

Regulation (EC) No 218/2009 of the European Parliament and of the Council
of 11 March 2009 on the submission of nominal catch statistics by Member
States fishing in the north-east Atlantic (recast) (Text with EEA relevance)

Article 1

Each Member State shall submit to the Commission data on the annual nominal catches by vessels registered in or flying the flag of that Member State fishing in the north-east Atlantic.

The nominal catch data shall include all fishery products landed or transhipped at sea in no matter what form but shall exclude quantities which, subsequent to capture, are discarded at sea, consumed on board or used as bait on board. Aquaculture production shall be excluded. The data shall be recorded as the live weight equivalent of the landings or transhipments, to the nearest tonne.

Article 2

1 The data to be submitted shall be the nominal catches of each of the species listed in Annex I in each of the statistical fishing regions listed in Annex II and defined in Annex III.

2 The data for each calendar year shall be submitted within six months of the end of the year. No submissions shall be required for species/fishing region combinations for which no catches were recorded in the annual period of the submission. The data for species of minor importance in a Member State need not be individually identified in the submissions but may be included in an aggregated item provided that the weight of the products thus recorded does not exceed 10 % by weight of the total catch in that Member State in that month.

[^{F13} The Commission shall be empowered to adopt delegated acts, in accordance with Article 5, to amend Annexes I, II and III, with regard to the lists of species and statistical fishing areas, the descriptions of those fishing areas and the permitted degree of aggregation of data.

Those delegated acts shall be adopted only where they are necessary in order to take account of economic and technical developments, they do not change the optional nature of the required information and they do not impose a significant additional burden on Member States or on the respondents.

The Commission shall duly justify the statistical actions provided for in those delegated acts, using, where appropriate, input from relevant experts based on a cost-effectiveness analysis, including an assessment of the burden on the respondents and of the production costs, as referred to in point (c) of Article 14(3) of Regulation (EC) No 223/2009 of the European Parliament and of the Council⁽¹⁾.]

Textual Amendments

- F1** Substituted by [Regulation \(EU\) No 1350/2013 of the European Parliament and of the Council of 11 December 2013 amending certain legislative acts in the field of agricultural and fishery statistics.](#)

Article 3

Except where provisions adopted under the common fisheries policy dictate otherwise, a Member State shall be permitted to use sampling techniques to derive catch data for those parts of the fishing fleet for which the complete coverage of the data would involve the excessive application of administrative procedures. The details of the sampling

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procedures, together with details of the proportion of the total data derived by such techniques, must be included by the Member State in the report submitted pursuant to Article 6(1).

Article 4

Member States shall fulfil their obligations to the Commission pursuant to Articles 1 and 2 by submitting the data on magnetic medium, the format of which is given in Annex IV.

Member States may submit data in the format detailed in Annex V.

With the prior approval of the Commission, Member States may submit data in a different form or on a different medium.

^{F1}Article 5

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in Article 2(3) shall be conferred on the Commission for a period of five years from 10 January 2014. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3 The delegation of power referred to in Article 2(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5 A delegated act adopted pursuant to Article 2(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.]

Textual Amendments

F1 Substituted by [Regulation \(EU\) No 1350/2013 of the European Parliament and of the Council of 11 December 2013 amending certain legislative acts in the field of agricultural and fishery statistics.](#)

Article 6

1 By 1 January 1993 Member States shall submit a detailed report to the Commission describing how the data on catches are derived and specifying the degree of representativeness and reliability of those data. The Commission, in collaboration with the Member States, shall draw up a summary of those reports.

2 Member States shall inform the Commission of any modifications to the information provided under paragraph 1 within three months of their introduction.

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[^{F13} The Commission shall examine methodological reports, data availability and data reliability and other relevant issues connected with the application of this Regulation once a year with Member States.]

Textual Amendments

F1 Substituted by [Regulation \(EU\) No 1350/2013 of the European Parliament and of the Council of 11 December 2013 amending certain legislative acts in the field of agricultural and fishery statistics.](#)

Article 7

- 1 Regulation (EEC) No 3880/91 is hereby repealed.
- 2 References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VII.

Article 8

This Regulation shall enter into force on the 20th day following 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.

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- (1) [^{F1}Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).]

Textual Amendments

- F1** Substituted by [Regulation \(EU\) No 1350/2013](#) of the European Parliament and of the Council of 11 December 2013 amending certain legislative acts in the field of agricultural and fishery statistics.

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Changes and effects yet to be applied to :

- Regulation revoked by [S.I. 2021/1300 Sch. 1 para. 58](#)
- Annex 1 omitted by [S.I. 2019/739 reg. 18\(4\)](#)
- Annex 3 omitted by [S.I. 2019/739 reg. 18\(5\)](#)
- Annex 2 omitted by [S.I. 2019/739 reg. 18\(4\)](#)
- Annex 4-7 omitted by [S.I. 2019/739 reg. 18\(6\)](#)
- Art. 1 substituted by [S.I. 2019/739 reg. 18\(2\)](#)
- Art. 2-6 omitted by [S.I. 2019/739 reg. 18\(3\)](#)
- Art. 8 omitted by [S.I. 2019/739 reg. 18\(3\)](#)