, Ormenio, Pentalofofos, Petrola, Plati, Ptelea, Kyprinos, Zoni, Fulakio, Spilaio, Nea Vyssa, Kavili, Kastanies, Rizia, Sterna, Ampelakia, Valtos, Megali Doxipara, Neochori and Chandras (in Orestiada municipality),
 - the municipal departments of Asvestades, Ellinochori, Karoti, Koufovouno, Kiani, Mani, Sitchori, Alepochori, Asproneri, Metaxades, Vrysika, Doksa, Elafoxori, Ladi, Paliouri and Poimeniko (in Didymoteicho municipality),
- in the regional unit of Serres:
 - the municipal departments of Kerkini, Livadia, Makrynitsa, Neochori, Platanakia, Petritsi, Akritochori, Vyroneia, Gonimo, Mandraki, Megalochori, Rodopoli, Ano Poroia, Katw Poroia, Sidirokastro, Vamvakophyto, Promahonas, Kamaroto, Strymonochori, Charopo, Kastanousi and Chorero and the community departments of Achladochori, Agkistro and Kapnophyto (in Sintiki municipality),
 - the municipal departments of Serres, Elaionas and Oinoussa and the community departments of Orini and Ano Vrontou (in Serres municipality),
 - the municipal departments of Dasochoriou, Irakleia, Valtero, Karperi, Koimisi, Lithotopos, Limnochori, Podismeno and Chrysoschorafa (in Irakleia municipality).

8. Germany

The following areas in Germany:

Bundesland Brandenburg:

- Landkreis Dahme-Spreewald:
 - Gemeinde Alt Zauche-Wußwerk,
 - Gemeinde Byhleguhre-Byhlen,
 - Gemeinde Märkische Heide,
 - Gemeinde Neu Zauche,

- Gemeinde Schwielochsee mit den Gemarkungen Groß Liebitz, Gühlen, Mochow und Siegadel,
- Gemeinde Spreewaldheide,
- Gemeinde Straupitz mit der Gemarkung Straupitz,
- Landkreis Märkisch-Oderland:
 - Gemeinde Neuhardenberg,
 - Gemeinde Gusow-Platkow,
 - Gemeinde Lietzen,
 - Gemeinde Falkenhagen (Mark),
 - Gemeinde Zeschdorf,
 - Gemeinde Treplin,
 - Gemeinde Lebus mit den Gemarkungen Wüste-Kunersdorf, Wulkow bei Booßen, Schönfließ, Mallnow – westlich der Bahnstrecke RB 60,
 - Gemeinde Fichtenhöhe mit den Gemarkungen Niederjesar, Alt Mahlisch, Carzig – westlich der Bahnstrecke RB 60,
 - Gemeinde Lindendorf mit den Gemarkungen Neu Mahlisch, Libbenichen – westlich der Bahnstrecke RB 60 und Dolgeln – westlich der Bahnstrecke RB 60,
 - Gemeinde Vierlinden mit den Gemarkungen Marxdorf, Neuentempel, Diedersdorf, Worin, Görlsdorf, Alt Rosenthal, Friedersdorf – westlich der Bahnstrecke RB 60,
 - Gemeinde Müncheberg mit den Gemarkungen Trebnitz und Jahnsfelde,
 - Gemeinde Letschin mit den Gemarkungen Steintoch, Neu Rosenthal, Letschin, Kiehnwerder, Sietzing, Kienitz, Wilhelmsaue, Posedin, Solikante, Klein Neuendorf, Neubarnim, Ortwig, Groß Neuendorf, Ortwig Graben, Mehrin-Graben und Zelliner Loose,
 - Gemeinde Seelow mit den Gemarkungen Seelow – westlich der Bahnstrecke RB 60, Werbig – westlich der Bahnstrecke RB 60 und Langsow – westlich der Bahnstrecke RB 60,
- Landkreis Oder-Spree:
 - Gemeinde Storkow (Mark),
 - Gemeinde Wendisch Rietz,
 - Gemeinde Reichenwalde,
 - Gemeinde Diensdorf-Radlow,
 - Gemeinde Bad Saarow,
 - Gemeinde Rietz-Neuendorf mit den Gemarkungen Buckow, Glienicke, Behrensdorf, Ahrensdorf, Herzberg, Görzig, Pfaffendorf, Sauen, Wilmersdorf (G), Neubrück, Drahendorf, Alt Golm,
 - Gemeinde Tauche mit den Gemarkungen Briescht, Kossenblatt, Werder, Görsdorf (B), Wiesendorf, Wulfersdorf, Falkenberg (T), Lindenberg,
 - Gemeinde Steinhöfel mit den Gemarkungen Dunnitz, Steinhöfel, Hasenfelde, Ahrensdorf, Heinersdorf, Tempelberg,
 - Gemeinde Langewahl,
 - Gemeinde Berkenbrück,
 - Gemeinde Briesen (Mark),
 - Gemeinde Jacobsdorf,
- Landkreis Spree-Neiße:
 - Gemeinde Jänschwalde,
 - Gemeinde Peitz,
 - Gemeinde Tauer,
 - Gemeinde Turnow-Preilack,

- Gemeinde Drachhausen,
- Gemeinde Schmogrow-Fehrow,
- Gemeinde Drehnow,
- Gemeinde Guben mit der Gemarkung Schlagsdorf,
- Gemeinde Schenkendöbern mit den Gemarkungen Grabko, Kerrkwitz, Groß Gastrose,
- kreisfreie Stadt Frankfurt (Oder),

Bundesland Sachsen:

- Landkreis Görlitz:
 - Gemeinde Gablenz,
 - Gemeinde Bad Muskau,
 - Gemeinde Krauschwitz sofern nicht bereits Teil des Gefährdeten Gebietes,
 - Gemeinde Weißkeißel sofern nicht bereits Teil des Gefährdeten Gebietes,
 - Gemeinde Rietschen sofern nicht bereits Teil des Gefährdeten Gebietes,
 - Gemeinde Hähnichen,
 - Gemeinde Rothenburg/O. L.,
 - Gemeinde Neiße-Aue,
 - Gemeinde Görlitz nördlich der Bundesautobahn 4.

PART II

1. Bulgaria

The following areas in Bulgaria:

- the whole region of Haskovo,
- the whole region of Yambol,
- the whole region of Stara Zagora,
- the whole region of Pernik,
- the whole region of Kyustendil,
- the whole region of Plovdiv,
- the whole region of Pazardzhik,
- the whole region of Smolyan,
- the whole region of Burgas excluding the areas in Part III.

2. Estonia

The following areas in Estonia:

- Eesti Vabariik (välja arvatud Hiiu maakond).

3. Hungary

The following areas in Hungary:

- Békés megye 950150, 950250, 950350, 950450, 950550, 950650, 950660, 950750, 950850, 950860, 951050, 951150, 951250, 951260, 951350, 951450, 951460, 951550, 951650, 951750, 952150, 952250, 952350, 952450, 952550, 952650, 953250, 953260, 953270, 953350, 953450, 953550, 953560, 953950, 954050, 954060, 954150, 956250, 956350, 956450, 956550, 956650 és 956750 kódszámú vadgazdálkodási egységeinek teljes területe,
- Borsod-Abaúj-Zemplén megye valamennyi vadgazdálkodási egységének teljes területe,
- Fejér megye 403150, 403160, 403260, 404250, 404550, 404560, 405450, 405550, 405650, 406450 és 407050 kódszámú vadgazdálkodási egységeinek teljes területe,
- Hajdú-Bihar megye valamennyi vadgazdálkodási egységének teljes területe,
- Heves megye valamennyi vadgazdálkodási egységének teljes területe,

- Jász-Nagykun-Szolnok megye 750250, 750550, 750650, 750750, 750850, 750970, 750980, 751050, 751150, 751160, 751250, 751260, 751350, 751360, 751450, 751460, 751470, 751550, 751650, 751750, 751850, 751950, 752150, 752250, 752350, 752450, 752460, 752550, 752560, 752650, 752750, 752850, 752950, 753060, 753070, 753150, 753250, 753310, 753450, 753550, 753650, 753660, 753750, 753850, 753950, 753960, 754050, 754150, 754250, 754360, 754370, 754850, 755550, 755650 és 755750 kódszámú vadgazdálkodási egységeinek teljes területe,
- Komárom-Esztergom megye: 251950, 252050, 252350, 252450, 252460, 252550, 252650, 252750, 252850, 252860, 252950, 252960, 253050, 253150, 253250, 253350, 253450 és 253550 kódszámú vadgazdálkodási egységeinek teljes területe,
- Nógrád megye valamennyi vadgazdálkodási egységeinek teljes területe,
- Pest megye 570150, 570250, 570350, 570450, 570550, 570650, 570750, 570850, 570950, 571050, 571150, 571250, 571350, 571650, 571750, 571760, 571850, 571950, 572050, 573550, 573650, 574250, 577250, 580050 és 580150 kódszámú vadgazdálkodási egységeinek teljes területe,
- Szabolcs-Szatmár-Bereg megye valamennyi vadgazdálkodási egységének teljes területe.

4. Latvia

The following areas in Latvia:

- Ādažu novads,
- Aizputes novads, Aizputes, Cīravas un Lažas pagasts, Kalvenes pagasta daļa uz rietumiem no ceļa pie Vārtājas upes līdz autoceļam A9, uz dienvidiem no autoceļa A9, uz rietumiem no autoceļa V1200, Kazdangas pagasta daļa uz rietumiem no ceļa V1200, P115, P117, V1296, Aizputes pilsēta,
- Aglonas novads,
- Aizkraukles novads,
- Aknīstes novads,
- Alojas novads,
- Alsungas novads,
- Alūksnes novads,
- Amatas novads,
- Apes novads,
- Auces novads,
- Babītes novads,
- Baldones novads,
- Baltinavas novads,
- Balvu novads,
- Bauskas novads,
- Beverīnas novads,
- Brocēnu novads,
- Burtnieku novads,
- Carnikavas novads,
- Cēsu novads
- Cesvaines novads,
- Ciblas novads,
- Dagdas novads,
- Daugavpils novads,
- Dobeles novads,
- Dundagas novads,
- Durbes novads,
- Engures novads,

- Ērgļu novads,
- Garkalnes novads,
- Gulbenes novads,
- Iecavas novads,
- Ikšķiles novads,
- Ilūkstes novads,
- Inčukalna novads,
- Jaunjelgavas novads,
- Jaunpiebalgas novads,
- Jaunpils novads,
- Jēkabpils novads,
- Jelgavas novads,
- Kandavas novads,
- Kārsavas novads,
- Ķeguma novads,
- Ķekavas novads,
- Kocēnu novads,
- Kokneses novads,
- Krāslavas novads,
- Krimuldas novads,
- Krustpils novads,
- Kuldīgas novada, Laidu pagasta daļa uz ziemeļiem no autoceļa V1296, Padures, Rumbas, Rendas, Kabiles, Vārmes, Pelču, Ēdoles, Īvandes, Kurmāles, Turlavas, Gudenieku un Snēpeles pagasts, Kuldīgas pilsēta,
- Lielvārdes novads,
- Līgatnes novads,
- Limbažu novads,
- Līvānu novads,
- Lubānas novads,
- Ludzas novads,
- Madonas novads,
- Mālpils novads,
- Mārupes novads,
- Mazsalacas novads,
- Mērsraga novads,
- Naukšēnu novads,
- Neretas novads,
- Ogres novads,
- Olaines novads,
- Ozolnieku novads,
- Pārgaujas novads,
- Pāvilostas novada Sakas pagasts, Pāvilostas pilsēta,
- Pļaviņu novads,
- Preiļu novads,
- Priekules novads,

- Priekuļu novads,
- Raunas novads,
- republikas pilsēta Daugavpils,
- republikas pilsēta Jelgava,
- republikas pilsēta Jēkabpils,
- republikas pilsēta Jūrmala,
- republikas pilsēta Rēzekne,
- republikas pilsēta Valmiera,
- Rēzeknes novads,
- Riebiņu novads,
- Rojas novads,
- Ropažu novads,
- Rugāju novads,
- Rundāles novads,
- Rūjienas novads,
- Salacgrīvas novads,
- Salas novads,
- Salaspils novads,
- Saldus novads,
- Saulkrastu novads,
- Sējas novads,
- Siguldas novads,
- Skrīveru novads,
- Skrundas novada Raņķu pagasta daļa uz ziemeļiem no autoceļa V1272 līdz robežai ar Ventas upi, Skrundas pagasta daļa no Skrundas uz ziemeļiem no autoceļa A9 un austrumiem no Ventas upes,
- Smiltenes novads,
- Stopiņu novada daļa, kas atrodas uz austrumiem no autoceļa V36, P4 un P5, Acones ielas, Dauguļupes ielas un Dauguļupītes,
- Strenču novads,
- Talsu novads,
- Tērvetes novads,
- Tukuma novads,
- Vaiņodes novada Vaiņodes pagasts un Embūtes pagasta daļa uz dienvidiem autoceļa P116, P106,
- Valkas novads,
- Varakļānu novads,
- Vārkavas novads,
- Vecpiebalgas novads,
- Vecumnieku novads,
- Ventspils novads,
- Viesītes novads,
- Viļakas novads,
- Viļānu novads,
- Zilupes novads.

5. Lithuania

The following areas in Lithuania:

- Alytaus miesto savivaldybė,
- Alytaus rajono savivaldybė,
- Anykščių rajono savivaldybė,
- Akmenės rajono savivaldybė,
- Birštono savivaldybė,
- Biržų miesto savivaldybė,
- Biržų rajono savivaldybė,
- Druskininkų savivaldybė,
- Elektrėnų savivaldybė,
- Ignalinos rajono savivaldybė,
- Jonavos rajono savivaldybė,
- Joniškio rajono savivaldybė,
- Jurbarko rajono savivaldybė: Eržvilko, Girdžių, Jurbarko miesto, Jurbarkų, Raudonės, Šimkaičių, Skirsnemunės, Smalininkų, Veliuonos ir Viešvilės seniūnijos,
- Kaišiadorių rajono savivaldybė,
- Kalvarijos savivaldybė,
- Kauno miesto savivaldybė,
- Kauno rajono savivaldybė: Akademijos, Alšėnų, Batniavos, Ežerėlio, Domeikavos, Garliavos, Garliavos apylinkių, Karmėlavos, Kulautuvos, Lapių, Linksmakalnio, Neveronių, Raudondvario, Ringaudų, Rokų, Samylų, Taurakiemio, Vandžiogalos, Užliedžių, Vilkijos, ir Zapyškio seniūnijos, Babtų seniūnijos dalis į rytus nuo kelio A1, ir Vilkijos apylinkių seniūnijos dalis į vakarus nuo kelio Nr. 1907,
- Kazlų rūdų savivaldybė,
- Kelmės rajono savivaldybė,
- Kėdainių rajono savivaldybė: Dotnuvos, Gudžiūnų, Kėdainių miesto, Krakių, Pelėdnagių, Surviliškio, Šėtos, Truskavos, Vilainių ir Josvainių seniūnijos dalis į šiaurę ir rytus nuo kelio Nr. 229 ir Nr. 2032,
- Kupiškio rajono savivaldybė,
- Kretingos rajono savivaldybė,
- Lazdijų rajono savivaldybė,
- Marijampolės savivaldybė,
- Mažeikių rajono savivaldybė,
- Molėtų rajono savivaldybė,
- Pagėgių savivaldybė,
- Pakruojo rajono savivaldybė,
- Panevėžio rajono savivaldybė,
- Panevėžio miesto savivaldybė,
- Pasvalio rajono savivaldybė,
- Radviliškio rajono savivaldybė,
- Rietavo savivaldybė,
- Prienų rajono savivaldybė,
- Plungės rajono savivaldybė: Žlibinų, Stalgėnų, Nausodžio sen dalis nuo kelio Nr. 166 į šiaurės vakarus, Plungės miesto ir Šateikių seniūnijos,

- Raseinių rajono savivaldybė: Betygalos, Girkalnio, Kalnujų, Nemakščių, Pagojukų, Paliepių, Raseinių miesto, Raseinių, Šiluvos, Viduklės seniūnijos,
- Rokiškio rajono savivaldybė,
- Skuodo rajono savivaldybės: Aleksandrijos, Ylakių, Lenkimų, Mosėdžio, Skuodo ir Skuodo miesto seniūnijos,
- Šakių rajono savivaldybė,
- Šalčininkų rajono savivaldybė,
- Šiaulių miesto savivaldybė,
- Šiaulių rajono savivaldybė,
- Šilutės rajono savivaldybė,
- Širvintų rajono savivaldybė,
- Šilalės rajono savivaldybė,
- Švenčionių rajono savivaldybė,
- Tauragės rajono savivaldybė,
- Telšių rajono savivaldybė,
- Trakų rajono savivaldybė,
- Ukmergės rajono savivaldybė,
- Utenos rajono savivaldybė,
- Varėnos rajono savivaldybė,
- Vilniaus miesto savivaldybė,
- Vilniaus rajono savivaldybė,
- Vilkaviškio rajono savivaldybė,
- Visagino savivaldybė,
- Zarasų rajono savivaldybė.

6. Poland

The following areas in Poland:

w województwie warmińsko-mazurskim:

- gminy Kalinowo, Stare Juchy, Prostki oraz gmina wiejska Elk w powiecie ełckim,
- powiat elbląski,
- powiat miejski Elbląg,
- powiat gołdapski,
- powiat piski,
- gminy Górowo Iławeckie z miastem Górowo Iławeckie i Sępólno w powiecie bartoszyckim,
- gminy Biskupiec, Kolno, część gminy Olsztynek położona na południe od linii wyznaczonej przez drogę nr S51 biegnącą od wschodniej granicy gminy do miejscowości Ameryka oraz na zachód od linii wyznaczonej przez drogę biegnącą od skrzyżowania z drogą S51 do północnej granicy gminy, łączącej miejscowości Mańki – Mycyny – Ameryka w powiecie olsztyńskim,
- gmina Grunwald, część gminy Małdyty położona na zachód od linii wyznaczonej przez drogę nr S7, część gminy Miłomłyn położona na zachód od linii wyznaczonej przez drogę nr S7, część gminy wiejskiej Ostróda położona na zachód od linii wyznaczonej przez drogę nr S7 oraz na południe od drogi nr 16, część miasta Ostróda położona na zachód od linii wyznaczonej przez drogę nr S7, część gminy Dąbrówno położona na zachód od linii wyznaczonej przez drogę nr 542 biegnącą od północnej granicy gminy do miejscowości Dąbrówno, a następnie na zachód od linii wyznaczonej przez drogę biegnącą od miejscowości Dąbrówno przez miejscowości Zamkowy Młyn – Wądryn do południowej granicy gminy w powiecie ostródzkim,

- powiat giżycki,
 - powiat braniewski,
 - powiat kętrzyński,
 - gminy Lubomino i Orneta w powiecie lidzbarskim,
 - gmina Nidzica i część gminy Kozłowo położona na północ od linii wyznaczonej przez drogę łączącą miejscowości Rączki – Kownatki – Gardyny w powiecie nidzickim,
 - gminy Dźwierzuty, Jedwabno, Pasym, Szczytno i miasto Szczytno i Świętajno w powiecie szczycieńskim,
 - powiat mrągowski,
 - gminy Lubawa, miasto Lubawa, Zalewo i część gminy wiejskiej Iława położona na południe od linii wyznaczonej przez drogę nr 16 biegnącą od wschodniej granicy gminy do granicy miasta Iława, a następnie na wschód od linii wyznaczonej przez drogę biegnącą od południowej granicy gminy miasta Iława przez miejscowość Katarzynki do południowej granicy gminy w powiecie iławskim,
 - powiat węgorzewski,
- w województwie podlaskim:
- powiat bielski,
 - powiat grajewski,
 - powiat moniecki,
 - powiat sejneński,
 - gminy Łomża, Piątnica, Jedwabne, Przytuły i Wizna w powiecie łomżyńskim,
 - powiat miejski Łomża,
 - powiat siemiatycki,
 - powiat hajnowski,
 - gminy Ciechanowiec, Klukowo, Szepietowo, Kobylin-Borzemy, Nowe Piekuty, Sokoły i część gminy Kulesze Kościelne położona na północ od linii wyznaczonej przez linię kolejową w powiecie wysokomazowieckim,
 - gmina Rutki i część gminy Kołaki Kościelne położona na północ od linii wyznaczonej przez linię kolejową w powiecie zambrowskim,
 - powiat kolneński z miastem Kolno,
 - powiat białostocki,
 - gminy Filipów, Jeleniewo, Przerośl, Raczki, Rutka-Tartak, Suwałki, Szypliszki Wiżajny oraz część gminy Bakałarzewo położona na północ od linii wyznaczonej przez drogę 653 biegnącej od zachodniej granicy gminy do skrzyżowania z drogą 1122B oraz na wschód od linii wyznaczonej przez drogę nr 1122B biegnącą od drogi 653 w kierunku południowym do skrzyżowania z drogą 1124B i następnie na północny – wschód od drogi nr 1124B biegnącej od skrzyżowania z drogą 1122B do granicy z gminą Raczki w powiecie suwalskim,
 - powiat miejski Suwałki,
 - powiat augustowski,
 - powiat sokólski,
 - powiat miejski Białystok,
- w województwie mazowieckim:
- powiat siedlecki,
 - powiat miejski Siedlce,
 - gminy Bielany, Ceranów, Jabłonna Lacka, Kosów Lacki, Repki, Sabnie, Sterdyń i gmina wiejska Sokołów Podlaski w powiecie sokołowskim,
 - gminy Grębków i Wierzbno w powiecie węgrowskim,

- powiat łosicki,
 - powiat ciechanowski,
 - powiat sochaczewski,
 - gminy Policzna, Przyłęk, Tczów i Zwoleń w powiecie zwoleńskim,
 - powiat kozienicki,
 - gminy Chotcza i Solec nad Wisłą w powiecie lipskim,
 - gminy Gózd, Jastrzębia, Jedlnia Letnisko, Pionki z miastem Pionki, Skaryszew, Jedlińsk, Przytyk, Zakrzew, część gminy Iłża położona na zachód od linii wyznaczonej przez drogę nr 9, część gminy Wolanów położona na północ od drogi nr 12 w powiecie radomskim,
 - gminy Bodzanów, Bulkowo, Staroźreby, Słubice, Wyszogród i Mała Wieś w powiecie płońskim,
 - powiat nowodworski,
 - powiat płoński,
 - gminy Pokrzywnica, Świercze i część gminy Winnica położona na zachód od linii wyznaczonej przez drogę łączącą miejscowości Bielany, Winnica i Pokrzywnica w powiecie pułuskim,
 - gminy Dębówka, Klembów, Poświętne, Radzymin, Wołomin, miasto Kobyłka, miasto Marki, miasto Ząbki, miasto Zielonka w powiecie wołomińskim,
 - gminy Borowie, Garwolin z miastem Garwolin, Miastków Kościelny, Parysów, Pilawa, część gminy Wilga położona na północ od linii wyznaczonej przez rzekę Wilga biegnącą od wschodniej granicy gminy do ujścia do rzeki Wisły, część gminy Górzno położona na północ od linii wyznaczonej przez drogę łączącą miejscowości Łąki i Górzno biegnącą od wschodniej granicy gminy, następnie od miejscowości Górzno na północ od drogi nr 1328W biegnącej do drogi nr 17, a następnie na północ od linii wyznaczonej przez drogę biegnącą od drogi nr 17 do zachodniej granicy gminy przez miejscowości Józefów i Kobyła Wola w powiecie garwolińskim,
 - gminy Boguty – Pianki, Zaręby Kościelne, Nur i część gminy Małkinia Górna położona na południe od rzeki Brok w powiecie ostrowskim,
 - gminy Stupsk, Wiśniewo i Strzegowo w powiecie mławskim,
 - powiat miński,
 - powiat otwocki,
 - powiat warszawski zachodni,
 - powiat legionowski,
 - powiat piaseczyński,
 - powiat pruszkowski,
 - powiat grójecki,
 - powiat grodziski,
 - powiat żyrardowski,
 - powiat białobrzegi,
 - powiat przysuski,
 - powiat miejski Warszawa,
- w województwie lubelskim:
- powiat bialski,
 - powiat miejski Biała Podlaska,
 - gminy Batorz, Godziszów, Janów Lubelski, Modliborzyce i Potok Wielki w powiecie janowskim,
 - gminy Janowiec, Kazimierz Dolny, Końskowola, Kurów, Markuszów, Nałęczów, Puławy z miastem Puławy, Wąwolnica i Żyrzyn w powiecie puławskim,

- gminy Nowodwór, miasto Dęblin i część gminy Ryki położona na południe od linii wyznaczonej przez linię kolejową powiecie ryckim,
 - gminy Adamów, Krzywdą, Stoczek Łukowski z miastem Stoczek Łukowski, Wola Mysłowska, Trzebieszów, Stanin, Wojcieszków, gmina wiejska Łuków i miasto Łuków w powiecie łukowskim,
 - powiat lubelski,
 - powiat miejski Lublin,
 - gminy Niedźwiada, Ostrów Lubelski, Serniki i Uścimów w powiecie lubartowskim,
 - powiat łęczyński,
 - powiat świdnicki,
 - gminy Fajslawice, Gorzków, Izbica, Krasnystaw z miastem Krasnystaw, Kraśniczyn, Łopiennik Górny, Siennica Różana i część gminy Żółkiewka położona na północ od linii wyznaczonej przez drogę nr 842 w powiecie krasnostawskim,
 - gminy Chełm, Ruda – Huta, Sawin, Rejowiec, Rejowiec Fabryczny z miastem Rejowiec Fabryczny, Siedliszcze, Wierzbica, część gminy Dorohusk położona na północ od linii wyznaczonej przez linię kolejową, część gminy Wojsławice położona na zachód od linii wyznaczonej przez drogę 1839L, część gminy Leśniowice położona na zachód od linii wyznaczonej przez drogę 1839L w powiecie chełmskim,
 - powiat miejski Chełm,
 - powiat kraśnicki,
 - powiat opolski,
 - powiat parczewski,
 - powiat włodawski,
 - powiat radzyński,
- w województwie podkarpackim:
- powiat stalowowolski,
 - gminy Oleszyce, Lubaczów z miastem Lubaczów, Wielkie Oczy w powiecie lubaczowskim,
 - część gminy Kamień położona na zachód od linii wyznaczonej przez drogę nr 19, część gminy Sokołów Małopolski położona na północ od linii wyznaczonej przez drogę nr 875 w powiecie rzeszowskim,
 - gminy Cmolasy i Majdan Królewski w powiecie kolbuszowskim,
 - gminy Grodzisko Dolne, część gminy wiejskiej Leżajsk położona na południe od miasta Leżajsk oraz na zachód od linii wyznaczonej przez rzekę San, w powiecie leżańskim,
 - gmina Jarocin, część gminy Harasiuki położona na północ od linii wyznaczonej przez drogę nr 1048 R, część gminy Ulanów położona na północ od linii wyznaczonej przez rzekę Tanew, część gminy Nisko położona na zachód od linii wyznaczonej przez drogę nr 19 oraz na północ od linii wyznaczonej przez linię kolejową biegnącą od wschodniej granicy gminy do skrzyżowania z drogą nr 19, część gminy Jeżów położona na zachód od linii wyznaczonej przez drogę nr 19 w powiecie niżańskim,
 - powiat tarnobrzeski,
- w województwie pomorskim:
- gminy Dzierżgoń i Stary Dzierżgoń w powiecie sztumskim,
 - gmina Stare Pole w powiecie malborskim,
 - gminy Stegny, Sztutowo i część gminy Nowy Dwór Gdański położona na północny – wschód od linii wyznaczonej przez drogę nr 55 biegnącą od południowej granicy gminy do skrzyżowania z drogą nr 7, następnie przez drogę nr 7 i S7 biegnącą do zachodniej granicy gminy w powiecie nowodworskim,

w województwie świętokrzyskim:

- gmina Tarłów i część gminy Ożarów położona na północ od linii wyznaczonej przez drogę nr 74 w powiecie opatowskim,
- część gminy Brody położona na zachód od linii kolejowej biegnącej od miejscowości Marcule i od północnej granicy gminy przez miejscowości Klepacz i Karczma Kunowska do południowej granicy gminy oraz na wschód od linii wyznaczonej przez drogę nr 9 i na północny – wschód od linii wyznaczonej przez drogę nr 0618T biegnącą od północnej granicy gminy do skrzyżowania w miejscowości Lipie oraz przez drogę biegnącą od miejscowości Lipie do wschodniej granicy gminy i część gminy Mirzec położona na wschód od linii wyznaczonej przez drogę nr 744 biegnącą od południowej granicy gminy do miejscowości Tychów Stary a następnie przez drogę nr 0566T biegnącą od miejscowości Tychów Stary w kierunku północno – wschodnim do granicy gminy w powiecie starachowickim,

w województwie lubuskim:

- powiat wschowski,
- gmina Kostrzyn nad Odrą i część gminy Witnica położona na południowy zachód od drogi biegnącej od zachodniej granicy gminy od miejscowości Krześnica, przez miejscowości Kamień Wielki – Mościce -Witnica – Kłopotowo do południowej granicy gminy w powiecie gorzowskim,
- gminy Gubin z miastem Gubin, Maszewo i część gminy Bytnica położona na zachód od linii wyznaczonej przez drogę nr 1157F w powiecie krośnieńskim,
- powiat słubicki,
- gminy Słońsk, Sulęcín i Torzym w powiecie sulęcińskim,
- gminy Bledzew i Międzyrzecz w powiecie międzyrzeckim,
- gminy Kolsko, część gminy Kozuchów położona na południe od linii wyznaczonej przez drogę nr 283 biegnącą od wschodniej granicy gminy do skrzyżowania z drogą nr 290 i na południe od linii wyznaczonej przez drogę nr 290 biegnącej od miasta Miocin Dolny do zachodniej granicy gminy, część gminy Bytom Odrzański położona na północny zachód od linii wyznaczonej przez drogi nr 293 i 326, część gminy Nowe Miasteczko położona na zachód od linii wyznaczonej przez drogi nr 293 i 328, część gminy Siedlisko położona na północny zachód od linii wyznaczonej przez drogę biegnącą od rzeki Odry przy południowej granicy gminy do drogi nr 326 łączącej się z drogą nr 325 biegnącą w kierunku miejscowości Różanówka do skrzyżowania z drogą nr 321 biegnącą od tego skrzyżowania w kierunku miejscowości Bielawy, a następnie przedłużoną przez drogę przeciwpożarową biegnącą od drogi nr 321 w miejscowości Bielawy do granicy gminy w powiecie nowosolskim,
- gminy Nowogród Bobrzański, Trzebiechów część gminy Bojadła położona na północ od linii wyznaczonej przez drogę nr 278 biegnącą od wschodniej granicy gminy do skrzyżowania z drogą nr 282 i na północ od linii wyznaczonej przez drogę nr 282 biegnącej od miasta Bojadła do zachodniej granicy gminy i część gminy Sulechów położona na wschód od linii wyznaczonej przez drogę nr S3 w powiecie zielonogórskim,
- powiat żarski,
- gminy Brzeźnica, Iłowa, Małomice, Szprotawa, Wymiarki, Żagań, miasto Żagań, miasto Gozdnic, część gminy Niegosławice położona na zachód od linii wyznaczonej przez drogę nr 328 w powiecie żagańskim,
- gminy Lubrza, Łagów i Świebodzin w powiecie świebodzińskim,

w województwie dolnośląskim:

- gmina Pęcław, część gminy Kotla położona na północ od linii wyznaczonej przez rzekę Krzycki Rów, część gminy wiejskiej Głogów położona na wschód od linii wyznaczonej przez drogi nr 12, 319 oraz 329, część miasta Głogów położona na wschód od linii wyznaczonej przez drogę nr 12 w powiecie głogowskim,
- gminy Grębocice i Polkowice w powiecie polkowickim,

w województwie wielkopolskim:

- gminy Przemęt i Wolsztyn w powiecie wolsztyńskim,
- gmina Wielichowo część gminy Kamieniec położona na zachód od linii wyznaczonej przez drogę nr 308 i część gminy Rakoniewice położona na zachód od linii wyznaczonej przez drogę nr 305 w powiecie grodziskim,
- gminy Lipno, Osieczna, Wijewo, Włoszakowice i część gminy Świąciechowa położona na północ od linii wyznaczonej przez drogę nr 12 w powiecie leszczyńskim,
- gmina Śmigiel, część gminy wiejskiej Kościan położona na południowy – wschód od linii wyznaczonej przez drogę nr 5 oraz na zachód od linii wyznaczonej przez kanał Obry, część gminy Krzywiń położona na zachód od linii wyznaczonej przez kanał Obry w powiecie kościańskim,
- powiat miejski Leszno,
- powiat obornicki,
- część gminy Połajewo na położona na południe od drogi łączącej miejscowości Chraplewo, Tarnówko-Boruszyn, Krosin, Jakubowo, Połajewo – ul. Ryczywolska do północno-wschodniej granicy gminy w powiecie czarnkowsko-trzcianeckim,
- gmina Suchy Las, część gminy wiejskiej Murowana Goślina położona na północ od linii kolejowej biegnącej od północnej granicy miasta Murowana Goślina do północno-wschodniej granicy gminy oraz część gminy Rokietnica położona na północ i na wschód od linii kolejowej biegnącej od północnej granicy gminy w miejscowości Krzyszkowo do południowej granicy gminy w miejscowości Kiekrz w powiecie poznańskim,
- część gminy Szamotuły położona na wschód od wschodniej granicy miasta Szamotuły i na północ od linii kolejowej biegnącej od południowej granicy miasta Szamotuły do południowo-wschodniej granicy gminy oraz część gminy Obrzycko położona na wschód od drogi nr 185 łączącej miejscowości Gaj Mały, Słapanowo i Obrzycko do północnej granicy miasta Obrzycko, a następnie na wschód od drogi przebiegającej przez miejscowość Chraplewo w powiecie szamotulskim.

w województwie łódzkim:

- gminy Drzewica, Opoczno i Poświętne w powiecie opoczyńskim,
- gminy Biała Rawska, Regnów i Sadkowiec w powiecie rawskim,
- gmina Kowiesy w powiecie skierniewickim,

w województwie zachodniopomorskim:

- część gminy Boleszkowice położona na południowy – zachód od linii wyznaczonej przez drogę nr 31 i część gminy Dębno położona na południe od linii wyznaczonej przez drogę nr 31 biegnącą od zachodniej granicy gminy do miejscowości Sarbinowo, a następnie na południe od linii wyznaczonej przez drogę biegnącą od miejscowości Sarbinowo przez miejscowość Krześnica do wschodniej granicy gminy w powiecie myśliborskim.

7. Slovakia

The following areas in Slovakia:

- in the district of Gelnica, the whole municipality of Smolník,
- In the district of Košice-okolie the municipalities of Opátka, Košická Belá, Malá Lodina, Veľká Lodina, Kysak, Sokol, Trebejov, Obišovce, Družstevná pri Hornáde, Kostolany nad Hornádom, Budimír, Vajkovce, Chrástné, Čizatice, Kráľovce, Ploské, Nová Polhora, Boliarov, Kecerovce, Vtáčkovce, Herľany, Rankovce, Mudrovce, Kecerovský Lipovec, Opiná, Bunetice,
- the whole city of Košice,
- in the district of Michalovce, the whole municipalities of Tušice, Moravany, Pozdišovce, Michalovce, Zalužice, Lúčky, Závadka, Hnojné, Poruba pod Vihorlatom, Jovsa, Kusín, Klokočov, Kaluža, Vinné, Trnava pri Laborci, Oreské, Staré, Zbudza, Petrovce nad Laborcom, Lesné, Suché, Rakovec nad Ondavou, Nacina Ves, Voľa, and Pusté Černé,

- in the district of Vranov nad Topľou, the whole municipalities of Zámutoľ, Rudľov, Jusková Voľa, Banské, Cabov, Davidov, Kamenná Poruba, Vechec, Čakľov, Sol', Komárany, Čičava, Nižný Kručov, Vranov nad Topľou, Sačurov, Sečovská Polianka, Dlhé Klčovo, Nižný Hrušov, Poša, Nižný Hrabovec, Hencovce, Kučín, Majerovce, Sedliská, Kladzany and Tovarnianska Polianka,
- in the district of Prešov, the whole municipalities of Tuhrina, Lúčina, Podhradík, Okružná, Ruská Nová Ves, Teriakovce, Ľubotice, Vyšná Šebastová, Lipníky, Chmeľov, Čelovce, Pušovce, Proč, Šarišská Trstená, Chmeľovec, Podhorany, Nemcovce, Lada, Kapušany, Fulianka, Prešov, Fintice, Tulčík, Demjata, Veľký Slivník, Záhradné, Malý Slivník, Mošurov, Terňa, Gregorovce, Medzany, Malý Šariš, Župčany, Svinia, Veľký Šariš, Geraltov, Trnkov, Šarišská Poruba, Lažany, Červenica,
- in the district of Sabinov, the whole municipalities Ostrovany, Daletice, Jarovnice, Šarišské Michalany, Ražňany, Uzovce, Hubošovce, Ratvaj, Bodovce, Šarišské Sokolovce, Sabinov, Jakubovany, Uzovský Šalgov, Uzovské Pekľany, Pečovská Nová Ves, Rožkovany, Jakubova Voľa, Drienica, Červená Voda, Jakovany, Červenica pri Sabinove, Ľutina, Olejníkov, Lipany, Lúčka, Hanigovce, Milpoš, Kamenica,
- in the district of Svidník, the whole municipalities of Dukovce, Želmanovce, Kuková, Kalnište, Lužany pri Ondave, Lúčka, Giraltovce, Kračúnovce, Železník, Kobylince, Mičakovce,
- in the district of Bardejov, the whole municipalities of Kríže, Hervartov, Richvald, Šiba, Kľušov, Hertník, Fričkovce, Bartošovce, Kobyly, Osíkov, Vaniškovce, Janovce, Tročany, Abrahámovce, Raslavice, Buclovany, Lopúchov, Stulňany, Koprivnica, Kochanovce, Harhaj, Vyšný Kručov, Brezov, Lascov, Marhaň, Kučín, Kožany, Kurima, Nemcovce, Porúbka, Hankovce, Oľšavce, Nižná Voľa, Rešov, Vyšná Voľa, Poliakovce, Dubinné, Hrabovec, Komárov, Lukavica, Livov, Livovská Huta, Lukov, Malcov, Lenartov, Snakov, Hrabské, Gerlachov, Kružľov, Krivé, Bogliarka,
- in the district of Stará Ľubovňa, the whole municipalities of Kyjov, Pusté Pole, Šarišské Jastrabie, Čirč, Ruská Voľa nad Popradom, Obručné,
- in the district of Revúca, the whole municipalities of Gemer, Tornaľa, Žiar, Gemerská Ves, Levkuška, Otročok, Polina, Rašice, Licince, Leváre, Držkovce, Chvalová, Sekerešovo, Višňové,
- in the district of Rimavská Sobota, the whole municipalities of Abovce, Barca, Bátka, Čakov, Chanava, Dulovo, Figa, Gemerské Michalovce, Hubovo, Ivanice, Kaloša, Kesovce, Kráľ, Lenartovce, Lenka, Neporadza, Orávka, Radnovce, Rakytník, Riečka, Rimavská Seč, Rumince, Stránska, Uzovská Panica, Valice, Vieska nad Blhom, Vlkyňa, Vyšné Valice, Včelince, Zádor, Číž, Štrkovec Tomášovce, Žíp, Španie Pole, Hostišovce, Budikovany, Teplý Vrch, Veľký Blh,
- in the district of Prešov, the whole municipalities of Tuhrina and Lúčina.

8. Germany

The following areas in Germany:

Bundesland Brandenburg:

- Landkreis Oder-Spree:
 - Gemeinde Grunow-Dammendorf,
 - Gemeinde Mixdorf
 - Gemeinde Schlaubetal,
 - Gemeinde Neuzelle,
 - Gemeinde Neißemünde,
 - Gemeinde Lawitz,
 - Gemeinde Eisenhüttenstadt,
 - Gemeinde Vogelsang,
 - Gemeinde Ziltendorf,
 - Gemeinde Wiesenau,
 - Gemeinde Friedland,

- Gemeinde Müllrose,
 - Gemeinde Groß Lindow,
 - Gemeinde Brieskow-Finkenheerd,
 - Gemeinde Ragow-Merz,
 - Gemeinde Beeskow,
 - Gemeinde Rietz-Neuendorf mit den Gemarkungen Groß Rietz und Birkholz,
 - Gemeinde Tauche mit den Gemarkungen Stremmen, Ranzig, Trebatsch, Sabrodt, Sawall, Mitwalde und Tauche,
 - Landkreis Dahme-Spreewald:
 - Gemeinde Jamlitz,
 - Gemeinde Lieberose,
 - Gemeinde Schwielochsee mit den Gemarkungen Goyatz, Jessern, Lamsfeld, Ressen, Speichrow und Zaue,
 - Landkreis Spree-Neiße:
 - Gemeinde Schenkendöbern mit den Gemarkungen Stakow, Reicherskreuz, Groß Drewitz, Sembten, Meuselwitz, Kreyne, Lübbinchen, Bärenklau, Schenkendöbern und Atterwasch,
 - Gemeinde Guben mit den Gemarkungen Bresinchen, Guben und Deulowitz,
 - Landkreis Märkisch-Oderland:
 - Gemeinde Zechin,
 - Gemeinde Bleyen-Genschmar,
 - Gemeinde Golzow,
 - Gemeinde Küstriner Vorland,
 - Gemeinde Alt Tucheband,
 - Gemeinde Reitwein,
 - Gemeinde Podelzig,
 - Gemeinde Letschin mit der Gemarkung Sophienthal,
 - Gemeinde Seelow – östlich der Bahnstrecke RB 60,
 - Gemeinde Vierlinden – östlich der Bahnstrecke RB 60,
 - Gemeinde Lindendorf – östlich der Bahnstrecke RB 60,
 - Gemeinde Fichtenhöhe – östlich der Bahnstrecke RB 60,
 - Gemeinde Lebus mit den Gemarkungen Lebus und Mallnow – östlich der Bahnstrecke RB 60,
- Bundesland Sachsen:
- Landkreis Görlitz:
 - Gemeinde Krauschwitz östlich der B115,
 - Gemeinde Weißkeißel östlich der B115,
 - Gemeinde Rietschen östlich der B115 und nördlich der Südgrenze Truppenübungsplatz Oberlausitz.

PART III

1. Bulgaria

The following areas in Bulgaria:

- the whole region of Blagoevgrad,
- the whole region of Dobrich,
- the whole region of Gabrovo,

- the whole region of Kardzhali,
- the whole region of Lovech,
- the whole region of Montana,
- the whole region of Pleven,
- the whole region of Razgrad,
- the whole region of Ruse,
- the whole region of Shumen,
- the whole region of Silistra,
- the whole region of Sliven,
- the whole region of Sofia city,
- the whole region of Sofia Province,
- the whole region of Targovishte,
- the whole region of Vidin,
- the whole region of Varna,
- the whole region of Veliko Tarnovo,
- the whole region of Vratza,
- in Burgas region:
 - the whole municipality of Burgas,
 - the whole municipality of Kameno,
 - the whole municipality of Malko Tarnovo,
 - the whole municipality of Primorsko,
 - the whole municipality of Sozopol,
 - the whole municipality of Sredets,
 - the whole municipality of Tsarevo,
 - the whole municipality of Sungurlare,
 - the whole municipality of Ruen,
 - the whole municipality of Aytos.

2. Latvia

The following areas in Latvia:

- Aizputes novada Kalvenes pagasta daļa uz austrumiem no ceļa pie Vārtājas upes līdz autoceļam A9, uz ziemeļiem no autoceļa A9, uz austrumiem no autoceļa V1200, Kazdangas pagasta daļa uz austrumiem no ceļa V1200, P115, P117, V1296,
- Kuldīgas novada, Laidu pagasta daļa uz dienvidiem no autoceļa V1296,
- Skrundas novada Rudbāržu, Nīkrāces pagasts, Raņķu pagasta daļa uz dienvidiem no autoceļa V1272 līdz robežai ar Ventas upi, Skrundas pagasts (izņemot pagasta daļa no Skrundas uz ziemeļiem no autoceļa A9 un austrumiem no Ventas upes), Skrundas pilsēta,
- Vaiņodes novada Embūtes pagasta daļa uz ziemeļiem autoceļa P116, P106.

3. Lithuania

The following areas in Lithuania:

- Jurbarko rajono savivaldybė: Seredžiaus ir Juodaičių seniūnijos,
- Kauno rajono savivaldybė: Čekiškės seniūnija, Babtų seniūnijos dalis į vakarus nuo kelio A1 ir Vilkijos apylinkių seniūnijos dalis į rytus nuo kelio Nr. 1907,
- Kėdainių rajono savivaldybė: Pernaravos seniūnija ir Josvainių seniūnijos pietvakarinė dalis tarp kelio Nr. 229 ir Nr. 2032,

- Plungės rajono savivaldybė: Alsėdžių, Babrungo, Paukštakių, Platelių ir Žemaičių Kalvarijos seniūnijos,
- Raseinių rajono savivaldybė: Ariogalos ir Ariogalos miesto seniūnijos,
- Skuodo rajono savivaldybės: Barstyčių, Notėnų ir Šačių seniūnijos.

4. Poland

The following areas in Poland:

w województwie warmińsko-mazurskim:

- gminy Bisztynek i Bartoszyce z miastem Bartoszyce w powiecie bartoszyckim,
- gminy Kiwity i Lidzbark Warmiński z miastem Lidzbark Warmiński w powiecie lidzbarskim,
- gminy Łukta, Morąg, Miłakowo, część gminy Małdyty położona na wschód od linii wyznaczonej przez drogę nr S7, część gminy Miłomłyn położona na wschód od linii wyznaczonej przez drogę nr S7, część gminy wiejskiej Ostróda położona na wschód od linii wyznaczonej przez drogę nr S7 oraz na północ od drogi nr 16, część miasta Ostróda położona na wschód od linii wyznaczonej przez drogę nr w powiecie ostródzkim,
- powiat olecki,
- gminy Barczewo, Gietrzwałd, Jeziorany, Jonkowo, Dywity, Dobre Miasto, Purda, Stawiguda, Świątki, część gminy Olsztynek położona na północ od linii wyznaczonej przez drogę nr S51 biegnącą od wschodniej granicy gminy do miejscowości Ameryka oraz na wschód od linii wyznaczonej przez drogę biegnącą od skrzyżowania z drogą S51 do północnej granicy gminy, łączącej miejscowości Mańki – Mycyny – Ameryka w powiecie olsztyńskim,
- powiat miejski Olsztyn,

w województwie podlaskim:

- część gminy Bakalarzewo położona na południe od linii wyznaczonej przez drogę 653 biegnącej od zachodniej granicy gminy do skrzyżowania z drogą 1122B oraz na zachód od linii wyznaczonej przez drogę nr 1122B biegnącą od drogi 653 w kierunku południowym do skrzyżowania z drogą 1124B i następnie na południowo-zachód od drogi nr 1124B biegnącej od skrzyżowania z drogą 1122B do granicy z gminą Raczki w powiecie suwalskim,

w województwie mazowieckim:

- gminy Łaskarzew z miastem Łaskarzew, Maciejowice, Sobolew, Trojanów, Żelechów, część gminy Wilga położona na południe od linii wyznaczonej przez rzekę Wilga biegnącą od wschodniej granicy gminy do ujścia do rzeki Wisły, część gminy Górzno położona na południe od linii wyznaczonej przez drogę łączącą miejscowości Łąki i Górzno biegnącą od wschodniej granicy gminy, następnie od miejscowości Górzno na południe od drogi nr 1328W biegnącej do drogi nr 17, a następnie na południe od linii wyznaczonej przez drogę biegnącą od drogi nr 17 do zachodniej granicy gminy przez miejscowości Józefów i Kobyła Wola w powiecie garwolińskim,
- część gminy Iłża położona na wschód od linii wyznaczonej przez drogę nr 9 w powiecie radomskim,
- gmina Kazanów w powiecie zwoleńskim,
- gminy Ciepiałów, Lipsko, Rzecznów i Sienno w powiecie lipskim,

w województwie lubelskim:

- powiat tomaszowski,
- gminy Białopole, Dubienka, Kamień, Żmudź, część gminy Dorohusk położona na południe od linii wyznaczonej przez linię kolejową, część gminy Wojsławice położona na wschód od linii wyznaczonej przez drogę 1839L, część gminy Leśniowice położona na wschód od linii wyznaczonej przez drogę 1839L w powiecie chełmskim,
- gmina Rudnik i część gminy Żółkiewka położona na południe od linii wyznaczonej przez drogę nr 842 w powiecie krasnostawskim,
- powiat zamojski,

- powiat miejski Zamość,
- powiat biłgorajski,
- powiat hrubieszowski,
- gminy Dzwola i Chrzanów w powiecie janowskim,
- gmina Serokomla w powiecie łukowskim,
- gminy Abramów, Kamionka, Michów, Lubartów z miastem Lubartów, Firlej, Jeziorzany, Kock, Ostrówek w powiecie lubartowskim,
- gminy Kłoczew, Stężycza, Ułęż i część gminy Ryki położona na północ od linii wyznaczonej przez linię kolejową w powiecie ryckim,
- gmina Baranów w powiecie puławskim,

w województwie podkarpackim:

- gminy Cieszanów, Horyniec – Zdrój, Narol i Stary Dzików w powiecie lubaczowskim,
- gminy Kuryłówka, Nowa Sarzyna, miasto Leżajsk, część gminy wiejskiej Leżajsk położona na północ od miasta Leżajsk oraz część gminy wiejskiej Leżajsk położona na wschód od linii wyznaczonej przez rzekę San, w powiecie leżańskim,
- gminy Krzeszów, Rudnik nad Sanem, część gminy Harasiuki położona na południe od linii wyznaczonej przez drogę nr 1048 R, część gminy Ulanów położona na południe od linii wyznaczonej przez rzekę Tanew, część gminy Nisko położona na wschód od linii wyznaczonej przez drogę nr 19 oraz na południe od linii wyznaczonej przez linię kolejową biegnącą od wschodniej granicy gminy do skrzyżowania z drogą nr 19, część gminy Jeżowe położona na wschód od linii wyznaczonej przez drogę nr 19 w powiecie niżańskim,
- gminy Chłopice, Jarosław z miastem Jarosław, Laszki, Wiązownica, Pawłosiów, Radymno z miastem Radymno, w powiecie jarosławskim,
- gmina Stubno w powiecie przemyskim,
- część gminy Kamień położona na wschód od linii wyznaczonej przez drogę nr 19 w powiecie rzeszowskim,
- gminy Adamówka, Sieniawa, Tryńcza, miasto Przeworsk, część gminy wiejskiej Przeworsk położona na wschód od miasta Przeworsk i na wschód od linii wyznaczonej przez autostradę A4 biegnącą od granicy z gminą Tryńcza do granicy miasta Przeworsk, część gminy Zarzecze położona na wschód od linii wyznaczonej przez drogę nr 1594R biegnącą od północnej granicy gminy do miejscowości Zarzecze oraz na północ od linii wyznaczonej przez drogi nr 1617R oraz 1619R biegnącą do południowej granicy gminy w powiecie przeworskim,

w województwie lubuskim:

- gminy Nowa Sól i miasto Nowa Sól, Otyń oraz część gminy Kozuchów położona na północ od linii wyznaczonej przez drogę nr 283 biegnącą od wschodniej granicy gminy do skrzyżowania z drogą nr 290 i na północ od linii wyznaczonej przez drogę nr 290 biegnącej od miasta Mirocin Dolny do zachodniej granicy gminy, część gminy Bytom Odrzański położona na południowy wschód od linii wyznaczonej przez drogi nr 293 i 326, część gminy Nowe Miasteczko położona na wschód od linii wyznaczonych przez drogi 293 i 328, część gminy Siedlisko położona na południowy wschód od linii wyznaczonej przez drogę biegnącą od rzeki Odry przy południowej granicy gminy do drogi nr 326 łączącej się z drogą nr 325 biegnącą w kierunku miejscowości Różanówka do skrzyżowania z drogą nr 321 biegnącą od tego skrzyżowania w kierunku miejscowości Bielawy, a następnie przedłużoną przez drogę przeciwpożarową biegnącą od drogi nr 321 w miejscowości Bielawy do granicy gminy w powiecie nowosolskim,
- gminy Babimost, Czerwieńsk, Kargowa, Świdnica, Zabór, część gminy Bojadła położona na południe od linii wyznaczonej przez drogę nr 278 biegnącą od wschodniej granicy gminy do skrzyżowania z drogą nr 282 i na południe od linii wyznaczonej przez drogę nr 282 biegnącej od miasta Bojadła do zachodniej granicy gminy i część gminy Sulechów położona na zachód od linii wyznaczonej przez drogę nr S3 w powiecie zielonogórskim,
- część gminy Niegosławice położona na wschód od linii wyznaczonej przez drogę nr 328 w powiecie żagańskim,

- powiat miejski Zielona Góra,
 - gminy Skąpe, Szczanec i Zbąszynek w powiecie świebodzińskim,
 - gminy Bobrowice, Dąbie, Krosno Odrzańskie i część gminy Bytnica położona na wschód od linii wyznaczonej przez drogę nr 1157F w powiecie krośnieńskim,
 - część gminy Trzciel położona na południe od linii wyznaczonej przez drogę nr 92 w powiecie międzyrzeckim,
- w województwie wielkopolskim:
- gmina Zbąszyń, część gminy Miedzichowo położona na południe od linii wyznaczonej przez drogę nr 92, część gminy Nowy Tomyśl położona na zachód od linii wyznaczonej przez drogę nr 305 w powiecie nowotomyskim,
 - gmina Siedlec w powiecie wolsztyńskim,
 - część gminy Rakoniewice położona na wschód od linii wyznaczonej przez drogę nr 305 w powiecie grodziskim,
 - gminy Chocz, Czermin, Gołuchów, Pleszew i część gminy Gizałki położona na południe od linii wyznaczonej przez drogę nr 443 w powiecie pleszewskim,
 - część gminy Grodziec położona na południe od linii wyznaczonej przez drogę nr 443 w powiecie konińskim,
 - gminy Blizanów, Stawiszyn, Żelazków w powiecie kaliskim,
- w województwie dolnośląskim:
- gminy Jerzmanowa, Żukowice, część gminy Kotla położona na południe od linii wyznaczonej przez rzekę Krzycki Rów, część gminy wiejskiej Głogów położona na zachód od linii wyznaczonej przez drogi nr 12, 319 oraz 329, część miasta Głogów położona na zachód od linii wyznaczonej przez drogę nr 12 w powiecie głogowskim,
 - gminy Gaworzycze, Radwanice i część gminy Przemków położona na północ od linii wyznaczonej przez drogę nr 12 w powiecie polkowickim,
- w województwie świętokrzyskim:
- część gminy Brody położona na wschód od linii kolejowej biegnącej od miejscowości Marcule i od północnej granicy gminy przez miejscowości Klepacze i Karczma Kunowska do południowej granicy gminy w powiecie starachowickim.

5. Romania

The following areas in Romania:

- Zona oraşului Bucureşti,
- Judeţul Constanţa,
- Judeţul Satu Mare,
- Judeţul Tulcea,
- Judeţul Bacău,
- Judeţul Bihor,
- Judeţul Bistriţa Năsăud,
- Judeţul Brăila,
- Judeţul Buzău,
- Judeţul Călăraşi,
- Judeţul Dâmboviţa,
- Judeţul Galaţi,
- Judeţul Giurgiu,
- Judeţul Ialomiţa,
- Judeţul Ilfov,
- Judeţul Prahova,
- Judeţul Sălaj,

- Județul Suceava
- Județul Vaslui,
- Județul Vrancea,
- Județul Teleorman,
- Județul Mehedinți,
- Județul Gorj,
- Județul Argeș,
- Județul Olt,
- Județul Dolj,
- Județul Arad,
- Județul Timiș,
- Județul Covasna,
- Județul Brașov,
- Județul Botoșani,
- Județul Vâlcea,
- Județul Iași,
- Județul Hunedoara,
- Județul Alba,
- Județul Sibiu,
- Județul Caraș-Severin,
- Județul Neamț,
- Județul Harghita,
- Județul Mureș,
- Județul Cluj,
- Județul Maramureș.

6. Slovakia

- the whole district of Trebišov,
- in the district of Michalovce, the whole municipalities of the district not included in Part I and Part II,
- Region Sobrance – municipalities Lekárovce, Pinkovce, Záhó, Bežovce,
- the whole district of Košice – okolie, except municipalities included in part II,
- In the district Rožnava, the municipalities of Bôrka, Lúčka, Jablonov nad Turňou, Drnava, Kováčová, Hrhov, Ardovo, Bohúňovo, Bretka, Čoltovo, Dlhá Ves, Gemerská Hôrka, Gemerská Panica, Kečovo, Meliata, Plešivec, Silica, Silická Brezová, Slavec, Hrušov, Krásnohorská Dlhá Lúka, Krásnohorské podhradie, Lipovník, Silická Jablonica, Brzotín, Jovice, Kružná, Pača, Rožňava, Rudná, Vidová and Čučma,
- in the district of Gelnica, the whole municipality of Smolník and Úhorná.

PART IV

Italy

The following areas in Italy:

- tutto il territorio della Sardegna.'

RULES OF PROCEDURE

DECISION OF THE EUROPEAN OMBUDSMAN

of 9 November 2020

on internal rules to restrict certain data subject rights in the processing of personal data

THE EUROPEAN OMBUDSMAN,

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

Having regard to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC ⁽¹⁾, and in particular Article 25 thereof,

Having consulted the European Data Protection Supervisor,

Whereas:

- (1) The European Ombudsman is empowered to conduct administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings, in accordance with the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union, laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 ⁽²⁾ ('Staff Regulations'), and with the Decision of the European Ombudsman of 4 November 2004 adopting implementing provisions regarding the conduct of administrative inquiries and disciplinary proceedings. If required, it also notifies cases to OLAF.
- (2) The staff members of the European Ombudsman are under an obligation to report potentially illegal activities, including fraud and corruption, which are detrimental to the interests of the Union. Staff members are also obliged to report conduct relating to the discharge of professional duties which may constitute a serious failure to comply with the obligations of officials of the Union. This is regulated by the Decision of the European Ombudsman on internal rules concerning whistleblowing of 20 February 2015.
- (3) The European Ombudsman has put in place a policy to prevent and deal effectively with actual or potential cases of psychological or sexual harassment in the workplace, as provided for in its Decision of 18 December 2017. The Decision establishes an informal procedure whereby the alleged victim of the harassment can contact the European Ombudsman's 'ethics correspondents' and/or the Conciliation Committee.
- (4) The European Ombudsman can also conduct investigations into potential breaches of security rules for European Union classified information ('EUCI').
- (5) The European Ombudsman is subject to both internal and external audits concerning its activities.
- (6) In the context of such administrative inquiries, audits and investigations, the European Ombudsman cooperates with other Union institutions, bodies, offices and agencies.
- (7) The European Ombudsman can cooperate with third countries' national authorities and international organisations, either at their request or on its own initiative.
- (8) The European Ombudsman can also cooperate with EU Member States' public authorities, either at their request or on its own initiative.

⁽¹⁾ OJ L 295, 21.11.2018, p. 39.

⁽²⁾ Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1).

- (9) The European Ombudsman conducts inquiries into alleged instances of maladministration in the activities of the Union institutions, bodies, offices or agencies, with the exception of the Court of Justice of the European Union acting in its judicial role. In this context, the European Ombudsman might need to preserve the confidentiality of personal data contained in documents obtained from the parties and during the inquiries. The European Ombudsman might also need to protect the rights and freedoms of the complainants as well as those of other persons involved.
- (10) To fulfil its tasks, the European Ombudsman collects and processes information and several categories of personal data, including identification data of natural persons, contact information, professional roles and tasks, information on private and professional conduct and performance, and financial data. The European Ombudsman acts as data controller.
- (11) Under Regulation (EU) 2018/1725 ('the Regulation'), the European Ombudsman is therefore obliged to provide information to data subjects on those processing activities and to respect their rights as data subjects.
- (12) The European Ombudsman might be required to reconcile those rights with the objectives of administrative inquiries, audits, investigations and court proceedings. It might also be required to balance a data subject's rights against the fundamental rights and freedoms of other data subjects. To that end, Article 25 of the Regulation gives the European Ombudsman the possibility to restrict, under strict conditions, the application of Articles 14 to 22, 35 and 36 of the Regulation, as well as its Article 4 in so far as its provisions correspond to the rights and obligations provided for in Articles 14 to 20. Unless restrictions are provided for in a legal act adopted on the basis of the Treaties, it is necessary to adopt internal rules under which the European Ombudsman is entitled to restrict those rights.
- (13) The European Ombudsman might, for instance, need to restrict the information it provides to a data subject about the processing of his or her personal data during the preliminary assessment phase of an administrative inquiry or during the inquiry itself, prior to a possible dismissal of case or at the pre-disciplinary stage. In certain circumstances, providing such information might seriously affect the European Ombudsman's capacity to conduct the inquiry in an effective way, whenever, for example, there is a risk that the person concerned might destroy evidence or interfere with potential witnesses before they are interviewed. The European Ombudsman might also need to protect the rights and freedoms of witnesses as well as those of other persons involved.
- (14) It might be necessary to protect the anonymity of a witness or whistleblower who has asked not to be identified. In such a case, the European Ombudsman might decide to restrict access to the identity, statements and other personal data of such persons, in order to protect their rights and freedoms.
- (15) It might be necessary to protect confidential information concerning a staff member who has contacted the European Ombudsman's ethics correspondents and/or the Conciliation Committee in the context of a harassment procedure. In such cases, the European Ombudsman might need to restrict access to the identity, statements and other personal data of the alleged victim, the alleged harasser and other persons involved, in order to protect the rights and freedoms of all concerned.
- (16) The European Ombudsman might, for instance, need to restrict the information it provides to a data subject mentioned in a complaint or inquiry documents about the processing of his or her personal data during the investigation into alleged maladministration in an EU institution, body, office or agency. Providing such information might seriously affect the European Ombudsman's capacity to conduct the inquiry in an effective way, whenever, for example, there is a risk that the person concerned might jeopardise the inquiry. The European Ombudsman might also need to protect the rights and freedoms of the complainant as well as those of other persons involved.
- (17) The European Ombudsman should apply restrictions only when they respect the essence of fundamental rights and freedoms, are strictly necessary and are a proportionate measure in a democratic society. The European Ombudsman should give reasons explaining the justification for those restrictions.

- (18) In application of the principle of accountability, the European Ombudsman should keep a record of its application of restrictions.
- (19) When processing personal data exchanged with other organisations in the context of its tasks, the European Ombudsman and those organisations should consult each other on potential grounds for imposing restrictions and the necessity and proportionality of those restrictions, unless this would jeopardise the activities of the European Ombudsman.
- (20) Article 25(6) of the Regulation obliges the controller to inform data subjects of the principal reasons on which the application of the restriction is based and of their right to lodge a complaint with the European Data Protection Supervisor (EDPS).
- (21) Pursuant to Article 25(8) of the Regulation, the European Ombudsman is entitled to defer, omit or deny the provision of information on the reasons for the application of a restriction to the data subject if this would in any way cancel the effect of the restriction. The European Ombudsman should assess on a case-by-case basis whether the communication of the restriction would cancel its effect.
- (22) The European Ombudsman should lift the restriction as soon as the conditions that justify the restriction no longer apply, and assess those conditions on a regular basis.
- (23) To guarantee utmost protection of the rights and freedoms of data subjects and in accordance with Article 44(1) of the Regulation, the DPO should be consulted in due time of any restrictions that may be applied and verify their compliance with this Decision.
- (24) Articles 16(5) and 17(4) of the Regulation provide for exceptions to data subjects' right to information and right of access. If these exceptions apply, the European Ombudsman does not need to apply a restriction under this Decision.

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter and scope

- 1. This Decision lays down rules relating to the conditions under which the European Ombudsman may restrict the application of Articles 4, 14 to 22, 35 and 36, pursuant to Article 25 of the Regulation.
- 2. The European Ombudsman's Office, as the controller, is represented by the European Ombudsman.

Article 2

Restrictions

- 1. The European Ombudsman may restrict the application of Articles 14 to 22, 35 and 36, and Article 4 thereof in so far as its provisions correspond to the rights and obligations provided for in Articles 14 to 20:
 - (a) pursuant to Article 25(1)(b), (c), (f), (g) and (h) of the Regulation, when conducting administrative inquiries, pre-disciplinary, disciplinary or suspension proceedings under Article 86 and Annex IX of the Staff Regulations and the Decision of the European Ombudsman of 4 November 2004 on the conduct of administrative inquiries and disciplinary proceedings, and when notifying cases to OLAF;
 - (b) pursuant to Article 25(1)(h) of the Regulation, when ensuring that staff members of the European Ombudsman may report facts confidentially where they believe there are serious irregularities, as set out in the Decision of the European Ombudsman of 20 February 2015 on internal rules concerning whistleblowing;

- (c) pursuant to Article 25(1)(h) of the Regulation, when ensuring that staff members of the European Ombudsman are able to report to ethics correspondents and/or the Conciliation Committee in the context of a harassment procedure, as defined by the Decision of the European Ombudsman on a Policy for the prevention of and protection against harassment in the Ombudsman's Office;
 - (d) pursuant to Article 25(1)(c), (g) and (h) of the Regulation, when conducting internal audits in relation to activities or departments of the European Ombudsman;
 - (e) pursuant to Article 25(1)(c), (d), (g) and (h) of the Regulation, when providing or receiving assistance to or from other Union institutions, bodies, offices and agencies or cooperating with them in the context of activities under points (a) to (d) of this paragraph and pursuant to relevant service level agreements, memoranda of understanding and cooperation agreements;
 - (f) pursuant to Article 25(1)(c), (g) and (h) of the Regulation, when providing or receiving assistance to or from third countries national authorities and international organisations or cooperating with such authorities and organisations, either at their request or on its own initiative;
 - (g) pursuant to Article 25(1)(c), (g) and (h) of the Regulation, when providing or receiving assistance and cooperation to and from EU Member States' public authorities, either at their request or on its own initiative;
 - (h) pursuant to Article 25(1)(e) of the Regulation, when processing personal data in documents obtained by the parties or interveners in the context of proceedings before the Court of Justice of the European Union;
 - (i) Pursuant to Article 25(1)(h) of the Regulation, when conducting inquiries into alleged instances of maladministration in the activities of the EU institutions, bodies, offices and agencies, in accordance with Article 228 of the Treaty on the Functioning of the European Union and the Ombudsman's Statute and Implementing Provisions.
2. Any restriction shall respect the essence of fundamental rights and freedoms and be necessary and proportionate in a democratic society.
3. A necessity and proportionality test shall be carried out on a case-by-case basis before restrictions are applied. Restrictions shall be limited to what is strictly necessary to achieve their objective.
4. For accountability purposes, the European Ombudsman shall draw up a record describing the reasons for restrictions that are applied, which grounds among those listed in paragraph 1 apply and the outcome of the necessity and proportionality test. Those records shall be part of a register, which shall be made available on request to the EDPS. The European Ombudsman shall prepare periodic reports on the application of Article 25 of the Regulation.
5. When processing personal data received from other organisations in the context of its tasks, the European Ombudsman shall consult those organisations on potential grounds for imposing restrictions and the necessity and proportionality of the restrictions concerned, unless this would jeopardise the activities of the European Ombudsman.

Article 3

Risks to the rights and freedoms of data subjects

1. Assessments of the risks to the rights and freedoms of data subjects of imposing restrictions and details of the period of application of those restrictions shall be registered in the record of processing activities maintained by the European Ombudsman under Article 31 of the Regulation. They shall also be recorded in any data protection impact assessments regarding those restrictions conducted under Article 39 of the Regulation.
2. Whenever the European Ombudsman assesses the necessity and proportionality of a restriction it shall consider the potential risks to the rights and freedoms of the data subject.

*Article 4***Safeguards and storage periods**

1. The European Ombudsman shall implement safeguards to prevent abuse and unlawful access or transfer of the personal data in respect of which restrictions apply or could be applied. Such safeguards shall include technical and organisational measures and be detailed as necessary in European Ombudsman's internal decisions, procedures and implementing rules. The safeguards shall include:

- (a) a clear definition of roles, responsibilities and procedural steps;
- (b) if appropriate, a secure electronic environment which prevents unlawful and accidental access or transfer of electronic data to unauthorised persons;
- (c) if appropriate, secure storage and processing of paper-based documents;
- (d) due monitoring of restrictions and a periodic review of their application.

The reviews referred to in point (d) shall be conducted at least every six months.

2. Restrictions shall be lifted as soon as the circumstances that justify them no longer apply.

3. The personal data shall be retained in accordance with the applicable retention rules of the European Ombudsman, to be defined in the data protection records maintained under Article 31 of the Regulation. At the end of the retention period, the personal data shall be deleted, anonymised or transferred to archives in accordance with Article 13 of the Regulation.

*Article 5***Involvement of the Data Protection Officer**

1. The European Ombudsman's DPO shall be informed without undue delay whenever data subject rights are restricted in accordance with this Decision. He or she shall be given access to the associated records and any documents concerning the factual or legal context.

2. The European Ombudsman's DPO may request a review of the application of a restriction. The European Ombudsman shall inform its DPO in writing of the outcome of the review.

3. The European Ombudsman shall document the involvement of the DPO in the application of restrictions, including what information is shared with him or her.

*Article 6***Information to data subjects on restrictions of their rights**

1. The European Ombudsman shall include a section in the data protection notices published on its website providing general information to data subjects on the potential for restriction of data subjects' rights pursuant to Article 2(1). The information shall cover which rights may be restricted, the grounds on which restrictions may be applied and their potential duration.

2. The European Ombudsman shall inform data subjects individually, in writing and without undue delay of ongoing or future restrictions of their rights. The European Ombudsman shall inform the data subject of the principal reasons on which the application of the restriction is based, of their right to consult the DPO with a view to challenging the restriction and of their rights to lodge a complaint with the EDPS.

3. The European Ombudsman may defer, omit or deny the provision of information concerning the reasons for a restriction and the right to lodge a complaint with the EDPS for as long as it would cancel the effect of the restriction. Assessment of whether this would be justified shall take place on a case-by-case basis. As soon as it would no longer cancel the effect of the restriction, the European Ombudsman shall provide the information to the data subject.

*Article 7***Communication of a personal data breach to the data subject**

1. Where the European Ombudsman is under an obligation to communicate a data breach under Article 35(1) of the Regulation, it may, in exceptional circumstances, restrict such communication wholly or partly. It shall document in a note the reasons for the restriction, the legal ground for it under Article 2 and an assessment of its necessity and proportionality. The note shall be communicated to the EDPS at the time of the notification of the personal data breach.
2. Where the reasons for the restriction no longer apply, the European Ombudsman shall communicate the personal data breach to the data subject concerned and inform him or her of the principal reasons for the restriction and of his or her right to lodge a complaint with the EDPS.

*Article 8***Confidentiality of electronic communications**

1. In exceptional circumstances, the European Ombudsman may restrict the right to confidentiality of electronic communications under Article 36 of the Regulation. Such restrictions shall comply with Directive 2002/58/EC of the European Parliament and of the Council ⁽³⁾.
2. Where the European Ombudsman restricts the right to confidentiality of electronic communications, it shall inform the data subject concerned, in its reply to any request from the data subject, of the principal reasons on which the application of the restriction is based and of his or her right to lodge a complaint with the EDPS.
3. The European Ombudsman may defer, omit or deny the provision of information concerning the reasons for the restriction and the right to lodge a complaint with the EDPS for as long as it would cancel the effect of the restriction. Assessment of whether this would be justified shall take place on a case-by-case basis. As soon as it would no longer cancel the effect of the restriction, the European Ombudsman shall provide the information to the data subject.

*Article 9***Entry into force**

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Strasbourg, 9 November 2020.

For the European Ombudsman
Emily O'REILLY

⁽³⁾ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).

CORRIGENDA**Corrigendum to the Definitive adoption (EU, Euratom) 2020/1776 of amending budget No 7 of the European Union for the financial year 2020***(Official Journal of the European Union L 401 of 30 November 2020)*

On page 21, row 1 4 'OWN RESOURCES BASED ON GROSS NATIONAL INCOME TO POINT (C) OF ARTICLE 2(1) OF DECISION 2014/335/EU, EURATOM':

in column 'Budget 2020':

for: '115 905 134 859',

read: '115 555 134 859';

in column 'New amount':

for: '121 438 277 059',

read: '121 088 277 059'.

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