Commission Implementing Regulation (EU) 2019/479 of 22 March 2019 operating deductions from fishing quotas available for certain stocks in 2018 on account of overfishing of other stocks in the previous years and amending Implementing Regulation (EU) 2018/1969

COMMISSION IMPLEMENTING REGULATION (EU) 2019/479

of 22 March 2019

operating deductions from fishing quotas available for certain stocks in 2018 on account of overfishing of other stocks in the previous years and amending Implementing Regulation (EU) 2018/1969

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 2017 have been established by:
- Council Regulation (EU) 2016/1903[(2)],
- Council Regulation (EU) 2016/2285[(3)],
- Council Regulation (EU) 2016/2372[(4)], and
- Council Regulation (EU) 2017/127[(5)].

(2) Fishing quotas for the year 2018 have been established by:
- Council Regulation (EU) 2016/2285,
- Council Regulation (EU) 2017/1970[(6)],
- Council Regulation (EU) 2017/2360[(7)], and
- Council Regulation (EU) 2018/120[(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) 2018/1969[(9)] has established deductions from fishing quotas for certain stocks in 2018 on account of overfishing in the previous years.

(5) However, for certain Member States no deductions could be operated by Implementing Regulation (EU) 2018/1969 from quotas allocated for the overfished stocks because such quotas are not available for those Member States in the year 2018.

(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. 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)] such deductions should be preferably operated from quotas allocated for stocks fished by the same fleet as the fleet that overfished the quota, taking into account the need to avoid discards in mixed fisheries.

(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[(11)] enable deductions from the same stocks in the framework of Implementing Regulation (EU) 2018/1969.

(9) On 17 October 2018, Spain informed the Commission that the catches in 2017 of swordfish in the Atlantic Ocean, South of 5° N (SWO/AS05N) had been erroneously reported. Following corrections submitted on 3 December 2018 by Spain in the aggregated catch data reporting system, it appears that the catch uptake for swordfish in the Atlantic Ocean, South of 5° N remains below the allocated quota for 2017. Therefore, the corresponding deductions should be deleted from the Annex to Implementing Regulation (EU) 2018/1969.

(10) On 23 November 2018, Spain requested to update its catch declarations regarding yellowfin tuna in IOTC area of competence (YFT/IOTC). On the basis of the last updated data transmitted by Spain on 13 December 2018, it appears that the Spanish 2017 quota was exceeded for yellowfin tuna in IOTC area of competence (YFT/IOTC). The corresponding deduction should consequently be added to the Annex to Implementing Regulation (EU) 2018/1969.

(11) Moreover, certain deductions required by Implementing Regulation (EU) 2018/1969 appear to be larger than the adapted quota available in the year 2018 and, as a consequence, cannot be entirely operated in that year. According to Communication 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.

(12) Implementing Regulation (EU) 2018/1969 should therefore be amended accordingly.

(13) This Regulation should apply retroactively from the day on which Implementing Regulation (EU) 2018/1969 establishing the deductions from fishing quotas for the same stocks in 2018 entered into force,

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/479. (See end of Document for details)*

HAS ADOPTED THIS REGULATION:

Article 1

The fishing quotas fixed in Regulations (EU) 2016/2285, (EU) 2017/1970, (EU) 2017/2360 and (EU) 2018/120 for the year 2018 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) 2018/1969 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*.

It shall apply from 20 December 2018.

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

Done at Brussels, 22 March 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) 2019/479. (See end of Document for details)*

ANNEX I

DEDUCTIONS FROM 2018 FISHING QUOTAS FOR ALTERNATIVE STOCKS

OVERFISHED STOCK						**ALTERNATIVE STOCK**					
Member State	**Species code**	**Area code**	**Species name**	**Area name**	**Quantity that cannot be deducted from the 2018 fishing quota for the overfished stock (in kilograms)**	**Member State**	**Species code**	**Area code**	**Species name**	**Area name**	**Quantity to be deducted from the 2018 fishing quota for the alternative stock (in kilograms)**
DK	NOP	04-N.	Norway pout	Norwegian waters of IV	24 447	DK	NOP	2A3A4	Norway pout	3a; Union waters of 2a and 4	24 447
DK	OTH	1N2AB	Other species	Norwegian waters of I and II	9 979	DK	HER	1/2-	Herring	Union, Faroese, Norwegian and international waters of 1 and 2	9 979
DK	POK	1N2AB	Saithe	Norwegian waters of I and II	9 508	DK	HER	1/2-	Herring	Union, Faroese, Norwegian and international waters of 1 and 2	9 508
ES	GHL	1N2AB	Greenland halibut	Norwegian waters of I and II	25 335	ES	RED	1N2AB	Redfish	Norwegian waters of 1 and 2	25 335
ES	POK	1N2AB	Saithe	Norwegian waters of I	650	ES	RED	1N2AB	Redfish	Norwegian waters	650

				and II							of 1 and 2	
FR	GHL	1N2AB	Greenland halibut	Norwegian waters of I and II	6 868		FR	RED	1N2AB	Redfish	Norwegian waters of 1 and 2	6 868
IE	HKE	8ABDE	Hake	VIIIa, VIIIb, VIIId and VIIIe	1 300		IE	HKE	571214	Hake	6 and 7; Union and international waters of 5b; international waters of 12 and 14	1 300
NL	WHG	56-14	Whiting	VI; Union and international waters of Vb; international waters of XII and XIV	18 648		NL	WHG	2AC4.	Whiting	4; Union waters of 2a	18 648

ANNEX II

ANNEX

DEDUCTIONS FROM 2018 FISHING QUOTAS

Member State	**Species code**	**Area code**	**Species name**	**Area name**	**Initial quota 2017 (in kilograms)**	**Permitted landings 2017 (Total ramp) in quantity in kilograms)[a]**	**Total catches 2017 (quantity in kilograms)**	**Quota consumption related to permitted landings**	**Overfishing relative to permitted landings (quantity in kilograms)**	**Multiplying factor[b]**	**Multiplying factor[c]**	**Quota deductions from previous year(s) (quantity in kilograms)[d]**	**Deductions from fishing quotas for 2018 and subsequent years[e]**	**Deductions from 2018 fishing quotas for the overfished stocks (quantity in**	**Deductions from 2018 fishing quotas for alternative stock in**	**Deductions to be deducted from fishing quotas for 2019 and**