Commission Implementing Regulation (EU) 2019/2095 of 29 November 2019 operating deduction from the Atlantic salmon fishing quota available to Poland in 2019 on account of overfishing in 2018

COMMISSION IMPLEMENTING REGULATION (EU) 2019/2095

of 29 November 2019

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on account of overfishing in 2018

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) and (3) thereof,

Whereas:

(1) The fishing quota for Atlantic salmon in Union waters of Subdivisions 22-31 (SAL/3BCD-F) has been allocated to Poland for the year 2018 by Council Regulation (EU) 2017/1970[(2)].

(2) This fishing quota for the year 2018 was increased by 1369 specimen following application of the year-to-year flexibility set up by Article 15(9) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council[(3)]. The increase, corresponding to 10 % of the permitted landings for the year 2017, was calculated on the basis of the remaining unused quantities after catch declarations. During inspection missions carried out in Poland in accordance with Regulation (EC) No 1224/2009 during 2018 the Commission detected misreported and under-reported catch data revealing that the 2017 Polish quota for Atlantic Salmon in Union waters of Subdivisions 22-31 had been exhausted. Therefore, the year-to-year flexibility from year 2017 to year 2018 under Article 15(9) of Regulation (EC) No 1380/2013 had been unduly granted and the corresponding quantities should be deducted accordingly from the 2018 quota.

(3) The Commission also detected further inconsistencies in the Polish data about Atlantic salmon fishery in Union waters of Subdivisions 22-31 for the year 2018 by cross-checking the data recorded and reported during inspected and non-inspected fishing trips. These inconsistencies in catch composition reporting were corroborated by several audit and verification missions conducted in Poland during 2018 and 2019

in accordance with Regulation (EC) No 1224/2009. These audit reports were duly communicated to and discussed with Poland.

(4) The evidence gathered allowed the Commission to establish that the quota for Atlantic salmon in Union waters of Subdivisions 22-31 allocated to Poland in the year 2018 by Council Regulation (EU) 2017/1970 was exceeded by 2 160 pieces of salmon. 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.

(5) Article 105(2) and (3) of Regulation (EC) No 1224/2009 provides that such deductions have to be operated in the following year or years by applying the respective multiplying factors as set out therein.

(6) A multiplying factor equal to 1,00 should apply in accordance with Article 105(2) of Regulation (EC) No 1224/2009 as the amount of overfishing as quantified by the Commission is less than 100 tonnes,

HAS ADOPTED THIS REGULATION:

Article 1

The fishing quota for Atlantic salmon in Union waters of Subdivisions 22-31 allocated to Poland for the year 2019 by Council Regulation (EU) 2018/1628[(4)] shall be reduced as set out in the Annex to this Regulation.

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.

Done at Brussels, 29 November 2019.

For the Commission

The President

Jean-Claude JUNCKER