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

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.

(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*.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/112. (See end of Document for details)*

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

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/112. (See end of Document for details)*

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	4 492	**NL**	WHG	2AC4.	Whiting	4; Union	4 492

				and international waters of 5b; international waters of 12 and 14						waters of 2a	
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 ramp in quantity in kilograms)[a]**	**Total catches 2018 (quantity in kilograms)**	**Quota consumption related to permitted landings (quantity in kilograms)**	**Overfishing relation to permitted landings (quantity in kilograms)**	**Multiplying factor[c], [d]**	**Multiplying factor[b]**	**Quota deductions from previous year(s) (quantity in kilograms)**	**Deductions from fishing quotas for 2019 and subsequent years (quantity in kilograms)**	**Deductions from fishing quotas for the overfishing stocks (quantity in kilograms)**	**Deductions from fishing quotas for alternative fishers in accordance with Annex I to Regulation (EU) 2019/1726[h] (quantity in kilograms)**	**Deductions to be deducted from fishing quotas for 2020 and subsequent year(s) (quantity in kilograms)**