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

REGULATION (EU) 2017/1004 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 17 May 2017

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

(recast)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee[(1)],

Having regard to the opinion of the Committee of the Regions[(2)],

Acting in accordance with the ordinary legislative procedure[(3)],

Whereas:

(1) A number of amendments are to be made to Council Regulation (EC) No 199/2008[(4)]. 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 Council[(5)]. 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 508/2014 of the European Parliament and of the Council[(6)] has reformed the structure of financial support for Member States' fisheries data collection activities.

(3) In line with the objectives of the common fisheries policy on the conservation, management and exploitation of living aquatic resources in non-Union waters, the Union must take part in the efforts undertaken to conserve fisheries resources, in particular in accordance with the provisions adopted in sustainable fisheries partnership agreements or by regional fisheries management organisations.

Changes to legislation: *There are outstanding changes not yet made to Regulation (EU) 2017/1004 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) This Regulation aims to establish rules on the collection, management and use of biological, environmental, technical and socioeconomic data concerning the fisheries sector.

(5) The data collection framework should contribute towards reaching the objectives of the common fisheries policy, which include the protection of the marine environment, the sustainable management of all commercially exploited species, and in particular the achievement of good environmental status in the marine environment by 2020, as set out in Article 1(1) of Directive 2008/56/EC of the European Parliament and of the Council[(7)].

(6) The rules laid down in this Regulation as regards the collection, management and use of biological, environmental, technical and socioeconomic data should also apply to data concerning the fisheries sector, the collection of which is required under other Union legal acts, including, Regulations (EC) No 1921/2006[(8)], (EC) No 295/2008[(9)], (EC) No 762/2008[(10)], (EC) No 216/2009[(11)], (EC) No 217/2009[(12)], (EC) No 218/2009[(13)], (EU) No 1236/2010[(14)], (EU) No 1343/2011[(15)] and (EU) 2016/2336 of the European Parliament and of the Council[(16)], Directives 2000/60/EC[(17)], 2008/56/EC and 2009/147/EC[(18)] of the European Parliament and of the Council, Council Regulations (EC) No 2347/2002[(19)], (EC) No 812/2004[(20)], (EC) No 1967/2006[(21)], (EC) No 1100/2007[(22)] and (EC) No 1006/2008[(23)], Council Directive 92/43/EEC[(24)], Council Decision 2010/717/EU[(25)] and Commission Implementing Regulation (EU) 2017/218[(26)].

(7) However, in order to avoid duplication, where the data concerning fisheries are collected and managed in accordance with the rules laid down in other Union legal acts, such as Council Regulation (EC) No 1224/2009[(27)] and Regulation (EC) No 223/2009 of the European Parliament and of the Council[(28)], this Regulation should only lay down the rules for the use and transmission of such data.

(8) The obligations concerning access to the data covered by this Regulation should be without prejudice to Member States' obligations under Directive 2003/4/EC of the European Parliament and of the Council[(29)], as well as under Regulation (EC) No 1367/2006 of the European Parliament and of the Council[(30)].

(9) It should be ensured at all times and at all levels that, as regards data storage, process and exchange, the obligations on personal data protection laid down in Directive 95/46/EC of the European Parliament and of the Council[(31)] and Regulation (EC) No 45/2001 of the European Parliament and of the Council[(32)] are respected.

(10) In the interest of legal clarity, this Regulation should provide for a set of definitions.

(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 Articles 2 and 25 of Regulation (EU) No 1380/2013. To that end, a multiannual Union programme is needed to coordinate the data collection efforts of all Member States. It is appropriate to set out key requirements and criteria for the establishment of such a multiannual Union programme, as well as the consultations to be held before its adoption.

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(13) The data needs of end-users of scientific data should be identified and it should be specified which data are to be collected under this Regulation. Those data should include ecosystem data relating to the impact of fisheries and data on the sustainability of aquaculture, as well as socioeconomic data on fisheries and aquaculture.

(14) In the interest of simplification and rationalisation, the data to be collected should be selected on the basis of needs clearly substantiated by end-users of scientific data, taking into account the scientific relevance and usefulness of those data.

(15) The data collected should allow the targets required for the implementation of the multiannual plans referred to in Article 9 of Regulation (EU) No 1380/2013, such as fishing mortality rates and spawning stock biomass, to be determined. They should also allow the gaps in the coverage of data relating to the fishing fleet to be closed and the number of data-deficient stocks in certain regions to be reduced.

(16) It is important to collect biological data on recreational fisheries where there is a potentially significant impact on the state of the stock, in order to enable ecosystem-based management and conservation as necessary for the operation of the common fisheries policy, as well as to improve stock assessment.

(17) For the purpose of maintaining, adjusting or withdrawing emergency measures and other measures based on the precautionary principle, additional information is usually required. Where possible, priority should therefore be given to the collection of data that are necessary for the assessment of measures imposed on the basis of the precautionary principle.

(18) In view of the evolution of the status of fisheries resources over time, it is necessary to build and maintain time-series of data in order to allow for an effective long-term scientific monitoring of those resources.

(19) Research surveys at sea are an important method for collecting biological data. In view of their importance in marine regions where stocks are shared, it is appropriate for a sufficient number of mandatory research surveys at sea to be carried out at Union level.

(20) Member States should implement the multiannual 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 in point (p) of Article 18(1) of Regulation (EU) No 508/2014, supplemented by a work plan for data collection in accordance with Article 21 of that Regulation. Requirements concerning the contents of such work plans should be set out in this Regulation.

(21) 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 national work plans. With a view to 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 the obligations of masters of fishing vessels.

(22) The Commission is required to approve the Member States' operational programmes and the national work plans and any amendments thereto pursuant to Article 19(1)

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and Article 21(2) of Regulation (EU) No 508/2014. In accordance with Article 22 of that Regulation, the Commission may adopt implementing acts laying down rules on procedures, format and timetables for their approval.

(23) It is appropriate for the Commission to assess work plans after consultation of the Scientific, Technical and Economic Committee for Fisheries (STECF), in order to ensure that those plans comply with minimum requirements set out in this Regulation.

(24) 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 clearly defined, standardised format that reduces the administrative burden.

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

(26) In view of the objective of the common fisheries policy to give more responsibility to Member States and to better involve end-users of scientific data in data collection, regional coordination should be strengthened and expanded from one single meeting into a continuous process coordinated by regional coordination groups for each marine region. In this framework, Member States should aim to cooperate with relevant stakeholders including third countries.

(27) Those regional coordination groups should be tasked to develop and implement procedures, methods, quality assurance and quality control for collecting and processing data with a view to enabling the reliability of scientific advice to be further improved.

(28) The regional coordination groups should also aim to develop and implement regional databases, and should start all the necessary preparatory steps in order to attain that goal.

(29) It is important to take full advantage of data for the sustainable management of fisheries and for the evaluation and monitoring of stocks and ecosystems, including data related to the landing obligation.

(30) Member States should determine the way they collect data, but in order to be able to combine data on a regional level in a meaningful way, minimum requirements for data quality, coverage and compatibility should be agreed by Member States at regional level, taking into account the fact that in some regions basins are managed jointly with third countries. When there is general agreement on the methods at regional level, regional coordination groups should, on the basis of that agreement, submit a draft regional work plan for approval by the Commission.

(31) 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 coordination groups, and validation by the Commission through the approval of work plans submitted by Member States.

(32) 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 made available

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to end-users of scientific data and other interested parties. Data which do not allow for personal identification should be available without restrictions to any party with an interest in their analysis, including on the environmental aspects of fisheries management. For that purpose, interested parties other than end-users of scientific data should be deemed to include any individual or body expressing such an interest.

(33) Scientific advice to fisheries resources management requires the processing of detailed data in order to address the needs of fisheries managers. In that context, Member States should make available data needed for scientific analysis and should ensure that they have the technical capacity to do so.

(34) In accordance with point (e) of Article 25(2) 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, except in circumstances where protection and confidentiality are required under applicable Union law.

(35) To give full effect to point (e) of Article 25(2) 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 of scientific data to develop compatible data storage and exchange systems, taking account of Directive 2007/2/EC of the European Parliament and of the Council[(33)]. Further dissemination of information should also be ensured both at national and Union 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, taking into consideration the purposes of processing, the nature of the data and the potential risks relating to the processing of personal data.

(36) There is a need to ensure that end-users of scientific data are provided with data in a timely manner and in a standardised format, with clear codification systems, as they need to provide timely advice to enable fisheries to be sustainable. Other interested parties should also be assured of receiving data within a certain deadline.

(37) In order to improve the reliability of scientific advice needed to conduct the common fisheries policy, the Member States and the Commission should coordinate and cooperate in the relevant international scientific bodies.

(38) The scientific community should be consulted on, and those working in the fishing industry and other interest groups should be kept informed of, the implementation of the data collection provisions. The appropriate bodies in which to gather the opinions required are STECF and the Advisory Councils established pursuant to Article 43 of Regulation (EU) No 1380/2013.

(39) In order to supplement certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of establishing a detailed list of data requirements for the purpose of data collection under this