

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1345**of 18 July 2017****operating deductions from fishing quotas available for certain stocks in 2017 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 2016 have been established by:

- Council Regulation (EU) No 1367/2014 ⁽²⁾,
- Council Regulation (EU) 2015/2072 ⁽³⁾,
- Council Regulation (EU) 2016/72 ⁽⁴⁾, and
- Council Regulation (EU) 2016/73 ⁽⁵⁾.

(2) Fishing quotas for the year 2017 have been established by:

- Council Regulation (EU) 2016/1903 ⁽⁶⁾,
- Council Regulation (EU) 2016/2285 ⁽⁷⁾,
- Council Regulation (EU) 2016/2372 ⁽⁸⁾, and
- Council Regulation (EU) 2017/127 ⁽⁹⁾.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) No 1367/2014 of 15 December 2014 fixing for 2015 and 2016 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks (OJ L 366, 20.12.2014, p. 1).

⁽³⁾ Council Regulation (EU) 2015/2072 of 17 November 2015 fixing for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulations (EU) No 1221/2014 and (EU) 2015/104 (OJ L 302, 19.11.2015, p. 1).

⁽⁴⁾ Council Regulation (EU) 2016/72 of 22 January 2016 fixing for 2016 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) 2015/104 (OJ L 22, 28.1.2016, p. 1).

⁽⁵⁾ Council Regulation (EU) 2016/73 of 18 January 2016 fixing for 2016 the fishing opportunities for certain fish stocks in the Black Sea (OJ L 16, 23.1.2016, p. 1).

⁽⁶⁾ 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).

⁽⁷⁾ 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).

⁽⁸⁾ 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).

⁽⁹⁾ 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).

- (3) According 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 2016. It is therefore appropriate to operate deductions on the fishing quotas allocated to them in 2017 and, where relevant, in subsequent years, for the overfished stocks.
- (6) Commission Implementing Regulations (EU) 2016/2226 ⁽¹⁾ and (EU) 2017/162 ⁽²⁾ have provided for deductions from fishing quotas for certain countries and species for 2016. However, for certain Member States, the deductions to be applied for some species were higher than the respective quotas available in 2016 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 2017 and, where appropriate, from subsequent quotas.
- (7) In the framework of Article 3(3) of Council Regulation (EC) No 847/96 ⁽³⁾, by letter dated 16 November 2016, Belgium requested Commission's permission to land additional quantities of turbot and brill in Union waters of IIa and IV (T/B/2AC4-C) within the limits of 10 % of the quota. The additional quantities granted in 2016 under that procedure should be considered as exceeding permitted landings for the purpose of the deductions envisaged in Article 105 of Regulation (EC) No 1224/2009.
- (8) Deductions from fishing quotas, as provided for by this Regulation, should apply without prejudice to deductions applicable to 2017 quotas pursuant to Commission Implementing Regulation (EU) No 185/2013 ⁽⁴⁾.
- (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

1. The fishing quotas fixed in Regulations (EU) 2016/1903, (EU) 2016/2285, (EU) 2016/2372 and (EU) 2017/127 for the year 2017 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*.

⁽¹⁾ Commission Implementing Regulation (EU) 2016/2226 of 9 December 2016 operating deductions from fishing quotas available for certain stocks in 2016 on account of overfishing in the previous years (OJ L 336, 10.12.2016, p. 28).

⁽²⁾ Commission Implementing Regulation (EU) 2017/162 of 31 January 2017 operating deductions from fishing quotas available for certain stocks in 2016 on account of overfishing of other stocks in the previous years and amending Implementing Regulation (EU) 2016/2226 operating deductions from fishing quotas available for certain stocks in 2016 on account of overfishing in the previous years (OJ L 27, 1.2.2017, p. 101).

⁽³⁾ 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).

⁽⁴⁾ 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).

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

Done at Brussels, 18 July 2017.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

DEDUCTIONS FROM QUOTAS FOR STOCKS WHICH HAVE BEEN OVERFISHED

Member State	Species code	Area code	Species name	Area name	Initial quota 2016 (in kilograms)	Permitted landings 2016 (Total adapted quantity in kilograms) ⁽¹⁾	Total catches 2016 (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 years ⁽⁵⁾ (quantity in kilograms)	Deductions to apply in 2017 (quantity in kilograms)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
BE	SRX	07D.	Skates and rays	Union waters of VIId	87 000	86 919	91 566	105,35 %	4 647	/	/	/	4 647
BE	SOL	7FG.	Common sole	VIIf and VIIg	487 000	549 565	563 401	102,52 %	13 836	/	/	/	13 836
BE	SOL	8AB.	Common sole	VIIIa and VIIIb	42 000	281 638	287 659	102,14 %	6 021	/	C ⁽⁶⁾	/	6 021
BE	T/B	2AC4-C	Turbot and brill	Union waters of IIa and IV	329 000	481 000	514 275	106,92 %	33 275 ⁽⁷⁾	/	/	/	33 275
DE	DGS	2AC4-C	Picked dogfish	Union waters of IIa and IV	0	0	2 118	N/A	2 118	/	/	/	2 118
DE	MAC	2CX14-	Mackerel	VI, VII, VIIIa, VIIIb, VIId and VIIIe; Union and international waters of Vb; international waters of IIa, XII and XIV	22 751 000	21 211 759	22 211 517	104,71 %	999 758	/	/	/	999 758
DK	DGS	2AC4-C	Picked dogfish	Union waters of IIa and IV	0	0	1 350	N/A	1 350	/	/	/	1 350
DK	HER	1/2-	Herring	Union, Faroese, Norwegian and international waters of I and II	7 069 000	10 331 363	10 384 320	100,51 %	52 957	/	/	/	52 957
DK	JAX	4BC7D	Horse mackerel and associated	Union waters of IVb, IVc and VIId	5 519 000	264 664	265 760	100,42 %	1 096	/	/	/	1 096
DK	MAC	2A34.	Mackerel	IIIa and IV; Union waters of IIa, IIb, IIc and Subdivisions 22-32	19 461 000	13 354 035	14 677 440	109,91 %	1 323 405	/	/	/	1 323 405

Member State	Species code	Area code	Species name	Area name	Initial quota 2016 (in kilograms)	Permitted landings 2016 (Total adapted quantity in kilograms) ⁽¹⁾	Total catches 2016 (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 years ⁽⁵⁾ (quantity in kilograms)	Deductions to apply in 2017 (quantity in kilograms)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
DK	MAC	2A4A-N	Mackerel	Norwegian waters of IIa and IVa	14 043 000	14 886 020	16 351 930	109,85 %	1 465 910	/	/	/	1 465 910
DK	NOP	04-N.	Norway pout	Norwegian waters of IV	0	0	22 880	N/A	22 880	/	/	/	22 880
DK	OTH	*2AC4C	Other species	Union waters of IIa and IV	6 018 300	3 994 920	4 508 050	112,84 %	513 130	1,2	/	/	615 756
DK	POK	1N2AB.	Saithe	Norwegian waters of I and II	/	0	3 920	N/A	3 920	/	/	/	3 920
DK	SAN	234_1	Sandeel	Union waters of sandeel management area 1	12 263 000	12 517 900	12 525 750	100,06 %	7 850	/	/	/	7 850
DK	SAN	04-N.	Sandeel	Norwegian waters of IV	0	0	19 860	N/A	19 860	/	/	/	19 860
ES	ALB	AN05N	Northern albacore	Atlantic Ocean, north of 5° N	14 917 370	14 754 370	16 645 500	112,82 %	1 891 130	1,2	/	/	2 269 356
ES	ALF	3X14-	Alfonsinos	Union and international waters of III, IV, V, VI, VII, VIII, IX, X, XII and XIV	67 000	86 159	79 185	91,90 %	- 6 974	/	/	817	0
ES	BSF	8910-	Black scabbard-fish	Union and international waters of VIII, IX and X	12 000	24 004	16 419	68,41 %	- 7 585	/	/	2 703	0
ES	BUM	ATLANT	Blue marlin	Atlantic Ocean	0	0	13 396	N/A	13 396	/	A	/	20 094
ES	COD	1/2B.	Cod	I and IIb	13 192 000	9 730 876	9 731 972	100,01 %	1 096	/	/	/	1 096

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
ES	GHL	1N2AB.	Greenland halibut	Norwegian waters of I and II	/	9 000	27 600	306,67 %	18 600	1,0	A	/	27 900
ES	GHL	N3LMNO	Greenland halibut	NAFO 3LMNO	4 067 000	4 070 000	4 072 999	100,07 %	2 999	/	C ⁽⁶⁾	/	2 999
ES	SRX	67AKXD	Skates and rays	Union waters of VIa, VIb, VIIa-c and VIIe-k	876 000	459 287	469 586	102,24 %	10 299	/	/	/	10 299
ES	SRX	89-C.	Skates and rays	Union waters of VIII and IX	1 057 000	925 232	956 878	103,42 %	31 646	/	A	131 767	179 236
ES	WHM	ATLANT	White marlin	Atlantic Ocean	2 460	2 460	9 859	400,77 %	7 399	1,0	A	138 994	150 092
FR	LIN	04-C.	Ling	Union waters of IV	162 000	262 351	304 077	115,91 %	41 726	1,0	/	/	41 726
FR	POK	1/2/INT	Saithe	International waters of I and II	0	0	2 352	N/A	2 352	/	/	/	2 352
FR	RED	51214S	Redfish (shallow pelagic)	Union and international waters of V; international waters of XII and XIV	0	0	29 827	N/A	29 827	/	/	/	29 827
FR	SBR	678-	Red seabream	Union and international waters of VI, VII and VIII	6 000	28 817	31 334	108,72 %	2 517	/	/	/	2 517
FR	SRX	07D.	Skates and rays	Union waters of VIId	663 000	630 718	699 850	110,96 %	69 132	1,0	A	/	103 698
FR	SRX	67AKXD	Skates and rays	Union waters of VIa, VIb, VIIa-c and VIIe-k	3 255 000	3 641 000	39 254	101,08 %	39 254	/	/	/	39 254
FR	WHG	08.	Whiting	VIII	1 524 000	2 406 000	2 441 333	101,47 %	35 333	/	/	/	35 333
IE	PLE	7FG.	Plaice	VIIf and VIIg	200 000	66 332	67 431	101,66 %	1 099	/	/	/	1 099

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
IE	POK	1N2AB.	Saithe	Norwegian waters of I and II	/	0	5 969	N/A	5 969	/	/	/	5 969
IE	SRX	67AKXD	Skates and rays	Union waters of VIa, VIb, VIIa-c and VIIe-k	1 048 000	949 860	980 960	103,27 %	31 056	/	A ⁽⁶⁾	/	31 056
NL	DGS	2AC4-C	Picked dogfish	Union waters of IIa and IV	0	0	1 260	N/A	1 260	/	/	/	1 260
NL	HAD	7X7A34	Haddock	VIIb-k, VIII, IX and X; Union waters of CECAF 34.1.1	/	559	26 220	N/A	25 661	/	/	/	25 661
NL	HER	*25B-F	Herring	II, Vb north of 62° N (Faroes waters)	736 000	477 184	476 491	99,86 %	- 693	/	/	23 551	22 858
NL	OTH	*2A-14	Associate by-catches to horse mackerel (boarfish, whiting and mackerel)	Union waters of IIa, IVa, VI, VIIa-c, VIIe-k, VIIla, VIIlb, VIIId and VIIf; Union and international waters of Vb; international waters of XII and XIV	1 663 800	1 777 300	2 032 689	114,37 %	255 389	1,2	/	/	306 467
NL	POK	2A34.	Saithe	IIIa and IV; Union waters of IIa, IIlb, IIlc and Subdivisions 22-32	68 000	110 846	110 889	100,04 %	43 ⁽⁸⁾	/	/	1 057	1 057
NL	T/B	2AC4-C	Turbot and brill	Union waters of IIa and IV	2 493 000	2 551 261	2 737 636	107,31 %	186 375	/	/	/	186 375
PT	BUM	ATLANT	Blue marlin	Atlantic ocean	49 550	49 550	50 611	102,14 %	1 061	/	/	/	1 061

Member State	Species code	Area code	Species name	Area name	Initial quota 2016 (in kilograms)	Permitted landings 2016 (Total adapted quantity in kilograms) ⁽¹⁾	Total catches 2016 (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 years ⁽⁵⁾ (quantity in kilograms)	Deductions to apply in 2017 (quantity in kilograms)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
PT	GHL	1N2AB	Greenland Halibut	Norwegian waters of I and II	/	18 487	18 487	N/A	18 487	/	/	/	18 487
PT	MAC	8C3411	Mackerel	VIIIc, IX and X; Union waters of CECAF 34.1.1	6 971 000	6 313 658	6 823 967	108,08 %	510 309	/	/	/	510 309
PT	SRX	89-C.	Skates and rays	Union waters of VIII and IX	1 051 000	1 051 000	1 068 676	101,68 %	17 676	/	/	/	17 676
PT	SWO	AN05N	Swordfish	Atlantic Ocean, North of 5° N	1 161 950	1 541 950	1 561 142	101,24 %	19 192	/	/	/	19 192
UK	DGS	15X14	Picked dogfish	Union and international waters of I, V, VI, VII, VIII, XII and XIV	0	0	12 585	N/A	12 585	/	/	/	12 585
UK	DGS	2AC4-C	Picked dogfish	Union waters of IIa and IV	0	0	17 776	N/A	17 776	/	/	/	17 776
UK	HER	4AB.	Herring	Union and Norwegian waters of IV north of 53° 30' N	70 348 000	70 710 390	73 419 998	103,83 %	2 709 608	/	/		2 709 608
UK	MAC	2CX14-	Mackerel	VI, VII, VIIIa, VIIIb, VIIIc and VIIIe; Union and international waters of Vb; international waters of IIa, XII and XIV	208 557 000	195 937 403	209 143 232	106,74 %	13 205 829	/	A ⁽⁶⁾	/	13 205 829
UK	SAN	234_1	Sandeel	Union waters of sandeel management area 1	268 000	0	0	N/A	0	/	/	1 466 168	1 466 168

Member State	Species code	Area code	Species name	Area name	Initial quota 2016 (in kilograms)	Permitted landings 2016 (Total adapted quantity in kilograms) ⁽¹⁾	Total catches 2016 (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 years ⁽⁵⁾ (quantity in kilograms)	Deductions to apply in 2017 (quantity in kilograms)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
UK	SRX	67AKXD	Skates and rays	Union waters of VIa, VIb, VIIa-c and VIIe-k	2 076 000	2 006 000	2 008 431	100,12 %	2 431	/	/	/	2 431
UK	T/B	2AC4-C	Turbot and brill	Union waters of IIa and IV	693 000	522 000	544 680	104,34 %	22 680	/	/	/	22 680

⁽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 2015 to 2016 in accordance with Article 4(2) of Council Regulation (EC) No 847/96 (OJ L 115, 9.5.1996, p. 3), with Article 5a of Council Regulation (EU) No 1221/2014 (OJ L 330, 15.11.2014, p. 16), with Article 18a of Council Regulation (EU) 2015/104 (OJ L 22, 28.1.2015, p. 1), 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 2014, 2015 and 2016. 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 that could not be deducted in 2016 pursuant to Regulation (EU) 2016/2226 as amended by Regulation (EU) 2017/162 because there was no or not sufficient quota available.

⁽⁶⁾ Additional multiplying factor not applicable because the overfishing does not exceed 10 % of the permitted landings.

⁽⁷⁾ At Belgium's request, additional landings up to 10 % of the T/B quota were permitted by the Commission according to Article 3(3) of Regulation (EC) No 847/96.

⁽⁸⁾ Quantities below one tonne are not considered.