Commission Implementing Regulation (EU) 2017/162 of 31 January 2017 operating deductions from fishing quotas available for certain stocks in 2016 on account of overfishing of other stocks in the previous years and amending Implementing Regulation (EU) 2016/2226 operating deductions from fishing quotas available for certain stocks in 2016 on account of overfishing in the previous years

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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 2015 were established by:
- Council Regulation (EU) No 1221/2014[(2)],
- Council Regulation (EU) No 1367/2014[(3)],
- Council Regulation (EU) 2015/104[(4)], and
- Council Regulation (EU) 2015/106[(5)].

(2) Fishing quotas for the year 2016 were established by:
- Regulation (EU) No 1367/2014,
- Council Regulation (EU) 2015/2072[(6)],
- Council Regulation (EU) 2016/72[(7)], and
- Council Regulation (EU) 2016/73[(8)].

(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) 2016/2226[9] has established deductions from fishing quotas for certain stocks in 2016 on account of overfishing in the previous years.

(5) However, for certain Member States, no deductions could be operated by Implementing Regulation (EU) 2016/2226 from quotas allocated for the overfished stocks because such quotas were not available for those Member States in the year 2016.

(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[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) 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] enabled partial deductions from the same stocks in the framework of Implementing Regulation (EU) 2016/2226. The remaining deductions should be operated on quotas for other stocks pursuant to Article 105(5) of Regulation (EC) No 1224/2009.

(8) 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.

(9) In 2015, Spain has overfished its quota for skates and rays in Union waters of ICES Subareas VIII and IX (SRX/89-C.). By letter of 30 September 2016, Spain requested to spread the deduction due over 2 years. In view of the information provided and considering that a significant loss of quota would produce excessive discards of the species concerned, in accordance with point 3, letter (b) of the Communication 2012/C 72/07, this request can be accepted.

(10) As regards sandeel in geographical area of ICES divisions IIa, IIIa and subdivision IV, given Denmark has overfished its total allowable catches in Union waters of management area 1 as defined in Annex IID of Regulation (EU) 2015/104 in 2015, it is required to operate deductions. In 2016, minimal catches have been allowed for sandeel in these waters in order to monitor the abundance of sandeel. However, with the said deductions it is impossible to maintain the monitoring system[12] advised by the International Council for the Exploration of the Sea (ICES) to manage sandeel. Therefore, deductions for the quotas overfished by Denmark in 2015 in this area should be operated from sandeel management area 3.

(11) Moreover, certain deductions required by Implementing Regulation (EU) 2016/2226 appear to be larger than the adapted quota available in the year 2016 and, as a consequence, cannot be entirely operated in that year. According to Communication

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2017/162. (See end of Document for details)*

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) 2016/2226 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The fishing quotas fixed in Regulations (EU) No 1367/2014, (EU) 2015/2072, (EU) 2016/72 and (EU) 2016/73 for the year 2016 referred to in the 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) 2016/2226 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, 31 January 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) 2017/162. (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 2015 (Total adapted quantity in kilograms)	Total catches 2015 (qty in kilograms)	Quota non-consumption (%)	Overfishing related to permitted landing (qty in kilograms)	Multiplying factor	Additional multiplying factor	Outstanding deductions from previous years[a] (qty in kilograms)	Deductions 2016 (qty in kilograms)	Deductions already applied in 2016 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)
DK	DGS	03A-C.	Spurdog	Union waters of IIIa	0	3 840	N/A	3 840	1,00	/	/	3 840	0	3 840
Deduction to be made on the following stock														
DK	NEP	3A/BCD	Norway lobster	IIIa; Union waters of Subdivisions 22-32	/	/	/	/	/	/	/	/	/	3 840
DK	DGS	2AC4-C	Spurdog	Union waters of IIa and IV	0	1 540	N/A	1 540	1,00	/	/	1 540	0	1 540
Deduction to be made on the following stock														
DK	NEP	2AC4-C	Norway lobster	Union waters of IIa and IV	/	/	/	/	/	/	/	/	/	1 540
DK	NOP	04-N.	Norway pout	Norwegian waters	0	28 270	N/A	28 270	1,00	/	/	28 270	0	28 270

				of IV										
Deduction to be made on the following stock														
DK	NOP	2A3AX	Norway pout	IIa; Union waters of IIa and IV	/	/	/	/	/	/	/	/	/	28 270
ES	BUM	ATLANBLU	Blue marlin	Atlantic Ocean	20 360	134 082	658,56	113 722	2,0	A	172 878	514 044	0	514 044
Deduction to be made on the following stock														
ES	SWO	AN05N	Swordfish	Atlantic Ocean, North of 5° N	/	/	/	/	/	/	/	/	/	514 044
ES	GHL	1N2AB	Greenland halibut	Norwegian waters of I and II	0	24 239	N/A	24 239	1,00	A	/	36 359	0	36 359
Deduction to be made on the following stock														
ES	POK	1N2AB	Saithe	Norwegian waters of I and II	/	/	/	/	/	/	/	/	/	36 359
FR	GHL	1N2AB	Greenland halibut	Norwegian waters of I and II	2 000	7 957	397,85	5 957	1,00	/	/	5 957	0	5 957
Deduction to be made on the following stock														
FR	OTH	1N2AB	Other species	Norwegian waters of I and II	/	/	/	/	/	/	/	/	/	5 957