

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**

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 Community 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 2015 have been established by:

- Council Regulation (EU) No 1221/2014 ⁽²⁾,
- Council Regulation (EU) No 1367/2014 ⁽³⁾,
- Council Regulation (EU) 2015/104 ⁽⁴⁾, and
- Council Regulation (EU) 2015/106 ⁽⁵⁾.

(2) Fishing quotas for the year 2016 have been established by:

- Council Regulation (EU) No 1367/2014,
- Council Regulation (EU) 2015/2072 ⁽⁶⁾,
- Council Regulation (EU) 2016/72 ⁽⁷⁾, and
- Council Regulation (EU) 2016/73 ⁽⁸⁾.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) No 1221/2014 of 10 November 2014 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulations (EU) No 43/2014 and (EU) No 1180/2013 (OJ L 330, 15.11.2014, p. 16).

⁽³⁾ 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).

⁽⁴⁾ Council Regulation (EU) 2015/104 of 19 January 2015 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters, amending Regulation (EU) No 43/2014 and repealing Regulation (EU) No 779/2014 (OJ L 22, 28.1.2015, p. 1).

⁽⁵⁾ Council Regulation (EU) 2015/106 of 19 January 2015 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks in the Black Sea (OJ L 19, 24.1.2015, p. 8).

⁽⁶⁾ 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).

⁽⁷⁾ 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).

⁽⁸⁾ 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).

- (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 2015. It is therefore appropriate to operate deductions on the fishing quotas allocated to them in 2016 and, where relevant, in subsequent years, for the overfished stocks.
- (6) Commission Implementing Regulation (EU) 2015/1801 ⁽¹⁾ and Commission Implementing Regulation (EU) 2015/2404 ⁽²⁾ have provided for deductions from fishing quotas for certain countries and species for 2015. However, for certain Member States, the deductions to be applied for some species were higher than the respective quotas available in 2015 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 2016 and, where appropriate, from subsequent quotas.
- (7) By letter dated 25 October 2015, pursuant to Article 3(3) of Council Regulation (EC) No 847/96 ⁽³⁾, Germany 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 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 2016 quotas pursuant to Commission Implementing Regulation (EU) No 185/2013 ⁽⁴⁾.
- (9) Since quotas are expressed in tonnes, quantities below 1 tonne should not be considered,

HAS ADOPTED THIS REGULATION:

Article 1

1. The fishing quotas fixed in Regulations (EU) No 1367/2014, (EU) 2015/2072, (EU) 2016/72 and (EU) 2016/73 for the year 2016 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) 2015/1801 of 7 October 2015 operating deductions from fishing quotas available for certain stocks in 2015 on account of overfishing in the previous years (OJ L 263, 8.10.2015, p. 19).

⁽²⁾ Commission Implementing Regulation (EU) 2015/2404 of 16 December 2015 operating deductions from fishing quotas available for certain stocks in 2015 on account of overfishing of other stocks in the previous years and amending Implementing Regulation (EU) 2015/1801 (OJ L 333, 19.12.2015, p. 73).

⁽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. 62).

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

Done at Brussels, 9 December 2016.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

DEDUCTIONS FROM QUOTAS FOR STOCKS WHICH HAVE BEEN OVERFISHED

Member State	Species code	Area code	Species name	Area name	Initial quota 2015 (in kilograms)	Permitted landings 2015 (Total adapted quantity in kilograms) ⁽¹⁾	Total catches 2015 (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 2016 (quantity in kilograms)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
BE	SOL	24-C.	Common sole	Union waters of IIa and IV	991 000	929 510	939 590	101,08 %	10 080	/	/	/	10 080
BE	SRX	07D.	Skates and rays	Union waters of VIIId	72 000	70 511	69 495	98,56 %	- 1 016	/	/	1 097	81
BE	SRX	2AC4-C	Skates and rays	Union waters of IIa and IV	211 000	245 500	256 147	104,34 %	10 647	/	/	/	10 647
BE	SRX	67AKXD	Skates and rays	Union waters of VIa, VIb, VIIa-c and VIIe-k	725 000	915 262	918 243	100,33 %	2 981	/	/	/	2 981
DE	T/B	2AC4-C	Turbot/Brill	Union waters of IIa and IV	186 000	349 000	350 186	100,34 %	1 186	/	/	/	1 186 ⁽¹⁰⁾
DK	COD	03AN.	Cod	Skagerrak	3 336 000	3 223 407	3 349 360	103,91 %	125 923	/	(C) ⁽⁶⁾	/	125 923
DK	DGS	03A-C.	Spurdog/dogfish	Union waters of IIIa	0	0	3 840	N/A	3 840	1,00	/	/	3 840
DK	DGS	2AC4-C	Spurdog/dogfish	Union waters of IIa and IV	0	0	1 540	N/A	1 540	1,00	/	/	1 540
DK	HER	03A-BC	Herring	IIIa	5 692 000	5 770 000	6 056 070	104,96 %	286 070	/	/	/	286 070
DK	NOP	04-N.	Norway pout	Norwegian waters of IV	0	0	28 270	N/A	28 270	1,00	/	/	28 270

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
DK	SAN	234_1	Sandeel	Union waters of sandeel management area 1	125 459 000	115 924 000	130 977 950	112,99 %	15 053 950	1,2	/	/	18 064 740
DK	SAN	234_6	Sandeel	Union waters of sandeel management area 6	206 000	219 000	228 860	104,50 %	9 860	/	/	/	9 860
ES	ALF	3X14-	Alfonsinos	Union and international waters of III, IV, V, VI, VII, VIII, IX, X, XII and XIV	67 000	80 045	62 544	78,13 %	- 9 496 ⁽⁷⁾	/	/	16 159	6 663
ES	ANE	08.	Anchovy	VIII	22 500 000	22 923 784	24 068 471	104,99 %	1 144 687	/	/	/	1 144 687
ES	BSF	8910-	Black scabbard-fish	Union and international waters of VIII, IX and X	12 000	30 050	110	0,37 %	- 26 936 ⁽⁸⁾	/	/	29 639	2 703
ES	BUM	ATLANT	Blue marlin	Atlantic Ocean	10 360	20 360	134 082	658,56 %	113 722	2,0	A	172 878	514 044
ES	COD	1/2B	Cod	I and IIb	13 283 000	12 182 091	12 391 441	101,72 %	209 350	/	/	/	209 350
ES	GHL	1N2AB.	Greenland halibut	Norwegian waters of I and II	/	0	24 239	N/A	24 239	1,00	A	/	36 359
ES	RED	N3LN.	Redfish	NAFO 3LN	/	171 440	173 836	101,40 %	2 396	/	/	/	2 396
ES	SOL	8AB.	Common sole	VIIIa and VIIIb	9 000	6 968	7 397	106,13 %	(429) ⁽⁹⁾	/	(A+C) ⁽⁹⁾ ⁽⁹⁾	2 759	2 759
ES	SRX	67AKXD	Skates and rays	Union waters of VIa, VIb, VIIa-c and VIIe-k	43 800	412 000	445 713	108,18 %	33 713	/	/	/	33 713
ES	SRX	89-C.	Skates and rays	Union waters of VIII and IX	1 057 000	650 485	771 246	118,56 %	120 761	1,2	/	118 622	263 535

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
ES	USK	567EI.	Tusk	Union and international waters of V, VI and VII	46 000	135 008	62 646	46,40 %	- 72 362	/	/	58 762	0
ES	WHM	ATLANT	White marlin	Atlantic Ocean	24 310	24 310	68 613	282,24 %	44 303	1,00	A	72 539	138 994
FR	GHL	1N2AB.	Greenland halibut	Norwegian waters of I and II	/	2 000	7 957	397,85 %	5 957	1,00	/	/	5 957
FR	HAD	7X7A34	Haddock	VIIb-k, VIII, IX and X; Union waters of CECAF 34.1.1	5 561 000	5 760 984	5 775 607	100,25 %	14 623	/	/	/	14 623
FR	PLE	7HJK.	Plaice	VIIIh, VIIj and VIIk	17 000	57 007	59 833	104,95 %	2 826	/	/	/	2 826
FR	SRX	07D.	Skates and rays	Union waters of VII d	602 000	591 586	689 868	116,61 %	98 282	1,00	/	/	98 282
FR	SRX	89-C.	Skates and rays	Union waters of VIII and IX	1 298 000	1 507 000	1 578 469	104,74 %	71 469	/	/	/	71 469
IE	COD	07A.	Cod	VIIa	120 000	134 776	138 122	102,48 %	3 346	/	/	/	3 346
IE	SRX	67AKXD	Skates and rays	Union waters of VIa, VIb, VIIa-c and VIIe-k	1 048 000	946 554	1 044 694	110,37 %	98 140	1,00	/	/	98 140
NL	ANE	08.	Anchovy	VIII	/	0	12 493	N/A	12 493	1,00	/	/	12 493
NL	COD	2A3AX4	Cod	IV; Union waters of IIa; that part of IIIa not covered by the Skagerrak and Kattegat	2 800 000	1 340 520	1 348 815	100,62 %	8 295	/	(C) ⁽⁶⁾	/	8 295
NL	HER	*25B-F	Herring	II, Vb north of 62° N (Faroes waters)	1 104 000	1 841 160	2 230 998	121,17 %	389 838	1,4	/	/	545 773

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
NL	HKE	3A/BCD	Hake	IIIa; Union waters of Subdivisions 22-32	/	0	1 575	N/A	1 575	1,00	A+C ⁽¹⁾	/	2 363
NL	MAC	*3A4BC	Mackerel	IIIa and IVbc	490 000	1 084 500	1 090 087	100,52 %	5 587	/	/	/	5 587
NL	POK	2A34.	Saithe	IIIa and IV; Union waters of IIa, IIIb, IIIc and Subdivisions 22-32	68 000	56 600	63 411	112,03 %	6 811	1,00	/	/	6 811
NL	SRX	2AC4-C	Skates and rays	Union waters of IIa and IV	180 000	245 300	252 765	103,04 %	7 465	/	/	/	7 465
NL	T/B	2AC4-C	Turbot and brill	Union waters of IIa and IV	2 579 000	2 783 000	2 793 239	100,37 %	10 239	/	/	/	10 239
NL	WHB	1X14	Blue whiting	Union and international waters of I, II, III, IV, V, VI, VII, VIIIa, VIIIb, VIIIc, VIIIe, XII and XIV	36 711 000	55 297 456	55 584 332	100,52 %	286 876	/	/	/	286 876
NL	WHG	2AC4.	Whiting	IV; Union waters of IIa	699 000	527 900	547 717	103,75 %	19 817	/	/	/	19 817
NL	WHG	56-14	Whiting	VI; Union and international waters of Vb; international waters of XII and XIV	/	0	11 475	N/A	11 475	1,00	/	/	11 475
PT	GHL	1N2AB	Greenland Halibut	Norwegian waters of I and II	/	0	6 098	N/A	6 098	1,00	/	/	6 098
PT	POK	1N2AB.	Saithe	Norwegian waters of I and II	/	9 700	9 690	99,90 %	- 10	/	/	145 616	145 606

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
UK	COD	2A3AX4	Cod	IV; Union waters of IIa; that part of IIIa not covered by the Skagerrak and Kattegat	11 369 000	14 828 600	14 846 189	100,12 %	17 589	/	(C) ⁽⁶⁾	/	17 589
UK	HER	4AB.	Herring	Union and Norwegian waters of IV north of 53° 30' N	62 292 000	66 892 860	68 024 970	101,69 %	1 132 100	/	/	/	1 132 110
UK	MAC	2CX14-	Mackerel	VI, VII, VIIIa, VIIIb, VIIIc and VIIIe; Union and international waters of Vb; international waters of IIa, XII and XIV	245 363 000	237 093 794	242 496 391	102,28 %	5 402 597	/	(A) ⁽⁶⁾	/	5 402 597
UK	MAC	*3A4BC	Mackerel	IIIa and IVbc	490 000	620 500	626 677	101,00 %	6 177	/	/	/	6 177
UK	SAN	234_1	Sandeel	Union waters of sandeel management area 1	2 742 000	1 219 400	2 000 034	164,02 %	780 634	2,00	/	/	1 561 268

⁽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 2014 to 2015 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) or re-allocation 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 2013, 2014 and 2015. 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 2015 pursuant to Regulation (EU) 2015/1801 as amended by Regulation (EU) 2015/2404 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⁾ Remaining unused quantity after the transfer of 8 005 kilograms from 2015 to 2016 operated pursuant to Commission Implementing Regulation (EU) 2016/1142 (OJ L 189, 14.7.2016, p. 9).

⁽⁸⁾ Remaining unused quantity after the transfer of 3 004 kilograms from 2015 to 2016 operated pursuant to Regulation (EU) 2016/1142.

⁽⁹⁾ Quantities below 1 tonne are not considered.

⁽¹⁰⁾ At Germany'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.

⁽¹¹⁾ Additional multiplying factors are not cumulative and operated only once.