Commission Implementing Regulation (EU) 2020/2006 of 8 December 2020 operating deductions from fishing quotas available for certain stocks in 2020 on account of overfishing of other stocks in the previous years and amending Implementing Regulation (EU) 2020/1247

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2006

of 8 December 2020

operating deductions from fishing quotas available for certain stocks in 2020 on account of overfishing of other stocks in the previous years and amending Implementing Regulation (EU) 2020/1247

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 2019 have been established by Council Regulations (EU) 2018/1628[(2)], (EU) 2018/2025[(3)], (EU) 2018/2058[(4)] and (EU) 2019/124[(5)].

(2) Fishing quotas for the year 2020 have been established by Council Regulations (EU) 2018/2025, (EU) 2019/1838[(6)], (EU) 2019/2236[(7)] and (EU) 2020/123[(8)].

(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) 2020/1247[(9)] has established deductions from fishing quotas available for certain stocks in 2020 on account of overfishing in the previous years.

(5) For certain Member States, namely Denmark, Spain and France, certain deductions could not be operated by Implementing Regulation (EU) 2020/1247 from quotas allocated for the overfished stocks because quotas for these stocks are not available for those Member States in the year 2020.

(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 for that stock, 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 2012/C 72/07 containing Guidelines for deduction of quotas under Article 105(1), (2) and (5) of Regulation (EC) No 1224/2009[10] ('the Guidelines') 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 as regards certain deductions from quotas allocated for stocks other than those which have been overfished.

(8) Moreover, certain deductions provided for by Implementing Regulation (EU) 2020/1247 exceed the adapted quota available in the year 2020 and, as a consequence, cannot be entirely operated in that year. According to the Guidelines, the remaining amounts should be deducted from the adapted quotas available in subsequent years until the full overfished amount is paid back.

(9) Furthermore, the Spanish fisheries authorities discovered that the 2019 catch figures used for the calculation of the overfishing for bigeye tuna in the Atlantic Ocean (BET/ATLANT) were incorrect and that its quota was actually exceeded by a lower amount than that taken into account for the deductions established by Implementing Regulation (EU) 2020/1247. The catch figures, quota consumption rate, overfished quantities, and deduction from the 2020 Spanish quota for bigeye tuna in the Atlantic Ocean provided for by Implementing Regulation (EU) 2020/1247 should therefore be adjusted.

(10) In 2019, Portugal overfished its quota for albacore in the Atlantic Ocean, North of 5° N (ALB/AN05N). On 14 July 2020, Portugal requested to spread the deduction due over two years. According to point 3(c) of the Guidelines, spreading a deduction over two or more years may be accepted where this is provided for under specific international rules (such as those of regional fisheries management organisations) relating to paybacks for the stock concerned. In view of the information provided by Portugal and considering that paragraph 7 of ICCAT Supplemental Recommendation 16-06, concerning the North Atlantic albacore Multi-annual conservation and management programme[11], establishes that any excess of a Contracting Party's annual quota/catch limit for the year 2019 shall be deducted from the respective quota/catch limit during or before the adjustment year 2021, an equal spreading over two years of the deduction, including relevant applicable multiplying factors, should be accepted. Deduction from the 2020 quota provided for by Implementing Regulation (EU) 2020/1247 should therefore be adjusted.

(11) 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.

(12) Implementing Regulation (EU) 2020/1247 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/2006. (See end of Document for details)*

Article 1

The fishing quotas fixed for the year 2020 in Regulations (EU) 2018/2025, (EU) 2019/1838, (EU) 2019/2236, and (EU) 2020/123, 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

Implementing Regulation (EU) 2020/1247 is amended in accordance with 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*.

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

Done at Brussels, 8 December 2020.

For the Commission

The President

Ursula VON DER LEYEN

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/2006. (See end of Document for details)*

ANNEX I

DEDUCTIONS FROM FISHING QUOTAS FOR THE YEAR 2020 TO BE APPLIED ON ALTERNATIVE STOCKS

OVERFISHED STOCKS							**ALTERNATIVE STOCKS**					
Member State	**Species code**	**Area code**	**Species name**	**Area name**	**Quantity that cannot be deducted from the 2020 fishing quota for the overfished stock (in kilograms)**		**Member State**	**Species code**	**Area code**	**Species name**	**Area name**	**Quantity to be deducted from the 2020 fishing quota for the alternative stocks (in kilograms)**
DK	**POK**	**1N2AB**	**Saithe**	**Norwegian waters of 1 and 2**	**33 968**		DK	**HER**	**1/2-**	**Herring**	**Union, Faroese, Norwegian and international waters of 1 and 2**	**33 968**
ES	**GHL**	**1N2AB**	**Greenland halibut**	**Norwegian waters of 1 and 2**	**18 338**		ES	**REB**	**1N2AB**	**Redfish**	**Norwegian waters of 1 and 2**	**18 338**
ES	**OTH**	**1N2AB**	**Other species**	**Norwegian waters of 1 and 2**	**2 895**		ES	**REB**	**1N2AB**	**Redfish**	**Norwegian waters of 1 and 2**	**2 895**
ES	**POK**	**1N2AB**	**Saithe**	**Norwegian waters of 1 and 2**	**2 607**		ES	**REB**	**1N2AB**	**Redfish**	**Norwegian waters of 1 and 2**	**2 607**
FR	**SWO**	**AS05N**	**Swordfish**	**Atlantic Ocean, south of 5° N**	**3 500**		FR	**ALB**	**AS05N**	**Southern albacore**	**Atlantic Ocean, south of 5° N**	**3 500**

ANNEX II

The Annex to Implementing Regulation (EU) 2020/1247 is replaced by the following:

‘ANNEX

DEDUCTIONS FROM FISHING QUOTAS FOR THE YEAR 2020 FOR STOCKS WHICH HAVE BEEN OVERFISHED

Member State	Species code	Area code	Species name	Area name	Initial quota 2019 (in kilograms)	Permitted landings 2019 (Total ramp in quantity in kilograms)	Total catches 2019 (quantity in kilograms)	Quota consumption related to permitted landings (quantity in kilograms)[a]	Overfished related to permitted landing (quantity in kilograms)	Multiplying factor[b]	Additional Multiplying factor[c]	Outstanding deductions from previous year(s) (quantity in kilograms)	Deductions from fishing quotas for 2020 and subsequent years (quantity in kilograms)	Deductions from fishing quotas for the overfished stocks (quantity in kilograms)	Deductions from fishing quotas for alternative fisheries (quantity in kilograms)	Deductions to be deducted from fishing quotas for 2021 and subsequent years (quantity in kilograms)
DE	HER	4AB.	Herring	Union and Norwegian waters of 4 north of 53° 30′ N	39 404 000	25 460 900	27 182 070	106,76 %	1 721 170	/	/	/	1 721 170	1 721 170	/	/
DE	MAC	2CX14-	Mackerel	3a and 4; Union waters of 2a, 3b, 3c and Subdivisions 22-32	441 000	14 859 024	15 542 581	104,60 %	683 557	/	/	/	683 557	683 557	/	/
DK	MAC	2CX14-	Mackerel	6, 7, 8a, 8b, 8d	/	2 688 463	2 693 920	100,20 %	5 457	/	/	/	5 457	5 457	/	/