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PROPOSAL

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Delegations will find attached document COM(2015) 294 final.

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Brussels, 18.6.2015
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2015/0133 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**concerning 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
(recast)**

{SWD(2015) 118 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

1.1. Reasons for and objectives of the proposal

Data collection is essential for the implementation of the Common Fisheries Policy (CFP), as a basis for founding it on the best possible scientific advice. Data are needed to evaluate the state of fish stocks, the profitability of the different segments of the sector and the effects of fisheries and aquaculture on the ecosystem. Data are also needed to evaluate EU policies: fisheries management measures, structural financial measures in support of the fisheries and aquaculture dependent areas, mitigation measures to reduce negative effects of fisheries on the ecosystem.

For this reason, an EU framework for the collection and management of fisheries data was established in 2000¹, and then reformed in 2008 resulting in the Data Collection Framework (DCF)². The DCF represented a major progress in establishing a harmonized set of EU rules governing the collection of biological, environmental, technical, and socio-economic data on the fishing, aquaculture and processing sectors.

The 2013 reform of the Common Fisheries Policy (CFP) needs to be matched by adaptations in the supporting scientific advice and therefore the data needed for it. This is particularly relevant in order to achieve maximum sustainable yield (MSY) at the latest by 2020, to manage fisheries taking account of their impacts on the ecosystem, and to gradually introduce a landing obligation. The reform of the CFP also requires changes in the way data are obtained, e.g. regionalisation and devolution of tasks from the European Union to Member States in the context of regional cooperation.

As part of its Work Programme 2015³, the Commission has announced that it will focus its efforts on putting the recent CFP reform smoothly into operation, and that the top priority for fisheries is to focus on exploring synergies between existing legislation.

This proposal intends to build on what works (therefore maintaining a large degree of continuity), whilst at the same time responding to the new requirements. It is accompanied by a staff working paper.

¹ **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

² **Council Regulation (EC) N° 199/2008** 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

³ COM(2014) 910 final

1.2. Consistency with existing policy provisions in the policy area: alignment with the CFP reform

At the adoption of the CFP Regulation⁴, the Council and European Parliament requested the Commission to "fast track the adoption of a proposal to amend EU Regulation 199/2008 in order that the principles and objectives for data collection that are essential to support the reformed Common Fisheries Policy and set out in the new CFP Reform Regulation can be given practical effect as early as possible"⁵. The enclosed proposal aims to reach this aim through:

Adjusting to new data needs: The scope of the DCF should be aligned with needs strictly arising from the revision of the CFP Regulation as set out in its Article 25. This requires adjustments relating to: *the gradual move to MSY*, the *impacts of fisheries on ecosystems* (e.g. protected species, seabed habitats); the *environmental and other impacts of aquaculture* (illustrated by information on mortality/losses, use of medicines); and the *effects of the landing obligation*.

Consultations have shown that some data were collected but not used even for some stocks managed at MSY. There are over 400 stocks covered by the current DCF, and not all require the most detailed type of stock assessment and thus will not require the most extensive and frequent data collection. The revision of the DCF should therefore also ensure that data are collected according to a cost/benefit or a cost/use analysis of the precision obtained by scientific models and the associated level of risk. For example, instead of conducting surveys every year, doing them every three years.

Such an analysis should be based on a discussion between the fisheries managers, data collectors and the providers of scientific advice in order to remedy the situation whereby data requirements were established essentially as a compilation of needs for individual stocks, resulting in a mismatch between the amount and extent of data collected for some stocks and the needs of end-users including fisheries managers. This will be achieved by including for the first time criteria for stock prioritizing⁶, for example, economic and social importance, rate of stock exploitation or the existence of management or protection plans. These should be used when developing and then revising the EU Multi-annual Programme, which implements in detail the DCF Regulation. An example of this is Baltic plaice, for which more data is collected than needed to monitor the stock.

Strengthening regional cooperation: in line with the regionalisation of the CFP, whereby more tailor made fisheries management decisions will be made through cooperation between Member States within the same marine region, data collectors should plan their activities in discussion with regional data end-users, and increasingly share tasks across Member States.

⁴ **Regulation (EU) No 1380/2013** of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC. OJ L354, 28.12.2013, p.22

⁵ Annex I to Note 10629/13 of 11 June 2013 of the General Secretariat of the Council to the Permanent Representatives Committee

⁶ As also recommended by a Report published by the European Parliament in 2013: [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/495865/IPOL-PECH_ET\(2013\)495865_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/495865/IPOL-PECH_ET(2013)495865_EN.pdf)

1.3. Consistency with other Union policies

The proposal also harmonises and coordinates with similar data collection policies in the environmental and in the statistical regulatory frameworks (see below under simplification)

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

2.1. •Legal basis

The Treaty on the Functioning of the European Union, and in particular Article 43 (2) on fisheries, also the legal basis for the CFP

2.2. •Subsidiarity

Not relevant here because fisheries policy is exclusive EU competence

2.3. •Proportionality:

This legal proposal is intended to establish a framework for data collection, management and use and thus does not go beyond what is necessary and appropriate, for the achievement of the basic objective of improving data quality, access and availability in the fisheries sector

2.4. •Choice of the instrument:

This legal form is chosen because of the positive experience with the current legal instrument (see next chapter on ex-post evaluations, and stakeholder consultations)

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACTS ASSESSMENTS

3.1. Ex-post evaluation stakeholder consultations and other studies

Several studies, evaluations, one dedicated ex-post evaluation and a stakeholder workshop are the basis or the preparation of this proposal. A summary of consultations and studies carried out is provided in the staff working paper. On this basis, the Commission draws the following conclusions:

Data quantity: The DCF has significantly increased the quantity of fisheries data, and is generally considered to be fit for purpose. The DCF has, in particular, provided an EU-wide framework with harmonized procedures, and has enabled development of time series of data. Nevertheless, the current data collection system has focused on providing data primarily for fisheries management, while under the reformed CFP, data will be needed also to support several new or strengthened policy objectives: the **move to ecosystem-based fishery management**; a new emphasis on the development of **sustainable aquaculture**; an improved **impact assessment** of decisions on fisheries management.

Data quality is now considered to be relatively good but there remains scope for improvement. **Quality assurance and control procedures** vary greatly between Member States and should in general be further strengthened, in particular for socio-economic data.

Data availability: is the area where most progress should be made. The main issues are the following: i) The process through which end-users⁷ request data from Member States ("data calls") is too burdensome and resource intensive; ii) compliance and timeliness of data provision by Member States to end-users has not always been satisfactory; iii) Accessibility to fishing activity data varies across Member States due to differing access rules, based in part on limitations of multi-purpose use of these data; and iv) DCF data are under-utilized due to difficulties in accessing them, leading to great opportunities lost in potential use of these data and unnecessary investments when collecting the same data for other purposes (e.g. in maritime spatial policies). Availability should therefore be increased and simplified. As the need for information on the marine environment is increasing, there is an opportunity for **multi-purpose collection of data** that should not be missed.

Flexibility: The DCF has been an improvement in setting common rules for all Member States, which allow policy makers (including at national level) to base their decisions on a similar, comparable set of information. However, the legal set-up of the DCF is generally considered excessively prescriptive and detailed, resulting in a cumbersome and insufficiently responsive system to evolving needs. It is therefore necessary to better incorporate end-user in the design and implementation of the DCF to ensure closer alignment between data needed and data collected.

Complexity: The DCF is generally considered as too complex, both the legal framework, and in terms of implementation arrangements. One source of complexity and inefficiency is the **duplication**, between data requirements covered by the DCF and other EU legislation such as the fisheries Control Regulation⁸ and EU statistical Regulations⁹. The fact that the same raw data need to be sent in differently aggregated forms to different end-users is perceived as another source of complexity and inefficiency.

Another area is **the need to increase synergies** with the objectives of other EU legislation. This is primarily the case for The Marine Strategy Framework Directive (MSFD)¹⁰, which aims at reaching "good environmental status" of the EU's marine waters by 2020, and is to be assessed, among other tools, by 11 qualitative descriptors, some of which are directly or indirectly related to fisheries. Through its revision, the DCF should ensure that data can be used also for the purpose of implementing the MSFD.

Regional cooperation is widely heralded as one of the key strengths of the DCF and should be further strengthened in line with the direction taken by the CFP reform. To support the

⁷ Defined as bodies with a research or management interest in the scientific analysis of data in the fisheries sector

⁸ **Council Regulation (EC) No 1224/2009** of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006

⁹ **Regulation (EC) 762/2008 of the European Parliament and of the Council** of 9 July 2008, on the submission by Member States of statistics on aquaculture and repealing Council Regulation (EC) 788/96

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 and repealing Council Regulation (EEC) No 1382/91

Regulation (EC) No 216/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic (recast)

Regulation (EC) No 217/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of catch and activity statistics by Member States fishing in the north-west Atlantic (recast)

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)

Regulation (EC) No 295/2008 of the European Parliament and of the Council of 11 March 2008 concerning structural business statistics (recast)

¹⁰ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32008L0056>

regionalisation of the fisheries management measures by adequate scientific advice at regional level, it is important to further encourage cooperation between Member States also in the area of data collection.

A separate dedicated **impact assessment** was not deemed necessary in view of the large database of studies available and because the DCF was subject of the impact assessment for the Common Fisheries Policy (CFP) when the intention was that the DCF should be part of it.

3.2. Regulatory fitness and simplification of the current system

The revision of the DCF is part of the Commission's Regulatory Fitness Programme (REFIT) which seeks to cut red tape and remove regulatory burden. This means simplifying the DCF at different levels.

3.2.1. Removing overlaps and seeking synergies between EU legislations

The proposal aims first to align the DCF and other relevant EU legislation relating to fisheries data collection so as to **remove overlaps** and therefore reduce costs of the entire system of marine data. The DCF will only create data collection obligations insofar as they are not already covered by other EU legislation, thus clearly becoming the main EU instrument to provide biological, socio-economic and environmental data on fisheries, whilst the Control Regulation will continue to provide the core data on fishing activity (landings, catches and effort) and the statistical Regulations will provide core production statistics on the aquaculture and processing sectors. Following this alignment, the Commission would make the necessary proposals to also amend these Regulations should the need arise for the purposes of the CFP.

The proposal also intends to **maximise synergies** with environmental law. The current DCF does not provide sufficient data on some ecosystem impacts of fisheries which are however required for implementing efficiently the MSFD. This is the case of incidental catches of protected species (birds, marine mammals, turtles etc.), effects on food webs (predator-prey relations), and the impact of fishing on habitats. Relevant data on these three impacts could be collected through existing or modified DCF mechanisms and therefore, at minimum costs, also serve the purpose of improving knowledge of the marine environment.

Synergy would also be sought with the Infrastructure for Spatial Information in the European Community¹¹, which requires Member States to establish compatible data storage and exchange systems for the purposes of EU environmental policies and policies or activities which may have an impact on the environment.

3.2.2. Reducing the level of prescriptions set at EU level without compromising data quality

The legislation should be more result-oriented and leave more flexibility to Member States regarding implementation. By ensuring more and earlier involvement of the Member States, in the context of regional cooperation, on decision making about methodologies to be followed or quality targets to be met, the DCF can be greatly simplified and the data collection system made more flexible. This can also be achieved by allowing the main data end-users within a region (such as ICES¹², GFCM¹³) to take part in the elaboration of the data

¹¹ INSPIRE, Directive 2007/2/EC of the European Parliament and the Council

¹² International council for Exploration of the Seas

¹³ General Commission for Fisheries for the Mediterranean

requirements, so as to ensure these better respond to their needs, such as in the context of the establishment of long term management plans. In future, this will primarily be discussed by Member States and end-users at regional level, while the scientific soundness will still be ensured by the Scientific, Technical and Economic Committee for Fisheries (STECF) involvement.

At the same time, improvements in quality and reliability still need to be achieved so as to guarantee a high quality of data. One way will be to apply the European Statistics Code of Practice and the Quality Assurance framework of the European Statistical System

3.2.3. Reducing the details decided by or reported to the Commission

Currently, national programmes describe in great detail what will be done, how and by whom in each Member State. The objective is to reduce this significantly. With the move away from triennial to multi-annual EU and national programmes, Member States will be in a position to plan their work over a longer period. This will also result in a lower administrative burden for the Commission and Member States relating to annual adoptions of financing decisions and work plans. Similarly, with regard to reporting, the process and format will be greatly simplified (see below).

3.2.4. Collecting once, using several times

The data requests have increased over time and will continue to do so as the impacts of fisheries and aquaculture on the marine ecosystems need to be increasingly well described, and the effects of human activity on the marine environment need to be increasingly well monitored. The revision of the DCF is an opportunity to, on the one hand, ensure better availability of fisheries data to a wider circle of interested parties, and on the other hand, to reduce the burden of data requests on Member States by using the most recent technical developments.

To achieve this dual objective, a first proposal is to make the DCF the main legal instrument by which Member States are to provide any data necessary to data users (end-users and other interested parties), whatever the source of the legal obligation under which data are collected (DCF or any other EU legislation), unless other legal instruments already provide for the availability of the data (e.g. most statistical Regulations).

It is important that no generic measures are taken to restrict a priori the access to data, whether by scientific users or by other interested parties. In case the protection of personal data is at stake, it must be ensured that the EU rules on data protection are applied. In case of conflict between the interests of personal data protection and the public interest of data availability, alternatives should be developed by data managers, rather than simply withholding or excessively aggregating data.

The second proposal is building on existing experiences of data pooling at regional level to greatly simplify data provision to data users. The new framework should enhance cooperation between Member States to develop compatible data storage and exchange systems and formats in line with those agreed under Directive 2007/2/EC¹⁴ and promote compatibility between data formats used under other Union legislation (e.g. Fisheries control, MSFD). Without prescribing the means or the end results, there is an opportunity to greatly reduce the current burden of data calls.

¹⁴ Directive 2007/2/EC of the European Parliament and the Council

These proposals will fulfil the mandate set in the new CFP Regulation (Article 25) as well as follow-up on the Commission's Communication on innovation in the Blue Economy¹⁵: the availability of data to scientists and to any interested parties must be ensured, save in circumstances where protection and confidentiality are required under applicable EU law. As this evolution requires time to be effective, and consultations are still ongoing on the best design, the DCF Regulation should only include general provisions reflecting this evolution. More detailed provisions would be developed at a later stage when a consensus has been found between Member States on the most appropriate solutions.

4. BUDGETARY IMPLICATIONS

None not already foreseen in the EMFF

5. OTHER ELEMENTS

5.1. Implementation plans and monitoring, evaluation and reporting arrangements and other complementary measures

Besides the changes necessary at the level the DCF Regulation, the Commission has identified a set of complementary actions which will be set in motion to ensure that the objectives of the legislation are effectively achieved.

First, a new concept will be developed for the EU Multi-annual Programme, which is to be adopted by the Commission after the Regulation enters into force. The future programme will be less prescriptive to Member States and more flexible to intermediate changes. Only core variables, stable for the whole period, would be in the multiannual programme, while additional variables would be discussed and recommended by regional groups of Member States as well as the detailed requirements on how to collect data.

Second, when developing the new EU Multi-annual Programme, the Commission will assess the cost of collecting certain data, as well as their coverage, detail and aggregation level. Bearing in mind the needs of end-users, it will systematically assess whether data can be collected less often or through alternative means that may be more appropriate for the type of information needed (e.g. a unique study).

Third, annual reporting will be simplified. This reporting has until now been cumbersome and not used to find remedies to problems encountered. The reports will be made less narrative, reporting mostly facts and figures, and less repetitive.

Fourth, as of 2014, there is significant EU funding under the European Maritime and Fisheries Fund (EMFF) to allow Member States to improve data collection¹⁶. As programmes are being

¹⁵ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=COM:2014:254:REV1&from=EN>. The Communication identified gaps in knowledge about the sea amongst the issues that currently hinder innovation in the blue economy.

¹⁶ Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund (EMFF). Implementation of Member States' data collection activities under the DCF is now co-financed under shared management at a rate of 80%, up from 50% under the 2007-2013 arrangements. The budget available is of €520 million for the period 2014-2020, which means more funds are available for data collection as the total available public spending (EU plus Member States) will represent €650 million over the

discussed with Member States, the Commission is inviting them to focus on improving their current set up for data collection (particularly streamlining organisation and improving data storage and transmission systems), investing in better data quality control and preparing the ground for adapting to new data requirements. In addition, the Commission has already launched grants under direct management to further strengthen regional cooperation. Financing will be made available to groups of Member States who plan to carry out joint actions, thus building capacity to implement the new DCF provisions on regional cooperation when they enter into force.

Finally, the Commission is actively preparing for improving monitoring of Member States' implementation. Although Member States' compliance with the DCF has generally been good since the onset of the DCF, there have been problems in establishing and/or carrying out their obligations. This is generally due to problems of administrative capacity or organisation.

Improving performance will be pursued through different paths. Under the EMFF, Member States will be required to demonstrate, upstream, their administrative capacity to implement the DCF through the mechanism of ex-ante conditionality. The EMFF also contains provisions 'down-stream' enabling the Commission to interrupt, suspend or recover EU funding in cases of non-compliance with the CFP rules (as is currently the case under the DCF Regulation).

But more significantly, the Commission will change its approach of monitoring Member States' implementation by giving priority to preventing cases of non-compliance and finding early remediation to failures. This will be achieved through giving more attention to systemic issues leading to failures to submit data, and through closer cooperation with end-users regarding their feedback on Member States' delivery of data.

Ultimately, the Commission will not refrain from launching infringement proceedings if required.

5.2. Detailed explanation of the specific provisions of the proposal

The changes to be made to the rules laid down in Council Regulation (EC) No 199/2008 require the replacement, deletion or amendment of a number of articles of that act. If those changes were made by means of an act amending that Regulation, the applicable rules would be scattered among the original instrument and the amending act and would only be identified by comparing those two acts. Furthermore, inserting the new rules in the framework of the original instrument would lead in certain cases to overly long articles and thus impair the readability of the text. Consequently the Commission finds that it is appropriate to proceed to a recast of Regulation (EC) No 199/2008 in order to ensure that the applicable rules are clear and readily understandable. Where the articles are given new numbers, the correlation between the old and the new numbers is shown in a table set out in an Annex.

In terms of substance, this proposal amends only those articles in which modifications are essential because of the new needs arising from the CFP reform; it deletes articles that are redundant and leaves untouched those articles and elements that have proven to be fit for purpose and cost effective according to past experience.

7 years. The contribution by Member States will significantly be reduced, from around €30 million per year to €8.5 million.

Notably, one should retain the key provisions of the current system: the establishment of an EU Multi-annual Programme, to be implemented by national Data Collection plans; key obligations in the form of commitments by Member States in relation to collection, storage, protection and provision of data; provisions on rights and obligations of end-users of data; and provisions on cooperation within and between Member States, as well as with and between scientific and management bodies.

The proposed modifications compared to the current DCF Regulation are presented as follows:

Article 1

For clarity and in order to avoid duplication, a distinction is made between data collected under this Regulation for which rules for collection, management and use are defined, and data collected under other Union legislation for which only rules for use are defined in this Regulation. This approach is not new but the distinction is made sharper..

Data collected under other legal frameworks include notably Regulation (EU) No 1224/2009 (data on fisheries activities), Regulation (EC) No 295/2008, Regulation (EC) No 762/2008 (aquaculture statistics), Directive 2008/56/EC (Marine Strategy Framework Directive), Directive 2000/60/EC (water framework Directive), Directive 2009/147/EC (Birds Directive), Directive 92/43/EEC (Habitats Directive), Regulation (EC) No 1921/2006 (landings and catch statistics), Regulations (EC) No 216/2009, (EC) No 217/2009, (EC) No 218/2009 (catch statistics, Regulation (EC) No 26/2004 (fleet register), Regulation No 812/2004 (cetacean Regulation), Regulation (EC) No 1100/2007 (Eel Regulation), Regulation (EC) No 1967/2006 (Mediterranean Regulation), Regulation (EU) 1343/2011 (GFCM transposition) and Regulation (EC) 2347/2002 (deep sea access regime), Regulation (EU) No 1236/2010 (EU), Council Decision 717/2010/EU (transposition of multilateral agreements on control) and Regulation (EC) No 1006/2008 (Fishing Authorisation Regulation). These Regulations are not listed in the articles, but in a recital as examples.

Article 2

Provisions to ensure respect of personal data protection rules are preserved from the existing Regulation.

Article 3

Whilst data collection on recreational fisheries is a limited part of the current requirements, the current definition is too limitative and should cover all types of recreational fisheries, not only those for "recreation or sport".

Definitions used in different legislations should be aligned as much as possible, such as the definition of a fishing vessel. On the other hand, whilst marine regions are defined in the CFP Regulation, this definition does not correspond to the geographic regions applied in the DCF, since the definition may be based upon other considerations than scientific ones. Therefore in defining marine regions for collaboration on data collection, it is important that this can be done based on scientific considerations concerning shared stocks.

The DCF Regulation should no longer determine methodologies to be applied in collecting data. A definition of a particular method such as "fleet-fishery based sampling" should therefore be removed.

Article 4

The DCF Regulation should set only basic rules and criteria regarding what has to be collected. A key challenge is finding the most appropriate legislative format to establish an appropriate balance between flexibility (for example, smooth adaptation of the data collection programmes to new needs) and predictability (for example, the need to ensure that key data will be collected over a sufficiently long time period so as to allow the development of robust time series).

On the one hand, the DCF Regulation should primarily ensure that the contents of the EU Multiannual Programme (EU MAP), and any amendments thereto, should be based on certain principles set out in Article 25 of the CFP Regulation. There is no need to repeat these provisions, however the link is made through recitals.

On the other hand, the exact variables, species, segments, dimensions, including coverage and aggregation level (what to collect)- and the methodologies (how to collect) should be detailed in a Commission delegated act (what to collect) or first discussed by Member States in regional groups (how to collect). Regarding the first aspect, this is the primary function of the EU MAP, whilst for the second aspect, the commitments made by Member States should be reflected in their work plans.

No criteria currently exist in the DCF Regulation to guide the establishment of the EU MAP. The introduction of criteria aims at introducing more transparency and a rational approach to the selection of data needs.

Regional Coordination Groups, EU Member States' experts and EU scientists in STECF will be consulted, before the Commission adopts the EU MAP by delegated act.

Article 5

Paragraph 1 and 3: The data to be included in the EU MAP are those not collected under other EU legislation.

Paragraph 2: The categories of data needs are specified. These are the categories to be included in the EU MAP.

With regard to fisheries data, the exact need would be derived from the following key considerations:

- compliance with the international obligations of the EU and its Member States;
- data requirements for stocks which are managed under EU legislation. The exact data requirements, including variables and periodicity, shall be those required to achieve the objectives of the relevant EU legislation. Examples include: the MSY objectives of the CFP, the relevant long term management plans or discard plans at EU, regional or national level; the fishing opportunities Regulations; minimum reference sizes specified under Regulation (EC) No 1967/2006 (Mediterranean Regulation), Regulation (EC) 2347/2002 (Deep Sea Access Regime)¹⁷, and Regulation (EC) No

¹⁷ There will be a need to ensure alignment between the current proposal needs and the Deep sea access regime proposal, currently discussed by the European Parliament and Council, as regards the data collection provisions referred to in article 19 and Annex II (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0371:FIN:EN:PDF>)

1100/2007 (Eel Regulation). Data requirements for stocks which are currently not managed under EU legislation but are of significant social or economic importance. In that context, recreational fisheries may be included when appropriate, e.g. when these are expected to have a significant effect on the fishing mortality and when not already covered by Article 55 of Regulation (EU) No 1224/2009 (Control Regulation).

- socio-economic data on the fisheries sector are collected primarily through the DCF, and are essential to assess and monitor its performance.
- data needed to assess the impact of fisheries on the marine ecosystem. This includes: data on by-catch of non-target species, in particular species protected under international or EU law; data on impacts of fisheries on marine habitats; and data on impacts of fisheries on food webs.

Data on fishing activity (catches, landings, effort and capacity) are required for biological and economic analysis. For these data, scientists are drawing partially upon census data recorded or collected under the Control Regulation. However, there are currently important gaps that need to be filled with the DCF, such as the smaller fleet segments and landings under 50 kg, and this situation will remain until the Control Regulation may cover also these variables.

Concerning aquaculture, variables on sustainability are needed in view of the CFP objective on sustainable development of aquaculture, in particular impacts and efficiency of aquaculture for which parameters such as mortalities/losses and input of pharmaceutical products may be used. The overlaps that currently exist between DCF and Statistical Regulations concerning primary production data will be eliminated by working to a system where core production data collection requirements will be covered by the Statistical Regulations and additional socio-economic and environmental/sustainability data by the DCF when needed and when not already collected elsewhere. Concerning the processing sector, currently data obtained on fish processing are collected both under the DCF and under the Structural Business Statistics Regulation (SBS), as part of agriculture/food processing category. In the future, the DCF will only specify additional data collection requirements when not already specified in the SBS Regulations.

Paragraph 4 and 5: As regards research surveys, as currently, the list should be specified in the EU MAP as there is a need for a framework of cooperation between Member States and scientific institutes, given that many surveys are run at international level. A framework is set with criteria for when surveys must be carried out, while thresholds of fishing activities for Member States below which they do not have to participate may be set in the EU MAP.

To balance the burden of establishing a sampling programme against the benefits of obtaining the data, the DCF Regulation should include a provision on the possibility to grant derogations to Member States from sampling of certain data. The EU MAP would specify the conditions under which Member States can be granted derogations from sampling.

Article 6

Paragraph 1: Provisions on modalities of the implementation of the Union programme must be updated in light of the recent adoption of Regulation (EU) No 508/2014 on the European Maritime and Fisheries Fund (EMFF).

As of 2014, programming of data collection activities will take place on the basis of the **rules established under the EMFF**. Member States shall submit an **EMFF Operational Programme** including a section on data collection (Article 18(1) (p)). This should contain a description of the activities of data collection, of the data storage methods, data management and data use and a description of the capability to achieve sound financial and administrative management of the data collected. The Operational Programme section on data collection will contain more generic information on the aforementioned topics, and will be less detailed than the current National Programmes. This programme will be adopted by the Commission and will constitute the basis for Member States' obligations, as well as for the EU co-financing of these activities. In other words, instead of two successive, detailed triennial decisions on the National Programmes, coupled with annual financing decisions, the programming of data collection activities will require only one single, strategic Commission decision for seven years.

The EMFF Operational Programme will be complemented by a **national work plan**, containing greater detail on activities to be carried out, to be submitted annually unless the national work plan of the previous year still applies (Article 21). This work plan will be adopted by the Commission through simplified procedures. When setting up implementing rules on the submission of the national work plan, the Commission would draw lessons from past experience and simplify the process of submission, approval and reporting on these work plans, so as to maximise the benefits of the simplification brought by the new set up.

Paragraph 2: Based on the above, the contents of the work plan should be described in this Regulation. The procedure, format and timetables may be further specified in an implementing act in accordance with Article 22 (1) (d) of Regulation (EU) No 508/2014.

Article 21 of Regulation (EU) No 508/2014 refers to Article 4(4) of Regulation (EC) No 199/2008, while after adoption of this Regulation it would be better to refer to the entire Article 4.

Paragraph 3: With regard to the establishment of methodologies for data collection, new provisions are needed describing what steps Member States should follow and what they should take into consideration. This includes coordination to avoid duplication and to profit from economies of scale. The involvement of the Commission will consist only in verifying whether the resulting work plans comply with the Member States' obligations and whether the coverage is sufficient. The STECF will be consulted before approving the work plans.

Article 7

The role and tasks of national correspondent, previously provided for in Regulation (EC) No 665/2008, is further specified.

Article 8

Paragraph 1: The process by which data needs are determined is strongly anchored into regional cooperation. Building on existing mechanisms of Regional Coordination Meetings, a continuous process coordinated by Regional Co-ordination Groups (RCGs) should take place in each marine region. These groups will consist of experts from Member States, the Commission, and relevant end-users of data (*Paragraph 2*) and decide on their rules of

procedure (*Paragraph 3*). To maintain a degree of homogeneity and respect by all marine regions of the horizontal principles set by EU rules, data collection relevant for all regions will be co-ordinated by the Commission (*Paragraph 4*),¹⁸.

Coordination within RCGs may result in joint recommendations in the form of a draft of a regional work plan regarding procedures, methods, quality assurance and quality control for collecting and processing of data. This innovation could bring important benefits in terms of alignment and overall quality of the data collection process, as well as better adjustment between data collected and regional needs for scientific advice. For simplification purposes, regional work plans, could replace parts of national work plans. Similar to national work plans, regional work plans will have to be approved by the Commission after consultation of STECF (*Paragraphs 5 and 6*).

When establishing the EU MAP, the Commission will consult the RCGs (cf. Article 3), and similarly, when drawing up their work plans, Member States should first consult each other within RCGs (Article 4), and should also amend them in line with joint recommendations by RCGs or regional work plans (*Paragraph 6*).

As necessary, the provisions for regional coordination could be further specified in implementing acts (*Paragraph 7*).

Article 9 and 10

References to National programmes should be replaced by references to work plans and reference to financial provisions deleted because they are covered by the EMFF.

Consultation of STECF on the Member States' work plans and annual reports by the Commission is comparable to the current consultation on the national programmes and should be continued to verify compliance of the Member States' obligations.

A Commission implementing act will allow further simplification of the reporting formats and tools.

Deletion of former Articles 8, 9, 10, 11, 12, 15, 18 and 19

Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund (EMFF) changed the structure of financial support to Member States' data collection activities and is the sole EU funding instrument to Member States' data collection activities. It is therefore necessary to align Regulation (EC) No 199/2008 correspondingly, and remove any provision on EU financial assistance from the DCF Regulation (in former Article 8).

EU rules should no longer determine methodologies to be applied in collecting data. Provisions on particular methods of data collection should therefore be removed (in former Articles 9, 10, 11 and 12). These methods will be elaborated in EU expert groups, RCG joint recommendations, or in regional work plans.

¹⁸ Coordination at EU level will take place in the form of an EU expert group on data collection, which will be tasked among other things with the work that is currently done by the Planning Group on Economic Issues

Specifically, former Article 9 should also be deleted because it prescribed ways of sampling for which there are currently better alternatives and which can be decided on a regional level.

Provisions in the former Article 10 are now covered by proposed in Article 11.

Former Article 11 can be deleted because its provisions in *Paragraphs 1 and 2* are covered by proposed Article 3 and 4 and its provisions in *Paragraph 3 and 4* are covered by proposed Article 6

Former Article 12 should be deleted because its provisions are covered by proposed Article 5.

Former Article 15 is deleted because it becomes redundant with the new Articles 1 and 4 and recital 5.

Former Articles 18 and 19 are deleted as they are grouped with article 16,

Article 11

To ensure effective and homogeneous implementation of the DCF by Member States, key requirements are necessary as regards data collectors' rights and obligations of masters of fishing vessels. These requirements follow on existing provisions of Regulation (EC) No 199/2008, and may be further specified in implementing acts

Articles 16 and 17

Articles 16 and 17 are intended to replace former Articles 18 and 19 in order to ensure alignment with Article 25(2) e) of the CFP Regulation with a view to give effect to its principle of timely availability and provision to any interested parties. In circumstances where protection and confidentiality are required under applicable Union law, it should provide for the necessary safeguards to ensure this.

'Primary data' are defined as 'data associated with individual vessels, natural or legal persons or individual samples' (Article 2(e)). Primary data may include personal data, relating to identified or directly or indirectly identifiable individuals, e.g. vessel owners. Member States are required to ensure that primary data are 'safely stored in computerised databases' and are 'treated as confidential' (Article 12(a)). Provisions concerning such primary data are not modified by this proposal.

Data protection rules are, however, relevant in the case where detailed data extracted from the system for a specific analytical purpose would give a result that could identify a natural person.

Detailed data are data based on primary data in a form which does not allow natural persons or legal entities to be identified directly or indirectly. Aggregated data are the output resulting from summarising the primary or detailed data for specific analytic purposes. Under the current Regulation, Member States are required to provide these data on request to end-users and other interested parties. Under Article 16 of this proposal, this latter principle is reaffirmed. In general, these data are unlikely to identify a natural person, but for very small data sets there may be a risk that it is possible to do so. The proposal includes a provision therefore, whereby safeguards must be established in case there is a risk for data sets that personal data may directly or indirectly be disclosed.

More specifically:

Paragraph 1 recalls the principle of timeliness of data provision and the need to avoid undue restrictions. *Paragraph 2* adds the requirement that Member States should ensure appropriate safeguards such as a higher level of aggregation or anonymisation of data should they include information relating to identified or identifiable natural persons.

Paragraph 2 also provides for delegated acts to define what kind of safeguards are needed

Paragraph 3 provides for an obligation to ensure that end-users involved in scientific advice on fisheries¹⁹ are provided with data within relatively short deadlines, as they need to provide timely advice to fisheries managers and where relevant to environmental managers. Other interested parties such as Advisory Councils established under Article 43 of Regulation (EU) No 1380/2013, members of the scientific community or the public, interested by data in the interest of scientific publication, public debate and stakeholder participation in policy development should also be assured to receive data they need within a certain deadline.

Paragraph 3 and 4 maintain an existing provision of Article 20(3)

Article 17 sets a requirement to enhance compatibility of data storage and exchange systems to facilitate data exchange between Member States, end-users and the Commission. In doing so, there is also a requirement to facilitate dissemination of information to other interested parties (*Paragraph 1*). The Regulation does not determine in what form such data exchange modalities would take place, as there is still a need to further explore the technical possibilities. In any event, parties of such data system should also ensure personal data protection, and therefore put in place appropriate safeguards such as a higher level of aggregation or anonymisation of data should data include information relating to identified or identifiable natural persons (*Paragraph 2*).

Article 24

Article 24 updates the reference to the name of the Committee following adoption of the new CFP Regulation and a provision is added on reporting to the European Parliament and Council about implementation of this Regulation.

Deletion of Article 25, introduction of Article 23, modification of former Article 27, now 24

The DCF Regulation has been adopted before the entry into force of the Lisbon Treaty, and rules applicable to delegation and comitology procedures therefore need to be updated.

6. TIMELINE

Regulation (EC) No 199/2008 is not time-limited and will remain in force until it is amended. However, the current EU Multiannual Programme, as well as the 23 Member States National Programmes expire by 31 December 2016. It is therefore important that the DCF amendment should be adopted in time to allow adoption of the new EU Multiannual Programme and adoption of Member States' work plans by end 2016, in view of the preparations and

¹⁹ It should be noted that scientific advice not only includes advice on fisheries conservation but also ecosystem based fisheries and environmental impact assessment.

consultations needed between Member States at regional level and with scientific bodies such as the STECF.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**concerning the establishment of a ~~Community~~ Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy
(recast)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty ~~establishing the European Community~~ on the Functioning of the European Union , and in particular Article ~~37~~ 43 (2) thereof,

Having regard to the proposal from the European Commission,

~~Having regard to the opinion of the European Parliament~~

After transmission of the draft legislative act to the national Parliaments ,

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

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) A number of amendments are to be made to Council Regulation (EC) No 199/2008²⁰. In the interests of clarity, that Regulation should be recast.
- (2) The Common Fisheries Policy has been reformed by Regulation (EU) No 1380/2013 of the European Parliament and of the Council²¹. The objectives of the Common Fisheries Policy and the requirements for data collection in the fisheries sector are set out in Articles 2 and 25 of that Regulation. Furthermore, Regulation (EU) No

²⁰ 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 (OJ L 60, 5.3.2008, p. 1).

²¹ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC. (OJ L354, 28.12.2013, p.22)

508/2014 of the European Parliament and of the Council²² has reformed the structure of financial support to Member States' data collection activities.

↓ 199/2008 recital 1 (adapted)

~~Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy²³ 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.~~

↓ 199/2008 recital 2 (adapted)

~~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.~~

↓ 199/2008 recital 3 (adapted)

(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 ☒ Union ☒ waters, the Community ☒ Union ☒ 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.

↓ 199/2008 recital 4 (adapted)

~~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.~~

↓ 199/2008 recital 5 (adapted)

~~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.~~

²² Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council (OJ L 149, 20.5.2014, p. 1).

²³ 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).

↓ 199/2008 recital 6 (adapted)

~~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 policy²⁴ 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.~~

↓ 199/2008 recital 7 (adapted)

~~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 policy²⁵, Council Regulation (EC) No 788/96 of 22 April 1996 on the submission by Member States of statistics on aquaculture production²⁶, 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 programmes²⁷, Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products²⁸, Council Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks²⁹, Council Regulation (EC) No 1954/2003 of 4 November 2003 on the management of the fishing effort relating to certain Community fishing areas and resources³⁰, Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite based Vessel Monitoring Systems³¹, Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register³², Council Regulation (EC) No 812/2004 of 26 April 2004 laying down measures concerning incidental catches of ectoparasites in fisheries³³, 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 States³⁴, Council~~

²⁴ OJ L 176, 15.7.2000, p. 1.

²⁵ 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).

²⁶ 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).

²⁷ OJ L 266, 1.10.1998, p. 36.

²⁸ 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).

²⁹ 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).

³⁰ OJ L 289, 7.11.2003, p. 1.

³¹ OJ L 333, 20.12.2003, p. 17.

³² 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).

³³ 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).

³⁴ OJ L 403, 30.12.2006, p. 1.

~~Regulation (EC) No 1966/2006 of 21 December 2006 on electronic recording and reporting of fishing activities and on means of remote sensing⁴⁵, and Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel⁴⁶.~~

↓ new

- (4) For clarity and in order to avoid duplication, it is important to distinguish between data collected under this Regulation, for which rules for collection, management and use are defined, and data collected under other Union legislation, for which only rules for use are defined in this Regulation.
- (5) Data collected under other legal frameworks include Directive 2000/60/EC of the European Parliament and of the Council³⁷, Regulation (EC) No 1921/2006 of the European Parliament and of the Council³⁸, Regulation (EC) No 295/2008 of the European Parliament and of the Council³⁹, Directive 2008/56/EC of the European Parliament and of the Council⁴⁰, Regulation (EC) No 762/2008 of the European Parliament and of the Council⁴¹, Regulation (EC) No 216/2009 of the European Parliament and of the Council⁴², Regulation (EC) No 217/2009 of the European Parliament and of the Council⁴³, Regulation (EC) No 218/2009 of the European Parliament and of the Council⁴⁴, Directive 2009/147/EC of the European Parliament and of the Council⁴⁵, Regulation (EU) No 1236/2010 of the European Parliament and of the Council⁴⁶, Regulation (EU) No 1343/2011 of the European Parliament and of

³⁵ ~~OJ L 409, 30.12.2006, p. 1, corrected by OJ L 36, 8.2.2007, p. 3.~~

³⁶ ~~OJ L 248, 22.9.2007, p. 17.~~

³⁷ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1)

³⁸ 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 and repealing Council Regulation (EEC) No 1382/91 (OJ L 403, 30.12.2006, p. 1).

³⁹ Regulation (EC) No 295/2008 of the European Parliament and of the Council of 11 March 2008 concerning structural business statistics (OJ L 97, 9.4.2008, p. 13)

⁴⁰ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19).

⁴¹ Regulation (EC) No 762/2008 of the European Parliament and of the Council of 9 July 2008 on the submission by Member States of statistics on aquaculture and repealing Council Regulation (EC) No 788/96 (OJ L 218, 13.8.2008, p. 1).

⁴² Regulation (EC) No 216/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic (OJ L 87, 31.3.2009, p. 1).

⁴³ Regulation (EC) No 217/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of catch and activity statistics by Member States fishing in the north-west Atlantic (OJ L 87, 31.3.2009, p. 42).

⁴⁴ 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 (OJ L 87, 31.3.2009, p. 70).

⁴⁵ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).

⁴⁶ Regulation (EU) No 1236/2010 of the European Parliament and of the Council of 15 December 2010 laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries and repealing Council Regulation (EC) No 2791/1999 (OJ L 348, 31.12.2010, p. 17).

the Council⁴⁷, Council Directive 92/43/EEC⁴⁸, Council Regulation (EC) 2347/2002⁴⁹, Council Regulation (EC) 812/2004⁵⁰, Council Regulation (EC) No 1967/2006⁵¹, Council Regulation (EC) No 1100/2007⁵², Council Regulation (EC) No 1006/2008⁵³, Council Regulation (EU) No 1224/2009⁵⁴, Commission Regulation (EC) No 26/2004⁵⁵ and Commission Regulation (EU) No 717/2010⁵⁶.

↓ 199/2008 recital 15 (adapted)

- (6) The obligations concerning access to the data covered by this Regulation ~~are~~ should be 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~~⁵⁷, 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~~⁵⁸.

↓ 199/2008 recital 8 (adapted)

~~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~~

⁴⁷ Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 347, 30.12.2011, p. 44).

⁴⁸ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p.7).

⁴⁹ Council Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks (OJ L 351, 28.12.2002, p. 6).

⁵⁰ Council Regulation (EC) No 812/2004 of 26.4.2004 laying down measures concerning incidental catches of cetaceans in fisheries and amending Regulation (EC) No 88/98 (OJ L 150, 30.4.2004, p. 12).

⁵¹ Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409, 30.12.2006, p. 11).

⁵² Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel (OJ L 248, 22.9.2007, p. 17).

⁵³ Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters, amending Regulations (EEC) No 2847/93 and (EC) No 1627/94 and repealing Regulation (EC) No 3317/94 (OJ L 286, 29.10.2008, p. 33).

⁵⁴ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

⁵⁵ Commission Regulation (EC) No 204/2006 of 6 February 2006 adapting Council Regulation (EEC) No 571/88 and amending Commission Decision 2000/115/EC with a view to the organisation of Community surveys on the structure of agricultural holdings in 2007 (OJ L 34, 7.2.2006, p. 3).

⁵⁶ Commission Regulation (EU) No 717/2010 of 6 August 2010 concerning the classification of certain goods in the Combined Nomenclature (OJ L 210, 11.8.2010, p. 24).

⁵⁷ OJ L 41, 14.2.2003, p. 26.

⁵⁸ OJ L 264, 25.9.2006, p. 13.

~~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.~~

↓ 199/2008 recital 9 (adapted)

~~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.~~

↓ 199/2008 recital 10 (adapted)

~~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.~~

↓ new

- (7) Data storage, process and exchange should ensure at all times and at all levels that the obligations on personal data protection under Directive 95/46/EC of the European Parliament and of the Council⁵⁹ and Regulation (EC) No 45/2001 of the European Parliament and of the Council⁶⁰ are respected.
- (8) For the sake of legal clarity, this Regulation should provide for a set of definitions.
- (9) The definition of "recreational fisheries" should include all non-commercial fisheries, irrespective of their specific purpose, in order to cover all forms of fisheries that may affect fish stocks.
- (10) The definition of "end-users" should be aligned with the definition of "end-users of scientific data" appearing in Regulation (EU) No 1380/2013 and cover also scientific bodies with an interest in the environmental aspects of fisheries management.
- (11) The definition of "marine regions" should be based on scientific considerations.
- (12) This Regulation should enable the Union and its Member States to achieve the objectives and principles set out in Article 25 of Regulation (EU) No 1380/2013. To that end, a Multi-annual Union Programme is needed to co-ordinate the data collection efforts of all Member States. It is appropriate to set out key requirements and criteria for the establishment of such multi-annual Union programme, as well as the consultations to be held before its adoption.
- (13) Data needs by end-users should be identified and it should be specified which data have to be collected under this Regulation. Those data should include ecosystem data

⁵⁹ 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 (OJ L 281, 23.11.1995, p. 31).

⁶⁰ 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 (OJ L 8, 12.1.2001, p. 1)

related to the impact of fisheries and data on the sustainability of aquaculture. To minimise administrative burden, it is also necessary to ensure that data collected under this Regulation are not also collected under other EU legislation.

- (14) Data needs for fisheries policies not directly regulated by Regulation (EU) No 1380/2013, such as those relating to Regulation (EC) No 1100/2007 and Regulation (EC) No 2347/2002, should also be covered by this Regulation.
- (15) Member States should implement the multi-annual Union programme at national level by setting out their main data collection activities in the form of a section of the Operational Programme referred to under point (p) of Article 18(1) of Regulation (EU) No 508/2014, supplemented by a work plan in accordance with Article 21 of that Regulation. Requirements about the contents of such work plans should be set out in this Regulation.
- (16) It is appropriate to describe the steps Member States should follow and the aspects they should take into consideration when establishing the methodologies for data collection in their work plans. In view of ensuring effective and homogeneous implementation of this Regulation by Member States, it is also necessary to set out key requirements as regards national coordination arrangements, data collectors' rights and obligations of masters of fishing vessels.
- (17) The Commission is required to approve the Member States' programmes and the work plans and the amendments thereto pursuant to Article 19(1) and Article 21(1) of Regulation (EU) No 508/2014. According to Article 22 of that Regulation, the Commission may adopt implementing acts laying down rules on procedures, format and timetables for their adoption.
- (18) It is appropriate that work plans are assessed after a consultation of the Scientific, Technical and Economic Committee for Fisheries, in order to ensure those plans comply with minimum requirements set out by this Regulation.
- (19) For the purpose of verification of the implementation of data collection activities by the Member States, there is a need for reporting by the Member States to the Commission in a specified format.

↓ 199/2008 recital 11 (adapted)

- (20) It is necessary that Member States cooperate among themselves, as well as with third countries, and coordinate their ~~national programmes~~ work plans with respect to the collection of data regarding the same marine region and regions covering relevant inland waters.

↓ 199/2008 recital 12 (adapted)

~~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.~~

↓ new

- (21) In view of the objective of the Common Fisheries Policy to give more responsibility to Member States and to better involve end-users in data collection, regional co-ordination should be expanded from one single meeting into a continuous process coordinated by Regional Co-ordination Groups for each marine region.
- (22) Member States should determine the way they collect data, but in order to be able to combine data on a regional level, minimum requirements for data quality, coverage and compatibility should be agreed by Member States at regional level. When there is general agreement on the methods at regional level, Regional Co-ordination Groups should submit a regional work plan for adoption by Commission.
- (23) Union legislation should no longer determine the details of methodologies to be applied in collecting data. Provisions on particular methods of data collection should therefore be replaced by the description of the process by which they will be determined. That process should essentially include cooperation between Member States and data users in regional co-ordination groups, and validation by the Commission through work plans submitted by Member States.
-

↓ 199/2008 recital 13 (adapted)

- (24) 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~~ ☒ made available ☒ to ~~end-~~ ☒ data ☒ users. It is in the interest of ☒ all data user ☒ ~~the scientific community~~ that data which does not allow for personal identification ~~is~~ ☒ should be ☒ available ☒ without restrictions ☒ to any party who has an interest in its analysis.
-

↓ 199/2008 recital 14 (adapted)

- (25) ~~Managing~~ ☒ Scientific advice to ☒ fisheries resources ☒ managements ☒ requires the processing of detailed data in order to address ☒ the needs of fisheries managers ☒ ~~specific issues~~. In that context, Member States should ~~transmit~~ ☒ make available ☒ 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.~~
-

↓ new

- (26) According to Article 25(2) e) of Regulation (EU) No 1380/2013, it is necessary to ensure the availability in a timely manner of the relevant data and respective methodologies to bodies with a research or management interest in the scientific analysis of data in the fisheries sector and to any interested parties, save in circumstances where protection and confidentiality are required under applicable Union law.
- (27) To give full effect to Article 25(2) e) of Regulation (EU) No 1380/2013, Member States should set up adequate processes and electronic technologies to ensure

availability of data and cooperate with other Member States, the Commission and end-users to develop compatible data storage and exchange systems, taking account of the requirements in Directive 2007/2/EC of the European Parliament and of the Council⁶¹. Further dissemination of information should also be ensured both at national and European level. In all cases, appropriate safeguards such as a higher level of aggregation or anonymisation of data should be put in place in case data include information relating to identified or identifiable natural persons, considering the purposes of processing, the nature of the data and the potential risks related to the processing of personal data.

- (28) There is a need to ensure that end-users are provided with data within relatively short deadlines, as they need to provide timely advice to enable sustainable fisheries. Other interested parties should also be assured to receive data within a certain deadline.

↓ 199/2008 recital 16 (adapted)

~~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 data⁶² 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 data⁶³.~~

↓ 199/2008 recital 17 (adapted)

~~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 Sea⁶⁴.~~

↓ 199/2008 recital 18 (adapted)

~~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.~~

↓ 199/2008 recital 19 (adapted)

~~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~~

⁶¹ Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).

⁶² OJ L 281, 23.11.1995, p. 31. Directive as amended by Regulation (EC) No 1882/2003.

⁶³ OJ L 8, 12.1.2001, p. 1.

⁶⁴ OJ L 160, 14.6.2006, p. 1.

~~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.~~

↓ 199/2008 recital 20

(29) In order to improve the reliability of scientific advice needed to conduct the ~~CFP~~ Common Fisheries Policy, the Member States and the Commission should coordinate and cooperate in the relevant international scientific bodies.

↓ 199/2008 recital 21 (adapted)

~~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.~~

↓ 199/2008 recital 22

(30) 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 Scientific, Technical and Economic Committee for Fisheries (STECF), ~~established by Commission Decision 2005/629/EC⁶⁵~~, the Advisory Committee on Fisheries and Aquaculture, ~~set up by Commission Decision 1999/478/EC⁶⁶~~, and the Regional Advisory Councils established pursuant to Article 43 of Regulation (EU) No 1380/2013 ~~set up by Council Decision 2004/585/EC⁶⁷~~.

↓ new

(31) In order to supplement and amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the adoption of the multi-annual Union programme and safeguards in relation to personal data protection. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

(32) In order to ensure uniform conditions for the implementation of the provisions of this Regulation concerning the approval or refusal to approve the draft joint recommendation by Regional Coordination groups, implementing powers should be conferred on the Commission.

(33) In order to ensure uniform conditions for the implementation of the provisions of this Regulation concerning regional coordination, evaluation of the outcome of work plans, access to sampling sites and interoperability of data systems, implementing powers should be conferred on the Commission. Those powers should be exercised in

⁶⁵ OJL 225, 31.8.2005, p. 18.

⁶⁶ OJL 187, 20.7.1999, p. 70. Decision as amended by Decision 2004/864/EC (OJL 370, 17.12.2004, p. 91).

⁶⁷ OJL 256, 3.8.2004, p. 17. Decision as amended by Decision 2007/409/EC (OJL 155, 15.6.2007, p. 68).

accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁶⁸.

- (34) In accordance with the principle of proportionality, it is necessary and appropriate, for the achievement of the basic objective of improving data quality, access and availability in the fisheries sector, to establish a framework for data collection, management and use. This Regulation does not go beyond what is necessary in order to achieve the objectives pursued, in accordance with Article 5(4) of the Treaty on European Union,

↓ 199/2008 recital 23 (adapted)

~~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 Commission⁶⁹.~~

↓ 199/2008 recital 24 (adapted)

~~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,~~

↓ 199/2008

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

↓ 199/2008 (adapted)

Article 1

Subject-matter and scope

↓ 199/2008

~~1. This Regulation establishes rules on:~~

⁶⁸ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

⁶⁹ ~~OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 44).~~

~~(a) the collection and management, in the framework of multi-annual programmes, of biological, technical, environmental and socio-economic data concerning the fisheries sector;~~

~~(b) the use of data concerning the fisheries sector in the framework of the Common Fisheries Policy (hereinafter referred to as the CFP), for the purpose of scientific analysis.~~

~~2. This Regulation also lays down provisions for the improvement of the scientific advice needed for the implementation of the CFP.~~

↓ new

1. This Regulation establishes rules on the collection, management, and use of biological, technical, environmental, social and economic data concerning the fisheries sector in the framework of the Common Fisheries Policy.

2. For data which are to be collected under legal acts other than this one, this Regulation defines only rules for use of these data

3. For data collected according to this Regulation in the framework of Multiannual Programmes and for data needed to supplement data referred to in paragraph 2, this Regulation defines rules on collection, management and use.

↓ 199/2008 (adapted)

~~43. This Regulation shall be without prejudice to the obligations under ~~Directive 95/46/EC, Regulation (EC) No 45/2001~~, Directive 2003/4/EC of the European Parliament and of the Council⁷⁰ and Regulation (EC) No 1367/2006⁷¹.~~

↓ new

Article 2

Personal data

The processing, management and use of data collected under this Regulation which contain personal data shall comply with Directive 95/46/EC and Regulation (EC) No 45/2001.

⁷⁰ [Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC \(OJ L 41, 14.2.2003, p. 26\).](#)

⁷¹ [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 \(OJ L 264, 25.9.2006, p. 13\).](#)

Article 23

Definitions

For the purposes of this Regulation, the following definitions shall apply:

(a) 'fisheries sector' means activities related to commercial fisheries, recreational fisheries, aquaculture and industries processing fisheries products;

(b) 'aquaculture' means the rearing or cultivation of aquatic organisms using techniques designed to increase the production of the organisms in question beyond the natural capacity of the environment; the organisms remaining the property of a natural or legal person throughout the rearing or culture stage, up to and including harvesting;

(c) 'recreational fisheries' means non-commercial fishing activities exploiting living aquatic resources ~~for recreation or sport~~;

(d) 'marine regions' means ~~the~~ a geographical areas set out in ~~Annex I to Council Decision 2004/585/EC and the areas~~ article 4(2) of Regulation (EU) No 1380/2013, an area established by the regional fisheries management organisations or an area defined in the implementing act mentioned under the Article 5 (6) ;

(e) 'primary data' means data associated with individual vessels, natural or legal persons or individual samples;

(f) 'meta data' means data giving qualitative and quantitative information on the collected primary data;

(g) 'detailed data' means data based on primary data in a form which does not allow natural persons or legal entities to be identified directly or indirectly;

(h) 'aggregated data' means the output resulting from summarising the primary or detailed data for specific analytic purposes;

(i) 'end-users' means bodies with a research or management interest in the scientific analysis of data in the fisheries sector;

~~(j) 'fleet fishery based sampling' means biological, technical and socio-economic data collection surveys based on agreed regional fishing types and fleet segments;~~

~~(k)~~ (j) 'Community fishing vessel' means a vessel as defined in Article 3(d) of Regulation (EC) No 2371/2002. 'Community Union fishing vessel' means a vessel as defined in point (5) of Article 3(d) 4(1) of Regulation (EU) No 1380/2013.

CHAPTER II

COLLECTION ~~AND~~ ~~AND~~ ~~MANAGEMENT AND USE OF DATA IN~~ THE FRAMEWORK OF MULTI-ANNUAL PROGRAMMES

SECTION 1

~~COMMUNITY PROGRAMME AND NATIONAL~~ ~~MULTI-ANNUAL UNION~~ PROGRAMMES

↓ 199/2008

~~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).~~

↓ new

~~Article 4~~

~~Establishment of multi-annual Union programmes~~

~~1. The Commission shall be empowered to adopt, in accordance with Article 23, delegated acts establishing multi-annual Union programmes for the collection and~~

management of biological, technical, environmental, social and economic data concerning the fisheries sector.

2. Multi-annual Union programmes shall be established after consulting the Regional Co-ordination Groups referred to in Article 8, the Scientific, Technical and Economic Committee for Fisheries (STECF) and any other relevant scientific advisory body.

3. When establishing a multi-annual Union programme, the Commission shall take account of:

- (a) the information needs for the management of the Common Fisheries Policy;
- (b) the need and relevance of data for decisions on fisheries management and protection of the ecosystem including vulnerable species and habitats,
- (c) the need to support impact assessments of policy measures,
- (d) costs and benefits,
- (e) existing time-series,
- (f) the need to avoid duplication of data collection,
- (g) regional specificities,
- (h) the international obligations of the Union and its Member States.

Article 5

Content of the multi-annual Union programme

1. Multi-annual Union programmes shall establish:

- (a) data requirements to achieve the objectives of Article 25 of Regulation (EU) No 1380/2013;
- (b) a list of mandatory research surveys;
- (c) thresholds below which Member States do not need to collect data or carry out research surveys, based on their fishing activities.

2. The data referred to in paragraph 1(a) shall include:

- (a) biological data on all stocks caught or by-caught by Union commercial and, where appropriate, recreational fisheries in Union and external waters to enable ecosystem based management and conservation as necessary for the operation of the Common Fisheries Policy;
- (b) ecosystem data to assess the impact of Union fisheries on the marine ecosystem in Union and external waters, including data on by-catch of non-target species, in particular species protected under international or Union law, data on

impacts of fisheries on marine habitats and data on impacts of fisheries on food webs;

- (c) data on the activity of Union vessels in Union and external waters, including levels of fishing and of effort and capacity of the Union fleet;
- (d) socio-economic data on fisheries to enable the assessment of the socio-economic performance of the Union fisheries sector;
- (e) socio-economic data and sustainability data on aquaculture to enable the assessment of the socio-economic performance and the sustainability of the Union aquaculture sector, including its environmental impact;
- (f) socio-economic data on the fish processing sector to enable the assessment of the socio-economic performance of that sector.

3. The data referred to in paragraph 1(a) shall only be collected under this Regulation if they are not collected within other Union legal frameworks.

4. The list of mandatory research surveys referred to in paragraph 1(b) shall be drawn up taking into account the following requirements:

- (a) information needs for management of the Common Fisheries Policy;
- (b) information needs arising from internationally agreed coordination and harmonisation;
- (c) information needs for the evaluation of management plans, including the monitoring of ecosystem variables;
- (d) information needs for a sufficient coverage of stock areas;
- (e) avoidance of duplication between surveys; and
- (f) avoidance of disrupting the history of survey data.

5. Rules on participation by different Member States in the research surveys referred to in paragraph 1(b) shall be based upon their relative share in stock exploitation.

SECTION 2

IMPLEMENTATION OF THE MULTI-ANNUAL 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 multi-annual Union programme and pursuant to Article 21 of Regulation (EU) No 508/2014.

2. Member States' work plans shall contain a detailed description of the following:
 - (a) the frequency by which the data will be collected;
 - (b) 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;
 - (c) the quality assurance and quality control framework to ensure adequate quality of the data in accordance with Article 13;
 - (d) how and when the data are needed;
 - (e) the international and regional cooperation arrangements, including bilateral and multilateral agreements concluded to achieve the objectives of this Regulation; and
 - (f) how the international obligations of the Union and its Member States have been taken into account.

3. In preparing its work plan, each Member State shall coordinate its efforts with other Member States, notably in the same marine region, to ensure sufficient and efficient coverage and avoid duplication of data collection activities.

4. Each Member State shall ensure compliance of its work plan with the applicable joint recommendations by the Regional Co-ordination Groups where such joint recommendations have been approved by the Commission in the form of a regional work plan in accordance with Article 8.

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 work plans.
2. The national correspondent shall furthermore carry out the following tasks:
 - (a) coordinate the preparation of the annual report referred to in Article 10;
 - (b) ensure the transmission of information within the Member State; and
 - (c) ensure attendance of relevant experts in meetings organized by the Commission and participation in the relevant Regional Co-ordination Groups referred to in Article 8.

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

Article 8

Coordination and cooperation

1. In accordance with Article 25 of Regulation (EU) No 1380/2013, Member States shall coordinate their actions with other Member States 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, a Regional Co-ordination Group shall be established by the relevant Member States in each Marine Region.

2. Regional Co-ordination Groups shall consist of experts from Member States, the Commission, and relevant end-users of data.

3. Regional Co-ordination Groups shall draw up and agree on rules of procedures for their activities.

4. Regional Co-ordination Groups shall coordinate with each other and with the Commission where issues affect several regions.

5. Regional Co-ordination Groups may prepare joint recommendations in the form of a draft of a regional work plan regarding procedures, methods, quality assurance and quality control for collecting and processing of data as referred to in paragraph 2(a) and (b) and paragraph 4 of Article 5, and regionally coordinated sampling strategies. In doing so, the Regional Co-ordination Groups shall take into account the opinion of STECF when relevant. Those recommendations shall be submitted to the Commission, which shall verify whether the draft joint recommendations are compatible with the provisions of this Regulation and with the Union's multiannual programme and, if so, approve the regional work plan by way of implementing acts.

6. Where regional work plans are approved by the Commission, they replace the relevant parts of the work plans drawn up by each Member State. Member States shall update their work plans accordingly.

7. The Commission may adopt implementing acts laying down rules on procedures, format and timetables for the submission and approval of regional work plans, as referred to in paragraph 5.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24 (2).

↓ 199/2008 (adapted)

Article ~~69~~

Evaluation and approval of ~~national programmes~~ ⊗ work plans ⊗

1. The ~~Scientific, Technical and Economic Committee for Fisheries (STECF)~~ shall evaluate:

- (a) the conformity of the ~~national programmes~~ ☒ work plans ☒ and any amendments thereto with Articles ~~46~~ and ~~58~~; and
- (b) the scientific relevance of the data ~~to be covered by national programmes~~ ☒ work plans ☒ 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~~ ☒ work plan ☒ does not comply with Articles ~~46~~ and ~~58~~ 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~~ ☒ work plan ☒. Subsequently, the Member State concerned shall submit a revised ~~national programme~~ ☒ work plan ☒ to the Commission.

3. The Commission shall approve the ~~national programmes~~ ☒ work plans ☒ and the amendments thereto made in accordance with Article ~~85~~(2) on the basis of the evaluation by the STECF ~~and the evaluation of costs carried out by its services.~~

Article ~~7~~10

Evaluation and approval of the outcomes of the ~~national programmes~~ ☒ work plans ☒

1. Member States shall on an annual basis submit to the Commission a report on the carrying out of their ~~national programmes~~ ☒ work plans ☒. ~~They shall submit them by the date, in the~~ ☒ The Commission may adopt implementing acts laying down rules on procedures, ☒ format and ~~to the address to~~ ☒ timetables for the submission and approval of annual reports. Those implementing acts shall ☒ be ~~established by the Commission~~ ☒ adopted ☒ in accordance with the ☒ examination ☒ procedure referred to in Article ~~2724~~(2).

2. The STECF shall evaluate:

- (a) the execution of the ~~national programmes~~ ☒ work plans ☒ 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~~ ☒ work plans ☒ 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.~~

↓ 199/2008

~~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~~

↓ Corrigendum, OJ L 096,
16.4.2010, p. 8

~~(b) the consultation referred to in Article 7(3)(b) indicates that the data has not been provided by Member States in accordance with Articles 16(4) and 20(1); or~~

↓ 199/2008

~~(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 23

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.~~

↓ 199/2008 (adapted)

Article 1011

Access to the sampling sites

1. 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~~ data collectors have access to all catches, vessels and other sampling sites, business registers and any necessary data .

- ~~(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.~~

~~3.2. The masters of Community Union 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 scientific observers and cooperate with them in order to allow them to discharge their duties while on board Community Union fishing vessels , without prejudice to international obligations .~~

↓ new

3. The Commission may adopt implementing acts laying down detailed rules on the following:

- (a) the sampling sites and the data for which Member States must ensure data collectors have access, as referred to in paragraph 1;
- (b) the conditions under which masters of Union fishing vessels are obliged to accept on board scientific observers, as referred to in paragraph 2 and alternative data collection methods, and rules for Member States to monitor and report on those conditions and methods.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24(2).

↓ 199/2008 (adapted)

~~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).~~

~~CHAPTER III~~

~~SECTION 4~~

~~DATA MANAGEMENT PROCESS~~

~~Article 13~~ 12

~~Data storage~~

Member States shall:

(a) ensure that primary data collected under ~~national programmes~~ 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 related to the primary socio-economic data collected under ~~national programmes~~ work plans are safely stored in computerised databases;

↓ 199/2008

(c) take all necessary technical measures to protect such data against any accidental or illicit destruction, accidental loss, deterioration, distribution or unauthorised consultation.

↓ 199/2008 (adapted)

~~Article 14~~ 13

~~Data quality control and validation~~

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

2. Member States shall ensure that:

- (a) primary data collected under ~~national programmes~~ ☒ work plans ☒ are properly checked for errors by appropriate quality control procedures;
- (b) detailed and aggregated data derived from primary data collected under ~~national programmes~~ ☒ work plans ☒ are validated before their transmission to end-users;
- (c) the quality assurance procedures applied to the primary, detailed and aggregated data referred to in (a) and (b) are developed in accordance with the procedures adopted by the international scientific bodies, regional fisheries management organisations ~~and~~ STECF ☒ and Regional Co-ordination Groups as referred to in Article 8 ☒.

CHAPTER ~~IV~~III

USE OF DATA COLLECTED IN THE FRAMEWORK OF THE ~~CFP~~COMMON FISHERIES POLICY

↓ 199/2008

~~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~~14

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 ~~6~~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~~12(a).

2. For the purpose of the verification of the socio-economic data collected in accordance with Article ~~6~~4(1), Member States shall ensure that the Commission has access to the national computerised databases referred to in Article ~~13~~12(b).

↓ 199/2008 (adapted)

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~~ Union 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~~ Union and the Member States.

↓ 199/2008

Article ~~17~~15

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.~~

↓ new

Article 16

Procedure for ensuring availability of detailed and aggregated data

1. Member States shall set up adequate processes and electronic technologies to ensure an effective application of Article 25 of Regulation (EU) No 1380/2013, and shall refrain from any unnecessary restrictions to the widest possible dissemination of detailed and aggregated data.

2. Member States shall ensure appropriate safeguards, in case data include information relating to identified or identifiable natural persons. The Commission shall be empowered to adopt, in accordance with Article 23, delegated acts defining appropriate safeguards to be used when dealing with such information.

3. Member States shall ensure that relevant detailed and aggregated data are updated and made available to end-users within one month from the receipt of a request for those data. In case of requests made by other interested parties, Member States shall ensure that the data are updated and made available within two months from the receipt of a request for those data.

4. Where detailed data are requested for scientific publication, Member States may, in order to protect the professional interests of data collectors, require that the publication of data be delayed by 3 years from the date to which the data refer. Member States shall inform the end-users and the Commission of any such decision and of the reasons therefor.

Article 17

Compatible data storage and exchange systems

1. In view of reducing costs and facilitating access to data for end-users and other interested parties, Member States, the Commission, scientific advisory bodies and any relevant end-users shall cooperate to develop compatible data storage and exchange systems, taking into account the provisions of Directive 2007/2/EC. Those systems shall also facilitate dissemination of information to other interested parties. Regional work plans referred to in Article 8(6) may serve as a basis for agreement on such systems.

2. Safeguards shall be established, where appropriate, in case the data storage and exchange systems referred to in paragraph 1 include information relating to identified or identifiable natural persons. The Commission shall be empowered to adopt delegated acts, in accordance with Article 23, defining appropriate safeguards to be used when dealing with such information.

3. The Commission shall be empowered to adopt implementing acts laying down rules on procedures, formats, codes and timetables to be used to ensure the compatibility of data storage and exchange systems. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24(2).

↓ 199/2008 (adapted)

Article ~~21~~18

Review of refusal to provide data

~~1~~ If a Member State refuses to provide data under Article ~~20(3)(a)~~ ~~16~~(4), 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~~19

Obligations for ~~end-~~ data users

1. ~~Data~~ The end-users of data shall:

(a) use the data only for the purpose stated in their information request in accordance with Article ~~18~~ ~~16~~;

- (b) duly acknowledge the data sources;
 - (c) be responsible for correct and appropriate use of the data with regard to scientific ethics;
 - (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~~ data -users.
- 3. Where ~~an end~~ a data -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~~ data -user.

CHAPTER ~~V~~IV

SUPPORT FOR SCIENTIFIC ADVICE

Article ~~2320~~

Participation in meetings of international bodies

Member States shall ensure that their national experts participate in relevant meetings of regional fisheries management organisations to which the ~~Community~~ Union is contracting party or observer and international scientific bodies.

Article ~~2421~~

Coordination and cooperation

1. Member States and the Commission shall coordinate their efforts and cooperate in order to further improve the quality, timeliness and coverage of data enabling further improvement of the reliability of scientific advice, the quality of the work programmes and the working methods of the regional fisheries management organisations to which the ~~Community~~ Union is contracting party or observer and international scientific bodies.

↓ 199/2008

2. Such coordination and cooperation shall take place without prejudice to open scientific debate and shall aim to promote impartial scientific advice.

CHAPTER ~~VIV~~

FINAL PROVISIONS

↓ 199/2008 (adapted)

~~Article 25~~

~~Implementing measures~~

~~The measures necessary for the implementation of this Regulation shall be adopted in accordance with the procedure referred to in Article 27(2).~~

~~Article 26~~

~~Monitoring~~

~~1. The Commission, in association with the STECF, shall monitor the progress of the ~~national programmes~~ work plans in the Committee for Fisheries and Aquaculture established by Article ~~30~~ 47 of Regulation (~~EC~~EU) No ~~2371/2002~~ 1380/2013 (hereinafter referred to as the Committee).~~

↓ new

2. Five years after the entering into force of this Regulation, the Commission shall submit to the European Parliament and the Council a report on the implementation and functioning of this Regulation.

~~Article 23~~

~~Exercise of delegation~~

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 Articles 4, 16 and 17 shall be conferred on the Commission for an indeterminate period of time .

3. The delegation of power referred to in Articles 4, 16 and 17 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 powers 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 Articles 4, 16 and 17 shall enter into force only if no objection has been expressed either by the European Parliament or 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 the Council.

↓ 199/2008 (adapted)

Article 2724

Committee procedure

1. When implementing this Regulation ~~the~~ Commission shall be assisted by the Committee for the Fisheries and Aquaculture established by Article 47 of Regulation (EU) No 1380/2013. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 .

2. Where reference is made to this paragraph, ~~Articles 4 and 7 of Decision 1999/468/EC~~ Article 5 of Regulation (EU) No 182/2011 shall apply.

~~3. The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.~~

Article 2825

Repeal

1. Regulation (EC) No ~~1543/2000~~ 199/2008 is hereby repealed with effect from ~~1 January 2009~~ [.....] However, the repealed provisions shall remain applicable for national programmes approved before the entry into force of this Regulation . ~~31 December 2008.~~

2. Reference to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in the Annex hereto.

Article 2926

Entry into force

This Regulation shall enter into force on the seventh day following that of 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.

Done at Brussels,

For the European Parliament
The President

For the Council
The President