

Regulation (EU) 2017/1004 of the European Parliament and of the Council of 17 May 2017 on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy and repealing Council Regulation (EC) No 199/2008 (recast)

CHAPTER II

COLLECTION AND MANAGEMENT OF DATA IN THE FRAMEWORK OF MULTIANNUAL UNION PROGRAMMES

SECTION I

Multiannual Union programmes

Article 4

Establishment of a multiannual Union programme

1 The Commission shall establish a multiannual Union programme for the collection and management of data referred to in Article 1(1), in accordance with the content and the criteria set out in Article 5.

The Commission shall adopt the part of the multiannual Union programme covering matters provided for in point (a) of Article 5(1) by means of delegated acts in accordance with Article 24.

The Commission shall adopt the part of the multiannual Union programme covering matters provided for in points (b) and (c) of Article 5(1) by means of implementing acts in accordance with the examination procedure referred to in Article 25(2).

2 Before adopting the delegated and implementing acts provided for in paragraph 1 of this Article, the Commission shall consult the regional coordination groups referred to in Article 9, STECF and any other appropriate scientific bodies referred to in Article 26 of Regulation (EU) No 1380/2013.

Article 5

Content and criteria for the establishment of the multiannual Union programme

- 1 The multiannual Union programme shall establish:
 - a a detailed list of the data requirements to achieve the objectives set out in Articles 2 and 25 of Regulation (EU) No 1380/2013;
 - b a list of mandatory research surveys at sea;
 - c thresholds below which it is not mandatory for Member States to collect data based on their fishing and aquaculture activities or carry out research surveys at sea.
- 2 The data referred to in point (a) of paragraph 1 shall include:
 - a biological data on all stocks caught or by-caught in Union commercial and, where appropriate, recreational fisheries in and outside Union waters, including eels and

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- salmon in relevant inland waters, as well as other diadromous fish species of commercial interest, to enable an ecosystem-based approach to fisheries management and conservation as necessary for the operation of the common fisheries policy;
- b data to assess the impact of Union fisheries on the marine ecosystem in and outside Union waters, including data on by-catch of non-target species, in particular species protected under Union or international law, data on impacts of fisheries on marine habitats, including vulnerable marine areas, and data on impacts of fisheries on food webs;
 - c data on the activity of Union fishing vessels in and outside Union waters, including levels of fishing, and on effort and capacity of the Union fleet;
 - d socioeconomic data on fisheries to enable the socioeconomic performance of the Union fisheries sector to be assessed;
 - e socioeconomic data and sustainability data on marine aquaculture to enable the socioeconomic performance and the sustainability of the Union aquaculture sector, including its environmental impact, to be assessed;
 - f socioeconomic data on the fish processing sector to enable the socioeconomic performance of that sector to be assessed.
- 3 In addition, the data referred to in point (a) of paragraph 1 may include socioeconomic data and sustainability data on freshwater aquaculture to enable the socioeconomic performance and the sustainability of the Union aquaculture sector, including its environmental impact, to be assessed.
- 4 For the purpose of establishing the multiannual Union programme, the Commission shall take into account:
- a the information needs for the management and efficient implementation of the common fisheries policy, with a view to reaching its objectives as set out in Article 2 of Regulation (EU) No 1380/2013. Such information shall also allow the targets required for the implementation of the multiannual plans referred to in Article 9 of that Regulation to be determined;
 - b the need for data that are relevant, comprehensive and reliable for the purpose of decisions on fisheries management and protection of ecosystems including vulnerable species and habitats;
 - c the need for and relevance of data for the sustainable development of aquaculture at Union level, taking account of the predominantly local character of its impacts;
 - d the need to support impact assessments of policy measures;
 - e costs and benefits, taking account of the most cost-effective solutions to achieve the objective of data collection;
 - f the need to avoid disruption of existing time-series;
 - g the need for simplification and to avoid duplication of data collection, in accordance with Article 1;
 - h where relevant, the need for data to cover data-deficient fisheries;
 - i regional specificities and regional agreements concluded in regional coordination groups;
 - j the international obligations of the Union and its Member States;
 - k spatial and temporal coverage of the data collection activities.
- 5 The list of mandatory research surveys at sea referred to in point (b) of paragraph 1 shall be drawn up taking into account the following requirements:
- a information needs for the management of the common fisheries policy, with a view to reaching its objectives as set out in Article 2 of Regulation (EU) No 1380/2013;

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- b information needs arising from internationally agreed coordination and harmonisation;
- c information needs for the evaluation of management plans;
- d information needs for the monitoring of ecosystems variables;
- e information needs for an adequate coverage of stock areas;
- f the need to avoid duplication between research surveys at sea; and
- g the need to avoid disruption of time-series.

6 For stocks that are subject to catch limits, the rules on participation by different Member States in the research surveys at sea referred to in point (b) of paragraph 1 shall be based upon the share of the relevant Member States in the total allowable catches that are available for the Union for the stocks concerned. For stocks that are not subject to catch limits, those rules shall be based upon the relative share of the relevant Member States in the total exploitation of the stock concerned.

7 For stocks that are subject to catch limits, the threshold referred to in point (c) of paragraph 1 shall be set on the basis of the share of the relevant Member State in the total allowable catches that are available for the Union for the stock concerned. For stocks that are not subject to catch limits, that threshold shall be set on the basis of the relative share of the relevant Member State in the total exploitation of the stock concerned. Regarding the aquaculture and the processing sector such thresholds shall be proportionate to the size of those sectors of a Member State.

SECTION 2

Implementation of the multiannual Union programme by the Member States

Article 6

National work plans

1 Without prejudice to their current data collection obligations under Union law, Member States shall collect data within the framework of an operational programme, as referred to in Article 18 of Regulation (EU) No 508/2014, and a work plan drawn up in accordance with the multiannual Union programme and pursuant to Article 21 of Regulation (EU) No 508/2014 ('national work plan').

2 When approving the national work plans in accordance with Article 21(2) of Regulation (EU) No 508/2014, the Commission shall take into account the evaluation conducted by STECF in accordance with Article 10 of this Regulation. If such evaluation indicates that a national work plan does not comply with this Article or does not ensure 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 indicate amendments to that work plan that the Commission considers necessary. Subsequently, the Member State concerned shall submit a revised national work plan to the Commission.

- 3 National work plans shall contain a detailed description of the following:
- a data to be collected in accordance with the multiannual Union programme;
 - b the temporal and spatial distribution and the frequency by which the data will be collected;
 - c the source of the data, the procedures and methods to collect and process the data into the data sets that will be provided to end-users of scientific data;

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- d the quality assurance and quality control framework to ensure adequate quality of the data in accordance with Article 14;
- e in what format and when data are to be made available to end-users of scientific data, taking into account the needs defined by the end-users of scientific data, where known;
- f the international and regional cooperation and coordination arrangements, including bilateral and multilateral agreements concluded to achieve the objectives of this Regulation; and
- g how the international obligations of the Union and its Member States have been taken into account.

4 In preparing its national work plan, each Member State shall, in the framework of the regional coordination groups referred to in Article 9, cooperate and coordinate its efforts with other Member States, in particular those in the same marine region, to ensure sufficient and efficient coverage and avoid duplication of data collection activities. In that process, Member States shall also aim to involve relevant stakeholders at the appropriate level. Where appropriate, such cooperation and coordination may also take place outside the framework of the regional coordination groups.

Article 7

National correspondents

1 Each Member State shall designate a national correspondent and shall inform the Commission thereof. The national correspondent shall serve as the focal point for exchange of information between the Commission and the Member State regarding the preparation and implementation of the national work plans.

2 Furthermore, the national correspondent shall, in particular, carry out the following tasks:

- a coordinate the preparation of the annual report referred to in Article 11;
- b ensure the transmission of information within the Member State; and
- c coordinate attendance of relevant experts in expert group meetings organised by the Commission and participation in the relevant regional coordination groups referred to in Article 9.

3 If several bodies in a Member State are participating in the implementation of the national work plan, the national correspondent shall be responsible for the coordination of that work.

4 Each Member State shall ensure that its national correspondent has a sufficient mandate to represent its Member State in the regional coordination groups referred to in Article 9.

Article 8

Cooperation within the Union

Member States shall cooperate and coordinate their actions to further improve the quality, timeliness and coverage of data enabling the reliability of data collection methods to be further improved, with a view to improving their data collection activities.

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Article 9

Regional coordination and cooperation

1 As provided for in Article 25 of Regulation (EU) No 1380/2013, Member States shall coordinate their data collection activities with other Member States in the same marine region and shall make every effort to coordinate their actions with third countries having sovereignty or jurisdiction over waters in the same marine region.

2 In order to facilitate regional coordination, regional coordination groups shall be established by the relevant Member States for each marine region.

3 Regional coordination groups shall aim at developing and implementing procedures, methods, quality assurance and quality control for collecting and processing data with a view to enabling the reliability of scientific advice to be further improved. For that purpose, regional coordination groups shall aim to develop and implement regional databases.

4 Regional coordination groups shall consist of experts appointed by Member States, including national correspondents, and the Commission.

5 Regional coordination groups shall draw up and agree on rules of procedures for their activities.

6 Regional coordination groups shall coordinate with each other and with the Commission, where issues affect several marine regions.

7 Representatives of relevant end-users of scientific data, including the appropriate scientific bodies as referred to in Article 26 of Regulation (EU) No 1380/2013, regional fisheries management organisations, Advisory Councils and third countries shall be invited to attend the meetings of the regional coordination groups as observers, where necessary.

8 Regional coordination groups may prepare draft regional work plans, which shall be compatible with this Regulation and with the multiannual Union programme. Those draft regional work plans may include procedures, methods, quality assurance and quality control for collecting and processing data as referred to in points (a) and (b) of paragraph 2 and in paragraph 5 of Article 5, regionally coordinated sampling strategies and conditions for delivery of data in regional databases. They may also contain cost-sharing arrangements for participation in research surveys at sea.

9 Where a draft regional work plan is prepared, the Member States concerned shall submit it to the Commission by 31 October of the year preceding the year from which the regional work plan is to apply, unless an existing plan still applies, in which case the Member States concerned shall notify the Commission thereof. The Commission may approve a draft regional work plan by means of an implementing act. Such implementing act shall be adopted in accordance with the examination procedure referred to in Article 25(2). For that purpose, the Commission shall take into account, where relevant, the evaluation of STECF as referred to in Article 10. If such evaluation indicates that a draft regional work plan does not comply with this Article or does not ensure the scientific relevance of the data or sufficient quality of the proposed methods and procedures, the Commission shall immediately inform the Member States concerned and indicate amendments to that draft work plan that the Commission considers necessary. Subsequently, the Member States concerned shall submit a revised draft regional work plan to the Commission.

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10 A regional work plan shall be considered to replace or supplement the relevant parts of the national work plans of each of the Member States concerned.

11 The Commission may adopt implementing acts laying down rules on procedures, cost-sharing arrangements for participation in research surveys at sea, the area of marine region for the purpose of data collection, and format and timetables for the submission and approval of regional work plans, as referred to in paragraph 8 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25(2).

Article 10

Evaluation of work plans by STECF

STECF shall evaluate the national and draft regional work plans referred to in Articles 6 and 9. When doing so it shall take into account:

- (a) the conformity of the work plans and any amendments thereto with Articles 6 and 9; and
- (b) the scientific relevance of the data covered by the work plans for the purposes laid down in Article 1(1) and the quality of the proposed methods and procedures.

Article 11

Evaluation and approval of the outcomes of the national work plans

1 Member States shall on an annual basis submit to the Commission a report on the implementation of their national work plans. The Commission may adopt implementing acts laying down rules on procedures, format and timetables for the submission and approval of annual reports. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25(2).

2 In accordance with Article 10, STECF shall evaluate:

- a the execution of the national work plans; and
- b the quality of the data collected by the Member States.

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

- a the evaluation by STECF; and
- b the consultation of appropriate regional fisheries management organisations to which the Union is contracting party or observer and relevant international scientific bodies.

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SECTION 3

Requirements for the data collection process

Article 12

Access to the sampling sites

1 Member States shall ensure that, in order to carry out their duties, data collectors designated by the body in charge of the implementation of the national work plan have access to all catches, vessels and other sampling sites, business registers and any necessary data.

2 The masters of Union fishing vessels shall accept on board scientific observers and cooperate with them in order to allow them to discharge their duties while on board Union fishing vessels, as well as the use of alternative data collection methods, where appropriate, set out in national work plans, without prejudice to international obligations.

3 The masters of Union fishing vessels may refuse to accept on board the scientific observers 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 law. In such cases, data shall be collected through alternative data collection methods which are set out in the national work plan and designed and controlled by the body in charge of the implementation of the national work plan.

SECTION 4

Data management process

Article 13

Data storage

Member States shall:

- (a) ensure that primary data collected under national work plans are safely stored in computerised databases and take all necessary measures to ensure that they are treated as confidential;
- (b) ensure that metadata relating to the primary socioeconomic data collected under national work plans are safely stored in computerised databases;
- (c) take all necessary technical measures to protect such data against any accidental or illicit destruction, accidental loss, deterioration, or unauthorised consultation or distribution.

Article 14

Data quality control and validation

1 Member States shall be responsible for the quality and completeness of the primary data collected under national work plans, and for the detailed and aggregated data derived therefrom which are transmitted to end-users of scientific data.

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- 2 Member States shall ensure that:
 - a primary data collected under national work plans are properly checked for errors by appropriate quality control procedures;
 - b detailed and aggregated data derived from primary data collected under national work plans are validated before their transmission to end-users of scientific data;
 - c the quality assurance procedures applied to the primary, detailed and aggregated data referred to in points (a) and (b) are developed in accordance with the procedures adopted by the international scientific bodies, regional fisheries management organisations, STECF and regional coordination groups.

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Changes and effects yet to be applied to :

- Ch. 2 s. 2 heading substituted by [S.I. 2019/739 reg. 16\(7\)](#)
- Ch. 2 heading word omitted by [S.I. 2019/739 reg. 16\(4\)](#)
- Ch. 2 s.0001 heading word omitted by [S.I. 2019/739 reg. 16\(5\)](#)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Art. 3(3) word substituted by [S.I. 2019/739 reg. 16\(3\)\(a\)](#)
- Art. 3(3) words omitted by [S.I. 2019/739 reg. 16\(3\)\(b\)](#)
- Art. 5(1)(a) words substituted by [2020 c. 22 Sch. 11 para. 7\(3\)\(a\)](#)
- Art. 5(1)(b) words substituted by [S.I.2019/739, reg. 16\(6\)\(b\)\(ii\)](#) (as substituted) by [S.I. 2020/1542 reg. 8\(2\)\(a\)\(i\)](#)
- Art. 5(1)(c) word substituted by [S.I. 2019/739 reg. 16\(6\)\(b\)\(ii\)\(bb\)](#) (This amendment not applied to legislation.gov.uk. [Reg. 16\(6\)\(b\)\(ii\)](#) substituted immediately before IP completion day by [S.I. 2020/1542, reg. 8\(2\)\(a\)\(i\)](#))
- Art. 5(1)(c) words substituted by [S.I. 2019/739 reg. 16\(6\)\(b\)\(ii\)\(aa\)](#) (This amendment not applied to legislation.gov.uk. [Reg. 16\(6\)\(b\)\(ii\)](#) substituted immediately before IP completion day by [S.I. 2020/1542, reg. 8\(2\)\(a\)\(i\)](#))
- Art. 5(1)(c) words substituted by [S.I.2019/739, reg. 16\(6\)\(b\)\(iii\)](#) (as substituted) by [S.I. 2020/1542 reg. 8\(2\)\(a\)\(i\)](#)
- Art. 5(2)(a) word omitted by [S.I. 2019/739 reg. 16\(6\)\(c\)\(i\)\(aa\)](#)
- Art. 5(2)(b) words substituted by [S.I. 2019/739 reg. 16\(6\)\(c\)\(ii\)\(aa\)](#)
- Art. 5(2)(b) words substituted by [S.I. 2019/739 reg. 16\(6\)\(c\)\(ii\)\(bb\)](#)
- Art. 5(2)(b) words substituted by [S.I. 2019/739 reg. 16\(6\)\(c\)\(ii\)\(cc\)](#)
- Art. 5(2)(c) words substituted by [S.I. 2019/739 reg. 16\(6\)\(c\)\(iii\)\(aa\)](#)
- Art. 5(2)(c) words substituted by [S.I. 2019/739 reg. 16\(6\)\(c\)\(iii\)\(bb\)](#)
- Art. 5(2)(c) words substituted by [S.I. 2019/739 reg. 16\(6\)\(c\)\(iii\)\(cc\)](#)
- Art. 5(2)(d) words substituted by [S.I. 2019/739 reg. 16\(6\)\(c\)\(iv\)](#)
- Art. 5(2)(e) words substituted by [S.I. 2019/739 reg. 16\(6\)\(c\)\(v\)](#)
- Art. 5(4)(a) words omitted by [S.I. 2019/739 reg. 16\(6\)\(e\)\(iii\)\(bb\)](#)
- Art. 5(4)(a) words substituted by [2020 c. 22 Sch. 11 para. 7\(3\)\(b\)](#)
- Art. 5(4)(a) words substituted by [S.I. 2019/739 reg. 16\(6\)\(e\)\(iii\)\(aa\)](#)
- Art. 5(4)(c) words omitted by [S.I. 2019/739 reg. 16\(6\)\(e\)\(iv\)](#)
- Art. 5(4)(i) omitted by [S.I. 2019/739 reg. 16\(6\)\(e\)\(v\)](#)
- Art. 5(4)(j) words substituted by [S.I. 2019/739 reg. 16\(6\)\(e\)\(vi\)](#)
- Art. 5(5)(a) word substituted by [S.I. 2019/739 reg. 16\(6\)\(f\)\(i\)\(bb\)](#)
- Art. 5(5)(a) words substituted by [2020 c. 22 Sch. 11 para. 7\(3\)\(c\)](#)
- Art. 5(5)(a) words substituted by [S.I. 2019/739 reg. 16\(6\)\(f\)\(i\)\(aa\)](#)
- Art. 6(3)(a) word omitted by [S.I. 2019/739 reg. 16\(8\)\(c\)\(i\)](#)
- Art. 6(3)(g) words substituted by [S.I. 2019/739 reg. 16\(8\)\(c\)\(ii\)](#)
- Art. 6(5)-(9) inserted by [S.I.2019/739, reg. 16\(8\)\(e\)](#) (as inserted) by [S.I. 2020/1542 reg. 8\(2\)\(b\)\(iv\)](#)
- Art. 14(2)(c) omitted by [S.I. 2019/739 reg. 16\(12\)\(b\)\(ii\)](#)
- Art. 20(1)(d) words substituted by [S.I. 2019/739 reg. 16\(17\)\(a\)\(i\)](#)
- Art. 20(1)(e) words substituted by [S.I. 2019/739 reg. 16\(17\)\(a\)\(ii\)](#)
- Art. 20(1)(f) words substituted by [S.I. 2019/739 reg. 16\(17\)\(a\)\(iii\)](#)