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COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 12 January 2018

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

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Subject: REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT
AND THE COUNCIL on the exercise of the power to adopt delegated acts
conferred on the Commission under Regulation (EC) No 216/2009 on the
submission of nominal catch statistics by Member States fishing in certain
areas other than those of the North Atlantic, Regulation (EC) No 217/2009
on the submission of catch and activity statistics by Member States fishing
in the north-west Atlantic and Regulation (EC) No 218/2009 on the
submission of nominal catch statistics by Member States fishing in the
north-east Atlantic

Delegations will find attached document COM(2018) 16 final.

Encl.: COM(2018) 16 final



Brussels, 12.1.2018
COM(2018) 16 final

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

on the exercise of the power to adopt delegated acts conferred on the Commission under Regulation (EC) No 216/2009 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic, Regulation (EC) No 217/2009 on the submission of catch and activity statistics by Member States fishing in the north-west Atlantic and Regulation (EC) No 218/2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic

1. BACKGROUND

Regulations (EC) No 216/2009 of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic¹, Regulation (EC) No 217/2009 of 11 March 2009 on the submission of catch and activity statistics by Member States fishing in the north-west Atlantic² and Regulation (EC) No 218/2009 of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic³ were modified by Regulation (EU) No 1350/2013 of 11 December 2013 amending certain legislative acts in the field of agricultural and fishery statistics⁴ to align implementing powers with the Treaty on the Functioning of the European Union.

The Commission is authorised to adopt delegated acts to take account of economic and technical developments. Such delegated acts may amend:

- the lists of statistical fishing areas or their subdivisions set out in Annexes I, II and III of Regulation (EC) No 216/2009, and in Annexes II and III of Regulations (EC) No 217/2009 and (EC) No 218/2009;
- the list of species set out in Annex IV of Regulation (EC) No 216/2009 and in Annex I of Regulations (EC) No 217/2009 and (EC) No 218/2009, and
- the measures, codes and definitions applied to fishing activity, fishing gear, vessel sizes and fishing methods set out in Annex IV of Regulation (EC) No 217/2009.

Under Article 5 of Regulations (EC) No 216/2009 and (EC) No 218/2009, and Article 6 of Regulation (EC) No 217/2009, the Commission has the power to adopt such delegated acts for a period of five years, from 10 January 2014. This power is to be tacitly extended by periods of five years unless the European Parliament or the Council object.

The Commission is obliged to draw up a report on the delegation of power not later than nine months before the end of the five-year period, which means before 10 April 2018.

This report fulfils this obligation.

2. COMMISSION EXERCISE OF DELEGATED POWERS UNDER REGULATION (EC) NO 216/2009, (EC) NO 217/2009 AND (EC) NO 218/2009

The Commission has not yet exercised the power to adopt delegated acts conferred on it by Regulations (EC) No 216/2009, 217/2009 and 218/2009.

The Regulations cover the annual collection of nominal catch statistics by vessels fishing in seven main fishing areas and their subdivisions, as well as fishing activity, subdivided by calendar month of capture, fishing gear, vessel size and main species

¹ OJ L 87, 31.3.2009, p.1.

² OJ L 87, 31.3.2009, p.42.

³ OJ L 87, 31.3.2009, p.70.

⁴ OJ L 351, 21.12.2013.

sought in the north-west Atlantic. The first data were collected in 2009 and were delivered to the Commission (Eurostat) at the end of May 2010 for Regulation (EC) 217/2009 and at the end of June 2010 for Regulations (EC) 216/2009 and (EC) No 218/2009.

Until the time of delivering this report, the collection of data under the Regulations was stable and international definitions did not change. The Commission has therefore not yet deemed it necessary to exercise its delegated powers.

3. CONCLUSIONS

The Commission has not yet exercised the power to adopt delegated acts conferred on it by Regulation (EC) No 216/2009, Regulation (EC) No 217/2009 and Regulation (EC) No 218/2009.

The Commission considers that it should continue to have these delegated powers as in the future it may need to adopt delegated acts to modify the lists of species and fishing areas set in the annexes to the above-mentioned Regulations to meet the needs of data users in the context of the future common fisheries policy.