Commission Implementing Regulation (EU) 2015/2404 of 16 December 2015 operating deductions from fishing quotas available for certain stocks in 2015 on account of overfishing of other stocks in the previous years and amending Implementing Regulation (EU) 2015/1801

COMMISSION IMPLEMENTING REGULATION (EU) 2015/2404

of 16 December 2015

operating deductions from fishing quotas available for certain stocks in 2015 on account of overfishing of other stocks in the previous years and amending Implementing Regulation (EU) 2015/1801

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), (3) and (5) thereof,

Whereas:

(1) Fishing quotas for the year 2014 were established by:
- Council Regulation (EU) No 1262/2012[(2)],
- Council Regulation (EU) No 1180/2013[(3)],
- Council Regulation (EU) No 24/2014[(4)], and
- Council Regulation (EU) No 43/2014[(5)].

(2) Fishing quotas for the year 2015 were established by:
- Council Regulation (EU) No 1221/2014[(6)],
- Council Regulation (EU) No 1367/2014[(7)],
- Council Regulation (EU) 2015/104[(8)], and
- Council Regulation (EU) 2015/106[(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) 2015/1801[(10)] has established deductions from fishing quotas for certain stocks in 2015 on account of overfishing in the previous years.

(5) However, for certain Member States no deductions could be operated by Regulation (EU) 2015/1801 from quotas allocated for the overfished stocks because such quotas were not available for those Member States in the year 2015.

(6) In certain cases, exchanges of fishing opportunities concluded in accordance with Article 16(8) of Regulation (EU) No 1380/2013[(11)] enabled partial deductions. The remaining quantities should be operated on other stocks pursuant to Article 105(5) of Regulation (EC) No 1224/2009.

(7) 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 should be operated on other stocks in the same geographical area or with the same commercial value. According to Commission Communication No 2012/C-72/07[(12)] 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.

(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) At the request of Portugal, redfish in Norwegian waters of I and II (RED/1N2AB.) should be used as alternative stock to payback the overfishing of respectively 371 766 kilograms and 178 850 kilograms for haddock and saithe in Norwegian waters of I and II (HAD/1N2AB. and POK/1N2AB.) in the previous years. Considering that the Portuguese 2015 quota of redfish in Norwegian waters of I and II amounts to 405 000 kilograms and is not sufficient to cover the deductions due for both overfished stocks, this quota should be used to the full extent of its available quantity and a remaining quantity of 145 616 kilograms should be deducted in the following year(s) on account of saithe in the same area (POK/1N2AB.) until the full overfished amount is paid back.

(10) Moreover, certain deductions provided for by Implementing Regulation (EU) 2015/1801 appear to be insufficient. The required deductions appear to be larger than the adapted quota available in the year 2015 and, as a consequence, cannot be entirely operated on that quota. According to Commission Communication No 2012/C-72/07, the remaining amounts should be deducted from the adapted quotas available in subsequent years.

(11) Following Commission Implementing Regulation (EC) No 2015/1170[(13)], a quantity of 3 369 kilograms corresponding to 10 % of the Spanish 2014 adapted quota for Norway lobster in areas IX and X and Union waters of CECAF 34.1.1 (NEP/9/3411) is no longer available to Spain following a quota transfer. Consequently, the available quantity of 9 287 kilograms subtracted from the outstanding deduction of 19 000 kilograms owed for that stock should be reduced to 5 918 kilograms and a further deduction of 3 369 kilograms should be immediately applicable.

(12) Implementing Regulation (EU) 2015/1801 should therefore be amended accordingly,

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2015/2404. (See end of Document for details)*

HAS ADOPTED THIS REGULATION:

Article 1

The fishing quotas for the year 2015 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) 2015/1801 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, 16 December 2015

For the Commission

The President

Jean-Claude JUNCKER

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2015/2404. (See end of Document for details)*

ANNEX I

DEDUCTIONS FROM QUOTAS FOR STOCKS OTHER THAN THOSE WHICH HAVE BEEN OVERFISHED

Member State	Species code	Area code	Species name	Area name	Permitted landings 2014 (Total adapted quantity in kilograms)[a]	Total catches 2014 (quantity in kilograms)	Quota consumption (%)	Overfishing related to permitted landing (quantity in kilograms)	Multiplying factor	Additional Multiplying factor[b]	Remaining deduction from 2014[c] (quantity in kilograms)	Quota balance (quantity in kilograms)	Deductions 2015 (quantity in kilograms)	Deduction already applied in 2015 on the same stock (quantity in kilograms)	Remaining quantity to be deducted on alternative stock (quantity in kilograms)[g]
ES	DWS	56789	Deep-sea sharks	EU and international waters of V, VI, VII, VIII and IX	0	3 039	N/A	3 039	/	A	/	/	4 559	0	4 559
Deduction to be made on the following stock															
ES	BSF	56712	Black scabbardfish	Union and international waters of V, VI, VII and XII	/	/	/	/	/	/	/	/	/	/	4 559
ES	GHL	1N2AC	Greenland halibut	Norwegian waters of I and II	0	22 685	N/A	22 685	/	/	/	/	22 685	0	22 685
Deduction to be made on the following stock															
ES	RED	1N2AB	Redfish	Norwegian waters	/	/	/	/	/	/	/	/	/	/	22 685

				of I and II											
ES	HAD	5BC6A	Haddock	Union and international waters of Vb and VIa	2 840	18 933	666,65 %	16 093	/	A	12 540	/	36 680	2 564	34 116
Deduction to be made on the following stock															
ES	LIN	6X14	Ling	Union and international waters of VI, VII, VIII, IX, X, XII and XIV	/	/	/	/	/	/	/	/	/	/	34 116
ES	HAD	7X7AB	Haddock	VIIb-k, VIII, IX and X; Union waters of CECAF 34.1.1	0	3 075	N/A	3 075	/	A	/	/	4 613	0	4 613
Deduction to be made on the following stock															
ES	WHG	08	Whiting	VIII	/	/	/	/	/	/	/	/	/	/	4 613
ES	OTH	1N2AB	Other species	Norwegian waters of I and II	0	26 744	N/A	26 744	/	/	/	/	26 744	4 281	22 463
Deduction to be made on the following stock															