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) (Text with EEA relevance)

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)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 285(1) thereof,

Having regard to the proposal from the Commission,

Acting in accordance with the procedure laid down in Article 251 of the Treaty[(1)],

Whereas:

(1) Council Regulation (EEC) No 2018/93 of 30 June 1993 on the submission of catch and activity statistics by Member States fishing in the Northwest Atlantic[(2)] has been substantially amended several times[(3)]. Since further amendments are to be made, it should be recast in the interests of clarity.

(2) The Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries, approved by Council Regulation (EEC) No 3179/78[(4)] and establishing the Northwest Atlantic Fisheries Organisation (NAFO), requires the Community to supply the NAFO Scientific Council with any available statistical and scientific information requested by the Scientific Council in the performance of its work.

(3) Timely catch and activity statistics have been identified by the NAFO Scientific Council as essential to the performance of its work in evaluating the state of the fish stocks in the north-west Atlantic.

(4) Several Member States have requested the submission of data in a different form or through a different medium from that specified in Annex V (the equivalent of the Statlant questionnaires).

(5) 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 Commission[(5)].

(6) In particular, the Commission should be empowered to adapt the lists of species and statistical fishing regions, descriptions of those regions, and measures, codes and definitions applied to fishing activity, fishing gear, vessel sizes and methods of fishing.

Changes to legislation: *There are outstanding changes not yet made to Regulation (EC) No 217/2009 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*

Since those measures are of general scope and are designed to amend non-essential elements of this Regulation, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC,

HAVE ADOPTED THIS REGULATION:

Article 1

Each Member State shall submit to the Commission data on the catches by vessels registered in, or flying the flag of, that Member State fishing in the north-west Atlantic, with due regard to Council Regulation (Euratom, EEC) No 1588/90 of 11 June 1990 on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities[6].

The nominal catch data shall include all fishery products landed or transhipped at sea in no matter what form but shall exclude quantities which, subsequent to capture, are discarded at sea, consumed on board or used as bait on board. Aquaculture production shall be excluded. The data shall be recorded as the live weight equivalent of the landings or transhipments, to the nearest tonne.

Article 2

1 The data to be submitted shall be of two types:

a the annual nominal catches, expressed in tonnes live weight equivalent of the landings, of each of the species listed in Annex I in each of the statistical fishing regions of the north-west Atlantic listed in Annex II and defined in Annex III;

b the catches as specified under point (a) and the corresponding fishing activity, subdivided by calendar month of capture, fishing gear, vessel size and main species sought.

2 The data referred to in point (a) of paragraph 1 shall be submitted by 31 May of the year following the reference year and may be preliminary data. The data referred to in point (b) of paragraph 1 shall be submitted by 31 August of the year following the reference year and shall be definitive data.

The data referred to in point (a) of paragraph 1 and submitted as preliminary data should be clearly identified as such.

No submissions shall be required for species/fishing region combinations for which no catches were recorded in the reference period of the submission.

Should the Member State concerned not have fished in the north-west Atlantic in the preceding calendar year, it shall inform the Commission thereof by 31 May of the following year.

3 The definitions and codes to be used in submitting information on fishing activity, fishing gear, method of fishing and vessel size are given in Annex IV.

[[F1]4 The Commission shall be empowered to adopt delegated acts, in accordance with Article 6, to amend Annexes I, II, III and IV, with regard to the lists of species and statistical fishing areas and the descriptions of those areas, as well as the measures, codes and definitions applied to fishing activity, fishing gear, vessel sizes and methods of fishing.

Those delegated acts shall be adopted only where they are necessary in order to take account of economic and technical developments, they do not change the optional nature

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of the required information and they do not impose a significant additional burden on Member States or on the respondents.

The Commission shall duly justify the statistical actions provided for in those delegated acts, using, where appropriate, input from relevant experts based on a cost-effectiveness analysis, including an assessment of the burden on the respondents and of the production costs, as referred to in point (c) of Article 14(3) of Regulation (EC) No 223/2009 of the European Parliament and of the Council[7].**]**

Textual Amendments

F1 Substituted by Regulation (EU) No 1350/2013 of the European Parliament and of the Council of 11 December 2013 amending certain legislative acts in the field of agricultural and fishery statistics.

Article 3

Except where provisions adopted under the common fisheries policy dictate otherwise, a Member State shall be permitted to use sampling techniques to derive catch data for those parts of the fishing fleet for which the complete coverage of the data would involve the excessive application of administrative procedures. The details of the sampling procedures, together with details of the proportion of the total data derived by such techniques, must be included by the Member State in the report submitted pursuant to Article 7(1).

Article 4

Member States shall fulfil their obligations to the Commission pursuant to Articles 1 and 2 by submitting the data in the format shown in Annex V.

Member States may submit data in the format detailed in Annex VI.

With the prior approval of the Commission, Member States may submit data in a different form or on a different medium.

Article 5

Within 24 hours of receipt of the reports, whenever possible, the Commission shall transmit the information contained therein to the Executive Secretary of NAFO.

***[F1** Article 6*

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 Article 2(4) shall be conferred on the Commission for a period of five years from 10 January 2014. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3 The delegation of power referred to in Article 2(4) 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 power 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.

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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 Article 2(4) shall enter into force only if no objection has been expressed either by the European Parliament or by 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 of the Council.**]**

Textual Amendments

F1 Substituted by Regulation (EU) No 1350/2013 of the European Parliament and of the Council of 11 December 2013 amending certain legislative acts in the field of agricultural and fishery statistics.

Article 7

1 By 28 July 1994, Member States shall submit a detailed report to the Commission describing how the data on catches and fishing activity are derived and specifying the degree of representativeness and reliability of those data. The Commission, in collaboration with the Member States, shall draw up a summary of those reports.

2 Member States shall inform the Commission of any modifications to the information provided under paragraph 1 within three months of their introduction.

[[F1]3 The Commission shall examine methodological reports, data availability and data reliability and other relevant issues connected with the application of this Regulation once a year with Member States.**]**

Textual Amendments

F1 Substituted by Regulation (EU) No 1350/2013 of the European Parliament and of the Council of 11 December 2013 amending certain legislative acts in the field of agricultural and fishery statistics.

Article 8

1 Regulation (EEC) No 2018/93 is hereby repealed.

2 References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VIII.

Article 9

This Regulation shall enter into force on the 20th day following 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.

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ANNEX I

LIST OF SPECIES WHICH HAVE BEEN REPORTED IN THE COMMERCIAL CATCH STATISTICS FOR THE NORTH-WEST ATLANTIC

Member States must report the nominal catches of those species marked with an asterisk (*). The reporting of nominal catches of the remaining species is optional as concerns the identification of the individual species. However, where data for individual species are not submitted the data shall be included in aggregate categories. Member States may submit data for species not in the list provided that the species are clearly identified.

Note : 'n.e.i.' is the abbreviation for 'not elsewhere identified'.

English name	3-alpha identifier	Scientific name
GROUNDFISH		
Atlantic cod	COD (*)	*Gadus morhua*
Haddock	HAD (*)	*Melanogrammus aeglefinus*
Atlantic redfishes n.e.i.	RED (*)	*Sebastes* spp.
Silver hake	HKS (*)	*Merluccius bilinearis*
Red hake	HKR (*)	*Urophycis chuss*
Saithe (= pollock)	POK (*)	*Pollachius virens*
Golden redfish	REG (*)	*Sebastes marinus*
Beaked redfish	REB (*)	*Sebastes mentella*
American plaice (L. R. dab)	PLA (*)	*Hippoglossoides platessoides*
Witch flounder	WIT	*Glyptocephalus cynoglossus*
Yellowtail flounder	YEL (*)	*Limanda ferruginea*
Greenland halibut	GHL (*)	*Reinhardtius hippoglossoides*
Atlantic halibut	HAL (*)	*Hippoglossus hippoglossus*
Winter flounder	FLW (*)	*Pseudopleuronectes americanus*
Summer flounder	FLS (*)	*Paralichthys dentatus*
Windowpane flounder	FLD (*)	*Scophthalmus aquosus*
Flatfishes n.e.i.	FLX	*Pleuronectiformes*
American angler	ANG (*)	*Lophius americanus*
Atlantic searobins	SRA	*Prionotus* spp.
Atlantic tomcod	TOM	*Microgadus tomcod*
Blue antimora	ANT	*Antimora rostrata*
Blue whiting (= poutassou)	WHB	*Micromesistius poutassou*
Cunner	CUN	*Tautogolabrus adspersus*
Cusk (= tusk)	USK	*Brosme brosme*