COMMISSION IMPLEMENTING REGULATION (EU) 2023/1661

of 24 August 2023

operating deductions from fishing quotas available for certain stocks in 2023 on account of overfishing in the previous years

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) and (3) thereof,

Whereas:

(1) Fishing quotas for the year 2022 have been established by Council Regulations (EU) 2021/91 ([2]), (EU) 2021/1888 ([3]), (EU) 2022/109 ([4]) and (EU) 2022/110 ([5]).

(2) Fishing quotas for the year 2023 have been established by Council Regulations (EU) 2022/2090 ([6]), (EU) 2023/194 ([7]) and (EU) 2023/195 ([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) Article 105(2) and (3) of Regulation (EC) No 1224/2009 provides that such deductions are to be operated in the following year or years by applying the respective multiplying factors as set out therein.

(5) Certain Member States have exceeded their fishing quotas for the year 2022. Deductions should therefore be operated on the fishing quotas allocated to them in 2023 and, where relevant, in subsequent years, for the overfished stocks.

([1]) OJ L 343, 22.12.2009, p. 1.
([2]) 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).
([3]) 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).
([4]) 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).
([5]) 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).
([6]) Council Regulation (EU) 2022/2090 of 27 October 2022 fixing the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2023 and amending Regulation (EU) 2022/109 as regards certain fishing opportunities in other waters (OJ L 281, 31.10.2022, p. 1).
([7]) Council Regulation (EU) 2023/194 of 30 January 2023 fixing for 2023 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, as well as fixing for 2023 and 2024 such fishing opportunities for certain deep-sea fish stocks (OJ L 28, 31.1.2023, p. 1).
([8]) Council Regulation (EU) 2023/195 of 30 January 2023 fixing for 2023 the fishing opportunities for certain stocks and groups of fish stocks applicable in the Mediterranean and Black Seas and amending Regulation (EU) 2022/110 as regards the fishing opportunities for 2022 applicable in the Mediterranean and the Black Seas (OJ L 28, 31.1.2023, p. 220).

(6) Commission Implementing Regulation (EU) 2022/1926 ([9]) established deductions from fishing quotas for certain fish stocks in 2022 on account of overfishing in the previous years. In 2021, Portugal overfished its fishing quota for anchovy in areas 9 and 10; Union waters of CECAF 34.1.1 (ANE/9/3411). Following Portugal's request on 22 August 2022, the Commission agreed to spread the deduction over two years in accordance with point 3(a) of the Communication from the Commission 2022/C 369/03 ([10]) ('the Guidelines'). Article 3 of Commission Implementing Regulation (EU) 2022/2458 ([11]) provides that the annual deduction shall amount to 1 477,376 tonnes in 2022 and 2023. On 19 April 2023, considering that Portugal expected to have sufficient quota left at the end of the 2022 fishing season for ANE/9/3411, it requested the Commission to cancel the spreading over two years of the deduction. Therefore, the Commission operated the entire deduction, i.e. 2 954,752 tonnes – including a multiplying factor of 1,40 – on the Portuguese quota for ANE/9/3411 for the 2022 fishing season. Consequently, there is no outstanding deduction to be operated on the Portuguese quota allocated for the 2023 fishing season for this stock.

(7) The Guidelines replaced Communication 2012/C 72/07 to adapt, where applicable, the timeline for deductions in case of overfishing of a quota for stocks managed by regional fisheries management organisations to the timeline for deductions set in the regional fisheries management organisations concerned for these stocks. Recommendation 21-01 by the International Commission for the Conservation of Atlantic Tuna (ICCAT) on a multiannual conservation and management programme for tropical tunas ([12]) as well as Recommendation 22-03 by ICCAT for the conservation of North Atlantic swordfish ([13]) establish that any excess of the annual adjusted quota in the year 2022 shall be deducted from the respective quota/catch limit for 2024. On this basis, deductions – including those resulting from applicable multiplying factors – on account of overfishing established in 2022 for the stock of bigeye tuna in the Atlantic Ocean (BET/ATLANT) and the stock of swordfish in the Atlantic Ocean, north of 5° N (SWO/AN05N), both managed by ICCAT, should only be applied in 2024.

(8) Further updates or corrections may still occur following the detection, for the current or previous deduction 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.

(9) Since quotas are expressed in tonnes, overfishing involving quantities of less than 1 tonne should not be considered,

HAS ADOPTED THIS REGULATION:

Article 1

The fishing quotas fixed for the year 2023 in Regulations (EU) 2022/2090, (EU) 2023/194 and (EU) 2023/195 shall be reduced as set out 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*.

([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).

([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).

([11]) 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 (OJ L 321, 15.12.2022, p. 10).

([12]) Recommendation 21-01 by ICCAT replacing Recommendation 19-02 replacing Recommendation 16-01 on a multi-annual conservation and management programme for tropical tunas.

([13]) Recommendation 22-03 by ICCAT replacing supplemental recommendation 21-02 extending and amending Recommendation 17-02 for the conservation of North Atlantic swordfish

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 24 August 2023.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

DEDUCTIONS FROM FISHING QUOTAS FOR THE YEAR 2023 FOR STOCKS WHICH HAVE BEEN OVERFISHED

Mem-ber State	Species code	Area code	Species name	Area name	Initial quota 2022 (in tonnes)	Permitted landings 2022 (Total adapted quantity in tonnes) (1)	Total catches 2022 (quantity in tonnes)	Quota con-sumption related to permitted landings	Overfishing related to permitted landing (quantity in tonnes)	Multi-plying factor (2)	Addit-ional Multi-plying factor (3) (4)	Out-standing deduc-tions from previous year(s) (5) (quantity in tonnes)	Deductions to apply in 2023 (quantity in tonnes)
BE	SRX	07D.	Skates and rays	7d	134,000	136,500	137,765	100,93 %	1,265	/	/	/	1,265
BE	SRX	67AKXD	Skates and rays	United Kingdom and Union waters of 6a, 6b, 7a-c and 7e-k	814,000	1 207,000	1 209,702	100,22 %	2,702	/	/	/	2,702
DE	HER	4AB.	Herring	Union, United Kingdom and Norwegian waters of 4 north of 53° 30′ N	41 147,000	37 114,880	38 224,556	102,99 %	1 109,676	/	A (6)	/	1 109,676
DE	OTH	1N2AB.	Other species	Norwegian waters of 1 and 2	71,000	72,800	92,797	127,47 %	19,997	1,00	/	/	19,997
DK	COD	03AN.	Cod	Skagerrak	1 515,000	1 503,751	1 521,783	101,20 %	18,032	/	C (6)	/	18,032
DK	COD	2A3AX4	Cod	4; United Kingdom waters of 2a; the part of 3a not covered by the Skagerrak and Kattegat	1 951,000	1 980,700	2 018,970	101,93 %	38,270	/	C (6)	/	38,270
DK	HAD	03A.	Haddock	3a	2 225,000	2 508,851	2 735,449	109,03 %	226,598	/	C (6)	/	226,598

DK	HER	5B6ANB	Herring	6b and 6aN; United Kingdom and international waters of 5b	/	/	8,077	N/A	8,077	1,00	/		8,077
DK	OTH	1N2AB.	Other species	Norwegian waters of 1 and 2	/	/	2,038	N/A	2,038	1,00	/	/	2,038
DK	POK	1N2AB.	Saithe	Norwegian waters of 1 and 2	/	/	17,317	N/A	17,317	1,00	/	/	17,317
DK	PRA	4N-S62	Northern prawn	Norwegian waters south of 62°N	200,000	203,000	205,041	101,01 %	2,041	/	/	/	2,041
DK	SPR	03A.	Sprat and associated by-catches	3a	8 422,000	20,186	34,428	170,55 %	14,242	1,00	/	/	14,242
DK	WHB	1X14	Blue whiting	United Kingdom, Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14	36 723,000	45 035,026	45 516,979	101,07 %	481,953	/	/	/	481,953
ES	ALF	3X14-	Alfonsinos	United Kingdom, Union and international waters of 3, 4, 5, 6, 7, 8, 9, 10, 12 and 14	51,000	58,000	59,069	101,84 %	1,069	/	/	/	1,069
ES	COD	1/2B.	Cod	1 and 2b	9 688,000	9 290,212	9 409,547	101,28 %	119,335	/	A [6]	/	119,335
ES	COD	1N2AB.	Cod	Norwegian waters of 1 and 2	2 602,000	2 744,006	2 804,069	102,19 %	60,063	/	/	/	60,063
ES	GHL	1N2AB.	Greenland halibut	Norwegian waters of 1 and 2	/	32,719	55,066	168,30 %	22,347	1,00	A	/	33,521

ES	HAD	1N2AB.	Haddock	Norwegian waters of 1 and 2	/	0,554	17,963	3 242,42 %	17,409	1,00	/	/	17,409
ES	OTH	1N2AB.	Other species	Norwegian waters of 1 and 2	/	/	35,447	N/A	35,447	1,00	A	/	53,171
ES	POL	08C.	Pollack	8c	149,000	172,001	173,627	100,95 %	1,626	/	/	/	1,626
ES	POK	1N2AB.	Saithe	Norwegian waters of 1 and 2	/	17,250	25,413	147,32 %	8,163	1,00	/	/	8,163
ES	REB	1N2AB.	Redfish	Norwegian waters of 1 and 2	106,000	103,211	104,593	101,34 %	1,382	/	/	/	1,382
ES	RJU	9-C.	Undulate ray	Union waters of 9	15,000	18,000	19,348	107,49 %	1,348	/	/	/	1,348
FR	JAX	4BC7D	Horse mackerel and associated by-catches	United Kingdom and Union waters of 4b, 4c and 7d	267,000	396,532	461,312	116,34 %	64,780	1,00	/	/	64,780
FR	RJE	7FG.	Small-eyed ray	7f and 7g	36,000	57,000	83,299	146,14 %	26,299	1,00	/	/	26,299
FR	RJU	8-C.	Undulate ray	Union waters of 8	13,000	23,000	24,081	104,70 %	1,081	/	/	/	1,081
IE	HER	6AS7BC	Herring	6aS, 7b, 7c	1 236,000	1 267,563	1 298,400	102,43 %	30,837	/	/	/	30,837
IE	POK	1N2AB.	Saithe	Norwegian waters of 1 and 2	/	28,810	51,017	177,08 %	22,207	1,00	/	/	22,207
MT	ALB	MED	Mediterra-nean albacore	Mediterranean Sea	41,190	41,190	49,876	121,09 %	8,686	1,00	/	/	8,686

NL	POK	1N2AB.	Saithe	Norwegian waters of 1 and 2	/	4,000	47,097	1 177,43 %	43,097	1,00	/	/	43,097
PL	MAC	2A34.	Mackerel	3a; United Kingdom and Union waters of 2a, 3b, 3c, 3d and 4	/	/	10,934	N/A	10,934	1,00	/	/	10,934
PT	ALF	3X14-	Alfonsinos	Union and international waters of 3, 4, 5, 6, 7, 8, 9, 10, 12 and 14	145,000	142,314	145,155	102,00 %	2,841	/	A (6)	/	2,841
PT	RJU	9-C.	Undulate ray	Union waters of 9	15,000	32,000	33,907	105,96 %	1,907	/	/	/	1,907
SE	I/F	04-N	Industrial fish	Norwegian waters of 4	800,000	800,000	808,349	101,04 %	8,349	/	/	/	8,349

(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 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), quota transfers from 2021 to 2022 in accordance with Article 4(2) of Council Regulation (EC) No 847/96 of 6 May 1996 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 2020, 2021 and 2022. 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) Additional multiplying factor not applicable because the overfishing does not exceed 10 % of the permitted landings.