COMMISSION IMPLEMENTING REGULATION (EU) 2023/2480

of 10 November 2023

operating deductions from fishing quotas available for certain stocks in 2023 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) 2023/1661

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), (3) and (5) 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) Commission Implementing Regulation (EU) 2023/1661 ([9]) has established deductions from fishing quotas available for certain fish stocks in 2023 on account of overfishing in the previous years.

([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).
([9]) 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 (OJ L 210, 25.8.2023, p. 23).

(5) For certain Member States, namely Denmark, Spain, the Netherlands and Poland, certain deductions could not be operated by Implementing Regulation (EU) 2023/1661 from fishing quotas allocated for the overfished stocks because quotas for these stocks are not available for those Member States in the year 2023.

(6) Article 105(5) of Regulation (EC) No 1224/2009 provides that, if it is not possible to operate deductions on the overfished stock in the year following the overfishing because the Member State concerned has no available quota for that fish stock, deductions may be operated on other stocks in the same geographical area or with the same commercial value, following consultations with the Member States concerned.

(7) According to Communication from the Commission 2022/C 369/03 on guidelines for the deduction of quotas under Article 105(1), (2) and (5) of Regulation (EC) No 1224/2009 ([10]) ('the Guidelines'), such deductions should be preferably operated from quotas allocated for stocks fished by the same fleet as the fleet that overfished the quota.

(8) The Member States concerned have been consulted as regards certain deductions from fishing quotas allocated for stocks other than those which have been overfished. It is therefore appropriate to operate deductions from those alternative fishing quotas allocated to those Member States in 2023.

(9) In certain cases, exchanges of fishing opportunities concluded in accordance with Article 16(8) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ([11]) enable deductions from the same stocks in the framework of Implementing Regulation (EU) 2023/1661.

(10) Moreover, certain deductions provided for by Implementing Regulation (EU) 2023/1661 exceed the adapted quota available in the year 2023 and, as a consequence, cannot be entirely operated in that year. According to the Guidelines, the remaining amounts should be deducted from the adapted quotas available in subsequent years until the full overfished amount is paid back.

(11) Implementing Regulation (EU) 2023/1661 should therefore be amended accordingly.

(12) The afore-mentioned 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 are to 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 by Portugal 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.

(13) Further updates or corrections may still occur following the detection, for the current or previous exercises, of errors, omissions or misreporting in the catch figures declared by the Member States pursuant to Article 33 of Regulation (EC) No 1224/2009,

([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]) 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).

([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.

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, referred to in Annex I to this Regulation, shall be reduced by applying the deductions on the alternative stocks set out in that Annex.

Article 2

The Annex to Implementing Regulation (EU) 2023/1661 is replaced by the text set out in Annex II to this Regulation.

Article 3

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, 10 November 2023.

For the Commission
The President
Ursula VON DER LEYEN

DEDUCTIONS FROM FISHING QUOTAS FOR THE YEAR 2023 TO BE APPLIED ON ALTERNATIVE STOCKS

OVERFISHED STOCKS							ALTERNATIVE STOCKS					
Member State	**Species code**	**Area code**	**Species name**	**Area name**	**Quantity that cannot be deducted from the 2023 fishing quota for the overfished stock (in tonnes)**		**Member State**	**Species code**	**Area code**	**Species name**	**Area name**	**Quantity to be deducted from the 2023 fishing quota for the alternative stocks (in tonnes)**
DNK	HER	5B6ANB	Herring	6b and 6aN; United Kingdom and international waters of 5b	8,077		**DNK**	MAC	2CX14-	Mackerel	6, 7, 8a, 8b, 8d and 8e; United Kingdom and international waters of 5b; international waters of 2a, 12 and 14	8,077
DNK	OTH	1N2AB.	Other species	Norwegian waters of 1 and 2	2,038		**DNK**	HER	1/2-	Herring	United Kingdom, Faroese, Norwegian and international waters of 1 and 2	2,038
DNK	POK	1N2AB.	Saithe	Norwegian waters of 1 and 2	17,317		**DNK**	HER	1/2-	Herring	United Kingdom, Faroese, Norwegian and international waters of 1 and 2	17,317
ESP	GHL	1N2AB.	Greenland halibut	Norwegian waters of 1 and 2	33,521		**ESP**	HER	1/2-	Herring	United Kingdom, Faroese, Norwegian and international waters of 1 and 2	33,521
ESP	HAD	1N2AB.	Haddock	Norwegian waters of 1 and 2	17,409		**ESP**	REB	1N2AB.	Redfish	Norwegian waters of 1 and 2	17,409

ESP	OTH	1N2AB.	Other species	Norwegian waters of 1 and 2	53,171		**ESP**	COD	1N2AB.	Cod	Norwegian waters of 1 and 2	53,171
ESP	POK	1N2AB.	Saithe	Norwegian waters of 1 and 2	8,163		**ESP**	HER	1/2-	Herring	United Kingdom, Faroese, Norwegian and international waters of 1 and 2	0,479
								COD	1N2AB.	Cod	Norwegian waters of 1 and 2	0,540
								REB	1N2AB.	Redfish	Norwegian waters of 1 and 2	7,144
NLD	POK	1N2AB.	Saithe	Norwegian waters of 1 and 2	43,097		**NLD**	HER	1/2-	Herring	United Kingdom, Faroese, Norwegian and international waters of 1 and 2	43,097
POL	MAC	2A34.	Mackerel	3a; United Kingdom and Union waters of 2a, 3b, 3c, 3d and 4	10,934		**POL**	HER	3D-R30	Herring	Union waters of subdivisions 25-27, 28.2, 29 and 32	10,934

ANNEX II

The Annex to Implementing Regulation (EU) 2023/1661 is replaced by the following:

'ANNEX

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

Member 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 consumption related to permitted landings 2022	Over-fishing related to permitted landings 2022 (quantity in tonnes)	Multi-plying factor (2)	Addi-tional Multi-plying factor (3), (4)	Out-standing deduc-tions from previous year(s) (5) (quantity in tonnes)	Deductions from fishing quotas for 2023 (6) and subsequent years (quantity in tonnes)	Deductions from 2023 fishing quotas for the overfished stocks (7) (quantity in tonnes)	Deduc-tions from 2023 fishing quotas for alterna-tive stocks (quantity in tonnes)	To be deducted from fishing quotas for 2024 and subsequent year(s) (quantity in tonnes)
BE	SRX	07D.	Skates and rays	7d	134,000	136,500	137,765	100,93 %	1,265	/	/	/	1,265	1,265	/	/
BE	SRX	67AKX-D	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	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 (8)	/	1 109,676	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	0	/	19,997
DK	COD	03AN.	Cod	Skagerrak	1 515,000	1 503,751	1 521,783	101,20 %	18,032	/	C (8)	/	18,032	18,032	/	/
DK	COD	2A3A-X4	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 (8)	/	38,270	38,270	/	/
DK	HAD	03A.	Had-dock	3a	2 225,000	2 508,851	2 735,449	109,03 %	226,598	/	C (8)	/	226,598	226,598	/	/

DK	HER	5B6AN-B	Herring	6b and 6aN; United Kingdom and international waters of 5b	/	/	8,077	N/A	8,077	1,00	/		8,077	/	8,077	/
DK	OTH	1N2AB.	Other species	Norwegian waters of 1 and 2	/	/	2,038	N/A	2,038	1,00	/	/	2,038	/	2,038	/
DK	POK	1N2AB.	Saithe	Norwegian waters of 1 and 2	/	/	17,317	N/A	17,317	1,00	/	/	17,317	/	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	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	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	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	1,069	/	/
ES	COD	1/2B.	Cod	1 and 2b	9 688,000	9 290,212	9 409,547	101,28 %	119,335	/	A ([8])	/	119,335	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	0	/	60,063

ES	GHL	1N2AB.	Green-land halibut	Norwegian waters of 1 and 2	/	32,719	55,066	168,30 %	22,347	1,00	A	/	33,521	/	33,521	/
ES	HAD	1N2AB.	Had-dock	Norwegian waters of 1 and 2	/	0,554	17,963	3 242,42 %	17,409	1,00	/	/	17,409	/	17,409	/
ES	OTH	1N2AB.	Other species	Norwegian waters of 1 and 2	/	/	35,447	N/A	35,447	1,00	A	/	53,171	/	53,171	/
ES	POL	08C.	Pollack	8c	149,000	172,001	173,627	100,95 %	1,626	/	/	/	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	/	8,163	/
ES	REB	1N2AB.	Redfish	Norwegian waters of 1 and 2	106,000	103,211	104,593	101,34 %	1,382	/	/	/	1,382	1,382	/	/
ES	RJU	9-C.	Undu-late ray	Union waters of 9	15,000	18,000	19,348	107,49 %	1,348	/	/	/	1,348	0	/	1,348
FR	JAX	4BC7D	Horse mack-erel and associ-ated by-cat-ches	United Kingdom and Union waters of 4b, 4c and 7d	267,000	396,532	461,312	116,34 %	64,780	1,00	/	/	64,780	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	26,299	/	/
FR	RJU	8-C.	Undu-late ray	Union waters of 8	13,000	23,000	24,081	104,70 %	1,081	/	/	/	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	30,837	/	/
IE	POK	1N2AB.	Saithe	Norwegian waters of 1 and 2	/	28,810	51,017	177,08 %	22,207	1,00	/	/	22,207	22,207	/	/

MT	ALB	MED	Mediterranean albacore	Mediterranean Sea	41,190	41,190	49,876	121,09 %	8,686	1,00	/	/	8,686	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	/	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	/	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 ([8])	/	2,841	2,841	/	/
PT	BET	ATLANT	Bigeye tuna	Atlantic Ocean	3 106,230	3 022,850	3 206,898	106,09 %	184,048	/	/	/	/ ([9])	/ ([9])	/	184,048 ([9])
PT	RJU	9-C.	Undulate ray	Union waters of 9	15,000	32,000	33,907	105,96 %	1,907	/	/	/	1,907	1,907	/	/
PT	SWO	AN05N	Swordfish	Atlantic Ocean, north of 5° N	1 161,840	1 687,840	1 738,632	103,01 %	50,792	/	/	/	/ ([10])	/ ([10])	/	50,792 ([10])
SE	I/F	04-N	Industrial fish	Norwegian waters of 4	800,000	800,000	808,349	101,04 %	8,349	/	/	/	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 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 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]) Deductions to operate in 2023.

([7]) Deductions to operate in 2023 that could be actually applied considering the available quota on 1 September 2023.

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

([9]) Recommendation 21-01 by ICCAT establishes that any excess of the annual adjusted quota in 2022 shall be deducted from the respective quota/catch limit for 2024.

([10]) Recommendation 22-03 by ICCAT establishes that any excess of the annual adjusted quota in 2022 shall be deducted from the respective quota/catch limit for 2024.'