

Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy (repealed)

## CHAPTER II

### **COLLECTION, MANAGEMENT AND USE OF DATA IN THE FRAMEWORK OF MULTI-ANNUAL PROGRAMMES**

#### SECTION 1

#### **Community programme and national programmes**

##### *Article 3*

#### **Community programme**

1 A multi-annual Community programme for collection, management and use of biological, technical, environmental, and socio-economic data concerning:

- a commercial fisheries carried out by Community fishing vessels:
  - (i) within Community waters, including commercial fisheries for eels and salmon in inland waters;
  - (ii) outside Community waters;
- b recreational fisheries carried out within Community waters including recreational fisheries for eels and salmon in inland waters;
- c aquaculture activities related to marine species, including eels and salmon, carried out within the Member States and the Community waters;
- d industries processing fisheries products;

shall be defined in accordance with the procedure referred to in Article 27(2).

2 The Community programme shall be drawn for three-year periods. The first period shall cover the years 2009 and 2010.

##### *Article 4*

#### **National programmes**

1 Without prejudice to their current data collection obligations under Community law, Member States shall collect primary biological, technical, environmental and socio-economic data within the framework of a multi-annual national programme (hereinafter referred to as the national programme) drawn up in accordance with the Community programme.

2 The national programme shall include, in particular, the following matters as provided for in Section 2:

- a multi-annual sampling programmes;

- b a scheme for at-sea monitoring of commercial and recreational fisheries, where necessary;
  - c a scheme for research surveys-at-sea;
  - d a scheme for management and use of the data for scientific analyses purposes.
- 3 The procedures and methods to be used in collecting and analysing data and in estimating their accuracy and precision shall be included in the national programmes.
- 4 Member States shall submit their national programmes for approval to the Commission. They shall submit them by electronic means by the date, in the format and to the address to be established by the Commission in accordance with the procedure referred to in Article 27(2).
- 5 The first national programmes shall include the activities for the years 2009 and 2010.

#### *Article 5*

### **Coordination and cooperation**

- 1 Member States shall coordinate their national programmes with other Member States in the same marine region and make every effort to coordinate their actions with third countries having sovereignty or jurisdiction over waters in the same marine region. For this purpose the Commission may organise Regional Coordination Meetings in order to assist Member States in coordinating their national programmes and the implementation of the collection, management and use of the data in same region.
- 2 In order to take into account any recommendation made at regional level at the Regional Coordination Meetings, Member States shall where appropriate submit amendments to their national programmes during the programming period. Those amendments shall be sent to the Commission at the latest two months prior to the year of implementation.
- 3 Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 27(2).

#### *Article 6*

### **Evaluation and approval of national programmes**

- 1 The Scientific, Technical and Economic Committee for Fisheries (STECF) shall evaluate:
- a the conformity of the national programmes and any amendments thereto with Articles 4 and 5; and
  - b the scientific relevance of the data to be covered by national programmes for the purposes laid down in Article 1(1) and the quality of the proposed methods and procedures.
- 2 If the evaluation by STECF, referred to in paragraph 1, indicates that a national programme does not comply with Articles 4 and 5 or does not guarantee the scientific relevance of the data or sufficient quality of the proposed methods and procedures, the Commission shall immediately inform the Member State concerned and propose amendments to that programme. Subsequently, the Member State concerned shall submit a revised national programme to the Commission.

3 The Commission shall approve the national programmes and the amendments thereto made in accordance with Article 5(2) on the basis of the evaluation by the STECF and the evaluation of costs carried out by its services.

#### *Article 7*

### **Evaluation and approval of the outcomes of the national programmes**

1 Member States shall on an annual basis submit to the Commission a report on the carrying out of their national programmes. They shall submit them by the date, in the format and to the address to be established by the Commission in accordance with the procedure referred to in Article 27(2).

2 The STECF shall evaluate:

- a the execution of the national programmes approved by the Commission in accordance with Article 6(3); and
- b the quality of the data collected by the Member States.

3 The Commission shall assess the implementation of the national programmes on the basis of:

- a the evaluation by the STECF;
- b the consultation of appropriate regional fisheries management organisations to which the Community is contracting party or observer and relevant international scientific bodies; and
- c the evaluation of costs carried out by its services.

#### *Article 8*

### **Community financial assistance**

1 Community financial assistance for national programmes shall be implemented in accordance with the rules laid down in Regulation (EC) No 861/2006.

2 The basic data referred to Article 9 of Regulation (EC) No 861/2006 shall cover only those parts of Member States' national programmes that implement the Community programme.

3 Community financial assistance for national programmes shall only be granted if the rules set out in this Regulation are fully respected.

4 The Commission may, after having afforded the Member States concerned an opportunity of being heard, suspend and/or recover Community financial assistance in the following circumstances:

- a the evaluation, referred to in Article 7, indicates that the execution of a national programme does not comply with this Regulation; or
- b the consultation referred to Article 7(3)(b) indicates that the data has not been provided by Member States in accordance with Articles 16(3) and 20(1); or
- c data quality control and data process were not achieved in accordance with Articles 14(2) and 17.

5 Without prejudice to paragraph 3, the Commission may, after having afforded the Member States concerned an opportunity of being heard, also reduce Community financial assistance in the following circumstances:

- a if a national programme was not submitted to the Commission by the date established in accordance with Article 4(4);
- b if a report was not submitted to the Commission by the date established in accordance with Article 7(1);
- c if an official request for data has been made by an end-user and the data was not delivered in accordance with Articles 20(2) and 20(3) to the end-user concerned or the quality control and the processing of these data were not in accordance to Articles 14(2) and 17.

6 The reduction of the Community financial assistance referred to in paragraphs 4 and 5 shall be proportionate to the degree of non-compliance. The reduction of the Community financial assistance referred to in paragraph 5 shall be applied gradually over time and shall amount to no more than 25 % of the total annual cost of the national programme.

7 Detailed rules for the application of the reduction referred to in paragraph 6 shall be adopted in accordance with the procedure referred to in Article 27(2).

## SECTION 2

### **Requirements for the data collection process**

#### *Article 9*

#### **Sampling programmes**

- 1 Member States shall establish multi-annual national sampling programmes.
- 2 Multi-annual national sampling programmes shall include, in particular:
  - a a sampling design for biological data following fleet-fishery based sampling including, where appropriate, recreational fisheries;
  - b a sampling design for ecosystem data that allows the impact of the fisheries sector on the marine ecosystem to be estimated and that contributes to monitoring of the state of the marine ecosystem;
  - c a sampling design for socio-economic data that permits the economic situation of the fisheries sector to be assessed and enables its performance over time to be analysed, and impact assessments of measures undertaken, or proposed to be carried out.
- 3 The protocols and the methods used for the establishment of national sampling programmes shall be given by Member States and shall be, as far as possible:
  - a stable over time;
  - b standardised within regions;
  - c in accordance with the quality standards established by the appropriate regional fisheries management organisations to which the Community is contracting party or observer and relevant international scientific bodies.
- 4 Accuracy and precision for the data collected shall be systematically estimated where required.

## *Article 10*

### **Access to the sampling sites**

Member States shall ensure that, in order to carry out their duties, samplers designated by the body in charge of the implementation of the national programme have access to:

- (a) all landings, including as appropriate, transshipments and transfers to aquaculture;
- (b) vessel and business registers operated by public bodies relevant for the collection of economic data;
- (c) economic data of fisheries related businesses.

## *Article 11*

### **At-sea monitoring of commercial and recreational fisheries**

1 Where necessary for the purposes of the collection of the data under the national programmes, Member States shall design and implement at-sea monitoring of commercial and recreational fisheries.

2 The tasks of the at-sea monitoring shall be determined by the Member States.

3 The masters of Community fishing vessels shall accept on board samplers operating under the at-sea monitoring scheme and designated by the body in charge of the implementation of the national programme and cooperate with them in order to allow them to discharge their duties while on board Community fishing vessels.

4 The masters of Community fishing vessels may refuse to accept on board the samplers operating under the at-sea monitoring scheme only on the basis of an obvious lack of space on the vessel or for safety reasons in accordance with national legislation. In such cases, data shall be collected through a self-sampling programme, carried out by the crew of the Community fishing vessel, and designed and controlled by the body in charge of the implementation of the national programme.

## *Article 12*

### **Research surveys at sea**

1 Member States shall carry out research surveys at sea to evaluate the abundance and distribution of stocks, independently of the data provided by commercial fisheries, and to assess the impact of the fishing activity on the environment.

2 The list of research surveys at sea eligible for the Community financial assistance shall be adopted in accordance with the procedure referred to in Article 27(2).