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COMMISSION IMPLEMENTING REGULATION (EU) 2024/2407

of 13 September 2024

on operating deductions from fishing quotas available for certain stocks in 2024 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 2023 have been established by Council Regulations (EU) 2022/2090 ([2]), (EU) 2023/194 ([3]) and (EU) 2023/195 ([4]).

(2) Fishing quotas for the year 2024 have been established by Council Regulations (EU) 2023/194, (EU) No 2023/2638 ([5]), (EU) 2024/257 ([6]) and (EU) 2024/259 ([7]).

(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 are 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 2023. Deductions should therefore be operated on the fishing quotas allocated to them in 2024 and, where relevant, in subsequent years, for the overfished stocks.

([1]) OJ L 343, 22.12.2009, p. 1, ELI: http://data.europa.eu/eli/reg/2009/1224/oj.

([2]) 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, http://data.europa.eu/eli/reg/2022/2090/oj).

([3]) 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, ELI: http://data.europa.eu/eli/reg/2023/194/oj).

([4]) 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, ELI: http://data.europa.eu/eli/reg/2023/195/oj).

([5]) Council Regulation (EU) 2023/2638 of 20 November 2023 fixing the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2024 and amending Regulation (EU) 2023/194 as regards certain fishing opportunities in other waters (OJ L, 2023/2638, 22.11.2023, ELI: http://data.europa.eu/eli/reg/2023/2638/oj).

([6]) Council Regulation (EU) 2024/257 of 10 January 2024 fixing for 2024, 2025 and 2026 the fishing opportunities for certain fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2023/194 (OJ L, 2024/257, 11.1.2024, ELI: http://data.europa.eu/eli/reg/2024/257/oj).

([7]) Council Regulation (EU) 2024/259 of 10 January 2024 fixing for 2024 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas (OJ L, 2024/259, 11.1.2024, ELI: http://data.europa.eu/eli/reg/2024/259/oj).

(6) Commission Implementing Regulations (EU) 2023/1661 ([8]) and (EU) 2023/2480 ([9]) have set out deductions from fishing quotas for certain Member States and species for 2023. However, for certain Member States, the deductions to be applied for some species were higher than the respective quotas available in 2023 and could therefore not be operated entirely in that year. Pursuant to point 2 of Communication from the Commission on guidelines for the deduction of quotas under Article 105(1), (2) and (5) of Regulation (EC) No 1224/2009 ([10]) ('the Guidelines') and to ensure that in such cases the full amount for the respective stocks is deducted, the remaining quantities should be taken into account when establishing deductions for 2024 and, where appropriate, from subsequent quotas.

(7) Point 1 of the Guidelines states that, where applicable, the timeline for deductions in case of overfishing of a quota for stocks managed by regional fisheries management organisations is to be adapted 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 ([11]) as well as Recommendation 22-03 by ICCAT for the conservation of North Atlantic swordfish ([12]) provide that any excess of the annual adjusted quota in the year 2022 is 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 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 be applied in 2024. Consequently, the deductions established by Implementing Regulation (EU) 2023/1661 on account of overfishing in 2022, by Portugal, of its quotas for BET/ATLANT and SWO/AN05N should be operated on its respective quotas for 2024. The provision set by Recommendation 22-03 is also applicable to overage of annual catch limits for SWO/AN05N in 2023 which is to be deducted from the annual catch limits for 2025.

(8) Similarly, Recommendation 19-05 by ICCAT establishing a rebuilding programme for blue marlin ([13]) provides that any excess of the annual landings limits fixed for the year 2023 are to be deducted from the landings limits during 2025. Therefore, deductions on account of overfishing in 2023 for the stock of blue marlin in the Atlantic Ocean (BUM/ATLANT) should be applied only in 2025.

(9) Based on the data transmitted by France, it appears that the 2023 shared quota amounting to 129,840 tonnes and allocated to 'Other Member States' – among which France – exclusively for the by-catches of swordfish in the Atlantic Ocean, north of 5° N (SWO/AN05N_AMS) as established by Regulation (EU) 2023/194 has been exceeded. Considering that France reported catches amounting to 161,053 tonnes under this 'Other Member States' quota, a deduction on account of this overfishing should be operated on the French quota. This deduction should be applied only in 2025 in accordance with ICCAT Recommendation 22-03.

([8]) 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, ELI: http://data.europa.eu/eli/reg_impl/2023/1661/oj).

([9]) 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 (OJ L, 2023/2480, 13.11.2023, ELI: http://data.europa.eu/eli/reg_impl/2023/2480/oj).

([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]) Recommendation 21-01 by ICCAT replacing Recommendation 19-02 replacing Recommendation 16-01 on a multi-annual conservation and management programme for tropical tunas. (https://www.iccat.int/Documents/Recs/compendiopdf-e/2022-01-e.pdf).

([12]) Recommendation 22-03 by ICCAT replacing supplemental recommendation 21-02 extending and amending Recommendation 17-02 for the conservation of North Atlantic swordfish. (https://www.iccat.int/Documents/Recs/compendiopdf-e/2022-03-e.pdf).

([13]) Recommendation 19-05 by ICCAT to establish rebuilding programmes for blue marlin and white marlin/roundscale spearfish (https://www.iccat.int/Documents/Recs/compendiopdf-e/2019-05-e.pdf).

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

(11) Since quotas are expressed in tonnes, overfishing involving quantities of less than 1 tonne should not be considered,

HAS ADOPTED THIS REGULATION:

Article 1

The fishing quotas fixed for the year 2024 in Regulations (EU) 2023/194, (EU) No 2023/2638, (EU) 2024/257 and (EU) 2024/259 shall be reduced as set out in the Annex to this Regulation.

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, 13 September 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

DEDUCTIONS FROM FISHING QUOTAS FOR THE YEAR 2024 FOR STOCKS WHICH HAVE BEEN OVERFISHED

Member State	Species code	Area code	Species name	Area name	Initial quota 2023 (in tonnes)	Permitted landings 2023 (Total adapted quantity in tonnes) (1)	Total catches 2023 (quantity in tonnes)	Quota consumption related to permitted landings	Overfishing related to permitted landing (quantity in tonnes)	Multi-plying factor (2)	Addit-ional Multi-plying factor (3) (4)	Out-standing deductions from previous year(s) (5) (quantity in tonnes)	Deductions to apply in 2024 (quantity in tonnes)
DE	OTH	1N2AB.	Other species	Norwegian waters of 1 and 2	89,000	89,000	90,320	101,48 %	1,320	/	/	19,997	21,317
DK	HAD	*03A-C	Haddock	Union waters of 3a (special condition to HAD/2AC4.)	249,500	271,800	325,598	119,79 %	53,798	1,00	C	/	80,697
DK	HAD	03A.	Haddock	3a	2 892,000	2 682,402	2 732,065	101,85 %	49,663	/	C (6)	/	49,663
DK	POK	1N2AB.	Saithe	Norwegian waters of 1 and 2	/	/	4,288	N/A	4,288	1,00	/	/	4,288
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	61 646,000	77 238,647	82 097,607	106,29 %	4 858,960	/	/	/	4 858,960
ES	ALB	MED	Mediterranean albacore	Mediterranean Sea	103,030	133,030	135,312	101,72 %	2,282	/	/	/	2,282
ES	BUM	ATLANT	Blue marlin	Atlantic Ocean	22,770	49,770	55,108	110,72 %	5,338 (7)	1,00	/	/	N/A (7)
ES	COD	1N2AB.	Cod	Norwegian waters of 1 and 2	2 321,000	2 562,590	2 562,586	100,00 %	– 0,004 (8)	/	/	60,063	60,063
ES	GHL	N3LMNO	Greenland halibut	NAFO 3LMNO	4 162,000	4 607,124	4 666,576	101,29 %	59,452	/	/	/	59,452

ES	HAD	1N2AB.	Haddock	Norwegian waters of 1 and 2	/	2,636	86,058	3 264,72 %	83,422	1,00	A	/	125,133
ES	OTH	1N2AB.	Other species	Norwegian waters of 1 and 2	/	/	78,129	N/A	78,129	1,00	A	/	117,194
ES	POK	1N2AB.	Saithe	Norwegian waters of 1 and 2	/	/	14,306	N/A	14,306	1,00	/	/	14,306
ES	RJU	8-C.	Undulate ray	Union waters of 8	10,000	10,000	12,138	121,38 %	2,138	1,00	/	/	2,138
ES	RJU	9-C.	Undulate ray	Union waters of 9	15,000	20,000	24,008	120,04 %	4,008	1,00	/	1,348	5,356
ES	SOL	7HJK.	Common sole	7h, 7j and 7k	/	2,500	15,458	618,32 %	12,958	1,00	C	/	19,437
ES	SOL	8AB.	Common sole	8a and 8b	6,000	7,000	19,988	285,54 %	12,988	1,00	C	/	19,482
FR	GHL	1N2AB.	Greenland halibut	Norwegian waters of 1 and 2	/	16,600	20,889	125,84 %	4,289	1,00	/	/	4,289
FR	HAD	1N2AB.	Haddock	Norwegian waters of 1 and 2	150,000	171,060	179,080	104,69 %	8,020	/	/	/	8,020
FR	OTH	1N2AB.	Other species	Norwegian waters of 1 and 2	36,000	36,000	44,547	123,74 %	8,547	1,00	/	/	8,547
FR	RJE	7FG.	Small-eyed ray	7f and 7g	24,000	10,701	23,296	217,70 %	12,595	1,00	/	/	12,595
FR	SWO	AN05N_A-MS	Swordfish	Atlantic Ocean, north of 5° N	129,840 ([9])	129,840 ([9])	161,053	124,03 %	31,213 ([7])	1,00	/	/	N/A ([7])
IT	ARA	GF19-21	Blue and red shrimp	GSAs 19-20-21 (Ionian Sea)	250,000	250,000	259,823	103,93 %	9,823	/	/	/	9,823
NL	POK	1N2AB.	Saithe	Norwegian waters of 1 and 2	/	21,593	34,653	160,48 %	13,060	1,00	/	/	13,060

PL	MAC	2A34-N	Mackerel	Union waters of 3a, 3b, 3c and 3d; United Kingdom waters of 2a; Union and United Kingdom waters of 4; Norwegian waters of 2a and 4a	/	/	254,490	N/A	254,490	2,00	A	/	636,275
PT	BET	ATLANT	Bigeye tuna	Atlantic Ocean	N/A	N/A	N/A	N/A	N/A	N/A	N/A	184,048	184,048
PT	GHL	1N2AB.	Greenland halibut	Norwegian waters of 1 and 2	/	/	64,738	N/A	64,738	1,00	/	/	64,738
PT	JAX	08C.	Horse mackerel	8c	188,000	100,000	101,605	101,60 %	1,605	/	/	/	1,605
PT	OTH	1N2AB.	Other species	Norwegian waters of 1 and 2	/	/	18,012	N/A	18,012	1,00	/	/	18,012
PT	SWO	AN05N	Swordfish	Atlantic Ocean, north of 5° N	N/A	N/A	N/A	N/A	N/A	N/A	N/A	50,792	50,792
PT	SWO	AN05N	Swordfish	Atlantic Ocean, north of 5° N	1 155,830	1 930,090	1 966,680	101,90 %	36,590 ([7])	/	/	/	N/A ([7])
PT	SRX	89-C.	Skates and rays	Union waters of 8 and 9	1 696,000	1 551,000	1 573,265	101,44 %	22,265	/	/	/	22,265

([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 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, ELI: http://data.europa.eu/eli/reg/2013/1380/oj), quota transfers from 2022 to 2023 in accordance with Article 4(2) of 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, ELI: http://data.europa.eu/eli/reg/1996/847/oj) 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 2021, 2022 and 2023. 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 %.

([7]) To be deducted in 2025 in line with relevant ICCAT Recommendation.

([8]) As Article 4 of Regulation (EC) No 847/96 is not applicable this stock, this unused quantity cannot be utilised to reduce the deduction due in 2024.

([9]) By-catch quota available to 'Other Member States' among which France.