

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and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy (repealed)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 IV

USE OF DATA COLLECTED IN THE FRAMEWORK OF THE CFP

Article 15

Data covered

- 1 This Chapter shall apply to all data collected:
 - a under Regulations (EEC) No 2847/93, (EC) No 788/96, (EC) No 2091/98, (EC) No 104/2000, (EC) No 2347/2002, (EC) No 1954/2003, (EC) No 2244/2003, (EC) No 26/2004, (EC) No 812/2004, (EC) No 1921/2006, (EC) No 1966/2006 and (EC) No 1100/2007;
 - b under the framework of this Regulation:
 - (i) data on vessels' activity based on information from satellite monitoring and other monitoring systems with the required format;
 - (ii) data allowing the reliable estimation of the total volume of catches per stock by defined regional fishing types and fleet segments, geographical area and time period, including discards and, where appropriate, data regarding catches in recreational fisheries;
 - (iii) all biological data needed to assess the status of exploited stocks;
 - (iv) ecosystem data needed to evaluate the impact of fishing activities on the marine ecosystem;
 - (v) the socio-economic data from the fisheries sector.
- 2 Member States shall avoid any duplication in the collection of the data referred to in paragraph 1.

Article 16

Access to and transmission of primary data

- 1 For the purpose of the verification of the existence of the primary data collected in accordance with Article 4(1), other than socio-economic data, Member States shall ensure that the Commission has access to the national computerised databases referred to in Article 13(a).
- 2 For the purpose of the verification of the socio-economic data collected in accordance with Article 4(1) Member States shall ensure that the Commission has access to the national computerised databases referred to in Article 13(b).

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3 Member States shall conclude agreements with the Commission to ensure effective and unhindered access for the Commission to their national computerised databases referred to in paragraph 1 and 2, without prejudice to the obligations established by other Community rules.

4 Member States shall ensure that the primary data collected under the research surveys at sea are transmitted to international scientific organisations and appropriate scientific bodies within regional fisheries management organisations in accordance with the international obligations of the Community and the Member States.

Article 17

Processing of primary data

1 Member States shall process the primary data into data sets of detailed or aggregated data in accordance with:

- a relevant international standards, wherever they exist;
- b protocols agreed at international or regional level, wherever they exist.

2 The Member State shall provide to the end-users and the Commission, whenever necessary, a description of the methods applied to process the requested data and their statistical properties.

Article 18

Submission of detailed and aggregated data

1 Member States shall make detailed and aggregated data available to end-users to support scientific analysis:

- a as a basis for advice to fisheries management, including to Regional Advisory Councils;
- b in the interest of public debate and stakeholder participation in policy development;
- c for scientific publication.

2 Where necessary, to ensure anonymity Member States may refuse to provide data on vessels' activity based on information from vessel satellite monitoring to end-users for the purposes referred to in paragraph 1(b).

Article 19

Transmission of detailed and aggregated data

Member States shall transmit detailed and aggregated data in a secure electronic format.

Article 20

Procedure for transmission of detailed and aggregated data

1 Member States shall ensure that relevant detailed and aggregated data to be sent on a regular basis is provided timely to the appropriate regional fisheries management organisations to which the Community is a contracting party or observer and relevant international scientific bodies in accordance with the international obligations of the Community and the Member States.

2 Where detailed and aggregated data are requested for specific scientific analysis, Member States shall ensure that the data is provided to end-users:

- a for the purpose referred to in Article 18(1)(a), within one month from the receipt of the request for these data;
- b for the purpose referred to in Article 18(1)(b), within two months from the receipt of the request for these data.

3 Where detailed and aggregated data are requested for scientific publication referred to in Article 18(1)(c), Member States:

- a may, in order to protect the professional interests of the data collectors, withhold data transmission to the end-users for a period of three years following the date of collection of the data. Member States shall inform the end-users and the Commission of any such decisions. In duly justified cases the Commission may authorise that period to be extended;
- b shall in case that three years period has already expired, ensure that the data is provided to end-users within two months from the receipt of the request for these data.

4 Member States may refuse to transmit the relevant detailed and aggregated data only:

- a if there is a risk of natural persons and/or legal entities being identified, in which case the Member State may propose alternative means to meet the needs of the end-user which ensure anonymity;
- b in the cases referred to in Article 22(3);
- c if the same data are already available in another form or format which is easily accessible by end-users.

5 In cases where the data requested by end-users other than appropriate regional fisheries management organisations to which the Community is contracting party or observer and relevant international scientific bodies are different from those already provided to appropriate regional fisheries management organisations to which the Community is contracting party or observer and relevant international scientific bodies, Member States may charge those end-users the actual costs of extraction and, if required, aggregation of the data before their transmission.

Article 21

Review of refusal to provide data

1 If a Member State refuses to provide data under Article 20(3)(a), the end-user may request the Commission to review the refusal. If the Commission finds that the refusal is not duly justified, it may require the Member State to supply the data to the end-user within one month.

2 If the Member State fails to provide such data within the period laid down in paragraph 1, Article 8 paragraphs 5 and 6 shall apply.

Article 22

Obligations for end-users

1 The end-users of data shall:

- a use the data only for the purpose stated in their request in accordance with Article 18;
- b duly acknowledge the data sources;
- c be responsible for correct and appropriate use of the data with regard to scientific ethics;

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- d inform the Commission and the Member States concerned of any suspected problems with the data;
 - e provide the Member States concerned and the Commission with references to the results of the use of the data;
 - f not forward the requested data to third parties without consent with the Member State concerned;
 - g not sell the data to any third party.
- 2 The Member States shall inform the Commission of any non-compliance by end-users.
- 3 Where an end-user fails to comply with any of the requirements set out in paragraph 1, the Commission may allow the Member State concerned to limit or refuse access to the data to that end-user.