Commission Implementing Regulation (EU) 2020/38 of 16 January 2020 establishing technical operational requirements for the recording, formatting and transmission of information pursuant to Regulation (EU) 2017/2403 of the European Parliament and of the Council on the sustainable management of external fishing fleets

COMMISSION IMPLEMENTING REGULATION (EU) 2020/38

of 16 January 2020

establishing technical operational requirements for the recording, formatting and transmission of information pursuant to Regulation (EU) 2017/2403 of the European Parliament and of the Council on the sustainable management of external fishing fleets

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008[(1)] (the 'SMEFF Regulation'), and in particular Article 40(2) thereof,

Whereas:

(1) The 'SMEFF Regulation' provides for the adoption of implementing acts establishing technical operational requirements for the recording, formatting and transmission of the information referred to in Titles II, III and IV of that Regulation.

(2) Article 40 of the SMEFF Regulation stipulates that the exchange of information referred to in Titles II, III and IV of that Regulation is to be carried out in an electronic format. It is appropriate to establish the requirements for the electronic completion and transmission of these data and to specify their format, as well as to set out the procedure for changes to the format.

(3) Commission Implementing Regulation (EU) 2017/218[(2)] requires the Member States to submit to the Commission information on ownership, on vessel and gear characteristics and on the activity of Union fishing vessels flying their flag. Information available in this database should be used in information exchanges on fishing authorisations as required by the SMEFF Regulation.

(4) The information included in the Union fishing authorisations database, set up in accordance with Article 39 of the SMEFF Regulation, may contain personal data, including vessel identifiers and names and contact details of vessel owners. The processing of such personal data is necessary for the effective management of the data and information exchange as required by the SMEFF Regulation. It should be ensured at all times and at all levels that the obligations relating to the protection of personal data set out in Regulations (EU) 2018/1725[(3)] and (EU) 2016/679[(4)] of the European Parliament and of the Council are complied with. In order to ensure the sustainable

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2020/38. (See end of Document for details)*

management of the external fishing fleet and of fishing in EU waters by vessels flying the flag of a third country, it is necessary to store the data for a period of 10 years. In certain cases, data should be stored for a period exceeding 10 years.

(5) Sufficient time should be given to Member States to adapt their national systems to the new data requirements laid down in this Regulation.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation establishes technical operational requirements for the recording, formatting and transmission of the information as referred to in Article 40(2) of the SMEFF Regulation.

Article 2

Definitions

1 For the purpose of this Regulation, the definitions set out in Article 3 of the SMEFF Regulation shall apply.

2 For the purpose of this Regulation, the following definition shall also apply:

a ‘Union fishing fleet database’ means the register, kept by the Commission, containing information on all Union fishing vessels in accordance with Implementing Regulation (EU) 2017/218 and supplemented by additional vessel details required in the applications for fishing authorisations under the SMEFF Regulation.

b ‘Union fishing authorisations database’ means the database set up in accordance with Article 39 of the SMEFF Regulation in order to ensure the exchange of information referred to in Titles II and III of that Regulation.

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CHAPTER II

INFORMATION IN THE UNION FISHING AUTHORISATIONS DATABASE

Article 3

Applications for authorisation

1 When submitting applications for fishing authorisations in accordance with Article 39(3) of the SMEFF Regulation, Member States and third countries shall file one application per vessel, per agreement, per fishing category and per period.

2 The vessel information available in the Union fishing fleet database shall be used by the Union fishing authorisations database to ensure data exchanges on fishing authorisations as required by the SMEFF Regulation.

Article 4

Format of the information exchanged

1 The format of the information exchanged between Member States, third countries and the Commission in accordance with Articles 11, 18, 22 and 25 of the SMEFF Regulation shall be the Fishing License Authorization & Permit (FLAP) Domain XML Schema Definition based on the United Nations Fisheries Language for Universal Exchange (UN/FLUX) P1000-9 standard.

2 Data fields, core components and well-formatted Extensible Markup Language (XML) messages shall comply with the XML Schema Definition (XSD) based on the UN/FLUX standardisation libraries.

3 The XSD and codes on the Master Data Register page of the European Commission Fisheries website shall be used.

4 Member States shall use the FLAP implementation document available on the European Commission fisheries website to ensure that the correct messages are communicated and the correct procedures are followed for the Union fishing authorisations database.

Article 5

Transmission of messages

1 The transmission of messages shall be fully automated and immediate, using the transportation layer for fisheries data exchanges as made available by the Commission.

2 The sender shall be responsible for communicating the messages in line with the agreed validation and verification rules set out in the FLAP implementation document.

3 The receiver of the message shall inform the sender of the reception and of the validation and verification results of the message by transmitting a response message.