Changes to legislation: *There are outstanding changes not yet made to Regulation (EC) No 216/2009 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*

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) (Text with EEA relevance)

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)

(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 (EC) No 2597/95 of 23 October 1995 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North 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 European Community has acquired membership of the Food and Agriculture Organisation of the United Nations (FAO).

(3) The protocol established between the Council of the European Union and the Commission of the European Communities provides for the Commission to supply the FAO with the requested statistics.

(4) In accordance with the principle of subsidiarity the objectives of the proposed action can only be achieved on the basis of a Community legal act because only the Commission can coordinate the necessary harmonisation of the statistical information at Community level while the collection of fishery statistics and the necessary infrastructure to process and monitor the reliability of those statistics are first and foremost the responsibility of the Member States.

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

Changes to legislation: *There are outstanding changes not yet made to Regulation (EC) No 216/2009 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*

(6) 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[(4)].

(7) In particular, the Commission should be empowered to adapt the lists of statistical fishing areas, or subdivisions thereof, and species. 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 nominal catches by vessels registered in or flying the flag of that Member State fishing in certain areas other than those of the North 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[(5)].

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. 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 the nominal catches in each of the major fishing areas and subdivisions thereof as listed in Annex I, described in Annex II and illustrated in Annex III. For each of the major fishing areas the species for which data are required are listed in Annex IV.

2 The data for each calendar year shall be submitted within six months of the end of the year.

3 Where the Member State's vessels under Article 1 have not fished in a major fishing area in the calendar year, the Member State shall inform the Commission to this effect. However, where fishing has occurred in a major fishing area, submissions shall only be required for species/subdivision combinations for which catches were recorded in the annual period of the submission.

4 The data for species of minor importance caught by the vessels of a Member State need not be individually identified in the submissions but may be included in an aggregated item provided that the weight of the products does not exceed 5 % of the total annual catch in that major fishing area.

[[F1]5 The Commission shall be empowered to adopt delegated acts, in accordance with Article 5, to amend Annexes I, II, III and IV, with regard to the lists of statistical fishing areas, or subdivisions thereof, and species.

Those delegated acts shall be adopted only where they are necessary in order to take account of economic and technical developments 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

***Changes to legislation:** There are outstanding changes not yet made to Regulation (EC) No 216/2009 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*

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[6].**]**

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 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 6(1).

Article 4

Member States shall fulfil their obligations pursuant to Articles 1 and 2 by submitting the data on magnetic medium, the format of which is given 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.

***[F1** Article 5*

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(5) 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(5) 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.

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(5) 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.**]**

Changes to legislation: *There are outstanding changes not yet made to Regulation (EC) No 216/2009 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*

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.

[F1 Article 6

1 By 14 November 1996 Member States shall submit a detailed report to the Commission describing how the data on catches are derived and specifying the degree of representativeness and reliability of those data. The Commission shall draw up a summary of those reports for discussion with Member States.

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

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 7

1 Regulation (EC) No 2597/95 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 8

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.

***Changes to legislation:** There are outstanding changes not yet made to Regulation (EC) No 216/2009 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*

ANNEX I

LIST OF THE FAO MAJOR FISHING AREAS AND SUBDIVISIONS THEREOF FOR WHICH DATA ARE TO BE SUBMITTED

(The descriptions of these areas and subdivisions are to be found in Annex II)

EASTERN CENTRAL ATLANTIC (Major fishing area 34)

34.1.1.	Morocco coastal division
34.1.2.	Canaries/Madeira insular division
34.1.3.	Sahara coastal division
34.2.	Northern oceanic sub-area
34.3.1.	Cape Verde coastal division
34.3.2.	Cape Verde insular division
34.3.3.	Sherbro division
34.3.4.	Western Gulf of Guinea division
34.3.5.	Central Gulf of Guinea division
34.3.6.	Southern Gulf of Guinea division
34.4.1.	South-west Gulf of Guinea division
34.4.2.	South-west oceanic division

MEDITERRANEAN AND BLACK SEA (Major fishing area 37)

37.1.1.	Balearic division
37.1.2.	Gulf of Lions division
37.1.3.	Sardinia division
37.2.1.	Adriatic division
37.2.2.	Ionian division
37.3.1.	Aegean division
37.3.2.	Levant division
37.4.1.	Marmara Sea division
37.4.2.	Black Sea division
37.4.3.	Azov Sea division

SOUTH-WEST ATLANTIC (Major fishing area 41)

41.1.1.	Amazon division
41.1.2.	Natal division
41.1.3.	Salvador division
41.1.4.	Northern oceanic division