Commission Implementing Regulation (EU) 2020/267 of 26 February 2020 operating a deduction from the Atlantic salmon fishing quota available to Poland in 2019 on account of overfishing in 2017

COMMISSION IMPLEMENTING REGULATION (EU) 2020/267

of 26 February 2020

operating a deduction from the Atlantic salmon fishing quota available to Poland in 2019 on account of overfishing in 2017

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 Union 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(4) thereof,

Whereas:

(1) The fishing quota for Atlantic salmon in Union waters of Subdivisions 22 to 31 (SAL/3BCD-F) was allocated to Poland for the year 2017 by Council Regulation (EU) 2016/1903.[(2)]

(2) Following quota exchanges between Poland and Latvia pursuant to Article 16(8) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council[(3)] and the use by Poland of the year-to-year flexibility pursuant to Article 15(9) of that Regulation, the salmon fishing quota for Poland for 2017 was increased from initially 6 030 to 13 693 pieces of salmon.

(3) During inspection missions carried out in Poland in accordance with Regulation (EC) No 1224/2009 during 2018 the Commission detected misreported and under-reported catch data revealing that the 2017 Polish quota for Atlantic Salmon in Union waters of Subdivisions 22-31 had been exceeded by 2 246 pieces of salmon. The inconsistencies in catch composition reporting and the level of overfishing were corroborated by several audit and verification missions conducted in Poland during 2018 and 2019 in accordance with Regulation (EC) No 1224/2009. These audit reports were duly communicated to and discussed with Poland

(4) According to the procedure set out in Article 105(4) of Regulation (EC) No 1224/2009 the Commission engaged a consultation with Poland on the quantities overfished and on the deductions to be operated by means of a letter dated 11 October 2019. The Polish authorities confirmed the receipt of this letter on 11 October 2019.

(5) In a letter dated 31 October 2019, Poland acknowledged that it had exceeded its salmon quota in the year 2017 by 2 246 pieces of salmon, and proposed to deduct the amount from its 2019 quota. Following quota exchanges, Poland's quota for Atlantic salmon in 2019 is sufficient to operate this deduction in addition to the deduction operated on account of overfishing in 2018.[(4)]

(6) According to Article 105(2) of Regulation (EC) No 1224/2009 a multiplying factor of 1,00 is to be applied where, as in this case, the extent of overfishing relative to permitted landing was equal to, or less than a 100 tonnes.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

The fishing quota for Atlantic salmon (*Salmo Salar*) in Union waters of Subdivisions 22-31 allocated to Poland for the year 2019 by Council Regulation (EU) 2018/1628[(5)] shall be reduced as shown in the Annex to this Regulation.

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.

Done at Brussels, 26 February 2020.

For the Commission

The President

Ursula VON DER LEYEN