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

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

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 2011 have been established by:

- Council Regulation (EU) No 1124/2010 of 29 November 2010 fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea[(2)],
- 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[(3)],
- Council Regulation (EU) No 1256/2010 of 17 December 2010 fixing the fishing opportunities for certain fish stocks applicable in the Black Sea for 2011[(4)], and
- Council Regulation (EU) No 57/2011 of 18 January 2011 fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non-EU waters[(5)].

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

- Regulation (EU) No 1225/2010,

— Council Regulation (EU) No 716/2011 of 19 July 2011 establishing the fishing opportunities for anchovy in the Bay of Biscay for the 2011/2012 fishing season[6],

— 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[7],

— 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[8],

— 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[9], 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[10].

(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) No 700/2012[11] has established deductions from fishing quotas for certain stocks for 2012 on account of overfishing of those stocks in the previous years.

(5) Certain deductions provided for by Implementing Regulation (EU) No 700/2012 appear to be larger than the adapted quota available in the year 2012 and, as a consequence, cannot be entirely operated on that quota. According to Commission Communication 2012/C 72/07[12], the remaining amounts should be deducted from the adapted quotas available in subsequent years.

(6) Implementing Regulation (EU) No 700/2012 should therefore be amended accordingly.

(7) For certain Member States no deductions could be operated by Implementing Regulation (EU) No 700/2012 from quotas allocated for the overfished stocks because such quotas were not available for those Member States in the year 2012.

(8) According to Communication 2012/C 72/07, 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 quota available, the deduction should be operated on other stocks in the same geographical area or with the same commercial value. 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.

(9) 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.

(10) Deductions provided by this Regulation should apply without prejudice to deductions applicable to 2012 quotas pursuant to:

— Commission Regulation (EC) No 147/2007 of 15 February 2007 adapting certain fish quotas from 2007 to 2012 pursuant to Article 23(4) of Council Regulation (EC) No 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy[(13)], and

— Commission Regulation (EU) No 165/2011 of 22 February 2011 providing for deductions from certain mackerel quotas allocated to Spain in 2011 and subsequent years on account of overfishing in 2010[(14)],

HAS ADOPTED THIS REGULATION:

Article 1

1 The fishing quotas for the year 2012 referred to in the Annex I to this Regulation shall be reduced by applying the deductions set out in that Annex.

2 Paragraph 1 shall apply without prejudice to reductions provided for in Regulations (EC) No 147/2007 and (EU) No 165/2011.

Article 2

The Annex to Implementing Regulation (EU) No 700/2012 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, 30 November 2012.

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 1136/2012. (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 2011 (total adapted quantity in tons)[a]	Total catches 2011 (quantity in tons)	Quota consumption (quantity in tons)	Overfishing to be applied (%)	Multiplying factor	Additional multiplying factor[b]	Remaining deduction from 2011[c] (quantity in tons)	Deductions 2012 (quantity in tons)[d]
DK′	DGS	03A-C	Spurdog/ dogfish	EU waters of IIIa	0,0	1,0	—	1,0	1		12	13,0
Deduction to be made on the following stock												
DK	NEP	3A/ BCD	Norway lobster	IIIa; EU waters of Subdivisions 22-32	/	/	/	/	/	/	/	13,0
DE	DGS	2AC4-C	Spurdog/ dogfish	EU waters of IIa and IV	0,0	0,7	—	0,7	1			0,7
Deduction to be made on the following stock												
DE	LIN	04-C	Ling	EU waters of IV	/	/	/	/	/	/	/	0,7
IE	NOP	2A3A4	Norway pout and associated by-catches	IIIa; EU waters of IIIa and IV	0,0	5,0	—	5,0	1			5,0
Deduction to be made on the following stock												
IE	WHB	1X14	Blue whiting	EU and international waters of I, II, III, IV, V, VI, VII,	/	/	/	/	/	/	/	5,0

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 1136/2012. (See end of Document for details)*

				VIIIa, VIIIb, VIIId, VIIIe, XII and XIV								
ES	COD	7XAD34	Cod	VIIb, VIIc, VIIe-k, VIII, IX and X; EU waters of CECAF 34.1.1	0,0	0,9	—	0,9	1			0,9
Deduction to be made on the following stock												
ES	HKE	57214	Hake	VI and VII; EU and international waters of Vb; international waters of XII and XIV	/	/	/	/	/	/	/	0,9
ES	DGS	15X14	Spurdog dogfish	EU and international waters of I, V, VI, VII, VIII, XII and XIV	1,0	6,2	620,0	5,2	1			5,2
Deduction to be made on the following stock												