

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2021/2235

of 15 December 2021

operating deductions from fishing quotas available for certain stocks in 2021 in accordance with Council Regulation (EC) No 1224/2009 on account of overfishing of other stocks in the previous years and amending Implementing Regulation (EU) 2021/1420

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

Whereas:

(1) Fishing quotas for the year 2020 have been established by:

- Council Regulation (EU) 2018/2025 ⁽²⁾,
- Council Regulation (EU) 2019/1838 ⁽³⁾,
- Council Regulation (EU) 2019/2236 ⁽⁴⁾, and
- Council Regulation (EU) 2020/123 ⁽⁵⁾.

(2) Fishing quotas for the year 2021 have been established by:

- Council Regulation (EU) 2020/1579 ⁽⁶⁾,
- Council Regulation (EU) 2021/90 ⁽⁷⁾,

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ 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).

⁽³⁾ 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).

⁽⁴⁾ 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).

⁽⁵⁾ 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).

⁽⁶⁾ Council Regulation (EU) 2020/1579 of 29 October 2020 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2020/123 as regards certain fishing opportunities in other waters (OJ L 362, 30.10.2020, p. 3).

⁽⁷⁾ Council Regulation (EU) 2021/90 of 28 January 2021 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas (OJ L 31, 29.1.2021, p. 1).

- Council Regulation (EU) 2021/91 ⁽⁸⁾, and
 - Council Regulation (EU) 2021/92 ⁽⁹⁾.
- (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.
 - (4) Commission Implementing Regulation (EU) 2021/1420 ⁽¹⁰⁾ has established deductions from fishing quotas available for certain stocks in 2021 on account of overfishing in the previous years.
 - (5) For certain Member States, namely Denmark, Spain, Estonia, France and the Netherlands, certain deductions could not be operated by Implementing Regulation (EU) 2021/1420 from quotas allocated for the overfished stocks because quotas for these stocks are not available for those Member States in the year 2021.
 - (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 ⁽¹¹⁾ ('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 in relation to the operation of certain deductions from quotas allocated for stocks other than those which have been overfished. It is therefore appropriate to operate deductions from those fishing quotas allocated to those Member States in 2021.
 - (8) Implementing Regulation (EU) 2021/1420 should therefore be amended accordingly.
 - (9) Further updates or corrections may still occur following the detection, for the current or previous exercises, of errors, omissions or misreporting in the catch figures declared by the Member States pursuant to Article 33 of Regulation (EC) No 1224/2009,

HAS ADOPTED THIS REGULATION:

Article 1

The fishing quotas fixed for the year 2021 in Regulations (EU) 2020/1579, (EU) 2021/90, (EU) 2021/91, and (EU) 2021/92, 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

The Annex to Implementing Regulation (EU) 2021/1420 is replaced by the text set out in Annex II to this Regulation.

⁽⁸⁾ Council Regulation (EU) 2021/91 of 28 January 2021 fixing, for the years 2021 and 2022, the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks (OJ L 31, 29.1.2021, p. 20).

⁽⁹⁾ Council Regulation (EU) 2021/92 of 28 January 2021 fixing for 2021 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 31, 29.1.2021 p. 31).

⁽¹⁰⁾ Commission Implementing Regulation (EU) 2021/1420 of 30 August 2021 operating deductions from fishing quotas available for certain stocks in 2021 on account of overfishing in the previous years (OJ L 305, 31.8.2021, p. 10).

⁽¹¹⁾ 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) as amended by Communication 2019/C 192/03 (OJ C 192, 7.6.2019, p. 5).

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, 15 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

DEDUCTIONS FROM FISHING QUOTAS FOR THE YEAR 2021 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 2021 fishing quota for the overfished stock (in kilograms)	Member State	Species code	Area code	Species name	Area name	Quantity to be deducted from the 2021 fishing quota for the alternative stocks (in kilograms)
DK	COD	1N2AB.	Cod	Norwegian waters of 1 and 2	1 606	DK	HER	1/2-	Herring	Union, Faroese, Norwegian and international waters of 1 and 2	1 606
DK	DGS	15X14	Picked dogfish	Union and international waters of 1, 5, 6, 7, 8, 12 and 14	4 718	DK	MAC	2CX14-	Mackerel	6, 7, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 2a, 12 and 14	4 718
DK	POK	1N2AB.	Saithe	Norwegian waters of 1 and 2	80 933	DK	HER	1/2-	Herring	Union, Faroese, Norwegian and international waters of 1 and 2	80 933
ES	GHL	1N2AB.	Greenland halibut	Norwegian waters of 1 and 2	33 603	ES	COD	1/2B.	Cod	1 and 2b	33 603
ES	OTH	1N2AB.	Other species	Norwegian waters of 1 and 2	22 078	ES	COD	1N2AB.	Cod	Norwegian waters of 1 and 2	22 078
EE	COD	1N2AB.	Cod	Norwegian waters of 1 and 2	16 377	EE	RNG	5B67-	Roundnose grenadier	6 and 7; United Kingdom and international waters of 5b	34 000
FR	GHL	1N2AB.	Greenland halibut	Norwegian waters of 1 and 2	8 988	FR	REB	1N2AB.	Redfish	Norwegian waters of 1 and 2	8 988

FR	NEP	08C.	Norway lobster	8c	5 342		FR	POL	08C.	Pollack	8c	5 342
FR	WHM	ATLANT	White marlin	Atlantic Ocean	2 450		FR	BUM	ATLANT	Blue marlin	Atlantic Ocean	2 450
NL	WHB	8C3411	Blue whiting	8c, 9 and 10; Union waters of CECAF 34.1.1	12 235		NL	WHB	1X14	Blue whiting	Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14	12 235

The Annex to Implementing Regulation (EU) 2021/1420 is replaced by the following:

'ANNEX

DEDUCTIONS FROM FISHING QUOTAS FOR THE YEAR 2021 FOR STOCKS WHICH HAVE BEEN OVERFISHED

Member State	Species code	Area code	Species name	Area name	Initial quota 2020 (in kilo grams)	Permitted landings 2020 (Total adapted quantity in kilo grams) ⁽¹⁾	Total catches 2020 (quantity in kilo grams)	Quota consumption related to permitted landings	Overfishing related to permitted landing (quantity in kilograms)	Multi-plying factor ⁽²⁾	Additional Multi-plying factor ^{(3), (4)}	Out-standing deductions from previous year(s) (quantity in kilo grams) ⁽⁵⁾	Deductions from fishing quotas for 2021 ⁽⁶⁾ and subsequent years (quantity in kilo grams)	Deductions from 2021 fishing quotas for the overfished stocks ⁽⁷⁾ (quantity in kilo grams)	Deductions from 2021 fishing quotas for alternative stocks (quantity in kilo grams)	To be deducted from fishing quotas for 2022 and subsequent year(s) (quantity in kilo grams)
DE	HER	4AB.	Herring	Union and Norwegian waters of 4 north of 53° 30' N	39 404 000	18 997 930	20 355 612	107,15 %	1 357 682	/	/	/	1 357 682	1 357 682	/	/
DE	MAC	2CX14-	Mackerel	6, 7, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 2a, 12 and 14	23 416 000	21 146 443	22 858 079	108,09 %	1 711 636	/	/	/	1 711 636	1 711 636	/	/
DK	COD	1N2A-B.	Cod	Norwegian waters of 1 and 2	/	/	1 606	N/A	1 606	1,00	/	/	1 606	/	1 606	/
DK	DGS	15X14	Picked dogfish	Union and international waters of 1, 5, 6, 7, 8, 12 and 14	/	/	4 718	N/A	4 718	1,00	/	/	4 718	/	4 718	/

DK	HER	03A.	Herring	3a	10 309 000	7 482 731	7 697 049	102,86 %	214 318	/	/	/	214 318	214 318	/	/
DK	HER	4AB.	Herring	Union and Norwegian waters of 4 north of 53° 30' N	59 468 000	75 652 933	81 089 507	107,19 %	5 436 574	/	/	/	5 436 574	5 436 574	/	/
DK	MAC	2A34.	Mackerel	3a and 4; Union waters of 2a, 3b, 3c and Subdivisions 22-32	19 998 000	17 987 493	18 625 387	103,55 %	637 894	/	/	/	637 894	637 894	/	/
DK	MAC	2A4A--N	Mackerel	Norwegian waters of 2a and 4a	14 453 000	13 507 878	13 531 201	100,17 %	23 323	/	/	/	23 323	23 323	/	/
DK	POK	1N2A-B.	Saithe	Norwegian waters of 1 and 2	/	7 800	88 733	1 137,60 %	80 933	1,00	/	/	80 933	/	80 933	/
DK	PRA	N1GR-N.	Northern prawn	Greenland waters of NAFO 1	1 400 000	2 800 000	2 818 891	100,67 %	18 891	/	/	/	18 891	18 891	/	/
DK	SAN	234_2-R	Sandeel	Union waters of sandeels management area 2r	59 106 000	56 042 763	57 756 024	103,06 %	1 713 261 (°)	/	/	/	1 713 261 (°)	1 713 261 (°)	/	/
ES	COD	1/2B.	Cod	1 and 2b	11 688 000	9 576 615	9 581 250	100,05 %	4 635	/	/	/	4 635	4 635	/	/
ES	GHL	1N2A-B.	Greenland halibut	Norwegian waters of 1 and 2	/	/	22 402	N/A	22 402	1,00	A	/	33 603	/	33 603	/
ES	OTH	1N2A-B.	Other species	Norwegian waters of 1 and 2	/	/	22 078	N/A	22 078	1,00	/	/	22 078	/	22 078	/
ES	RJU	9-C.	Undulate ray	Union waters of 9	15 000	15 000	21 072	140,48 %	6 072	1,00	/	2 067	8 139	8 139	/	/
EE	COD	1N2A-B.	Cod	Norwegian waters of 1 and 2	/	300 000	316 377	105,46 %	16 377	/	/	/	16 377	/	34 000	/
FR	GHL	1N2A-B.	Greenland halibut	Norwegian waters of 1 and 2	/	/	8 988	N/A	8 988	1,00	/	/	8 988	/	8 988	/

FR	NEP	08C.	Norway lobster	8c	0	0	5 342	N/A	5 342	1,00	/	/	5 342	/	5 342	/
FR	WH-M	ATLA-NT	White marlin	Atlantic Ocean	/	/	1 225	N/A	1 225	1,00	C	/	2 450	/	2 450	/
IE	ALB	AN05N	Northern albacore	Atlantic Ocean, north of 5° N	2 891 010	2 743 260	2 938 449	107,12%	195 189	/	C (*)	/	195 189	195 189	/	/
LV	HER	3D--R30	Herring	Union waters of Subdivisions 25-27, 28.2, 29 and 32	4 253 000	6 135 144	6 138 817	100,06 %	3 673	/	C (*)	/	3 673	3 673	/	/
LV	SPR	3BCD--C	Sprat	Union waters of subdivisions 22-32	29 073 000	28 618 753	28 635 182	100,06 %	16 429	/	C (*)	/	16 429	16 429	/	/
NL	HER	4AB.	Herring	Union and Norwegian waters of 4 north of 53° 30' N	51 717 000	50 896 907	51 002 687	100,21 %	105 780	/	/	/	105 780	105 780	/	/
NL	WHB	8C341-1	Blue whiting	8c, 9 and 10; Union waters of CECAF 34.1.1	/	/	12 235	N/A	12 235	1,00	/	/	12 235	/	12 235	/
PL	HER	1/2-	Herring	Union, Faroese, Norwegian and international waters of 1 and 2	593 000	1 226 015	1 329 820	108,47 %	103 805	/	/	/	103 805	103 805	/	/
PL	MAC	2CX14-	Mackerel	6, 7, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 2a, 12 and 14	1 649 000	4 724 236	5 185 187	109,76 %	460 951	/	/	/	460 951	460 951	/	/
PT	ALB	AN05N	Northern albacore	Atlantic Ocean, north of 5° N	2 273 970	1 638 457	1 595 315	97,37 %	- 43 142 ⁽¹⁰⁾	N/A	N/A	635 513 ⁽¹¹⁾	635 513 ⁽¹¹⁾	635 513 ⁽¹¹⁾	/	/

PT	ALF	3X14-	Alfonsi- nos	Union and international waters of 3, 4, 5, 6, 7, 8, 9, 10, 12 and 14	164 000	155,278	158,601	102,14 %	3 323	/	A ⁽⁸⁾	/	3 323	3 323	/	/
PT	BET	ATLA- NT	Bigeye tuna	Atlantic Ocean	3 058 330	3 058 330	3 069 582	100,37 %	11 252	/	C ⁽⁸⁾	/	11 252	11 252	/	/
PT	HKE	8C341- 1	Hake	8c, 9 and 10; Union waters of CECAF 34.1.1	2 614 000	1 996 154	2 135 737	106,99 %	139 583	/	C ⁽⁸⁾	/	139 583	139 583	/	/
PT	SWO	AS05N	Sword- fish	Atlantic Ocean, South of 5° N	299 030	299 030	309 761	103,59 %	10 731	/	/	/	10 731	10 731	/	/

⁽¹⁾ 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 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), quota transfers from 2019 to 2020 in accordance with Article 4(2) of Council Regulation (EC) No 847/96 introducing additional conditions for year-to-year management of TACs and quotas (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.

⁽²⁾ 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.

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

⁽⁴⁾ Letter "A" indicates that an additional multiplying factor of 1,5 has been applied due to consecutive overfishing in the years 2018, 2019 and 2020. Letter "C" indicates that an additional multiplying factor of 1,5 has been applied as the stock is subject to a multiannual plan.

⁽⁵⁾ Remaining quantities from previous year(s).

⁽⁶⁾ Deductions to operate in 2021.

⁽⁷⁾ Deductions to operate in 2021 that could be actually applied considering the available quota on 7 September 2021.

⁽⁸⁾ Additional multiplying factor not applicable because the overfishing does not exceed 10 % of the permitted landings.

⁽⁹⁾ To be deducted from sandeel management area 3r.

⁽¹⁰⁾ As Article 4 of Regulation (EC) No 847/96 is not applicable to the ALB/AN05N stock, this unused quantity cannot be utilised to reduce the remaining half of the deduction due in 2021.

⁽¹¹⁾ At Portugal's request, the deduction of 1 271 026 kilos due in 2020 on account of overfishing in 2019 has been equally spread over two years (2020 and 2021).'