

Commission Implementing Regulation (EU) 2018/1496 of 8 October 2018 adding to the 2018 fishing quotas certain quantities withheld in the year 2017 pursuant to Article 4(2) of Council Regulation (EC) No 847/96

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1496
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adding to the 2018 fishing quotas certain quantities withheld in the year 2017 pursuant to Article 4(2) of Council Regulation (EC) No 847/96

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas⁽¹⁾, and in particular Article 4(2) thereof,

Whereas:

- (1) According to Article 4(2) of Regulation (EC) No 847/96, Member States may ask the Commission, before 31 October of the year of application of a fishing quota allocated to them, to withhold a maximum of 10 % of that quota to be transferred to the following year. The Commission is to add to the relevant quota the quantity withheld.
- (2) Council Regulations (EU) 2016/1903⁽²⁾, (EU) 2016/2285⁽³⁾, (EU) 2016/2372⁽⁴⁾ and (EU) 2017/127⁽⁵⁾ fix fishing quotas for certain stocks for 2017 and specify which stocks may be subject to the measures provided for in Regulation (EC) No 847/96.
- (3) Council Regulations (EU) 2016/2285, (EU) 2017/1970⁽⁶⁾, (EU) 2017/2360⁽⁷⁾, and (EU) 2018/120⁽⁸⁾ fix fishing quotas for certain stocks for 2018 and specify which stocks may be subject to the measures provided for in Regulation (EC) No 847/96.
- (4) Certain Member States have requested, before 31 October 2017, pursuant to Article 4(2) of Regulation (EC) No 847/96, that part of their quotas for 2017 for the stocks listed in the Annex to this Regulation be withheld and transferred to the following year. Within the limits indicated in that Regulation, the quantities withheld should be added to the quotas for 2018.
- (5) For the purpose of this flexibility exercise, the eligibility of requested stock transfers and the state of exploitation of these stocks have been taken into account. It is considered that they can be subject to the transfer of quota withheld from 2017 to 2018 in line with Article 4(2) of Regulation (EC) No 847/96.
- (6) For the stocks listed in the Annex to this Regulation, in order to avoid excessive flexibility that would undermine the principle of rational and responsible exploitation of living marine biological resources, hinder the achievement of the objectives of the Common Fisheries Policy and deteriorate the biological status of the stocks, the year-

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to-year flexibility provided for by Article 15(9) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council⁽⁹⁾ is excluded.

- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

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- (1) [OJ L 115, 9.5.1996, p. 3.](#)
- (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.](#)).
- (9) 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.](#)).

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