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COMMISSION IMPLEMENTING REGULATION (EU) No 700/2012

of 30 July 2012

operating deductions from fishing quotas available for certain stocks in 2012 on account of overfishing in the previous years

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COMMISSION IMPLEMENTING REGULATION (EU) No 700/2012

of 30 July 2012

operating deductions from fishing quotas available for certain stocks in 2012 on account of overfishing in the previous years

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 ([1]), and in particular Article 105(1), (2) and (3) thereof,

Whereas:

(1) Fishing quotas for the year 2011 have been established by:

— Council Regulation (EU) No 1124/2010 of 29 November 2010 fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea ([2]),

— Council Regulation (EU) No 1225/2010 of 13 December 2010 fixing for 2011 and 2012 the fishing opportunities for EU vessels for fish stocks of certain deep-sea fish species ([3]),

— Council Regulation (EU) No 1256/2010 of 17 December 2010 fixing the fishing opportunities for certain fish stocks applicable in the Black Sea for 2011 ([4]) and,

— Council Regulation (EU) No 57/2011 of 18 January 2011 fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non-EU waters ([5]).

(2) Fishing quotas for the year 2012 have been established by:

— Regulation (EU) No 1225/2010,

— Council Regulation (EU) No 716/2011 of 19 July 2011 establishing the fishing opportunities for anchovy in the Bay of Biscay for the 2011/2012 fishing season ([6]),

([1]) OJ L 343, 22.12.2009, p. 1.
([2]) OJ L 318, 4.12.2010, p. 1.
([3]) OJ L 336, 21.12.2010, p. 1.
([4]) OJ L 343, 29.12.2010, p. 2.
([5]) OJ L 24, 27.1.2011, p. 1.
([6]) OJ L 193, 23.7.2011, p. 11.

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— Council Regulation (EU) No 1256/2011 of 30 November 2011 fixing for 2012 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) No 1124/2010 ([1]),

— Council Regulation (EU) No 5/2012 of 19 December 2011 fixing for 2012 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Black Sea ([2]),

— Council Regulation (EU) No 43/2012 of 17 January 2012 fixing for 2012 the fishing opportunities available to EU vessels for certain fish stocks and groups of fish stocks which are not subject to international negotiations or agreements ([3]) and,

— Council Regulation (EU) No 44/2012 of 17 January 2012 fixing for 2012 the fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements ([4]).

(3) According to Article 105(1) of Regulation (EC) No 1224/2009, when the Commission has established that a Member State has exceeded the fishing quotas which have been allocated to it, the Commission is to operate deductions from future fishing quotas of that Member State.

(4) Article 105(2) and (3) of Regulation (EC) No 1224/2009 provide that such deductions shall be operated in the following year or years by applying certain multiplying factors as set out therein.

(5) Certain Member States have exceeded their fishing quotas for the year 2011. It is therefore appropriate to operate deductions on the fishing quotas allocated to them in 2012 and, where appropriate, in subsequent years, for the overfished stocks.

(6) Commission Implementing Regulation (EU) No 1016/2011 of 23 September 2011 operating deductions from fishing quotas available for certain stocks in 2011, on account of overfishing of those stocks in the previous year ([5]) and Commission Implementing Regulation (EU) No 1021/2011 of 14 October 2011 operating deductions from fishing quotas available for certain stocks in 2011, on account of overfishing of other stocks in the previous year ([6]) have operated deductions from fishing quotas for certain countries and species for 2011. However, for certain Member States the deductions to be applied were higher than their respective 2011 quota and could therefore not be operated entirely in that year. To ensure that also in such cases the full amount be deducted, the remaining quantities should be taken into account when establishing deductions from 2012 and, where appropriate, subsequent quotas.

([1]) OJ L 320, 3.12.2011, p. 3.
([2]) OJ L 3, 6.1.2012, p. 1.
([3]) OJ L 25, 27.1.2012, p. 1.
([4]) OJ L 25, 27.1.2012, p. 55.
([5]) OJ L 270, 15.10.2011, p. 1.
([6]) OJ L 270, 15.10.2011, p. 16.

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(7) Deductions provided by this Regulation should apply without prejudice to deductions applicable to 2012 quotas pursuant to:

— Commission Regulation (EC) No 147/2007 of 15 February 2007 adapting certain fish quotas from 2007 to 2012 pursuant to Article 23(4) of Council Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ([1]), and

— Commission Regulation (EU) No 165/2011 of 22 February 2011 providing for deductions from certain mackerel quotas allocated to Spain in 2011 and subsequent years on account of overfishing in 2010 ([2]).

(8) Where the deductions cannot be applied because the quota is not or not sufficiently available to the Member State concerned, the provisions of Article 105(5) of Regulation (EC) No 1224/2009 will apply,

HAS ADOPTED THIS REGULATION:

Article 1

1. The fishing quotas fixed in Regulations (EU) No 1225/2010, (EU) No 716/2011, (EU) No 1256/2011, (EU) No 5/2012, (EU) No 43/2012 and (EU) No 44/2012 for the year 2012 are reduced as shown in the Annex.

2. Paragraph 1 shall apply without prejudice to reductions provided for in Regulations (EC) No 147/2007 and (EU) No 165/2011.

Article 2

This Regulation shall enter into force on the seventh 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.

([1]) OJ L 46, 16.2.2007, p. 10.
([2]) OJ L 48, 23.2.2011, p. 11.

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ANNEX

Member State	Species code	Area code	Species name	Area name	Permitted landings 2011 (Total adapted quantity in tons) (1)	Total catches 2011 (quantity in tons)	Quota consumption (%)	Overfishing related to permitted landing (quantity in tons)	Multiplying factor (2)	Additional multiplying factor (3), (4)	Remaining deduction from 2011 (5) (quantity in tons)	Deductions 2012 (6) (quantity in tons)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
DK	DGS	03A-C	Spurdog/ dogfish	EU waters of IIIa	0,00	1,00	—	1,00	1		12	13,00
DK	SAN	*234_6	Sandeel	EU waters of sandeel management areas	420,00	489,60	116,6 %	69,60	1			69,60
DE	DGS	2AC4-C	Spurdog/ dogfish	EU waters of IIa and IV	0,00	0,70	—	0,70	1			0,70
DE	MAC	2CX14-	Mackerel	VI, VII, VIIIa, VIIIb, VIIId and VIIIe; EU and international waters of Vb; international waters of IIa, XII and XIV	21 401,00	21 860,70	102,1 %	459,70	1			459,70
DE	PLE	3BCD-C	Plaice	EU waters of Subdivisions 22-32	425,00	426,40	100,3 %	1,40	1			1,40
IE	HER	4AB.	Herring	EU and Norwegian waters of IV north of 53° 30′ N	0,00	40,00	—	40,00	1			40,00
IE	NOP	2A3A4.	Norway pout and associated by-catches	IIIa; EU waters of IIa and IV	0,00	5,00	—	5,00	1			5,00

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
ES	ALF	3X14-	Alfonsinos	EU and international waters of III, IV, V, VI, VII, VIII, IX, X, XII and XIV	66,00	69,00	104,5 %	3,00	1			3,00
ES	ANE	9/3411	Anchovy	IX and X; EU waters of CECAF 34.1.1	5 560,00	6 361,90	114,4 %	801,90	1,2			962,28
ES	ANF	8C3411	Anglerfish	VIIIc, IX and X; EC waters of CECAF 34.1.1	1 293,00	1 453,90	112,4 %	160,90	1,2			193,08
ES	BLI	67- (new code BLI/ 5B67-)	Blue Ling	EU waters and international waters of Vb, VI, VII	0,00	0,00	—	0,00	—		41	41,00
ES	BSF	8910-	Black scab-bardfish	EU and international waters of VIII, IX and X	17,00	17,60	103,5 %	0,60	1			0,60
ES	BSF	56712-	Black scab-bardfish	EU and international waters of V, VI, VII and XII	135,00	216,90	160,7 %	81,90	1			81,90
ES	COD	7XAD34	Cod	VIIb, VIIc, VIIe-k, VIII, IX and X; EU waters of CECAF 34.1.1	0,00	0,90	—	0,90	1			0,90
ES	DGS	15X14	Spurdog/ dogfish	EU and international waters of I, V, VI, VII, VIII, XII and XIV	1,00	6,20	620,0 %	5,20	1			5,20
ES	DWS	56789-	Deep-sea sharks	EU and international waters of V, VI, VII, VIII	2,79	25,90	928,3 %	23,11	1			23,11
ES	GFB	89-	Forkbeards	EU and international waters of VIII and IX	222,00	250,20	112,7 %	28,20	1			28,20
ES	GFB	567-	Forkbeards	EU and international waters of V, VI and VII	608,00	638,50	105,0 %	30,50	1			30,50
ES	HAD	5BC6A.	Haddock	EU and international waters of Vb and VIa	14,00	35,80	255,7 %	21,80	1			21,80
ES	HAD	1N2AB	Haddock	Norwegian waters of I and II	60,00	65,30	108,8 %	5,30	1			5,30

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
ES	JAX	2A-14	Horse mackerel and associated by-catches	EU waters of IIa, IVa; VI, VIIa-c,VIIe-k, VIIIa, VIIIb, VIIId and VIIIe; EU and international waters of Vb; international waters of XII and XIV	2 419,00	2 519,90	104,2 %	100,90	1			100,90
ES	JAX	09.	Horse mackerel	IX	7 859,00	8 478,30	107,9 %	619,30	1,1			681,23
ES	JAX	08C.	Horse mackerel	VIIIc	24 129,00	32 431,80	134,4 %	8 302,80	1,4			11 623,92
ES	LEZ	8C3411	Megrims	VIIIc, IX and X; EU waters of CECAF 34.1.1	917,00	1 005,30	109,6 %	88,30	1			88,30
ES	ORY	1CX14	Orange roughy	EU and international waters of I, II, III, IV, V, VIII, IX, X, XII and XIV	0,00	0,60	—	0,60	1			0,60
ES	POK	56-14	Saithe	VI; EU and international waters of Vb, XII and XIV	3,00	30,60	1 020,0 %	27,60	1			27,60
ES	POL	8ABDE.	Pollack	VIIIa, VIIIb, VIIId and VIIIe	61,00	65,30	107,0 %	4,30	1			4,30
ES	POL	08C.	Pollack	VIIIc	208,00	256,00	123,1 %	48,00	1			48,00
ES	PRA	N3L.	Northern prawn	NAFO 3L	214,00	292,00	136,4 %	78,00	1			78,00
ES	RED	N3LN.	Redfish	NAFO 3LN	0,00	43,50	—	43,50	1			43,50
ES	SBR	*678-	Red seabream	EU and international waters of VI, VII and VIII	49,12	62,30	126,8 %	13,18	1			13,18
ES	SOL	8AB.	Common sole	VIIIa and VIIIb	10,00	10,70	107,0 %	0,70	1	c [7]		1,05
ES	USK	567EI.	Tusk	EU and international waters of V, VI and VII	8,30	50,70	610,8 %	42,40	1			42,40

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
ES	WHB	8C3411	Blue whiting	VIIIc, IX and X; EC waters of CECAF 34.1.1	1 987,00	2 258,30	113,7 %	271,30	1,2			325,56
FR	DWS	56789-	Deep-sea sharks	EU and international waters of V, VI, VII, VIII and IX	10,17	26,00	255,7 %	15,83	1			15,83
FR	SOL	07E.	Common sole	VIIe	283,00	290,00	102,5 %	7,00	1	c ([8])		10,50
LT	JAX	2A-14	Horse mackerel and associated by-catches	EU waters of IIa, IVa; VI, VIIa-c,VIIe-k, VIIIa, VIIIb, VIIId and VIIIe; EU and international waters of Vb; international waters of XII and XIV	356,00	660,40	185,5 %	304,40	2			608,80
LT	MAC	2CX14-	Mackerel	VI, VII, VIIIa, VIIIb, VIIId and VIIIe; EU and international waters of Vb; international waters of IIa, XII and XIV	26,00	28,80	110,8 %	2,80	1			2,80
NL	BSF	56712-	Black scabbardfish	EU and international waters of V, VI, VII and XII	0,00	0,00	—	0,00	—		5	5,00
NL	SBR	678-	Red seabream	EU and international waters of VI, VII and VIII	0,00	0,00	—	0,00	—		6	6,00
PL	COD	1N2AB	Cod	Norwegian waters of I and II	0,00	0,00	—	0,00	—		2	2,00
PL	GHL	1N2AB	Greenland halibut	Norwegian waters of I and II	0,00	0,00	—	0,00	—		1	1,00
PL	HAD	2AC4	Haddock	IV; EU waters of IIa	0,00	0,00	—	0,00	—		16	16,00

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PL	LIN	04-C.	Ling	EU waters of IV	0,00	3,00	—	3,00	1			3,00

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
PL	MAC	2A34	Mackerel	IIIa and IV; EU waters of IIa, IIIb, IIIc and Subdivisions 22-32	0,00	0,00	—	0,00	—		5	5,00
PL	RED	514GRN	Redfish	Greenland waters of V and XIV	0,00	0,00	—	0,00	—		1	1,00
▼M1 ———												
▼B PL	WHB	1X14	Blue whiting	EU and international waters of I, II, III, IV, V, VI, VII, VIIIa, VIIIb, VIIId, VIIIe, XII and XIV	0,00	0,00	—	0,00	—		8	8,00
PT	ALF	3X14-	Alfonsinos	EU and international waters of III, IV, V, VI, VII, VIII, IX, X, XII and XIV	220,10	241,10	109,5 %	21,00	1			21,00
PT	ANE	9/3411	Anchovy	IX and X; EU waters of CECAF 34.1.1	2 882,00	2 920,20	101,3 %	38,20	1			38,20
PT	ANF	8C3411	Anglerfish	VIIIc, IX and X; EU waters of CECAF 34.1.1	260,20	335,30	128,9 %	75,10	1	a		112,65
PT	BET	ATLANT	Bigeye Tuna	Atlantic Ocean	6 879,70	7 022,40	102,1 %	142,70	1			142,70
PT	BSF	8910-	Black scabbardfish	EU and international waters of VIII, IX and X	3 305,00	3 547,20	107,3 %	242,20	1,1			266,42
PT	BUM	ATLANT	Blue marlin	Atlantic Ocean	69,00	72,30	104,8 %	3,30	1			3,30
PT	COD	N3M.	Cod	NAFO 3M	2 525,70	2 753,80	109,0 %	228,10	1,1			250,91
PT	GFB	89-	Forkbeards	EU and international waters of VIII and IX	10,00	12,00	120,0 %	2,00	1	a		3,00

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
PT	GHL	1N2AB	Greenland halibut	Norwegian waters of I and II	0,00	0,00	—	0,00	—		11	11,00
PT	GHL	N3LMNO.	Greenland halibut	NAFO 3LMNO	2 413,80	2 508,20	103,9 %	94,40	1			94,40
PT	HAD	1N2AB	Haddock	Norwegian waters of I and II	78,00	30,00	38,5 %	–48,00	—		458	410,00
PT	POK	1N2AB	Saithe	Norwegian waters of I and II	80,00	40,90	51,1 %	–39,10	—		294	254,90
PT	RED	51214D	Redfish	EU and international waters of V; international waters of XII and XIV	603,00	719,10	119,3 %	116,10	1,2	a		208,98
PT	RED	N3LN.	Redfish	NAFO 3LN	932,80	983,50	105,4 %	50,70	1			50,70
PT	WHB	8C3411	Blue whiting	VIIIc, IX and X; EC waters of CECAF 34.1.1	483,00	711,90	147,4 %	228,90	1,8			412,02
PT	WHG	08.	Whiting	VIII	0,00	1,20	—	1,20	1			1,20
UK	COD	N01514	Cod	Greenland waters of NAFO 0 and 1; Greenland waters of V and XIV	717,00	724,60	101,1 %	7,60	1			7,60
UK	BET	ATLANT	Bigeye Tuna	Atlantic Ocean	10,00	0,00	0,0 %	–10,00	—		10	0,00
UK	BLI	24-	Blue ling	EU waters and waters not under the sovereignty or jurisdiction of third countries of II, IV and V	1,50	1,50	100,0 %	0,00	—		2	2,00
UK	HAD	1N2AB	Haddock	Norwegian waters of I and II	781,00	781,60	100,1 %	0,60	1			0,60

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
UK	HER	4AB.	Herring	EU and Norwegian waters of IV north of 53° 30′ N	27 687,00	27 887,40	100,7 %	200,40	1			200,40
UK	MAC	2CX14-	Mackerel	VI, VII, VIIIa, VIIIb, VIIId and VIIIe; EU and international waters of Vb; international waters of IIa, XII and XIV	173 520,50	179 960,30	103,7 %	6 439,80	1			6 439,80

(1) Quotas available to a Member State pursuant to the relevant fishing opportunities Regulations after taking into account exchanges of fishing opportunities in accordance with Article 20(5) of Council Regulation (EC) No 2371/2002 (OJ L 358, 31.12.2002, p. 59), quota transfers in accordance with Article 4(2) of Council Regulation (EC) No 847/96 (OJ L 115, 9.5.1996, p. 3) and/or reallocation and deduction of fishing opportunities in accordance with Articles 37 and 105 of Regulation (EC) No 1224/2009.

(2) As set out in Article 105(2) of Regulation (EC) No 1224/2009.

(3) As set out in Article 105(3) of Regulation (EC) No 1224/2009.

(4) Letter ‘a’ indicates that an additional multiplying factor of 1,5 has been applied due to consecutive overfishing in the years 2009, 2010 and 2011. In this regard, see: Commission Regulation (EU) No 1004/2010 of 8 November 2010 operating deductions from certain fishing quotas for 2010 on account of overfishing in the previous year, as amended (OJ L 291, 9.11.2010, p. 31), Implementing Regulation (EU) No 1016/2011 operating deductions from fishing quotas available for certain stocks in 2011, on account of overfishing of those stocks in the previous year and Implementing Regulation (EU) No 1021/2011 operating deductions from fishing quotas available for certain stocks in 2011, on account of overfishing of other stocks in the previous year. Letter ‘c’ indicates that an additional multiplying factor of 1,5 has been applied as the stock is subject to a multiannual plan.

(5) Implementing Regulation (EU) No 1016/2011 and Implementing Regulation (EU) No 1021/2011 have operated deductions from fishing quotas for certain countries and species for 2011. However, for certain Member States the deductions to be applied were higher than their respective 2011 quota and could therefore not be operated entirely in that year. To ensure that also in such cases the full amount be deducted, the remaining quantities should be taken into account when establishing deductions from 2012 and, where appropriate, subsequent quotas.

(6) Amounts to be deducted from 2012 adapted quotas or following year(s) quotas where appropriate.

(7) As defined by Council Regulation (EC) No 388/2006 of 23 February 2006 establishing a multiannual plan for the sustainable exploitation of the stock of sole in the Bay of Biscay (OJ L 65, 7.3.2006, p. 1).

(8) As defined by Council Regulation (EC) No 509/2007 of 7 May 2007 establishing a multi-annual plan for the sustainable exploitation of the stock of sole in the Western Channel (OJ L 122, 11.5.2007, p. 7).