COMMISSION IMPLEMENTING REGULATION (EU) 2022/2458

of 14 December 2022

operating deductions from fishing quotas available for certain stocks in 2022 in accordance with Council Regulation (EC) No 1224/2009 on account of overfishing of other stocks in the previous years and amending Commission Implementing Regulation (EU) 2022/1926

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 2021 have been established by Council Regulations (EU) 2020/1579 ([2]), (EU) 2021/90 ([3]), (EU) 2021/91 ([4]) and (EU) 2021/92 ([5]).

(2) Fishing quotas for the year 2022 have been established by Council Regulations (EU) 2021/91, (EU) 2021/1888 ([6]), (EU) 2022/109 ([7]) and (EU) 2022/110 ([8]).

(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) 2022/1926 ([9]) has established deductions from fishing quotas available for certain fish stocks in 2022 on account of overfishing in the previous years.

([1]) OJ L 343, 22.12.2009, p. 1.
([2]) 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).
([3]) 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).
([4]) 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).
([5]) 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).
([6]) Council Regulation (EU) 2021/1888 of 27 October 2021 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2021/92 as regards certain fishing opportunities in other waters (OJ L 384, 29.10.2021, p. 1).
([7]) Council Regulation (EU) 2022/109 of 27 January 2022 fixing for 2022 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 21, 31.1.2022, p. 1).
([8]) Council Regulation (EU) 2022/110 of 27 January 2022 fixing for 2022 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas (OJ L 21, 31.1.2022, p. 165).
([9]) Commission Implementing Regulation (EU) 2022/1926 of 11 October 2022 operating deductions from fishing quotas available for certain stocks in 2022 on account of overfishing in the previous years (OJ L 265, 12.10.2022, p. 67).

(5) For certain Member States, namely Spain, France, Lithuania and Poland, certain deductions could not be operated by Implementing Regulation (EU) 2022/1926 from fishing quotas allocated for the overfished stocks because quotas for these stocks are not available for those Member States in the year 2022.

(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 fish 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.

(7) According to Communication from the Commission 2022/C 369/03 on guidelines for the deduction of quotas under Article 105(1), (2) and (5) of Regulation (EC) No 1224/2009 ([10]) ('the Guidelines'), such deductions should be preferably operated from quotas allocated for stocks fished by the same fleet as the fleet that overfished the quota.

(8) The Member States concerned have been consulted as regards certain deductions from fishing quotas allocated for stocks other than those which have been overfished. It is therefore appropriate to operate deductions from those alternative fishing quotas allocated to those Member States in 2022.

(9) Considering that thornback ray in area 7d (RJC/07D.) is a subspecies of the stock 'skates and rays' in area 7d (SRX/07D.), the deduction due by Ireland on account of its overfishing of thornback ray in area 7d pursuant to Implementing Regulation (EU) 2022/1926 is operated on the fishing quota for skates and rays in area 7d available to Ireland for 2022.

(10) In 2021, Portugal overfished its fishing quota for anchovy in area 9 and 10; Union waters of CECAF 34.1.1 (ANE/9/3411). On 22 August 2022, Portugal requested to spread the deduction due – including a multiplying factor of 1,4 pursuant to Article 105(2) of Regulation (EC) No 1224/2009 – over three years. According to point 3(a) of the Guidelines, spreading a deduction over two or more years may be accepted where the fish is sustainably managed on the basis of the relevant scientific advice for the stock concerned. According to acoustic surveys monitoring the distribution of abundance and biomass and the study of several biological parameters of anchovy carried out every year, the estimated biomass for anchovy in 2022 increased by 64 % compared to 2021 surveys. The Portuguese scientific institute IPMA (Instituto Português do Mar e da Atmosfera), in collaboration with the Spanish scientific institute IEO (Instituto Español de Oceanografía), test a new harvest control rule by means of a Management Strategy Evaluation. Awaiting a planned benchmark of the International Council for the Exploration of the Sea (ICES) for this stock, a spreading of the deduction over two years rather than three years can be accepted.

(11) On the basis of the last updated data transmitted by France on 9 September 2022, it appears that the 2021 shared quota of 1 tonne allocated to 'Other' for white marlin in the Atlantic Ocean (WHM/ATLANT_AMS) as established in Regulation (EU) 2021/92 – and under which France was allowed to fish – has been exceeded. Considering that France reported catches amounting to 2 972 kilograms under this 'Other' quota, a deduction on account of this overfishing – including a multiplying factor of 1,5 pursuant to Article 105(3)(c) of Regulation (EC) No 1224/2009 – should be operated on the fishing quota for white marlin in the Atlantic Ocean available to France for 2022. The corresponding deduction should consequently be added to the Annex to Implementing Regulation (EU) 2022/1926.

(12) Implementing Regulation (EU) 2022/1926 should therefore be amended accordingly.

(13) 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,

([10]) Communication from the Commission on guidelines for the deduction of quotas under Article 105(1), (2) and (5) of Regulation (EC) No 1224/2009, and replacing Communication 2012/C 72/07 (2022/C 369/03) (OJ C 369, 27.9.2022, p. 3).

HAS ADOPTED THIS REGULATION:

Article 1

The fishing quotas fixed for the year 2022 in Regulations (EU) 2021/91, (EU) 2021/1888, (EU) 2022/109 and (EU) 2022/110, 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) 2022/1926 is replaced by the text set out in Annex II to this Regulation.

Article 3

The Portuguese deduction of 2 954,752 tonnes applicable in 2022 due to overfishing in 2021 in relation to the stock of anchovy in area 9 and 10; Union waters of CECAF 34.1.1 (ANE/9/3411) is spread over two years.

The applicable annual deduction shall amount to 1 477,376 tonnes in 2022 and 2023 without prejudice to any further quota adaptation due to possible subsequent overfishing.

Article 4

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, 14 December 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX I

DEDUCTIONS FROM FISHING QUOTAS FOR THE YEAR 2022 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 2022 fishing quota for the overfished stock (in kilograms)	Member State	Species code	Area code	Species name	Area name	Quantity to be deducted from the 2022 fishing quota for the alternative stocks (in kilograms)
ESP	GHL	1N2AB.	Greenland halibut	Norwegian waters of 1 and 2	56 667	**ESP**	COD	1/2B.	Cod	1 and 2b	56 667
ESP	HAD	1N2AB.	Haddock	Norwegian waters of 1 and 2	19 059	**ESP**	COD	1/2B.	Cod	1 and 2b	7 627
							REB	1N2AB.	Redfish	Norwegian waters of 1 and 2	11 432
ESP	OTH	1N2AB.	Other species	Norwegian waters of 1 and 2	41 357	**ESP**	REB	1N2AB.	Redfish	Norwegian waters of 1 and 2	41 357
FRA	RED	51214S	Redfishes	Union and international waters of 5; international waters of 12 and 14	3 516	**FRA**	BLI	5B67-	Blue ling	6 and 7; United Kingdom and international waters of 5	3 516
LTU	HER	4AB.	Herring	United Kingdom, Union and Norwegian waters of 4 north of 53° 30' N	13 592	**LTU**	MAC	2CX14-	Mackerel	6, 7, 8a, 8b, 8d and 8e; United Kingdom and international waters of 5b; international waters of 2a, 12 and 14	13 592
POL	MAC	2A34.	Mackerel	United Kingdom and Union waters of 2a, 3 and 4	63 850	**POL**	HER	3D-R30	Herring	Union waters of subdivisions 25-27, 28.2, 29 and 32	63 850

ANNEX II

The Annex to Implementing Regulation (EU) 2022/1926 is replaced by the following:

'DEDUCTIONS FROM FISHING QUOTAS FOR THE YEAR 2022 FOR STOCKS WHICH HAVE BEEN OVERFISHED

Member State	Species code	Area code	Species name	Area name	Initial quota 2021 (in kilo grams)	Permitted landings 2021 (Total adapted quantity in kilo grams) (1)	Total catches 2021 (quantity in kilo grams)	Quota consumption related to permitted landings (in %)	Overfishing related to permitted landing (quantity in kilograms)	Multiplying factor (2)	Additional Multiplying factor (3) · (4)	Outstanding deductions from previous year(s) (5) (quantity in kilo grams)	Deductions from fishing quotas for 2022 (6) and subsequent years (quantity in kilo grams)	Deductions from 2022 fishing quotas for the overfished stocks (7) (quantity in kilo grams)	Deductions from 2022 fishing quotas for alternative stocks (quantity in kilo grams)	To be deducted from fishing quotas for 2023 and subsequent year(s) (quantity in kilo grams)
CYP	SWO	MED	Swordfish	Mediterranean Sea	52 230	52 230	55 703	106,65 %	3 473	/	C (8)	/	3 473	3 473	/	/
DEU	HER	4AB.	Herring	United Kingdom, Union and Norwegian waters of 4 north of 53°30' N	33 852 000	17 152 318	18 844 967	109,87 %	1 692 649	/	A (8)	/	1 692 649	1 692 649	/	/
DNK	COD	03AN.	Cod	Skagerrak	1 515 000	1 556 000	1 598 949	102,76 %	42 949	/	C (8)	/	42 949	42 949	/	/
DNK	HER	4AB.	Herring	United Kingdom, Union and Norwegian waters of 4 north of 53°30' N	49 993 000	49 711 223	51 805 988	104,21 %	2 094 765	/	/	/	2 094 765	2 094 765	/	/
ESP	COD	1/2B.	Cod	1 and 2b	11 331 000	8 580 172	8 604 667	100,29 %	24 495	/	A (8)	/	24 495	24 495	/	/
ESP	GHL	1N2AB.	Greenland halibut	Norwegian waters of 1 and 2	/	6 000	43 778	729,63 %	37 778	1,00	A	/	56 667	/	56 667	/

ESP	HAD	1N2AB.	Haddock	Norwegian waters of 1 and 2	/	0	19 059	N/A	19 059	1,00	/	/	19 059	/	19 059	/
ESP	OTH	1N2AB.	Other species	Norwegian waters of 1 and 2	/	0	27 571	N/A	27 571	1,00	A	/	41 357	/	41 357	/
EST	GHL	N3LMNO	Greenland halibut	NAFO 3LMNO	331 000	502 500	515 085	102,50 %	12 585	/	/	/	12 585	12 585	/	/
FRA	RED	51214S	Redfishes	Union and international waters of 5; international waters of 12 and 14	0	0	3 516	N/A	3 516	1,00	/	/	3 516	/	3 516	/
FRA	WHM	ATLANT	White Marlin	Atlantic Ocean	1 000 ([9])	1 000 ([9])	2 972	297,20 %	1 972	1,00	C	/	2 958	2 958	/	/
GRC	BFT	AE45WM	Bluefin tuna	Atlantic Ocean, east of 45° W, and Mediterranean	314 030	314 030	322 640	102,74 %	8 610	/	C ([8])	/	8 610	8 610	/	/
IRL	HER	6AS7BC	Herring	6aS, 7b, 7c	1 236 000	1 513 457	1 605 894	106,11 %	92 437	/	/	/	92 437	92 437	/	/
IRL	RJC	07D.	Thorn-back ray	7d	/	0	1 741	N/A	1 741	1,00	/	/	1 741 ([10])	1 741 ([10])	/	/
LTU	HER	4AB.	Herring	United Kingdom, Union and Norwegian waters of 4 north of 53°30' N	/	452 600	466 192	103,00 %	13 592	/	/	/	13 592	/	13 592	/
LVA	SPR	3BCD-C	Sprat	Union waters of subdivisions 22-32	30 845 000	28 709 205	29 084 587	101,31 %	375 382	/	C ([8])	/	375 382	375 382	/	/

NLD	HER	4AB.	Herring	United Kingdom, Union and Norwegian waters of 4 north of 53°30' N	46 381 000	45 488 813	46 533 481	102,30 %	1 044 668	/	/	/	1 044 668	1 044 668	/	/
POL	MAC	2A34.	Mackerel	United Kingdom and Union waters of 2a, 3 and 4	/	0	63 850	N/A	63 850	1,00	/	/	63 850	/	63 850	/
PRT	ALF	3X14-	Alfonsi-nos	Union and international waters of 3, 4, 5, 6, 7, 8, 9, 10, 12 and 14	145 000	136 677	139 363	101,97 %	2 686	/	/	/	2 686	2 686	/	/
PRT	ANE	9/3411	Anchovy	9 and 10; Union waters of CECAF 34.1.1	7 829 000	8 752 733	10 863 270	124,11 %	2 110 537	1,40	/	/	2 954 752 [11]	1 477 376 [11]	/	1 477 376 [11]
PRT	ANF	8C3411	Angler-fishes	8c, 9 and 10; Union waters of CECAF 34.1.1	584 000	648 238	657 235	101,39 %	8 997	/	C [8]	/	8 997	8 997	/	/
PRT	BFT	AE45WM	Bluefin tuna	Atlantic Ocean, east of 45° W, and Mediterranean	572 970	572 970	583 215	101,79 %	10 245	/	C [8]	/	10 245	10 245	/	/
PRT	HKE	8C3411	Hake	8c, 9 and 10; Union waters of CECAF 34.1.1	2 483 000	2 093 417	2 207 568	105,45 %	114 151	/	C [8]	/	114 151	114 151	/	/
SWE	HER	03A.	Herring	3a	9 498 000	13 085 112	13 223 209	101,06 %	138 097	/	/	/	138 097	138 097	/	/

(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 2020 to 2021 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 2019, 2020 and 2021. 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 2022.

(7) Deductions to operate in 2022 that could be actually applied considering the available quota on 19 October 2022.

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

(9) Quota available to “Other” under which France was allowed to fish.

(10) To be deducted from the fishing quota available to Ireland for the stock of skates and rays in area 7d (SRX/07D.) in 2022.

(11) Following a request from Portugal, the deduction of 2 954 752 kilos due in 2022 on account of overfishing in 2021 has been equally spread over two years (2022 and 2023).’