

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and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy (repealed)

COUNCIL REGULATION (EC) No 199/2008

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and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy (repealed)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Having regard to the opinion of the European Economic and Social Committee⁽²⁾,

After consulting the Committee of the Regions,

Whereas:

- (1) Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy⁽³⁾ provides for regular assessments by the Scientific, Technical and Economic Committee for Fisheries (hereinafter referred to as the STECF) of the management of living aquatic resources, including biological, economic, environmental, social and technical considerations.
- (2) The United Nations Food and Agriculture Organisation's Code of Conduct for Responsible Fisheries and the Agreement relating to the Conservation and Management of Straddling Fish Stocks both emphasise the need to develop research and data collection with a view to improving scientific knowledge of the sector.
- (3) In line with the objectives of the Common Fisheries Policy (hereinafter referred to as the CFP) on the conservation, management and exploitation of living aquatic resources in non-Community waters, the Community must take part in the efforts undertaken to conserve fisheries resources, notably in accordance with the provisions adopted in Fisheries Partnership Agreements or by Regional Fisheries Management Organisations.
- (4) On 23 January 2003, the Council adopted conclusions concerning the Commission's Communication to the Council and the European Parliament setting out a 'Community Action Plan to integrate environmental protection requirements into the CFP' with

guiding principles, management measures and a work programme, to move towards an ecosystem approach to fisheries management.

- (5) On 13 October 2003, the Council adopted conclusions concerning the Commission's Communication to the Council and the European Parliament on the improvement of scientific and technical advice for Community fisheries management, describing the Community's needs for scientific advice, setting out the mechanisms for providing advice, identifying the areas where system needs to be strengthened and suggesting possible solutions over the short to medium and long term.
- (6) Council Regulation (EC) No 1543/2000 of 29 June 2000 establishing a Community framework for the collection and management of the data needed to conduct the common fisheries policy⁽⁴⁾ needs to be reviewed in order to take due consideration of a fleet-based approach towards fisheries management, the need to develop an ecosystem approach, the need for improved quality, completeness and broader access to fisheries data, more efficient support for provision of scientific advice and the promotion of cooperation among Member States.
- (7) The current regulations in the area of fisheries data collection and management include provisions on the collection and management of data relating to fishing vessels, their activities and catches and on price monitoring, which should be taken into account in this Regulation in order to streamline collection and use of these data throughout the CFP and to avoid any duplication of collection of data. Those current regulations are as follows: Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽⁵⁾, Council Regulation (EC) No 788/96 of 22 April 1996 on the submission by Member States of statistics on aquaculture production⁽⁶⁾, Commission Regulation (EC) No 2091/98 of 30 September 1998 concerning the segmentation of the Community fishing fleet and fishing effort in relation to the multi-annual guidance programmes⁽⁷⁾, Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products⁽⁸⁾, Council Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks⁽⁹⁾, Council Regulation (EC) No 1954/2003 of 4 November 2003 on the management of the fishing effort relating to certain Community fishing areas and resources⁽¹⁰⁾, Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems⁽¹¹⁾, Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register⁽¹²⁾, Council Regulation (EC) No 812/2004 of 26 April 2004 laying down measures concerning incidental catches of cetaceans in fisheries⁽¹³⁾, Regulation (EC) No 1921/2006 of the European Parliament and of the Council of 18 December 2006 on the submission of statistical data on landings of fishery products in Member States⁽¹⁴⁾, Council Regulation (EC) No 1966/2006 of 21 December 2006 on electronic recording and reporting of fishing activities and on means of remote sensing⁽¹⁵⁾, and Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel⁽¹⁶⁾.

- (8) Data collected for the purposes of scientific evaluation should include information on fleets and their activities, biological data covering catches, including discards, survey information on fish stocks and the environmental impact that may be caused by fisheries on the marine ecosystem. It should also include data explaining price formation and other data which may facilitate an assessment of the economic situation of fishing enterprises, aquaculture and the processing industry, and of employment trends in these sectors.
- (9) In order to protect and conserve living aquatic resources and their sustainable exploitation, the ecosystem based approach to fisheries management should be progressively implemented. In view of this, it is necessary to collect data in order to assess the effects of fisheries on the marine ecosystem.
- (10) Community programmes to collect, manage and use fisheries data should be implemented under the direct responsibility of the Member States. Accordingly Member States should draw up national programmes in line with the Community programme.
- (11) It is necessary that Member States cooperate among themselves, as well as with third countries, and coordinate their national programmes with respect to the collection of data regarding the same marine region and regions covering relevant inland waters.
- (12) Priorities should be established at Community level, as should the procedures for data collection and processing within the Community, in order to ensure that the entire system is consistent and to optimise its cost-effectiveness by creating a stable multi-annual regional framework.
- (13) The data referred to in this Regulation should be put into national computerised databases so that they are accessible to the Commission and can be transmitted to end-users. It is in the interest of the scientific community that data which does not allow for personal identification is available to any party who has an interest in its analysis.
- (14) Managing fisheries resources requires the processing of detailed data in order to address specific issues. In that context, Member States should transmit data needed for scientific analysis and should ensure they have the technical capacity of doing so. If necessary, the detailed data may be aggregated before their transmission, to the level of aggregation stipulated in the request as defined by the end-users.
- (15) The obligations concerning access to the data covered by this Regulation are without prejudice to Member States' obligations under Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information⁽¹⁷⁾, as well as under Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies⁽¹⁸⁾.
- (16) The protection of individuals with regard to the processing of personal data for the purposes of this Regulation is governed by Directive 95/46/EC of the European

Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data⁽¹⁹⁾ and by Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data⁽²⁰⁾.

- (17) The implementation of national programmes to collect and manage fisheries data requires significant expenditure. The benefit of such programmes can only be fully realised at Community level. There should therefore be provision for a Community financial contribution to the Member States' costs, in accordance Council Regulation (EC) No 861/2006 of 22 May 2006 establishing Community financial measures for the implementation of the Common Fisheries Policy in the area of the Law of the Sea⁽²¹⁾.
- (18) In case the Commission finds that the expenditure concerned is linked to irregularities, provision should be made for financial corrections in accordance with Article 28 of Regulation (EC) No 861/2006.
- (19) Correct execution of the National Programmes and, in particular, adherence to deadlines, quality control, validation and transmission of the data collected, is of high importance. For this reason Community financial contribution should be made conditional on adherence to the relevant deadlines, on quality control, on compliance with agreed quality standards and on provision of data. Consequently, a financial sanction system related to non-compliance with these conditions should be introduced.
- (20) In order to improve the reliability of scientific advice needed to conduct the CFP, the Member States and the Commission should coordinate and cooperate in the relevant international scientific bodies.
- (21) Priority should be given to ensuring the attendance of the relevant scientific experts in the expert groups conducting the scientific evaluation needed to conduct the CFP.
- (22) The scientific community should be consulted and those working in the fishing industry and other interest groups should be informed on the implementation of the data collection provisions. The appropriate bodies in which to gather the opinions required are the STECF, established by Commission Decision 2005/629/EC⁽²²⁾, the Advisory Committee on Fisheries and Aquaculture, set up by Commission Decision 1999/478/EC⁽²³⁾, and the Regional Advisory Councils set up by Council Decision 2004/585/EC⁽²⁴⁾.
- (23) The management committee should ensure close cooperation between the Member States and the Commission in order to facilitate the correct implementation of this Regulation. The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽²⁵⁾.
- (24) Based on past experience and new needs it is appropriate to repeal Council Regulation (EC) No 1543/2000 and to replace it by this Regulation,

HAS ADOPTED THIS REGULATION:

Status: This is the original version (as it was originally adopted).

- (1) Opinion of 13 November 2007 (not yet published in the Official Journal).
- (2) [OJ C 10, 15.1.2008, p. 53.](#)
- (3) [OJ L 358, 31.12.2002, p. 59.](#) Regulation as last amended by Regulation (EC) No 865/2007 ([OJ L 192, 24.7.2007, p. 1.](#)).
- (4) [OJ L 176, 15.7.2000, p. 1.](#)
- (5) [OJ L 261, 20.10.1993, p. 1.](#) Regulation as last amended by Regulation (EC) No 1098/2007 ([OJ L 248, 22.9.2007, p. 1.](#)).
- (6) [OJ L 108, 1.5.1996, p. 1.](#) Regulation as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council ([OJ L 284, 31.10.2003, p. 1.](#)).
- (7) [OJ L 266, 1.10.1998, p. 36.](#)
- (8) [OJ L 17, 21.1.2000, p. 22.](#) Regulation as last amended by Regulation (EC) No 1759/2006 ([OJ L 335, 1.12.2006, p. 3.](#)).
- (9) [OJ L 351, 28.12.2002, p. 6.](#) Regulation as amended by Regulation (EC) No 2269/2004 ([OJ L 396, 31.12.2004, p. 1.](#)).
- (10) [OJ L 289, 7.11.2003, p. 1.](#)
- (11) [OJ L 333, 20.12.2003, p. 17.](#)
- (12) [OJ L 5, 9.1.2004, p. 25.](#) Regulation as amended by Regulation (EC) No 1799/2006 ([OJ L 341, 7.12.2006, p. 26.](#)).
- (13) [OJ L 150, 30.4.2004, p. 12,](#) corrected by [OJ L 185, 24.5.2004, p. 4.](#) Regulation as amended by Regulation (EC) No 809/2007 ([OJ L 182, 12.7.2007, p. 1.](#)).
- (14) [OJ L 403, 30.12.2006, p. 1.](#)
- (15) [OJ L 409, 30.12.2006, p. 1,](#) corrected by [OJ L 36, 8.2.2007, p. 3.](#)
- (16) [OJ L 248, 22.9.2007, p. 17.](#)
- (17) [OJ L 41, 14.2.2003, p. 26.](#)
- (18) [OJ L 264, 25.9.2006, p. 13.](#)
- (19) [OJ L 281, 23.11.1995, p. 31.](#) Directive as amended by Regulation (EC) No 1882/2003.
- (20) [OJ L 8, 12.1.2001, p. 1.](#)
- (21) [OJ L 160, 14.6.2006, p. 1.](#)
- (22) [OJ L 225, 31.8.2005, p. 18.](#)
- (23) [OJ L 187, 20.7.1999, p. 70.](#) Decision as amended by Decision 2004/864/EC ([OJ L 370, 17.12.2004, p. 91.](#)).
- (24) [OJ L 256, 3.8.2004, p. 17.](#) Decision as amended by Decision 2007/409/EC ([OJ L 155, 15.6.2007, p. 68.](#)).
- (25) [OJ L 184, 17.7.1999, p. 23.](#) Decision as amended by Decision 2006/512/EC ([OJ L 200, 22.7.2006, p. 11.](#)).