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

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

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) 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 Regulation (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) 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.

(5) Certain Member States have exceeded their fishing quotas for the year 2018. It is therefore appropriate to operate deductions on the fishing quotas allocated to them in 2019 and, where relevant, in subsequent years, for the overfished stocks.

(6) Commission Implementing Regulation (EU) 2018/1969[(10)] and Commission Implementing Regulation (EU) 2019/479[(11)] have provided for deductions from fishing quotas for certain countries and species for 2018. However, for certain Member States, the deductions to be applied for some species were higher than the respective quotas available in 2018 and could therefore not be operated entirely in that year. To ensure that in such cases the full amount for the respective stocks be deducted, the remaining quantities should be taken into account when establishing deductions for 2019 and, where appropriate, from subsequent quotas.

(7) Following changes in the stock area definitions set up in Regulation (EU) 2019/124, the remaining deduction applicable to Belgium due to overfishing of undulate ray in Union waters of 7d (RJU/07D.) in the year 2017 should be applied to the 2019 quota for undulate ray in Union waters of 7d and 7e (RJU/7DE.).

(8) Deductions from fishing quotas, as provided for by this Regulation, should apply without prejudice to deductions applicable to 2019 quotas pursuant to Commission Implementing Regulation (EU) No 185/2013[(12)].

(9) Since quotas are expressed in tonnes, overfishing involving quantities of less than one tonne should not be considered,

HAS ADOPTED THIS REGULATION:

Article 1

1 The fishing quotas fixed in Regulations (EU) 2018/1628, (EU) 2018/2025, (EU) 2018/2058, and (EU) 2019/124 for the year 2019 shall be reduced as set out in the Annex to this Regulation.

2 Paragraph 1 shall apply without prejudice to deductions provided for in Implementing Regulation (EU) No 185/2013.

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.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1726. (See end of Document for details)*

[F1 ANNEX

DEDUCTIONS FROM FISHING QUOTAS FOR THE YEAR 2019

Textual Amendments

F1 Substituted by 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.

Member State	Species code	Area code	Species name	Area name	Initial quota 2018 (in kilograms)	Permitted landings 2018 (Total ratio in quantity in kilograms)[a]	Total catches 2018 (quantity in kilograms)	Quota consumption related to permitted landings (quantity in kilograms)	Overfishing relating to permitted landings (quantity in kilograms)	Multiplying factor[b]	Multiplying factor[c]	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 overfished stocks[d] (quantity in kilograms)	Deductions from fishing quotas for alternative fisheries[e] in accordance with Annex I to Regulation (EU) 2019/1726[h] (quantity in kilograms)	Deductions 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.[i]	Undulate ray	Union waters of 7d	2 000	969	1 394	143,86 %	425[j]	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	103,24 %	43 960	/	C[k]	/	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[k]	/	23 510	23 510	/	/
ES	BET	ATLANT	Bigeye tuna	Atlantic Ocean	9 791 920	9 281 920	9 756 069	105,14 %	474 149	/	C[k]	/	474 149	474 149	/	/

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1726. (See end of Document for details)*

ES	GHL	1N2AG	Greenland halibut	Norwegian waters of 1 and 2		0	27 736	N/A	27 736	1,00	A	/	41 604	/	41 604	/
ES	GHL	N3LMN	Greenland halibut	NAFO 3LMN	4 504 000	4 496 772	4 508 020	100,25 %	11 248	/	A[k] + C[k]	/	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[l]	N/A	N/A	2 138 460	2 138 460	2 138 460	/	/
EE	COD	N3M	Cod	NAFO 3M	1 024 000	916 170	953 232	104,05 %	37 062	/	/	/	37 062	37 062	/	/
FR	GHL	1N2AG	Greenland halibut	Norwegian waters of 1 and 2		0	18 084	N/A	18 084	1,00	/	/	18 084	2 704[m]	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	2CXM	Mackerel	6, 7, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of	69 141 000	66 541 055	66 965 925	100,64 %	424 870	/	/	/	424 870	424 870	/	/

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1726. (See end of Document for details)*

				2a, 12 and 14												
NL	POK	2C3A	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	109,17 %	31 964	/	C[k]	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	102,74 %	4 966	/	/	/	4 966	4 966	/	/
PT	BET	ATLA	Bigeye tuna	Atlantic Ocean	5 717 470	4 152 470	4 405 184	106,09 %	252 714	/	C[k]	/	252 714	252 714	/	/
PT	BFT	AE45	Bluefin tuna	Atlantic Ocean, east of 45°	470 190	437 190	450 343	103,01 %	13 153	/	C[k]	/	13 153	13 153	/	/