

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1726**of 15 October 2019****operating deductions from fishing quotas available for certain stocks in 2019 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 2018 have been established by:
 - Council Regulation (EU) 2016/2285 ⁽²⁾,
 - Council Regulation (EU) 2017/1970 ⁽³⁾,
 - Council Regulation (EU) 2017/2360 ⁽⁴⁾, and
 - Council Regulation (EU) 2018/120 ⁽⁵⁾.
- (2) Fishing quotas for the year 2019 have been established by:
 - Council Regulation (EU) 2018/1628 ⁽⁶⁾,
 - Council Regulation (EU) 2018/2025 ⁽⁷⁾,
 - Council Regulation (EU) 2018/2058 ⁽⁸⁾, and
 - Council Regulation (EU) 2019/124 ⁽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) Article 105(2) and (3) of Regulation (EC) No 1224/2009 provides that such deductions have to be operated in the following year or years by applying the respective multiplying factors as set out therein.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) 2016/2285 of 12 December 2016 fixing for 2017 and 2018 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks and amending Council Regulation (EU) 2016/72 (OJ L 344, 17.12.2016, p. 32).

⁽³⁾ Council Regulation (EU) 2017/1970 of 27 October 2017 fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2017/127 (OJ L 281, 31.10.2017, p. 1).

⁽⁴⁾ Council Regulation (EU) 2017/2360 of 11 December 2017 fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks in the Black Sea (OJ L 337, 19.12.2017, p. 1).

⁽⁵⁾ Council Regulation (EU) 2018/120 of 23 January 2018 fixing for 2018 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, and amending Regulation (EU) 2017/127 (OJ L 27, 31.1.2018, p. 1).

⁽⁶⁾ 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).

⁽⁷⁾ 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).

⁽⁸⁾ 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).

⁽⁹⁾ 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).

- (5) Certain Member States have exceeded their fishing quotas for the year 2018. It is therefore appropriate to operate deductions on the fishing quotas allocated to them in 2019 and, where relevant, in subsequent years, for the overfished stocks.
- (6) Commission Implementing Regulation (EU) 2018/1969 ⁽¹⁰⁾ and Commission Implementing Regulation (EU) 2019/479 ⁽¹¹⁾ have provided for deductions from fishing quotas for certain countries and species for 2018. However, for certain Member States, the deductions to be applied for some species were higher than the respective quotas available in 2018 and could therefore not be operated entirely in that year. To ensure that in such cases the full amount for the respective stocks be deducted, the remaining quantities should be taken into account when establishing deductions for 2019 and, where appropriate, from subsequent quotas.
- (7) Following changes in the stock area definitions set up in Regulation (EU) 2019/124, the remaining deduction applicable to Belgium due to overfishing of undulate ray in Union waters of 7d (RJU/07D.) in the year 2017 should be applied to the 2019 quota for undulate ray in Union waters of 7d and 7e (RJU/7DE.).
- (8) Deductions from fishing quotas, as provided for by this Regulation, should apply without prejudice to deductions applicable to 2019 quotas pursuant to Commission Implementing Regulation (EU) No 185/2013 ⁽¹²⁾.
- (9) Since quotas are expressed in tonnes, overfishing involving quantities of less than one tonne should not be considered,

HAS ADOPTED THIS REGULATION:

Article 1

1. The fishing quotas fixed in Regulations (EU) 2018/1628, (EU) 2018/2025, (EU) 2018/2058, and (EU) 2019/124 for the year 2019 shall be reduced as set out in the Annex to this Regulation.
2. Paragraph 1 shall apply without prejudice to deductions provided for in Implementing Regulation (EU) No 185/2013.

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, 15 October 2019.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁰⁾ Commission Implementing Regulation (EU) 2018/1969 of 12 December 2018 operating deductions from fishing quotas available for certain stocks in 2018 on account of overfishing in the previous years (OJ L 316, 13.12.2018, p. 12).

⁽¹¹⁾ Commission Implementing Regulation (EU) 2019/479 of 22 March 2019 operating deductions from fishing quotas available for certain stocks in 2018 on account of overfishing of other stocks in the previous years and amending Implementing Regulation (EU) 2018/1969 (OJ L 82, 25.3.2019, p. 6).

⁽¹²⁾ Commission Implementing Regulation (EU) No 185/2013 of 5 March 2013 providing for deductions from certain fishing quotas allocated to Spain in 2013 and subsequent years on account of overfishing of a certain mackerel quota in 2009 (OJ L 62, 6.3.2013, p. 1).

ANNEX

DEDUCTIONS FROM FISHING QUOTAS FOR THE YEAR 2019 FOR STOCKS WHICH HAVE BEEN OVERFISHED

Member State	Species code	Area code	Species name	Area name	Initial quota 2018 (in kilograms)	Permitted landings 2018 (Total adapted quantity in kilograms) ⁽¹⁾	Total catches 2018 (quantity in kilograms)	Quota consumption related to permitted landings	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 kilograms)	Deductions to apply in 2019 (quantity in kilograms)
BE	RJE	7FG.	Small-eyed ray	Union waters of 7f and 7g	14 000	15 400	19 888	129,14 %	4 488	1,00	/	/	4 488
BE	RJU	07D. ⁽⁶⁾	Undulate ray	Union waters of 7d	2 000	969	1 394	143,86 %	425 ⁽⁷⁾	N/A	N/A	2 617	2 617
DE	COD	3BC+24	Cod	Subdivisions 22-24	1 194 000	1 349 400	1 393 360	103,26 %	43 960	/	C ⁽⁸⁾	/	43 960
DK	COD	3BC+24	Cod	Subdivisions 22-24	2 444 000	2 594 270	2 617 780	100,91 %	23 510	/	C ⁽⁸⁾	/	23 510
ES	BET	ATLANT	Bigeye tuna	Atlantic Ocean	9 791 920	9 281 920	9 756 069	105,11 %	474 149	/	C ⁽⁸⁾	/	474 149
ES	GHL	1N2AB.	Greenland halibut	Norwegian waters of 1 and 2	/	0	27 736	N/A	27 736	1,00	A	/	41 604
ES	GHL	N3LMNO	Greenland halibut	NAFO 3LMNO	4 534 000	4 496 772	4 508 020	100,25 %	11 248	/	A ⁽⁸⁾ +C ⁽⁸⁾	/	11 248
ES	NEP	*07U16	Norway lobster	Functional Unit 16 of ICES Sub-area 7	825 000	155 000	158 375	102,18 %	3 375	/	/	/	3 375
ES	RJU	9-C.	Undulate ray	Union waters of 9	15 000	15 000	17 067	113,78 %	2 067	1,00	/	/	2 067
ES	YFT	IOTC	Yellowfin tuna	IOTC Area of Competence	45 682 000-000	45 354 940	44 964 373	99,14 %	- 390 556 ⁽⁹⁾	N/A	N/A	2 138 460	2 138 460
EE	COD	N3M.	Cod	NAFO 3M	124 000	916 170	953 232	104,05 %	37 062	/	/	/	37 062

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FR	GHL	1N2AB.	Greenland halibut	Norwegian waters of 1 and 2	/	0	18 084	N/A	18 084	1,00	/	/	18 084
IE	HER	07A/MM	Herring	7a	1 826 000	1 850 311	1 979 666	106,99 %	129 355	/	/	/	129 355
IE	MAC	2CX14-	Mackerel	6, 7, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 2a, 12 and 14	69 141 00-000	66 541 05-055	66 965 92-925	100,64 %	424 870	/	/	/	424 870
NL	POK	2C3A4	Saithe	3a and 4; Union waters of 2a	110 000	210 994	265 115	125,65 %	54 121	1,00	/	/	54 121
NL	WHG	56-14	Whiting	6; Union and international waters of 5b; international waters of 12 and 14	/	0	4 492	N/A	4 492	1,00	/	/	4 492
PL	COD	3BC+24	Cod	Subdivisions 22-24	654 000	786 200	858 164	109,15 %	71 964	/	C ⁽⁶⁾	32 331	104 295
PT	ALF	3X14-	Alfonsinos	Union and international waters of III, IV, V, VI, VII, VIII, IX, X, XII and XIV	182 000	179 044	184 010	102,77 %	4 966	/	/	/	4 966

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PT	BET	ATLANT	Bigeye tuna	Atlantic Ocean	3 717 470	4 152 470	4 405 184	106,09 %	252 714	/	C ⁽⁶⁾	/	252 714
PT	BFT	AE45WM	Bluefin tuna	Atlantic Ocean, east of 45° W, and Mediterranean	470 190	437 190	450 343	103,01 %	13 153	/	C ⁽⁶⁾	/	13 153
PT	BUM	ATLANT	Blue marlin	Atlantic Ocean	50 440	45 428	74 337	163,64 %	28 909	1,00	A	/	43 364
PT	RJU	9-C.	Undulate ray	Union waters of 9	15 000	33 000	36 295	109,98 %	3 295	/	/	/	3 295
UK	COD	NIGL14	Cod	Greenland waters of NAFO 1F and Greenland waters of 5, 12 and 14	382 000	497 520	512 187	102,95 %	14 667	/	/	/	14 667
UK	GHL	1N2AB.	Greenland halibut	Norwegian waters of 1 and 2	25 000	22 000	24 434	111,06 %	2 434	1,00	/	/	2 434
UK	HER	4AB.	Herring	Union and Norwegian waters of 4 north of 53° 30' N	79 381 000	84 694 795	84 739 599	100,05 %	44 804	/	/	/	44 804
UK	MAC	2CX14-	Mackerel	6, 7, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 2a, 12 and 14	190 143 000	186 253 000	189 644 893	101,82 %	3 391 885	/	A ⁽⁶⁾	/	3 391 865

Member State	Species code	Area code	Species name	Area name	Initial quota 2018 (in kilograms)	Permitted landings 2018 (Total adapted quantity in kilograms) ⁽¹⁾	Total catches 2018 (quantity in kilograms)	Quota consumption related to permitted landings	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 kilograms)	Deductions to apply in 2019 (quantity in kilograms)
UK	POK	1N2AB.	Saithe	Norwegian waters of 1 and 2	182 000	459 700	463 509	100,83 %	3 809	/	/	/	3 809
UK	RHG	5B67-	Roughhead grenadier	Union and international waters of Vb, VI and VII	1 510	1 510	7 588	502,52 %	6 078	1,00	/	/	6 078
UK	WHG	56-14	Whiting	6; Union and international waters of 5b; international waters of 12 and 14	122 000	124 060	139 470	112,42 %	15 410	1,00	/	/	15 410

⁽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 (OJ L 354, 28.12.2013, p. 22), quota transfers from 2017 to 2018 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.

⁽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 2016, 2017 and 2018. 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⁾ To be deducted from RIU/7DE. (Union waters of 7d and 7e).

⁽⁷⁾ Quantities below 1 tonne are not considered.

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

⁽⁹⁾ The deduction cannot be reduced by this unused quantity as Article 4 of Regulation (EC) No 847/96 is not applicable to the YFT/IOTC stock.