

## II

*(Non-legislative acts)*

## REGULATIONS

## 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 <sup>(1)</sup>, 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. <sup>(2)</sup>
- (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 <sup>(3)</sup> 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. <sup>(4)</sup>

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

<sup>(2)</sup> Council Regulation (EU) 2016/1903 of 28 October 2016 fixing for 2017 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2016/72 (OJ L 295, 29.10.2016, p. 1).

<sup>(3)</sup> Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

<sup>(4)</sup> Commission Implementing Regulation (EU) 2019/2095 of 29 November 2019 operating deduction from the Atlantic salmon fishing quota available to Poland in 2019 on account of overfishing in 2018 (OJ L 317, 9.12.2019, p. 105).

- (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 <sup>(3)</sup> 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

---

<sup>(3)</sup> Council Regulation (EU) 2018/1628 of 30 October 2018 fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2018/120 as regards certain fishing opportunities in other waters (OJ L 272, 31.10.2018, p. 1).

## ANNEX

Mem-ber State	Species code	Area code	Species name	Area name	Initial quota 2017 (in pieces)	Permitted landings 2017 (Total adapted quantity in pieces) <sup>(1)</sup>	Total catches 2017 (quantity in pieces)	Quota consumption related to permitted landings	Overfishing related to permitted landing (quantity in pieces)	Multiplying factor <sup>(2)</sup>	Additional Multiplying factor <sup>(3)</sup> <sup>(4)</sup>	Deductions to apply in 2019 (quantity in pieces)
<b>PL</b>	SAL	3BCD-F	Atlantic salmon	Union waters of subdivisions 22-31	6 030	13 693	15 939	116,40 %	2 246	1,00	/	2 246

<sup>(1)</sup> Quotas available to a Member State pursuant to the relevant fishing opportunities Regulations after taking into account exchanges of fishing opportunities in accordance with Article 16(8) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council (OJ L 354, 28.12.2013, p. 22), quota transfers from 2016 to 2017 in accordance with Article 4(2) of Council Regulation (EC) No 847/96 (OJ L 115, 9.5.1996, p. 3) and with Article 15(9) of Regulation (EU) No 1380/2013 or reallocation and deduction of fishing opportunities in accordance with Articles 37 and 105 of Regulation (EC) No 1224/2009.

<sup>(2)</sup> As set out in Article 105(2) of Regulation (EC) No 1224/2009. Deduction equal to the overfishing \* 1,00 shall apply in all cases of overfishing equal to, or less than, 100 tonnes.

<sup>(3)</sup> As set out in Article 105(3) of Regulation (EC) No 1224/2009 and provided that the extent of overfishing exceeds 10 %.

<sup>(4)</sup> Letter 'A' indicates that an additional multiplying factor of 1,5 has been applied due to consecutive overfishing in the years 2015, 2016 and 2017. Letter 'C' indicates that an additional multiplying factor of 1,5 has been applied as the stock is subject to a multiannual plan.