# Commission Implementing Regulation (EU) 2017/2309 of 13 December 2017 operating deductions from fishing quotas available for certain stocks in 2017 on account of overfishing of other stocks in the previous years and amending Implementing Regulation (EU) 2017/1345

## COMMISSION IMPLEMENTING REGULATION (EU) 2017/2309

of 13 December 2017

operating deductions from fishing quotas available for certain stocks in 2017 on account of overfishing of other stocks in the previous years and amending Implementing Regulation (EU) 2017/1345

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 2016 have been established by:
- Council Regulation (EU) No 1367/2014[(2)],
- Council Regulation (EU) 2015/2072[(3)],
- Council Regulation (EU) 2016/72[(4)], and
- Council Regulation (EU) 2016/73[(5)].

(2) Fishing quotas for the year 2017 have been established by:
- Council Regulation (EU) 2016/1903[(6)],
- Council Regulation (EU) 2016/2285[(7)],
- Council Regulation (EU) 2016/2372[(8)], and
- Council Regulation (EU) 2017/127[(9)].

(3) According 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) 2017/1345[(10)] has established deductions from fishing quotas for certain stocks in 2017 on account of overfishing in the previous years.

(5) However, for certain Member States, no deductions could be operated by Implementing Regulation (EU) 2017/1345 from quotas allocated for the overfished stocks because such quotas are not available for those Member States in the year 2017.

(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[(11)] 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 2016, Spain overfished its quota for white marlin in the Atlantic Ocean (WHM/ATLANT). The deduction due has been applied following Implementing Regulation (EU) 2017/1345 to the full extent of the quota available for white marlin in 2017, in line with the guidelines set up in Communication 2012/C 72/07. Since the available 2017 quota for white marlin in the Atlantic Ocean is not sufficient, by letter of 9 August 2017, Spain requested to apply the remaining deduction, including outstanding deductions from previous years, on the 2017 quota for swordfish in the Atlantic Ocean, North of 5° N (SWO/AN05N). That request should be accepted in line with Article 105(5) of Regulation (EC) No 1224/2009.

(9) In 2016, Spain overfished its quota for albacore in the Atlantic Ocean, North of 5° N (ALB/AN05N). By letter of 20 July 2017, Spain requested to spread the deduction due over three years. In view of the information provided and considering that paragraph 5 of ICCAT Supplemental Recommendation 13-05, concerning the North Atlantic albacore rebuilding program[(12)], establishes that overfishing is to be deducted within a maximum of two years, an exceptional equal spreading of the deduction over two years may alternatively be accepted.

(10) Moreover, the Spanish fisheries authorities discovered that the 2016 catch figures transmitted to the Commission for albacore in the Atlantic Ocean, North of 5° N, were incorrect. On the basis of the corrected data transmitted by Spain on 4 August 2017, it appears that the Spanish quota for albacore in the Atlantic Ocean, North of 5° N, was exceeded by a lower amount than that taken into account for the deductions established by Implementing Regulation (EU) 2017/1345. The deduction from the 2017 Spanish quota for albacore in the Atlantic Ocean, North of 5° N, should therefore be adjusted.

(11) Following the publication of Implementing Regulation (EU) 2017/1345, the Portuguese fisheries authorities discovered that the 2016 catch figures transmitted to the Commission for swordfish in the Atlantic Ocean, North of 5° N, (SWO/AN05N) were incorrect. On the basis of the corrected data transmitted by Portugal on 22 August 2017, it appears that the Portuguese quota for swordfish in the Atlantic Ocean, North of 5°

N, was exceeded by a lower amount than that taken into account for the deductions established by Implementing Regulation (EU) 2017/1345. The deduction from the 2017 Portuguese quota for swordfish in the Atlantic Ocean, North of 5° N, should therefore be adjusted.

(12) On 17 May 2017, Lithuania requested to update its catch declarations regarding mackerel in Union waters of IIa; Union and Norwegian waters of IVa (MAC/*4A-EN). On the basis of the updated data transmitted by Lithuania on the same date, it appears that the Lithuanian 2016 quota was exceeded for mackerel in Union waters of IIa; Union and Norwegian waters of IVa as well as for the parent stock, namely mackerel in areas VI, VII, VIIIa, VIIIb, VIIId and VIIIe; Union and international waters of Vb; international waters of IIa, XII and XIV (MAC/2CX14-). The corresponding deductions should consequently be added to the Annex to Implementing Regulation (EU) 2017/1345.

(13) On 10 August 2017, the United Kingdom informed the Commission that the by-catches of picked dogfish in Union and international waters of I, V, VI, VII, VIII, XII and XIV (DGS/*15X14) had been erroneously reported. Following corrections submitted on 30 August 2017 by the United Kingdom in the aggregated catch data reporting system, it appears that the by-catch uptake for picked dogfish in Union and international waters of I, V, VI, VII, VIII, XII and XIV remains below the allocated quota for 2016. Therefore, the corresponding deductions should be deleted from the Annex to Implementing Regulation (EU) 2017/1345.

(14) In October 2017, a correction in the algorithms of the aggregated catch data reporting system revealed the overfishing by Denmark of Northern prawn in Greenland waters of NAFO 1 (PRA/N1GRN.). The Annex to Implementing Regulation (EU) 2017/1345 should therefore be amended accordingly.

(15) Following changes in the stock area definitions set up in Regulation (EU) 2017/127 in order to allow for accurate reporting of catches, the deduction applicable to the Netherlands for overfishing of saithe in areas III and IV; Union waters of IIa, IIIb, IIIc and subdivisions 22-32 (POK/2A34) in the year 2016 should now be applied to the 2017 quota for saithe in areas IIIa and IV; Union waters of IIa (POK/2C3A4).

(16) In 2017, the International Council for the Exploration of the Sea (ICES), in its advice and following the 2016 benchmark, amended the sandeel management areas. Therefore, deductions due by Denmark and the United Kingdom following overfishing of sandeel in Union waters of sandeel management area 1 (SAN/234_1) in 2016 are operated on the 2017 quota for sandeel in Union waters of sandeel management area 1r (SAN234_1R).

(17) Moreover, certain deductions required by Implementing Regulation (EU) 2017/1345 appear to be larger than the adapted quota available in the year 2017 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.

(18) Implementing Regulation (EU) 2017/1345 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/2309. (See end of Document for details)*

*Article 1*

The fishing quotas fixed in Regulations (EU) 2016/1903, (EU) No 2016/2285, (EU) 2016/2372 and (EU) 2017/127 for the year 2017 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) 2017/1345 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*.

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

Done at Brussels, 13 December 2017.

*For the Commission*

*The President*

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/2309. (See end of Document for details)*

ANNEX I

## DEDUCTIONS FROM QUOTAS FOR ALTERNATIVE STOCKS

| Member State | Species code | Area code | Species name | Area name | Permitted landings 2016 (Total adapted quantity in kilograms) | Total catches 2016 (qty in kilograms) | Quota consumption (%) | Overfishing related to permitted landing (qty in kilograms) | Multiplying factor | Additional multiplying factor[b] | Outstanding deduction from previous years[c] (qty in kilograms) | Deductions 2017 (qty in kilograms) | Deductions already applied in 2017 on the same stock (qty in kilograms) | Remaining quantity to be deducted on alternative stock (qty in kilograms)[f] |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) | (14) | (15) |
| DE | DGS | 2AC4-C | Picked dogfish | Union waters of IIa and IV | 0 | 2 118 | N/A | 2 118 | / | / | / | 2 118 | 0 | 2 118 |
| **Deduction to be made on the following stock** | | | | | | | | | | | | | | |
| DE | ARU | 34-C. | Greater silver smelt | Union/ waters of III and IV | / | / | / | / | / | / | / | / | / | 2 118 |
| DK | DGS | 2AC4-C | Picked dogfish | Union waters of IIa and IV | 0 | 1 350 | N/A | 1 350 | / | / | / | 1 350 | 0 | 1 350 |
| **Deduction to be made on the following stock** | | | | | | | | | | | | | | |
| DK | NEP | 2AC4-C | Norway lobster | Union/ waters of IIa and IV | / | / | / | / | / | / | / | / | / | 1 350 |
| DK | NOP | 04-N. | Norway pout | Norwegian waters | 0 | 22 880 | N/A | 22 880 | / | / | / | 22 880 | / | 22 880 |