COMMISSION IMPLEMENTING REGULATION (EU) 2020/112

of 22 January 2020

operating deductions from fishing quotas available for certain stocks in 2019 on account of overfishing of other stocks in the previous years and amending Implementing Regulation (EU) 2019/1726

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 Union 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), (3) and (5) thereof,

Whereas:

(1) Fishing quotas for the year 2018 have been established by:

— Council Regulation (EU) 2016/2285 ([2]),

— Council Regulation (EU) 2017/1970 ([3]),

— Council Regulation (EU) 2017/2360 ([4]), and

— Council Regulation (EU) 2018/120 ([5]).

(2) Fishing quotas for the year 2019 have been established by:

— Council Regulations (EU) 2018/1628 ([6]),

— Council Regulation (EU) 2018/2025 ([7]),

— Council Regulation (EU) 2018/2058 ([8]), and

— Council Regulation (EU) 2019/124 ([9]).

(3) Pursuant 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) Commission Implementing Regulation (EU) 2019/1726 ([10]) has established deductions from fishing quotas for certain stocks in 2019 on account of overfishing in the previous years.

([1]) OJ L 343, 22.12.2009, p. 1.

([2]) Council Regulation (EU) 2016/2285 of 12 December 2016 fixing for 2017 and 2018 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks and amending Council Regulation (EU) 2016/72 (OJ L 344, 17.12.2016, p. 32).

([3]) Council Regulation (EU) 2017/1970 of 27 October 2017 fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2017/127 (OJ L 281, 31.10.2017, p. 1).

([4]) Council Regulation (EU) 2017/2360 of 11 December 2017 fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks in the Black Sea (OJ L 337, 19.12.2017, p. 1).

([5]) Council Regulation (EU) 2018/120 of 23 January 2018 fixing for 2018 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, and amending Regulation (EU) 2017/127 (OJ L 27, 31.1.2018, p. 1).

([6]) Council Regulation (EU) 2018/1628 of 30 October 2018 fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2018/120 as regards certain fishing opportunities in other waters (OJ L 272, 31.10.2018, p. 1).

([7]) Council Regulation (EU) 2018/2025 of 17 December 2018 fixing for 2019 and 2020 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks (OJ L 325, 20.12.2018, p. 7).

([8]) Council Regulation (EU) 2018/2058 of 17 December 2018 fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks in the Black Sea (OJ L 329, 27.12.2018, p. 8).

([9]) Council Regulation (EU) 2019/124 of 30 January 2019 fixing for 2019 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 29, 31.1.2019, p. 1).

([10]) Commission Implementing Regulation (EU) 2019/1726 of 15 October 2019 operating deductions from fishing quotas available for certain stocks in 2019 on account of overfishing in the previous years (OJ L 263, 16.10.2019, p. 3).

(5) However, for certain Member States, no deductions could be operated by Implementing Regulation (EU) 2019/1726 from quotas allocated for the overfished stocks because such quotas are not available for those Member States in the year 2019.

(6) Article 105(5) of Regulation (EC) No 1224/2009 provides that, if it is not possible to operate deductions on the overfished stock in the year following the overfishing because the Member State concerned has no available quota, deductions may be operated on other stocks in the same geographical area or with the same commercial value, following consultations with the Member States concerned. According to Commission Communication No 2012/C 72/07 containing Guidelines for deduction of quotas under article 105(1), (2) and (5) of Regulation (EC) No 1224/2009 ([11]) such deductions should be preferably operated in the following year or years from quotas allocated for stocks fished by the same fleet as the fleet that overfished the quota.

(7) The Member States concerned have been consulted with regard to the proposed deductions from quotas allocated for stocks other than those which have been overfished.

(8) In certain cases, exchanges of fishing opportunities concluded in accordance with Article 16(8) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ([12]) enable deductions from the same stocks in the framework of Implementing Regulation (EU) 2019/1726.

(9) Moreover, certain deductions required by Implementing Regulation (EU) 2019/1726 appear to be larger than the adapted quota available in the year 2019 and, as a consequence, cannot be entirely operated in that year. According to Communication No 2012/C 72/07, the remaining amounts should be deducted from the adapted quotas available in subsequent years until the full overfished amount is paid back.

(10) Further updates or corrections may still occur following the detection, for the current or previous exercise, of errors, omissions or misreporting in the catch figures declared by the Member States pursuant to Article 33 of Regulation (EC) No 1224/2009.

(11) Implementing Regulation (EU) 2019/1726 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The fishing quotas fixed in Regulations (EU) 2018/1628, (EU) 2018/2025, (EU) 2018/2058, and (EU) 2019/124 for the year 2019 referred to in Annex I to this Regulation shall be reduced by applying the deductions on the alternative stocks set out in that Annex.

Article 2

The Annex to Implementing Regulation (EU) 2019/1726 is replaced by the text in Annex II to this Regulation.

Article 3

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

([11]) Communication from the Commission – Guidelines for deduction of quotas under article 105(1), (2) and (5) of Regulation (EC) No 1224/2009 (2012/C 72/07) (OJ C 72, 10.3.2012, p. 27).

([12]) 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).

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

Done at Brussels, 22 January 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

DEDUCTIONS FROM FISHING QUOTAS FOR THE YEAR 2019 FOR ALTERNATIVE STOCKS

OVERFISHED STOCKS						ALTERNATIVE STOCKS					
Member State	Species code	Area code	Species name	Area name	Quantity that cannot be deducted from the 2019 fishing quota for the overfished stock (in kilograms)	Member State	Species code	Area code	Species name	Area name	Quantity to be deducted from the 2019 fishing quota for the alternative stocks (in kilograms)
ES	GHL	1N2AB.	Greenland halibut	Norwegian waters of 1 and 2	41 604	**ES**	HAD	1N2AB.	Haddock	Norwegian waters of 1 and 2	26 783
							COD	1N2AB.	Cod	Norwegian waters of 1 and 2	3 418
							RED	1N2AB.	Redfish	Norwegian waters of 1 and 2	6 786
							RED	51214D	Redfish	Union and international waters of 5; international waters of 12 and 14	4 617
FR	GHL	1N2AB.	Greenland halibut	Norwegian waters of 1 and 2	15 380	**FR**	RED	1N2AB.	Redfish	Norwegian waters of 1 and 2	15 380
NL	WHG	56-14	Whiting	6; Union and international waters of 5b; international waters of 12 and 14	4 492	**NL**	WHG	2AC4.	Whiting	4; Union waters of 2a	4 492
UK	RHG	5B67-	Roughhead grenadier	Union and international waters of Vb, VI and VII	5 016	**UK**	RNG	5B67-	Roundnose grenadier	Union and international waters of 5b, 6 and 7	5 016

ANNEX II

The Annex to Implementing Regulation (EU) 2019/1726 is replaced by the following:

'ANNEX

DEDUCTIONS FROM FISHING QUOTAS FOR THE YEAR 2019

Member State	Species code	Area code	Species name	Area name	Initial quota 2018 (in kilograms)	Permitted landings 2018 (Total adapted quantity in kilograms) (1)	Total catches 2018 (quantity in kilograms)	Quota consumption related to permitted landings	Overfishing related to permitted landing (quantity in kilograms)	Multiplying factor (2)	Additional Multiplying factor (3), (4)	Outstanding deductions from previous year(s) (5) (quantity in kilograms)	Deductions from fishing quotas for 2019 (6) and subsequent years (quantity in kilograms)	Deductions from 2019 fishing quotas for the overfished stocks (7) (quantity in kilograms)	Deductions from 2019 fishing quotas for alternative stocks in accordance with Annex I to Regulation (EU) 2019/1726 (8) (quantity in kilograms)	To be deducted from fishing quotas for 2020 and subsequent year(s) (quantity in kilograms)
BE	RJE	7FG.	Small-eyed ray	Union waters of 7f and 7g	14 000	15 400	19 888	129,14 %	4 488	1,00	/	/	4 488	4 488	/	/
BE	RJU	07D. (9)	Undulate ray	Union waters of 7d	2 000	969	1 394	143,86 %	425 (10)	N/A	N/A	2 617	2 617	2 617	/	/
DE	COD	3BC+24	Cod	Subdivisions 22-24	1 194 000	1 349 400	1 393 360	103,26 %	43 960	/	C (11)	/	43 960	43 960	/	/
DK	COD	3BC+24	Cod	Subdivisions 22-24	2 444 000	2 594 270	2 617 780	100,91 %	23 510	/	C (11)	/	23 510	23 510	/	/
ES	BET	ATLANT	Bigeye tuna	Atlantic Ocean	9 791 920	9 281 920	9 756 069	105,11 %	474 149	/	C (11)	/	474 149	474 149	/	/
ES	GHL	1N2AB.	Greenland halibut	Norwegian waters of 1 and 2	/	0	27 736	N/A	27 736	1,00	A	/	41 604	/	41 604	/

Member State	Species code	Area code	Species name	Area name	Initial quota 2018 (in kilograms)	Permitted landings 2018 (Total adapted quantity in kilograms) (1)	Total catches 2018 (quantity in kilograms)	Quota consumption related to permitted landings	Overfishing related to permitted landing (quantity in kilograms)	Multiplying factor (2)	Additional Multiplying factor (3), (4)	Outstanding deductions from previous year(s) (5) (quantity in kilograms)	Deductions from fishing quotas for 2019 (6) and subsequent years (quantity in kilograms)	Deductions from 2019 fishing quotas for the overfished stocks (7) (quantity in kilograms)	Deductions from 2019 fishing quotas for alternative stocks in accordance with Annex I to Regulation (EU) 2019/1726 (8) (quantity in kilograms)	To be deducted from fishing quotas for 2020 and subsequent year(s) (quantity in kilograms)
ES	GHL	N3LMNO	Greenland halibut	NAFO 3LMNO	4 534 000	4 496 772	4 508 020	100,25 %	11 248	/	A(11)+C(11)	/	11 248	11 248	/	/
ES	NEP	*07U16	Norway lobster	Functional Unit 16 of ICES Subarea 7	825 000	155 000	158 375	102,18 %	3 375	/	/	/	3 375	3 375	/	/
ES	RJU	9-C.	Undulate ray	Union waters of 9	15 000	15 000	17 067	113,78 %	2 067	1,00	/	/	2 067	0	/	2 067
ES	YFT	IOTC	Yellowfin tuna	IOTC Area of Competence	45 682 000	45 354 940	44 964 373	99,14 %	- 390 567 (12)	N/A	N/A	2 138 460	2 138 460	2 138 460	/	/
EE	COD	N3M.	Cod	NAFO 3M	124 000	916 170	953 232	104,05 %	37 062	/	/	/	37 062	37 062	/	/
FR	GHL	1N2AB.	Greenland halibut	Norwegian waters of 1 and 2	/	0	18 084	N/A	18 084	1,00	/	/	18 084	2 704 (13)	15 380	/
IE	HER	07A/MM	Herring	7a	1 826 000	1 850 311	1 979 666	106,99 %	129 355	/	/	/	129 355	129 355	/	/
IE	MAC	2CX14-	Mackerel	6, 7, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 2a, 12 and 14	69 141 000	66 541 055	66 965 925	100,64 %	424 870	/	/	/	424 870	424 870	/	/

Member State	Species code	Area code	Species name	Area name	Initial quota 2018 (in kilograms)	Permitted landings 2018 (Total adapted quantity in kilograms) (1)	Total catches 2018 (quantity in kilograms)	Quota consumption related to permitted landings	Overfishing related to permitted landing (quantity in kilograms)	Multiplying factor (2)	Additional Multiplying factor (3), (4)	Outstanding deductions from previous year(s) (5) (quantity in kilograms)	Deductions from fishing quotas for 2019 (6) and subsequent years (quantity in kilograms)	Deductions from 2019 fishing quotas for the overfished stocks (7) (quantity in kilograms)	Deductions from 2019 fishing quotas for alternative stocks in accordance with Annex I to Regulation (EU) 2019/1726 (8) (quantity in kilograms)	To be deducted from fishing quotas for 2020 and subsequent year(s) (quantity in kilograms)
NL	POK	2C3A4	Saithe	3a and 4; Union waters of 2a	110 000	210 994	265 115	125,65 %	54 121	1,00	/	/	54 121	54 121	/	/
NL	WHG	56-14	Whiting	6; Union and international waters of 5b; international waters of 12 and 14	/	0	4 492	N/A	4 492	1,00	/	/	4 492	/	4 492	/
PL	COD	3BC+24	Cod	Subdivisions 22-24	654 000	786 200	858 164	109,15 %	71 964	/	C (11)	32 331	104 295	104 295	/	/
PT	ALF	3X14-	Alfonsinos	Union and international waters of III, IV, V, VI, VII, VIII, IX, X, XII and XIV	182 000	179 044	184 010	102,77 %	4 966	/	/	/	4 966	4 966	/	/
PT	BET	ATLANT	Bigeye tuna	Atlantic Ocean	3 717 470	4 152 470	4 405 184	106,09 %	252 714	/	C (11)	/	252 714	252 714	/	/

Member State	Species code	Area code	Species name	Area name	Initial quota 2018 (in kilograms)	Permitted landings 2018 (Total adapted quantity in kilograms) (1)	Total catches 2018 (quantity in kilograms)	Quota consumption related to permitted landings	Overfishing related to permitted landing (quantity in kilograms)	Multiplying factor (2)	Additional Multiplying factor (3), (4)	Outstanding deductions from previous year(s) (5) (quantity in kilograms)	Deductions from fishing quotas for 2019 (6) and subsequent years (quantity in kilograms)	Deductions from 2019 fishing quotas for the overfished stocks (7) (quantity in kilograms)	Deductions from 2019 fishing quotas for alternative stocks in accordance with Annex I to Regulation (EU) 2019/1726 (8) (quantity in kilograms)	To be deducted from fishing quotas for 2020 and subsequent year(s) (quantity in kilograms)
PT	BFT	AE45WM	Bluefin tuna	Atlantic Ocean, east of 45° W, and Mediterranean	470 190	437 190	450 343	103,01 %	13 153	/	C (11)	/	13 153	13 153	/	/
PT	BUM	ATLANT	Blue marlin	Atlantic Ocean	50 440	45 428	74 337	163,64 %	28 909	1,00	A	/	43 364	43 364	/	/
PT	RJU	9-C.	Undulate ray	Union waters of 9	15 000	33 000	36 295	109,98 %	3 295	/	/	/	3 295	3 295	/	/
UK	COD	N1GL14	Cod	Greenland waters of NAFO 1F and Greenland waters of 5, 12 and 14	382 000	497 520	512 187	102,95 %	14 667	/	/	/	14 667	10 500	/	4 167
UK	GHL	1N2AB.	Greenland halibut	Norwegian waters of 1 and 2	25 000	22 000	24 434	111,06 %	2 434	1,00	/	/	2 434	2 434	/	/
UK	HER	4AB.	Herring	Union and Norwegian waters of 4 north of 53° 30′ N	79 381 000	84 694 795	84 739 599	100,05 %	44 804	/	/	/	44 804	44 804	/	/

Member State	Species code	Area code	Species name	Area name	Initial quota 2018 (in kilograms)	Permitted landings 2018 (Total adapted quantity in kilograms) (1)	Total catches 2018 (quantity in kilograms)	Quota consumption related to permitted landings	Overfishing related to permitted landing (quantity in kilograms)	Multiplying factor (2)	Additional Multiplying factor (3), (4)	Outstanding deductions from previous year(s) (5) (quantity in kilograms)	Deductions from fishing quotas for 2019 (6) and subsequent years (quantity in kilograms)	Deductions from 2019 fishing quotas for the overfished stocks (7) (quantity in kilograms)	Deductions from 2019 fishing quotas for alternative stocks in accordance with Annex I to Regulation (EU) 2019/1726 (8) (quantity in kilograms)	To be deducted from fishing quotas for 2020 and subsequent year(s) (quantity in kilograms)
UK	MAC	2CX14-	Mackerel	6, 7, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 2a, 12 and 14	190 143 000	186 253 028	189 644 893	101,82 %	3 391 865	/	A (11)	/	3 391 865	3 391 865	/	/
UK	POK	1N2AB.	Saithe	Norwegian waters of 1 and 2	182 000	459 700	463 509	100,83 %	3 809	/	/	/	3 809	3 809	/	/
UK	RHG	5B67-	Roughhead grenadier	Union and international waters of Vb, VI and VII	1 510	1 510	7 588	502,52 %	6 078	1,00	/	/	6 078	1 062	5 016 (14)	/
UK	WHG	56-14	Whiting	6; Union and international waters of 5b; international waters of 12 and 14	122 000	124 060	139 470	112,42 %	15 410	1,00	/	/	15 410	15 410	/	/"

(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 16(8) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council (OJ L 354, 28.12.2013, p. 22), quota transfers from 2017 to 2018 in accordance with Article 4(2) of Council Regulation (EC) No 847/96 (OJ L 115, 9.5.1996, p. 3) and with Article 15(9) of Regulation (EU) No 1380/2013 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. Deduction equal to the overfishing * 1,00 shall apply in all cases of overfishing equal to, or less than, 100 tonnes.

(3) As set out in Article 105(3) of Regulation (EC) No 1224/2009 and provided that the extent of overfishing exceeds 10 %.

(4) Letter "A" indicates that an additional multiplying factor of 1,5 has been applied due to consecutive overfishing in the years 2016, 2017 and 2018. Letter "C" indicates that an additional multiplying factor of 1,5 has been applied as the stock is subject to a multiannual plan.

(5) Remaining quantities from previous year(s).

(6) Deductions to operate in 2019.

(7) Deductions to operate in 2019 that could be actually applied considering the available quota on 22 October 2019.

(8) OJ L 263, 16.10.2019, p. 3.

(9) To be deducted from RJU/7DE. (Union waters of 7d and 7e).

(10) Quantities below 1 tonne are not considered.

(11) Additional multiplying factor not applicable because the overfishing does not exceed 10 % of the permitted landings.

(12) The deduction cannot be reduced by this unused quantity as article 4 of Regulation (EC) No 847/96 is not applicable to the YFT/IOTC stock.

(13) Despite not having initial quota for this overfished stock, France concluded exchanges of fishing opportunities in accordance with Article 16(8) of Regulation (EU) No 1380/2013 enabling partial deduction from the same stock.

(14) To be deducted from RNG/5B67- (roundnose grenadier in Union and international waters of Vb, VI and VII).