Commission Implementing Regulation (EU) 2016/2226 of 9 December 2016 operating deductions from fishing quotas available for certain stocks in 2016 on account of overfishing in the previous years

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2226

of 9 December 2016

operating deductions from fishing quotas available for certain stocks in 2016 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 Community 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 2015 have been 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 have been established by:
- Council 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) 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.

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2016/2226. (See end of Document for details)*

(5) Certain Member States have exceeded their fishing quotas for the year 2015. It is therefore appropriate to operate deductions on the fishing quotas allocated to them in 2016 and, where relevant, in subsequent years, for the overfished stocks.

(6) Commission Implementing Regulation (EU) 2015/1801[(9)] and Commission Implementing Regulation (EU) 2015/2404[(10)] have provided for deductions from fishing quotas for certain countries and species for 2015. However, for certain Member States, the deductions to be applied for some species were higher than the respective quotas available in 2015 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 2016 and, where appropriate, from subsequent quotas.

(7) By letter dated 25 October 2015, pursuant to Article 3(3) of Council Regulation (EC) No 847/96[(11)], Germany requested Commission's permission to land additional quantities of turbot and brill in Union waters of IIa and IV (T/B/2AC4-C) within the limits of 10 % of the quota. The additional quantities granted under that procedure should be considered as exceeding permitted landings for the purpose of the deductions envisaged in Article 105 of Regulation (EC) No 1224/2009.

(8) Deductions from fishing quotas, as provided for by this Regulation, should apply without prejudice to deductions applicable to 2016 quotas pursuant to Commission Implementing Regulation (EU) No 185/2013[(12)].

(9) Since quotas are expressed in tonnes, quantities below 1 tonne should not be considered,

HAS ADOPTED THIS REGULATION:

Article 1

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 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) 2016/2226. (See end of Document for details)*

[F1ANNEX

Deductions from quotas for stocks which have been overfished

Textual Amendments

F1 Substituted by 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.

Member State	Species code	Area code	Species name	Area name	Initial quota 2015 (quantity in kilograms)	Permitted landings 2015 (final adapted qtys) (qty in kilograms)	Total catches 2015 (qty in kilograms)	Quota consumption related to permitted landings (%)	Overfishing to be deducted (qty in kilograms)	Multiplying factor	Additional multiplying factor[a]	Outstanding deductions from previous years (qty in kilograms)	Deductions already applied in 2016 (qty in kilograms)	Deductions to be deducted in 2017 and following year(s) (qty in kilograms)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
BE	SOL	24-C.	Common sole	Union waters of IIa and IV	991 000	929 510	939 590	101,08	10 080	/	/	/	10 080	10 080	/
BE	SRX	07D.	Skates and rays	Union waters of VIId	72 000	70 511	69 495	98,56	– 1 016	/	/	1 097	81	81	/
BE	SRX	2AC4-C	Skates and rays	Union waters of IIa and IV	211 000	245 500	256 147	104,34	10 647	/	/	/	10 647	10 647	/
BE	SRX	67AKXD	Skates and rays	Union waters of VIa, VIb, VIIa-c and	725 000	915 262	918 243	100,32	2 981	/	/	/	2 981	2 981	/

				VIIe-k											
DE	T/B	2AC4-C	Turbot, Brill	Union waters of IIa and IV	186 000	349 000	350 186	100,34	1 186	/	/	/	1 186[l]	1 186	/
DK	COD	03AN	Cod	Skagerrak	3 336 000	3 223 407	3 349 360	103,91	125 923	/	(C)[h]	/	125 923	125 923	/
DK	DGS	03A-C.	Spurdog, dogfish	Union waters of IIIa	0	0	3 840	N/A	3 840	1,00	/	/	3 840	3 840	/
DK	DGS	2AC4-C	Spurdog, dogfish	Union waters of IIa and IV	0	0	1 540	N/A	1 540	1,00	/	/	1 540	1 540	/
DK	HER	03A-BC	Herring	IIIa	5 692 000	5 770 000	6 056 070	104,96	286 070	/	/	/	286 070	286 070	/
DK	NOP	04-N.	Norway pout	Norwegian waters of IV	0	0	28 270	N/A	28 270	1,00	/	/	28 270	28 270	/
DK	SAN	234_1	Sandeel	Union waters of sandeel management area 1	125 459 000	115 924 000	130 977 950	112,99	15 053 950	1,2	/	/	18 064 740	18 064 740[n]	/
DK	SAN	234_6	Sandeel	Union waters of sandeel management area 6	206 000	219 000	228 860	104,50	9 860	/	/	/	9 860	9 860	/
ES	ALF	3X14-	Alfonsinos	Union and international waters of III,	67 000	80 045	62 544	78,13	– 9 496[i]	/	/	16 159	6 663	5 846	817

				IV, V, VI, VII, VIII, IX, X, XII and XIV											
ES	ANE	08.	Anchovy	VII	22 500 000	22 923 784	24 068 471	104,99	1 144 687	/	/	/	1 144 687	1 144 687	/
ES	BSF	8910-	Black scabbard fish	Union and international waters of VIII, IX and X	12 000	30 050	110	0,37	– 26 936[i]	/	/	29 639	2 703	0	2 703
ES	BUM	ATLANT	Blue marlin	Atlantic Ocean	10 360	20 360	134 082	658,56	613 722	2,0	A	172 878	514 044	514 044	/
ES	COD	1/2B	Cod	I and IIb	13 283 000	12 182 091	12 391 441	101,72	209 350	/	/	/	209 350	209 350	/
ES	GHL	1N2AC	Greenland halibut	Norwegian waters of I and II	0	24 239	N/A		24 239	1,00	A	/	36 359	36 359	/
ES	RED	N3LN	Redfish	NAFO 3LN	0	171 440	173 836	101,40	2 396	/	/	/	2 396	2 396	/
ES	SOL	8AB.	Common sole	VIIIa and VIIIb	9 000	6 968	7 397	106,13	(429)[k]		(A +C)[hm]	2 759	2 759	2 759	/
ES	SRX	67AKSX	Skates and rays	Union waters of VIa, VIb, VIIa-c and VIIe-k	43 800	412 000	445 713	108,18	33 713	/	/	/	33 713	33 713	/