Commission Implementing Regulation (EU) 2019/1704 of 9 October 2019 adding to the 2019 fishing quotas certain quantities withheld in the year 2018 pursuant to Article 4(2) of Council Regulation (EC) No 847/96

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1704

of 9 October 2019

adding to the 2019 fishing quotas certain quantities withheld in the year 2018 pursuant to Article 4(2) of Council Regulation (EC) No 847/96

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas[(1)], and in particular Article 4(2) thereof,

Whereas:

(1) Pursuant to Article 4(2) of Regulation (EC) No 847/96, Member States may, before 31 October of the year of application of a fishing quota allocated to them, ask the Commission to withhold a maximum of 10 % of the quota and to transfer it to the following year.

(2) Council Regulations (EU) 2016/2285[(2)], (EU) 2017/1970[(3)], (EU) 2017/2360[(4)], and (EU) 2018/120[(5)] fix fishing quotas for certain stocks for 2018 and specify which stocks may be subject to the measures provided for in Regulation (EC) No 847/96.

(3) Council Regulations (EU) 2018/1628[(6)], (EU) 2018/2025[(7)], (EU) 2018/2058[(8)], and (EU) 2019/124[(9)] fix fishing quotas for certain stocks for 2019.

(4) Certain Member States have requested, before 31 October 2018, pursuant to Article 4(2) of Regulation (EC) No 847/96, that part of their quotas for 2018 for the stocks listed in the Annex to this Regulation be withheld and transferred to the following year. Subject to the limits indicated in that Regulation, the quantities withheld should be added to the quotas for 2019.

(5) For the purposes of this flexibility exercise, the eligibility of requested stock transfers and the state of exploitation of these stocks have been verified and taken into account. Therefore these stocks can be subject to the transfer of quota withheld from 2018 to 2019 in line with Article 4(2) of Regulation (EC) No 847/96.

(6) Whilst certain Member States had requested that part of their quotas for 2018 for the stocks of greater forkbeard be withheld and transferred to the following year, Regulation (EU) 2018/2025 does not set a total allowable catch for greater forkbeard in ICES subareas 1 to 10, 12 and 14. Consequently, the 2018 quotas withheld for the stocks of greater forkbeard are not transferable.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1704. (See end of Document for details)*

(7) For the stocks listed in the Annex to this Regulation, in order to avoid excessive flexibility that would undermine the principle of rational and responsible exploitation of living marine biological resources, hinder the achievement of the objectives of the Common Fisheries Policy and deteriorate the biological status of the stocks, the year-to-year flexibility provided for by Article 15(9) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council[10] is excluded. Similarly, where a Member State has used the year-to-year flexibility provided for under Article 15(9) of Regulation (EU) No 1380/2013 in respect of a particular stock, no other flexibility as regards a carry-over of unused fishing opportunities should apply to that stock, therefore excluding it from the scope of this Regulation.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

The fishing quotas fixed for 2019 in Regulations (EU) 2018/1628, (EU) 2018/2025, (EU) 2018/2058, and (EU) 2019/124 are increased 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, 9 October 2019.

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1704. (See end of Document for details)*

ANNEX

Country ID	Stock Id	Species	Zone name	Final Quota 2018[a] (in tonnes)	Catches 2018 (in tonnes)	Special condition[b] 2018 (in tonnes)	% final quota catches	Transferred quantity (in tonnes)
DE	BLI/5B67-	Blue ling	Union and international waters of 5b, 6 and 7	120,144	0	0	0	12,014
DE	BSF/56712	Black scabbardfish	Union and international waters of V, VI, VII and XII	32,400	0	0	0	3,240
DE	COD/03AN-	Cod	Skagerrak	171,625	86,169	0	50,21	17,163
DE	COD/2A3AX4	Cod	4; Union waters of 2a; that part of 3a not covered by the Skagerrak and Kattegat	2898,766	458,771	1056,726	52,28	289,877
DE	GHL/2A-C46	Greenland halibut	Union waters of 2a and 4; Union and international waters of 5b and 6	30,434	0	0	0	3,043
DE	HAD/*2AC4.	Haddock	4; Union waters	0,650	0	0	0	0,065

a 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), 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 (OJ L 343, 22.12.2009, p. 1).

b Special condition set out in the Annexes of the relevant fishing opportunities Regulations.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1704. (See end of Document for details)*

			of 2a (special condition to HAD/5BC6A.)					
DE	HAD/03A.	Haddock	3a	142,739	31,533	0	22,09	14,274
DE	HAD/2AC4	Haddock	4; Union waters of 2a	987,251	56,378	315,842	37,70	98,725
DE	HAD/5BC6A	Haddock	Union and international waters of 6b and 6a	6,586	0	0	0	0,659
DE	HAD/6B12-14	Haddock	Union and international waters of 6b, 12 and 14	43,847	0	0	0	4,385
DE	HER/ *04B.	Herring	4b (special condition to HER/4CXB7D)	545,495	0	0	0	54,550
DE	HER/ *04-C.	Herring	Union waters of 4 (special condition to HER/03A.)	179,400	144,000	0	80,27	17,940
DE	HER/ *25B-F	Herring	2, 5b north of 62° N (Faroese waters) (special condition to HER/1/2-)	341,230	0	0	0	34,123

a 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), 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 (OJ L 343, 22.12.2009, p. 1).

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DE	HER/03A.	Herring	3a	357,859	174,900	144,000	89,11	35,786
DE	HER/03A-BC	Herring	3a	56,610	30,932	0	54,64	5,661
DE	HER/1/2-	Herring	Union, Faroese, Norwegian and international waters of 1 and 2	1982,020	1921,308	0,334	96,95	60,378
DE	HER/2A47DX	Herring	4, 7d and Union waters of 2a	58,504	56,524	0	96,62	1,980
DE	HER/3D-R30	Herring	Union waters of Subdivisions 25-27, 28.2, 29 and 32	4033,980	3951,238	0	97,95	82,742
DE	HER/4CXB7D	Herring	4c, 7d except Blackwater stock	11743,415	10818,525	0	92,12	924,890
DE	HER/7G-K.	Herring	7g, 7h, 7j and 7k	0,021	0	0	0	0,002
DE	HKE/*03A.	Hake	3a (special condition to HKE/2AC4-C)	27,042	7,664	0	28,34	2,704
DE	HKE/*8ABDE	Hake	8a, 8b, 8d and 8e (special condition	2,000	0	0	0	0,200

a 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), 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 (OJ L 343, 22.12.2009, p. 1).

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