Commission Regulation (EC) No 649/2009 of 23 July 2009 adapting certain fish quotas for 2009 in the context of the year-to-year management of fishing quotas

COMMISSION REGULATION (EC) No 649/2009

of 23 July 2009

adapting certain fish quotas for 2009 in the context of the year-to-year management of fishing quotas

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy[(1)], and in particular Article 23(4) thereof,

Having regard to Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas[(2)], and in particular Article 4(2) thereof,

Whereas:

(1) According to Article 23(4) of Regulation (EC) No 2371/2002, when the Commission has established that a Member States has exceeded the fishing opportunities which have been allocated to it, the Commission shall operate deductions from future opportunities from that Member State.

(2) Article 5 of Regulation (EC) No 847/96 establishes the criteria and conditions by which the Commission may operate such deductions.

(3) According to Article 4(2) of Regulation (EC) No 847/96 Member States may ask the Commission, before 31 October in the year of application of the quota, to withhold a maximum of 10 % of its quota to be transferred to the following year. The Commission shall add to the relevant quota the quantity withheld.

(4) Council Regulation (EC) No 2015/2006 of 19 December 2006 fixing for 2007 and 2008 the fishing opportunities for Community fishing vessels for certain deep-sea fish stocks[(3)], Council Regulation (EC) No 1404/2007 of 26 November 2007 fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2008[(4)], Council Regulation (EC) No 1579/2007 of 20 December 2007 fixing the fishing opportunities and the conditions relating thereto for certain fish stocks and groups of fish stocks applicable in the Black Sea for 2008[(5)] and Council Regulation (EC) No 40/2008 of 16 January 2008 fixing for 2008 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[(6)], fix quotas for certain stocks for 2008 and specify which stocks may be subject to the measures foreseen by Regulation (EC) No 847/96.

(5) 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[7], 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[8], 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[9] 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[10], fix quotas for certain stocks for 2009.

(6) For the United Kingdom and Ireland and for Poland, some of these 2009 quotas have been adapted by 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[11] 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[12].

(7) Certain Member States have requested, before 31 October of 2008, pursuant to Article 4(2) Regulation (EC) No 847/96 that part of their quotas for 2008 be withheld and transferred to the following year. Within the limits indicated in that Regulation, the quantities withheld should be added to the quota for 2009.

(8) On the basis of Article 5(1) of Regulation (EC) No 847/96, deductions from national quotas for 2009 should be at a level equivalent to the quantity fished in excess. On the basis of Article 5(2) of Regulation (EC) No 847/96 weighted deductions from national quotas for 2009 should apply in the case of overfishing of permitted landings in 2008 for certain stocks identified in Regulations (EC) No 2015/2006, (EC) No 1404/2007, (EC) No 1579/2007 and (EC) No 40/2008.

(9) For certain Member States the deductions to be applied are higher than their respective 2009 quota. Having regard to the rules set out in Article 23(4) of Regulation (EC) No 2371/2002, in view of equal treatment of Member States and in order to contribute to the conservation of resources in an effective way by compensating as fully as possible for past overfishing, it is appropriate to ensure that also in such cases the full amount be deducted. Consequently, the vessels of those Member States should not be allowed to fish for the species concerned in the relevant areas in 2009 and the remaining quantities to be deducted should be deducted in subsequent years. The Commission should therefore, in accordance with the procedure referred to in Article 23(4) of Regulation (EC) No 2371/2002, deduct the remaining quantity from the relevant quota for 2010 and, as appropriate, for subsequent years.

(10) Nevertheless, Member States should be allowed to compensate the quantities remaining to be deducted, by way of obtaining, during 2009, additional fishing opportunities for the concerned stock through a quota exchange on the basis of Article 20(5) of

Regulation (EC) No 2371/2002 and thus to avoid deduction of those quantities from their fishing opportunities for 2010 or subsequent years.

(11) 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

1 The fish quotas fixed in Regulations (EC) No 1139/2008, (EC) No 1322/2008, (EC) No 1359/2008 and (EC) No 43/2009 are increased as shown in Annex I or reduced as shown in Annex II.

2 Paragraph 1 shall apply without prejudice to the 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 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 (EC) No 649/2009. (See end of Document for details)*

ANNEX I

TRANSFERS ONTO 2009 QUOTAS

Member State	Stock Id	Species	Zone	Final quota 2008	Catches 2008	SC catches 2008	% final quota	Transferred Qty	Initial quota 2009	Revised quota 2009	New code 2009
BEL	ANF/07.	Anglerfish	VII	2 345	515,0	129,8	27,5	234,5	2 595	2 830	
BEL	ANF/8ABDE.	Anglerfish	VIIIa, VIIIb, VIIId and VIIIe	70	65,9	0	94,1	4,1	0	4	
BEL	COD/07A.	Cod	VIIa	69	22,9	0	33,2	6,9	12	19	
BEL	COD/7XAD34	Cod	VIIb to k, VIII, IX and X; EC waters of CECAF 34.1.1	209	201,0	0	96,2	8,0	167	173	COD/7XAD34
									72	74	COD/07D.
BEL	HAD/5B14.	Haddock	EC waters of Vb and VIa	9	0,0		0,0	0,9	4	5	
BEL	HAD/6B12.	Haddock	VIb, XII and XIV	17	0,0	0	0,0	1,7	13	15	
BEL	HKE/2AC4-C	Hake	EC waters of IIa and IV	85	55,8	0	65,6	8,5	26	35	
BEL	HKE/57/12.	Hake	VI, VII; EC waters of Vb, international waters of XII and XIV	231	7,0	0	3,0	23,1	265	288	

BEL	HKE/8ABDE.	Hake	VIIIa, b, d, e	10	3,0	0	30,0	1,0	9	10	
BEL	LEZ/07.	Megrim	VII	494	137,1	0	27,8	49,4	494	543	
BEL	LEZ/8ABDE.	Megrim	VIIIa, b, d, e	6	5,3	0	88,3	0,6	0	1	
BEL	LIN/04.	Ling	EC waters of IV	17	13,4	0	78,8	1,7	18	20	
BEL	LIN/6X14.	Ling	EC and International waters of VI, VII, VIII, IX, X, XII and XIV	70	49,0	0	70,0	7,0	40	47	
BEL	NEP/2AC4-C	Norway lobster	EC waters of IIa and IV	556	197,0	0	35,4	55,6	1 299	1 355	
BEL	PLE/07A.	Plaice	VIIa	626	135,9	0	21,7	62,6	37	100	
BEL	PLE/7FG.	Plaice	VIIf and VIIg	236	165,7	0	70,2	23,6	59	83	
BEL	SOL/07A.	Common sole	VIIa	493	204,6	0	41,5	49,3	237	286	
BEL	SOL/07D.	Common sole	VIId	1 965	1 253,4	0	63,8	196,5	1 420	1 617	
BEL	SOL/24.	Common sole	EC waters of II and IV	1 380	1 354,0	0	98,1	26,0	1 159	1 185	
BEL	SOL/7FG.	Common sole	VIIf and VIIg	654	423,2	0	64,7	65,4	621	686	
BEL	SOL/7HJK.	Common sole	VIIh, VIIj and VIIk	54	8,1	0	15,0	5,4	46	51	