

## II

*(Non-legislative acts)*

## REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) 2020/2006

of 8 December 2020

**operating deductions from fishing quotas available for certain stocks in 2020 on account of overfishing of other stocks in the previous years and amending Implementing Regulation (EU) 2020/1247**

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(1), (2), (3) and (5) thereof,

Whereas:

- (1) Fishing quotas for the year 2019 have been established by Council Regulations (EU) 2018/1628 <sup>(2)</sup>, (EU) 2018/2025 <sup>(3)</sup>, (EU) 2018/2058 <sup>(4)</sup> and (EU) 2019/124 <sup>(5)</sup>.
- (2) Fishing quotas for the year 2020 have been established by Council Regulations (EU) 2018/2025, (EU) 2019/1838 <sup>(6)</sup>, (EU) 2019/2236 <sup>(7)</sup> and (EU) 2020/123 <sup>(8)</sup>.
- (3) Pursuant 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.

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

<sup>(2)</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).

<sup>(3)</sup> Council Regulation (EU) 2018/2025 of 17 December 2018 fixing for 2019 and 2020 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks (OJ L 325, 20.12.2018, p. 7).

<sup>(4)</sup> Council Regulation (EU) 2018/2058 of 17 December 2018 fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks in the Black Sea (OJ L 329, 27.12.2018, p. 8).

<sup>(5)</sup> Council Regulation (EU) 2019/124 of 30 January 2019 fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 29, 31.1.2019, p. 1).

<sup>(6)</sup> Council Regulation (EU) 2019/1838 of 30 October 2019 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2019/124 as regards certain fishing opportunities in other waters (OJ L 281, 31.10.2019, p. 1).

<sup>(7)</sup> Council Regulation (EU) 2019/2236 of 16 December 2019 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas (OJ L 336, 30.12.2019, p. 14).

<sup>(8)</sup> Council Regulation (EU) 2020/123 of 27 January 2020 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 25, 30.1.2020, p. 1).

- (4) Commission Implementing Regulation (EU) 2020/1247 <sup>(9)</sup> has established deductions from fishing quotas available for certain stocks in 2020 on account of overfishing in the previous years.
- (5) For certain Member States, namely Denmark, Spain and France, certain deductions could not be operated by Implementing Regulation (EU) 2020/1247 from quotas allocated for the overfished stocks because quotas for these stocks are not available for those Member States in the year 2020.
- (6) Article 105(5) of Regulation (EC) No 1224/2009 provides that, 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 available quota for that stock, deductions may be operated on other stocks in the same geographical area or with the same commercial value, following consultations with the Member States concerned. According to Commission Communication 2012/C 72/07 containing Guidelines for deduction of quotas under Article 105(1), (2) and (5) of Regulation (EC) No 1224/2009 <sup>(10)</sup> ('the Guidelines') such deductions should be preferably operated in the following year or years from quotas allocated for stocks fished by the same fleet as the fleet that overfished the quota.
- (7) The Member States concerned have been consulted as regards certain deductions from quotas allocated for stocks other than those which have been overfished.
- (8) Moreover, certain deductions provided for by Implementing Regulation (EU) 2020/1247 exceed the adapted quota available in the year 2020 and, as a consequence, cannot be entirely operated in that year. According to the Guidelines, the remaining amounts should be deducted from the adapted quotas available in subsequent years until the full overfished amount is paid back.
- (9) Furthermore, the Spanish fisheries authorities discovered that the 2019 catch figures used for the calculation of the overfishing for bigeye tuna in the Atlantic Ocean (BET/ATLANT) were incorrect and that its quota was actually exceeded by a lower amount than that taken into account for the deductions established by Implementing Regulation (EU) 2020/1247. The catch figures, quota consumption rate, overfished quantities, and deduction from the 2020 Spanish quota for bigeye tuna in the Atlantic Ocean provided for by Implementing Regulation (EU) 2020/1247 should therefore be adjusted.
- (10) In 2019, Portugal overfished its quota for albacore in the Atlantic Ocean, North of 5° N (ALB/AN05N). On 14 July 2020, Portugal requested to spread the deduction due over two years. According to point 3(c) of the Guidelines, spreading a deduction over two or more years may be accepted where this is provided for under specific international rules (such as those of regional fisheries management organisations) relating to paybacks for the stock concerned. In view of the information provided by Portugal and considering that paragraph 7 of ICCAT Supplemental Recommendation 16-06, concerning the North Atlantic albacore Multi-annual conservation and management programme <sup>(11)</sup>, establishes that any excess of a Contracting Party's annual quota/catch limit for the year 2019 shall be deducted from the respective quota/catch limit during or before the adjustment year 2021, an equal spreading over two years of the deduction, including relevant applicable multiplying factors, should be accepted. Deduction from the 2020 quota provided for by Implementing Regulation (EU) 2020/1247 should therefore be adjusted.
- (11) Further updates or corrections may still occur following the detection, for the current or previous exercise, of errors, omissions or misreporting in the catch figures declared by the Member States pursuant to Article 33 of Regulation (EC) No 1224/2009.
- (12) Implementing Regulation (EU) 2020/1247 should therefore be amended accordingly,

<sup>(9)</sup> Commission Implementing Regulation (EU) 2020/1247 of 2 September 2020 operating deductions from fishing quotas available for certain stocks in 2020 on account of overfishing in the previous years (OJ L 288, 3.9.2020, p. 21).

<sup>(10)</sup> Communication from the Commission – Guidelines for deduction of quotas under Article 105(1), (2) and (5) of Regulation (EC) No 1224/2009 (2012/C 72/07) (OJ C 72, 10.3.2012, p. 27).

<sup>(11)</sup> <https://www.iccat.int/Documents/Recs/compendiopdf-e/2016-06-e.pdf>

HAS ADOPTED THIS REGULATION:

*Article 1*

The fishing quotas fixed for the year 2020 in Regulations (EU) 2018/2025, (EU) 2019/1838, (EU) 2019/2236, and (EU) 2020/123, referred to in Annex I to this Regulation, shall be reduced by applying the deductions on the alternative stocks set out in that Annex.

*Article 2*

Implementing Regulation (EU) 2020/1247 is amended in accordance with 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, 8 December 2020.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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## DEDUCTIONS FROM FISHING QUOTAS FOR THE YEAR 2020 TO BE APPLIED ON ALTERNATIVE STOCKS

OVERFISHED STOCKS						ALTERNATIVE STOCKS					
Member State	Species code	Area code	Species name	Area name	Quantity that cannot be deducted from the 2020 fishing quota for the overfished stock (in kilograms)	Member State	Species code	Area code	Species name	Area name	Quantity to be deducted from the 2020 fishing quota for the alternative stocks (in kilograms)
<b>DK</b>	POK	1N2AB.	Saithe	Norwegian waters of 1 and 2	33 968	<b>DK</b>	HER	1/2-	Herring	Union, Faroese, Norwegian and international waters of 1 and 2	33 968
<b>ES</b>	GHL	1N2AB.	Greenland halibut	Norwegian waters of 1 and 2	18 338	<b>ES</b>	REB	1N2AB.	Redfish	Norwegian waters of 1 and 2	18 338
<b>ES</b>	OTH	1N2AB.	Other species	Norwegian waters of 1 and 2	3 895	<b>ES</b>	REB	1N2AB.	Redfish	Norwegian waters of 1 and 2	3 895
<b>ES</b>	POK	1N2AB.	Saithe	Norwegian waters of 1 and 2	2 607	<b>ES</b>	REB	1N2AB.	Redfish	Norwegian waters of 1 and 2	2 607
<b>FR</b>	SWO	AS05N	Swordfish	Atlantic Ocean, south of 5° N	3 500	<b>FR</b>	ALB	AS05N	Southern albacore	Atlantic Ocean, south of 5° N	3 500

The Annex to Implementing Regulation (EU) 2020/1247 is replaced by the following:

'ANNEX

### DEDUCTIONS FROM FISHING QUOTAS FOR THE YEAR 2020 FOR STOCKS WHICH HAVE BEEN OVERFISHED

Mem-ber State	Spe-cies code	Area code	Species name	Area name	Initial quota 2019 (in kilograms)	Permitted landings 2019 (Total adapted quantity in kilograms) <sup>(1)</sup>	Total catches 2019 (quantity in kilograms)	Quota con-sumption related to permitted landings	Overfishing related to permitted landing (quantity in kilograms)	Multi-plying factor <sup>(2)</sup>	Add-itional Multi-plying factor <sup>(3)</sup> , <sup>(4)</sup>	Out-standing deductions from previous Year(s) <sup>(5)</sup> (quantity in kilograms)	Deductions from fishing quotas for 2020 <sup>(6)</sup> and subsequent years (quantity in kilograms)	Deductions from 2020 fishing quotas for the overfished stocks <sup>(7)</sup> (quantity in kilograms)	Deductions from 2020 fishing quotas for alternative stocks (quantity in kilograms)	To be deducted from fishing quotas for 2021 and subsequent year(s) (quantity in kilograms)
DE	HER	4AB.	Herring	Union and Norwegian waters of 4 north of 53° 30' N	39 404 000	25 460 900	27 182 070	106,76 %	1 721 170	/	/	/	1 721 170	1 721 170	/	/
DE	MAC	2CX14-	Mackerel	3a and 4; Union waters of 2a, 3b, 3c and Subdivisions 22-32	441 000	14 859 024	15 542 581	104,60 %	683 557	/	/	/	683 557	683 557	/	/
DK	MAC	2CX14-	Mackerel	6, 7, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 2a, 12 and 14	/	2 688 463	2 693 920	100,20 %	5 457	/	/	/	5 457	5 457	/	/

<b>DK</b>	MAC	2A34.	Mackerel	3a and 4; Union waters of 2a, 3b, 3c and Subdivi- sions 22-32	14 480 000	13 330 744	14 022 305	105,19 %	691 561	/	/	/	691 561	691 561	/	/
<b>DK</b>	MAC	2A4A-N	Mackerel	Norwegian waters of 2a and 4a	10 242 000	10 252 106	11 197 228	109,22 %	945 122	/	/	/	945 122	945 122	/	/
<b>DK</b>	POK	1N2AB.	Saithe	Norwegian waters of 1 and 2	/	17 000	50 968	299,81 %	33 968	1,00	/	/	33 968	/	33 968	/
<b>ES</b>	BET	ATLANT	Bigeye tuna	Atlantic Ocean	9 415 300	8 941 151	9 090 055	101,67 %	148 904	/	C <sup>(8)</sup>	/	148 904	148 904	/	/
<b>ES</b>	COD	1/2B.	Cod	1 and 2b	11 562 000	8 455 844	8 463 118	100,09 %	7 274	/	/	/	7 274	7 274	/	/
<b>ES</b>	GHL	1N2AB.	Greenland halibut	Norwegian waters of 1 and 2	/	2 000	14 225	711,25 %	12 225	1,00	A	/	18 338	/	18 338	/
<b>ES</b>	OTH	1N2AB.	Other spe- cies	Norwegian waters of 1 and 2	/	31 800	35 695	112,25 %	3 895	1,00	/	/	3 895	/	3 895	/
<b>ES</b>	POK	1N2AB.	Saithe	Norwegian waters of 1 and 2	/	196 000	198 607	101,33 %	2 607	/	/	/	2 607	/	2 607	/
<b>ES</b>	RED	N3LN.	Redfish	NAFO 3LN	/	515 100	517 806	100,53 %	2 706	/	/	/	2 706	2 706	/	/
<b>ES</b>	RJU	9-C.	Undulate ray	Union waters of 9	15 000	15 000	15 511	103,41 %	511 <sup>(9)</sup>	N/A	N/A	2 067	2 067	0	/	2 067
<b>FR</b>	BET	ATLANT	Bigeye tuna	Atlantic Ocean	4 167 700	4 167 700	4 687 551	112,47 %	519 851	1,20	C	/	883 747	883 747	/	/

<b>FR</b>	RJE	7FG.	Small-eyed ray	Union waters of 7f and 7g	79 000	90 399	91 485	101,20 %	1 086	/	/	/	1 086	1 086	/	/
<b>FR</b>	RJU	7DE.	Undulate ray	Union waters of 7d and 7e	103 000	168 000	177 718	105,78 %	9 718	/	/	/	9 718	9 718	/	/
<b>FR</b>	SWO	AS05N	Swordfish	Atlantic Ocean, South of 5° N	/	/	3 500	N/A	3 500	/	/	/	3 500	/	3 500	/
<b>GB</b>	COD	N1GL14	Cod	Greenland waters of NAFO 1F and Greenland waters of 5, 12 and 14	364 000	353 500	353 500	100 %	0	/	/	4 167	4 167	4 167	/	/
<b>GB</b>	HER	4AB.	Herring	Union and Norwegian waters of 4 north of 53° 30' N	55 583 000	62 320 196	62 607 628	100,46 %	287 432	/	/	/	287 432	287 432	/	/
<b>GB</b>	MAC	2CX14-	Mackerel	6, 7, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 2a, 12 and 14	152 115 000	145 768 635	154 072 694	105,70 %	8 304 059	/	A <sup>(8)</sup>	/	8 304 059	8 304 059	/	/
<b>GB</b>	RJU	7DE.	Undulate ray	Union waters of 7d and 7e	58 000	61 200	63 133	103,16 %	1 933	/	/	/	1 933	1 933	/	/
<b>EL</b>	BFT	AE45WM	Bluefin tuna	Atlantic Ocean, east of 45° W, and Mediterranean	285 110	304 110	312 690	102,82 %	8 580	/	C <sup>(8)</sup>	/	8 580	8 580	/	/

<b>IE</b>	ALB	AN05N	Northern albacore	Atlantic Ocean, north of 5° N	2 854 300	3 115 420	3 213 170	103,14 %	97 750	/	C <sup>(8)</sup>	/	97 750	97 750	/	/
<b>NL</b>	HER	4CXB7D	Herring	4c, 7d except Blackwater stock	18 162 000	19 497 305	19 512 481	100,08 %	15 176	/	/	/	15 176	15 176	/	/
<b>NL</b>	MAC	2A34.	Mackerel	3a and 4; Union waters of 2a, 3b, 3c and Subdivi- sions 22-32	1 342 000	1 494 000	2 012 324	134,69 %	518 324	1,40	/	/	725 654	725 654	/	/
<b>PT</b>	ALB	AN05N	Northern albacore	Atlantic Ocean, north of 5° N	1 994 200	1 794 200	2 463 161	137,28 %	668 961	1,40	C	/	1 271 026	635 513 <sup>(10)</sup>	/	635 513 <sup>(10)</sup>
<b>PT</b>	ALF	3X14-	Alfonsinos	Union and international waters of 3, 4, 5, 6, 7, 8, 9, 10, 12 and 14	164 000	149 034	156 756	105,18 %	7 722	/	A <sup>(8)</sup>	/	7 722	7 722	/	/
<b>PT</b>	BUM	ATLANT	Blue marlin	Atlantic Ocean	50 440	7 076	18 016	254,61 %	10 940	1,00	A	/	16 410	16 410	/	/
<b>PT</b>	RJU	9-C.	Undulate ray	Union waters of 9	15 000	21 705	24 589	113,29 %	2 884	1,00	/	/	2 884	2 884	/	/
<b>PT</b>	SWO	AN05N	Swordfish	Atlantic Ocean, North of 5° N	1 010 390	2 410 390	2 414 333	100,16 %	3 943	/	/	/	3 943	3 943	/	/
<b>SE</b>	MAC	2A34.	Mackerel	3a and 4; Union waters of 2a, 3b, 3c and Subdivi- sions 22-32	4 034 000	2 945 203	3 075 839	104,44 %	130 636	/	/	/	130 636	130 636	/	/



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- (<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 2018 to 2019 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 2017, 2018 and 2019. Letter “C” indicates that an additional multiplying factor of 1,5 has been applied as the stock is subject to a multiannual plan.
- (<sup>5</sup>) Remaining quantities from previous year(s).
- (<sup>6</sup>) Deductions to operate in 2020.
- (<sup>7</sup>) Deductions to operate in 2020 that could be actually applied considering the available quota on 10 September 2020.
- (<sup>8</sup>) Additional multiplying factor not applicable because the overfishing does not exceed 10 % of the permitted landings.
- (<sup>9</sup>) Quantities below 1 tonne are not considered.
- (<sup>10</sup>) At Portugal's request, the deduction of 1 271 026 kilos due in 2020 is equally spread over two years (2020 and 2021).’
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