Commission Regulation (EU) No 1004/2010 of 8 November 2010 of operating deductions from certain fishing quotas for 2010 on account of overfishing in the previous year

COMMISSION REGULATION (EU) No 1004/2010

of 8 November 2010

of operating deductions from certain fishing quotas for 2010 on account of overfishing in the previous year

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 Articles 105(1) thereof,

Whereas:

(1) Fishing quotas for the year 2009 have been established by:

- Council Regulation (EC) No 1322/2008 of 28 November 2008 fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2009[(2)],
- Council Regulation (EC) No 1139/2008 of 10 November 2008 fixing the fishing opportunities and the conditions relating thereto for certain fish stocks applicable in the Black Sea in 2009[(3)]
- Council Regulation (EC) No 1359/2008 of 28 November 2008 fixing for 2009 and 2010 the fishing opportunities for Community fishing vessels for certain deep-sea fish stocks[(4)], and
- Council Regulation (EC) No 43/2009 of 16 January 2009 fixing for 2009 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required.

(2) Fishing quotas for the year 2010 have been established by:

- Council Regulation (EC) No 1359/2008,
- Council Regulation (EC) No 1226/2009 of 20 November 2009 fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2010[(5)],

— Council Regulation (EC) No 1287/2009 fixing the fishing opportunities and the conditions relating thereto for certain fish stocks applicable in the Black Sea in 2010[6] and

— Council Regulation (EU) No 53/2010 of 14 January 2010 fixing for 2010 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in waters where catch limitations are required and amending Regulations (EC) No 1359/2008, (EC) No 754/2009, (EC) No 1226/2009 and (EC) No 1287/2009[7].

(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 shall operate deductions from future fishing quotas of that Member State.

(4) Certain Member States have exceeded their fishing quotas for the year 2009. It is therefore appropriate to operate deductions from the fishing quotas allocated to them in the year 2010.

(5) Commission Regulation (EC) No 649/2009[8] has operated deductions from fishing quotas for 2009 on account of overfishing of quotas in 2008. However, for certain Member States the deductions to be applied were higher than their respective 2009 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 2010 quotas.

(6) Deductions provided for by this Regulation should apply without prejudice to deductions applicable to 2010 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[9] and

— Commission Regulation (EC) No 635/2008 of 3 July 2008 adapting the cod fishing quotas to be allocated to Poland in the Baltic Sea (Subdivisions 25-32, EC Waters) from 2008 to 2011 pursuant to Council Regulation (EC) No 338/2008[10].

(7) Paragraph 2 of Article 105 of Regulation (EC) No 1224/2009 provides that deductions from fishing quotas are to be operated by applying certain multiplying factors set out in that paragraph.

(8) However, since deductions to be operated apply to overfishing that occurred in 2009 and thus at a time when Regulation (EC) No 1224/2009 was not yet applicable, legal predictability concerns make it opportune to operate deductions that are not more stringent than those which would have resulted from the application of the rules in force at that time, namely the rules set out in Article 5(2) of Regulation (EC) No 847/96 introducing additional conditions for year-to-year management of TACs and quotas[11],

HAS ADOPTED THIS REGULATION:

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) No 1004/2010. (See end of Document for details)*

Article 1

1 The fishing quotas fixed in Regulations (EC) No 1226/2009, (EC) No 1287/2009, (EC) No 1359/2008 and (EU) No 53/2010 are reduced as shown in the Annex.

2 Paragraph 1 shall apply without prejudice to reductions provided for in Regulations (EC) No 147/2007 and (EC) No 635/2008.

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.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) No 1004/2010. (See end of Document for details)*

ANNEX

Member State	Species Code	Area Code 2009	Species Name	Area Name 2009	Penalties Art. 5(2) R.847/96	Final Quota 2009	Margin	Total Adapted Qty 2009	SC Code 2009	Catches 2009	Total Catches 2009	%	Deductions 2009	Initial Qty 2010	Remaining deductions from 2009 (R.649/09)	Remaining Qty 2010	Outstanding Balance
BGR	TUR	F37	Turbot	Black Sea	y	50,0	0,0	50,0	0,0	52,26	52,26	104,5	–% 2,26	48,0		46	
DEU	PLE	3BCD-C	Plaice	EC waters of subdivisions 22-32	y	305,0	0,0	305,0	0,0	314,7	314,7	103,2	–% 9,7	242,0		232	
DNK	DGS	03A-C	Spurdog dogfish	EC waters of IIIa	y	36,0	0,0	36,0	0,0	51,1	51,1	141,9	–% 15,1	3,0			12
ESP	BLI	67-	Blue Ling	VI and VII (Community waters and waters not under the sovereignty or jurisdiction of third countries)	y	68,0	0,0	68,0	0,0	187,6	187,6	275,9	–% 159,96	57,0			103
EST	COD	3BC+24	Cod	EC waters of subdivisions 22-24	y	190,0	0,0	190,0	0,0	192,5	192,5	101,3	–% 2,5	171,0		169	
EST	HER	03D.RG	Herring	Subdivision 28.1		16 113,0	0,0	16 113,0	0,0	17 279,0	17 279,0	107,2	–% 166,0	16 809,0		15 643	
[F1 ESP	RED	N3M	Redfish	SPANISH 3M	NO	1 540,0	0,0	1 540,0	0,0	1 642,76	1 642,76	106,7	–% 102,7	1 571,0		1 468	]
[F2]																	
FRA	BLI	245-	Blue ling	Community waters and waters	n	51,0	0,0	51,0	0,0	59,5	59,5	116,7	–% 8,5	25,0		17	

				not under the sovereignty or jurisdiction of third countries of II, IV and V													
GRC	BFT	*AE045W	Atlantic tuna	Western Atlantic Ocean, east of longitude 45o W, and Mediterranean	362,4	0,0	362,4	0,0	373,1	373,1	103,0	–% 10,7	130,3		120		
[X1]																	
[X1]																	
IRL	HAD	7X7A34	Haddock	VIIb-k, VIII, IX and X; EU waters of CECAF 34.1.1	2 965,0	0,0	2 965,0	0,0	2 984,0	2 984,0	100,6	–% 19,0	2 573,0		2 554		
[X2]	NLD	PLE	03AN	Plaice	Skagerrak	303,0	0,0	303,0	0,0	305,6	305,6	100,9	–% 2,6	1 400,0		1 397		]
NLD	OTH	4AB-N		Other species	Norwegian waters of IV	64,0	0,0	64,0	0,0	68,9	68,9	107,7	–% 4,9	200,0		195		
NLD	BSF	56712	Black scabbardfish	Community waters and waters not under the		0,0	0,0	0,0	0,0	0,0	0,0	0,0	% 0,0	0,0	– 5,0		5	