Commission Implementing Regulation (EU) No 770/2013 of 8 August 2013 operating deductions from fishing quotas available for certain stocks in 2013 on account of overfishing in the previous years

COMMISSION IMPLEMENTING REGULATION (EU) No 770/2013

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operating deductions from fishing quotas available for certain stocks in 2013 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 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)].

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

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 770/2013. (See end of Document for details)*

— 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(2) and (3) of Regulation (EC) No 1224/2009 provide that such deductions shall be operated in the following year or years by applying certain multiplying factors as set out therein.

(5) Certain Member States have exceeded their fishing quotas for the year 2012. It is therefore appropriate to operate deductions on the fishing quotas allocated to them in 2013 and, where appropriate, in subsequent years, for the overfished stocks.

(6) In 2012, Spain has overfished its Norway lobster quota in area IX and X; EU waters of CECAF 34.1.1 (NEP/93411). As this stock is subject to a multiannual plan[12], a multiplying factor of *1.5 should apply. By letter of 26 March 2013, Spain requested to spread the deduction due over three years. 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 from the Commission – Guidelines for deduction of quotas under article 105(1), (2) and (5) of Regulation (EC) No 1224/2009[13] the Commission agrees on this request.

(7) Commission Implementing Regulation (EU) No 700/2012 of 30 July 2012 operating deductions from fishing quotas available for certain stocks in 2012 on account of overfishing in the previous year[14] and Commission Implementing Regulation (EU) No 1136/2012 of 30 November 2012 operating deductions from fishing quotas available for certain stocks in 2012 on account of overfishing of other stocks in the previous years and amending Implementing Regulation (EU) No 700/2012 as regards amounts to be deducted in future years[15] have operated deductions from fishing quotas for certain

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countries and species for 2012. However, for certain Member States the deductions to be applied were higher than their respective 2012 quota and could therefore not be operated entirely in that year. To ensure that also in such cases the full amount be deducted, the remaining quantities should be taken into account when establishing deductions from 2013 and, where appropriate, subsequent quotas.

HAS ADOPTED THIS REGULATION:

Article 1

1 The fishing quotas fixed in Regulations (EU) No 1262/2012, (EU) No 1088/2012, (EU) No 1261/2012, (EU) No 39/2013 and (EU) No 40/2013 for the year 2013 are reduced as shown in the Annex.

2 Paragraph 1 shall apply without prejudice to reductions provided for in Commission Regulation (EU) No 165/2011[(16)].

Article 2

The Spanish deduction of 75,45 tonnes applicable in 2013 due to overfishing in 2012 to the stock of Norway lobster in area IX and X; EU waters of CECAF 34.1.1 (NEP/93411) is spread over three years.

The annual deduction applicable to the Spanish NEP/93411 stock will amount to 25,15 tonnes in 2013, 2014 and 2015 without prejudice to any further quota adaptation due to possible subsequent overfishing.

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.

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[F1ANNEX

Textual Amendments

F1 Substituted by 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.

DEDUCTIONS FROM QUOTAS FOR STOCKS WHICH HAVE BEEN OVERFISHED

Member State	Species code	Area code	Species name	Area name	Initial quota 2012	Permitted landings 2012 (quantity adapted in tons)[a]	Total catches 2012 (quantity in tons)	Quota consumed (%)	Overfishing related to permitted landings (quantity in tons)	Multiplying factor	Applying Multiplying factor	Remaining deduction from 2012	Quantity balanced	Deduction applied in 2013 (quantity in tons)	Remaining quantities to be deducted in 2014 and following year(s) (quantity in tons)
BE	PLE	7FG.	Plaice	VIIf and VIIg	46	185,9	202,9	109,14	7	/	/	/	/	17	
BE	POL	8ABDE	Pollack	VIIIa, VIIIb, VIIId and VIIIe	0	0	0,2	N.A.	0,2	/	/	/	/	0,2	
DK	DGS	03A-C.	Spurdog	EU waters of IIIa	0	0	0,82	N.A.	0,82	/	/	/	/	0,82	
DK	DGS	2AC4C	Spurdog	EU waters of IIa and IV	0	0	1,29	N.A.	1,29	/	/	/	/	1,29	
DK	HAD	1N2AB	Haddock	Norwegian waters of I and II	0	0	0,16	N.A.	0,16	/	/	/	/	0,16	
DK	HKE	2AC4C	Hake	EU waters	1 119	875	918,62	104,99	43,62	/	C	/	/	65,43	

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				of IIa and IV											
DK	OTH	1N2AC	Other species	Norwegian waters of I and II	0	0	4,74	N.A.	4,74	/	/	/	/	4,74	
DK	POR	3-1234	Porbeagle	French Guiana waters, Kattegat; EU waters of Skagerrak, I, II, III, IV, V, VI, VII, VIII, IX, X, XII and XIV; EU waters of CECAF 34.1.1, 34.1.2 and 34.2	0	0	0,32	N.A.	0,32	/	/	/	/	0,32	
DE	DGS	2AC4C	Spurdog	EU waters of IIa and IV	0	0	0,87	N.A.	0,87	/	/	/	/	0,87	
IE	HAD	7X7AB	Haddock	VIb-k, VIII, IX and X; EU waters	3 699	3 745	4 126,037	110,17	381,037	37,2	/	/	/	457,244	