

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**

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 2017 have been established by:
 - Council Regulation (EU) 2016/1903 ⁽²⁾,
 - Council Regulation (EU) 2016/2285 ⁽³⁾,
 - Council Regulation (EU) 2016/2372 ⁽⁴⁾, and
 - Council Regulation (EU) 2017/127 ⁽⁵⁾.
- (2) Fishing quotas for the year 2018 have been established by:
 - Council Regulation (EU) 2016/2285,
 - Council Regulation (EU) 2017/1970 ⁽⁶⁾,
 - Council Regulation (EU) 2017/2360 ⁽⁷⁾, and
 - Council Regulation (EU) 2018/120 ⁽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 have 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 2017. It is therefore appropriate to operate deductions on the fishing quotas allocated to them in 2018 and, where relevant, in subsequent years, for the overfished stocks.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) 2016/1903 of 28 October 2016 fixing for 2017 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2016/72 (OJ L 295, 29.10.2016, p. 1).

⁽³⁾ 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).

⁽⁴⁾ Council Regulation (EU) 2016/2372 of 19 December 2016 fixing for 2017 the fishing opportunities for certain fish stocks and groups of fish stocks in the Black Sea (OJ L 352, 23.12.2016, p. 26).

⁽⁵⁾ Council Regulation (EU) 2017/127 of 20 January 2017 fixing for 2017 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 24, 28.1.2017, p. 1).

⁽⁶⁾ 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).

⁽⁷⁾ 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).

⁽⁸⁾ 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) In 2016, Spain overfished its quota for albacore in the Atlantic Ocean, North of 5° N (ALB/AN05N). At the request of Spain, the corresponding deduction was equally spread over two years (2017 and 2018). By Commission Implementing Regulation (EU) 2017/2309 ⁽¹⁾, the first half of the deduction, namely 1 134,677 tonnes, was operated on the 2017 Spanish quota. For 2018, the Spanish initial quota for northern albacore in the Atlantic Ocean, North of 5° N (ALB/AN05N), as fixed by Regulation (EU) 2018/120, already reflected a deduction of 945,560 tonnes. Therefore, a remaining quantity of 189,117 tonnes should be deducted from the Spanish 2018 quota.
- (7) Deductions from fishing quotas, as provided for by this Regulation, should apply without prejudice to deductions applicable to 2018 quotas pursuant to Commission Implementing Regulation (EU) No 185/2013 ⁽²⁾.
- (8) Since quotas are expressed in tonnes, overfishing involving quantities of less than 1 tonne should not be considered,

HAS ADOPTED THIS REGULATION:

Article 1

1. The fishing quotas fixed in Regulations (EU) 2016/2285, (EU) No 2017/1970, (EU) 2017/2360 and (EU) 2018/120 for the year 2018 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, 12 December 2018.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ Commission Implementing Regulation (EU) 2017/2309 of 13 December 2017 operating deductions from fishing quotas available for certain stocks in 2017 on account of overfishing of other stocks in the previous years and amending Implementing Regulation (EU) 2017/1345 (OJ L 331, 14.12.2017, p. 23).

⁽²⁾ 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 2018 FOR STOCKS WHICH HAVE BEEN OVERFISHED

Member State	Species code	Area code	Species name	Area name	Initial quota 2017 (in kilograms)	Permitted landings 2017 (Total adapted quantity in kilograms) ⁽¹⁾	Total catches 2017 (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 2018 (quantity in kilograms)
BE	RJU	07D.	Undulate ray	Union waters of VIIId	2 000	2 000	5 648	282,40 %	3 648	1,00	/	/	3 648
BE	SRX	07D.	Skates and rays	Union waters of VIIId	96 000	91 353	95 695	104,75 %	4 342	/	/	/	4 342
BE	SRX	67AKXD	Skates and rays	Union waters of VIa, VIb, VIIa-c and VIIe-k	762 000	907 100	919 333	101,35 %	12 233	/	/	/	12 233
DK	MAC	2A34.	Mackerel	IIIa and IV; Union waters of IIa, IIIb, IIIc and Subdivisions 22-32	22 031	17 525 756	17 992 741	102,66 %	466 985	/	/	/	466 985
DK	MAC	2A4A-N	Mackerel	Norwegian waters of IIa and IVa	16 004	14 538 090	14 801 414	101,81 %	263 324	/	/	/	263 324
DK	MAC	2CX14-	Mackerel	VI, VII, VIIIa, VIIIb, VIIIId and VIIIe; Union and international waters of Vb; international waters of IIa, XII and XIV	/	5 341 916	5 342 930	100,02 %	1 014	/	/	/	1 014

Member State	Species code	Area code	Species name	Area name	Initial quota 2017 (in kilograms)	Permitted landings 2017 (Total adapted quantity in kilograms) (1)	Total catches 2017 (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 2018 (quantity in kilograms)
DK	NOP	04-N.	Norway pout and associated by-catches	Norwegian waters of IV	0	0	16 298	N/A	16 298	1,00	A	/	24 447
DK	OTH	1N2AB.	Other species	Norwegian waters of I and II	/	0	9 979	N/A	9 979	1,00	/	/	9 979
DK	POK	1N2AB.	Saithe	Norwegian waters of I and II	/	0	9 508	N/A	9 508	1,00	/	/	9 508
ES	ALB	AN05N	Northern albacore	Atlantic Ocean, north of 5° N	14 981 130	13 961 453	13 940 306	99,85 %	- 21 147 (7)	/	/	189 117 (8)	189 117
ES	GHL	1N2AB.	Greenland halibut	Norwegian waters of I and II	/	19 200	36 090	187,97 %	16 890	1,00	A	/	25 335
ES	GHL	N3LMNO	Greenland halibut	NAFO 3LMNO	4 067 000	4 061 001	4 072 229	100,28 %	11 228	/	C (6)	/	11 228
ES	POK	1N2AB.	Saithe	Norwegian waters of I and II	/	86 500	88 150	101,91 %	1 650	/	/	/	1 650
ES	SWO	AS05N	Swordfish	Atlantic Ocean, South of 5° N	4 715 270	4 715 270	4 808 206	101,97 %	92 936	/	/	/	92 936

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FR	GHL	1N2AB.	Greenland halibut	Norwegian waters of I and II	/	0	6 868	N/A	6 868	1,00	/	/	6 868
FR	YFT	IOTC	Yellowfin tuna	IOTC Area of Competence	29 501 000	29 651 000	29 960 730	101,04 %	309 730	/	/	/	309 730
IE	HKE	8ABDE.	Hake	VIIIa, VIIIb, VIIIc and VIIIe	/	0	1 300	N/A	1 300	1,00	C ⁽⁶⁾	/	1 300
IE	MAC	2CX14-	Mackerel	VI, VII, VIIIa, VIIIb, VIIIc and VIIIe; Union and international waters of Vb; international waters of IIa, XII and XIV	86 426 000	86 319 537	86 520 982	100,23 %	201 445	/	/	/	201 445
NL	WHG	56-14	Whiting	VI; Union and international waters of Vb; international waters of XII and XIV	/	0	18 648	N/A	18 648	1,00	/	/	18 648
PL	COD	3BC+24	Cod	Subdivisions 22-24	654 000	915 170	947 501	103,53 %	32 331	/	C ⁽⁶⁾	/	32 331
PT	ALB	AN05N	Northern albacore	Atlantic Ocean, north of 5° N	2 413 800	2 332 800	2 564 017	109,91 %	231 217	/	/	/	231 217

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PT	ALF	3X14-	Alfonsinos	Union and international waters of III, IV, V, VI, VII, VIII, IX, X, XII and XIV	182 000	182 626	185 582	101,62 %	2 956	/	/	/	2 956
PT	ANE	9/3411	Anchovy	IX and X; Union waters of CECAF 34.1.1	6 522 000	8 992 936	9 141 377	101,65 %	148 441	/	/	/	148 441
PT	BUM	ATLANT	Blue marlin	Atlantic ocean	52 320	51 259	56 271	109,78 %	5 012	/	/	/	5 012
PT	LEZ	8C3411	Megrims	VIIIc, IX and X; Union waters of CECAF 34.1.1	36 000	139 400	142 316	102,09 %	2 916	/	/	/	2 916
PT	SBR	09-	Red seabream	Union and international waters of IX	37 000	72 027	75 905	105,38 %	3 878	/	/	/	3 878
PT	SRX	89-C.	Skates and rays	Union waters of VIII and IX	1 156 000	1 132 824	1 211 808	106,97 %	78 984	/	/	/	78 984
PT	SWO	AN05N	Swordfish	Atlantic Ocean, North of 5° N	1 170 830	1 738 532	1 854 956	106,70 %	116 424	/	/	/	116 424

Member State	Species code	Area code	Species name	Area name	Initial quota 2017 (in kilograms)	Permitted landings 2017 (Total adapted quantity in kilograms) ⁽¹⁾	Total catches 2017 (quantity in kilograms)	Quota consumption related to permitted landings	Overfishing related to permitted landing (quantity in kilograms)	Multi-plying factor ⁽²⁾	Additional Multiplying factor ⁽³⁾ ⁽⁴⁾	Outstanding deductions from previous year(s) ⁽⁵⁾ (quantity in kilograms)	Deductions to apply in 2018 (quantity in kilograms)
UK	MAC	2CX14-	Mackerel	VI, VII, VIIIa, VIIIb, VIIIc and VIIIe; Union and international waters of Vb; international waters of IIa, XII and XIV	237 677 000	222 116 471	224 288 943	100,98 %	2 172 472	/	A ⁽⁶⁾	/	2 172 472

⁽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 2016 to 2017 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 2015, 2016 and 2017. 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.

⁽⁷⁾ The deduction cannot be reduced by this unused quantity as article 4 of Regulation (EC) No 847/96 is not applicable to the ALB/AN05N stock.

⁽⁸⁾ At Spain's request, the deduction of 2 269 354 kilos due in 2017 was equally spread over two years (2017 and 2018) by Implementing Regulation (EU) 2017/2309. Since the 2018 initial quota for Spain as fixed by Regulation (EU) 2018/120 already reflects a deduction of 945 560 kilos, the remaining quantity to deduct amounts to 189 117 kilos.