Commission Implementing Regulation (EU) No 1402/2013 of 19 December 2013 operating deductions from fishing quotas available for certain stocks in 2013 on account of overfishing of other stocks in the previous year and amending Implementing Regulation (EU) 770/2013 as regards amounts to be deducted in future years

COMMISSION IMPLEMENTING REGULATION (EU) No 1402/2013

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operating deductions from fishing quotas available for certain stocks in 2013 on account of overfishing of other stocks in the previous year and amending Implementing Regulation (EU) 770/2013 as regards amounts to be deducted in future 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), (3) and (5) thereof,

Whereas:

(1) Fishing quotas for the year 2012 have been established by:

- Council Regulation (EU) No 1225/2010 of 13 December 2010 fixing for 2011 and 2012 the fishing opportunities for EU vessels for fish stocks of certain deep-sea fish species[(2)],
- Council Regulation (EU) No 1256/2011 of 30 November 2011 fixing for 2012 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) No 1124/2010[(3)],
- Council Regulation (EU) No 5/2012 of 19 December 2011 fixing for 2012 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Black Sea[(4)],
- Council Regulation (EU) No 43/2012 of 17 January 2012 fixing for 2012 the fishing opportunities available to EU vessels for certain fish stocks and groups of fish stocks which are not subject to international negotiations or agreements[(5)], and
- Council Regulation (EU) No 44/2012 of 17 January 2012 fixing for 2012 the fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements[(6)].

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 1402/2013. (See end of Document for details)*

(2) Fishing quotas for the year 2013 have been established by:

— Council Regulation (EU) No 1262/2012 of 20 December 2012 fixing for 2013 and 2014 the fishing opportunities for EU vessels for certain deep-sea fish stocks[7],

— Council Regulation (EU) No 1088/2012 of 20 November 2012 fixing for 2013 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea[8],

— Council Regulation (EU) No 1261/2012 of 20 December 2012 fixing for 2013 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Black Sea[9],

— Council Regulation (EU) No 39/2013 of 21 January 2013 fixing for 2013 the fishing opportunities available to EU vessels for certain fish stocks and groups of fish stocks which are not subject to international negotiations or agreements[10], and

— Council Regulation (EU) No 40/2013 of 21 January 2013 fixing for 2013 the fishing opportunities available in EU waters and, to EU vessels, in certain non- EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements[11].

(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(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 that overfished the quota, taking into account the need to avoid discards in mixed fisheries.

(5) For certain Member States no deductions could be operated by Implementing Regulation (EU) No 770/2013 from quotas allocated for the overfished stocks because such quotas were not available for those Member States in the year 2013.

(6) The Member States concerned have been consulted with regard to the proposed deductions from quotas allocated for other stocks than those which have been overfished.

(7) Lithuania has overfished its quota for the horse mackerel stock JAX/2A-14 (horse mackerel and associated by-catches in EU waters of ICES zones IIa and IVa, in ICES zones VI, VIIa-c,VIIe-k, VIIIa, VIIIb, VIIId and VIIIe, in EU and international waters of ICES zone Vb and in international waters of ICES zones XII and XIV) by 606,119 tonnes. Because Lithuania has no quota available for JAX/2A-14 in 2013, Lithuania has requested to operate the deduction from the quota for the greater silver smelt stock in the same geographical area ARU/567 (greater silver smelt stock in EU and

international waters of ICES zones V, VI and VII). Lithuania having provided evidence of the important difference in the average value over the period concerned of these two commercial species and considering that the conservation status of these two species appears to be comparable, the amount of the deduction should be set at 400 tonnes of ARU/567.

(8) Deductions from quotas for other stocks than those which have been overfished, as provided for by this Regulation, should apply without prejudice to deductions applicable to 2013 quotas pursuant to

— Commission Regulation (EU) No 165/2011[13];

— Commission Implementing Regulation (EU) No 185/2013[14].

(9) Commission Implementing Regulation (EU) No 770/2013[15] has established deductions from fishing quotas for certain stocks in 2013 on account of overfishing in the previous years.

(10) Certain deductions provided for by Implementing Regulation (EU) No 770/2013 appear to be larger than the adapted quota available in the year 2013 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) Implementing Regulation (EU) No 770/2013 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

1 The fishing quotas for the year 2013 referred to in the Annex I to this Regulation shall be reduced by applying the deductions on alternative stocks set out in that Annex.

2 Paragraph 1 shall apply without prejudice to deductions provided for in Regulation (EU) No 165/2011 and Implementing Regulation (EU) No 185/2013.

Article 2

The Annex to Implementing Regulation (EU) No 770/2013 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.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 1402/2013. (See end of Document for details)*

Done at Brussels, 19 December 2013.

For the Commission

The President

José Manuel BARROSO

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 1402/2013. (See end of Document for details)*

ANNEX I

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

Member State	Species code	Area code	Species name	Area name	Permitted landings 2012 (TAC adapted if quantity in tons)[a]	Total catches 2012 (quantity in tons)	Quota consumption (quantity in tons)	Overfishing (quantity in tons)	Multiplying factor[b] (%)	Additional multiplying factor[c]	Reduction from 2012[d] (quantity in tons)	Remaining outstanding balance (quantity in tons)	Deductions 2013 (quantity in tons)
DK	DGS	03A-C.	Spurdog dogfish	EU waters of IIIa	0	0,82	N.A.	0,82	/	/	/	/	0,82
Deduction to be made on the following stock													
DK	NEP	3A/BCD	Norway lobster	IIIa; EU waters of Subdivisions 22-32	/	/	/	/	/	/	/	/	0,82
DK	DGS	2AC4-C	Spurdog dogfish	EU waters of IIa and IV	0	1,29	N.A	1,29	/	/	/	/	1,29
Deduction to be made on the following stock													
DK	NEP	2AC4-C	Norway lobster	EU waters of IIa and IV	/	/	/	/	/	/	/	/	1,29
DK	OTH	1N2AB	Other species	Norwegian waters of I and II	0	4,74	N.A.	4,74	/	/	/	/	4,74
Deduction to be made on the following stock													
DK	HAD	2AC4.	Haddock	IV; EU waters of IIa	/	/	/	/	/	/	/	/	4,74