Changes to legislation: *There are outstanding changes not yet made to Regulation (EC) No 762/2008 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 762/2008 of the European Parliament and of the Council of 9 July 2008 on the submission by Member States of statistics on aquaculture and repealing Council Regulation (EC) No 788/96 (Text with EEA relevance)

REGULATION (EC) No 762/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 9 July 2008

on the submission by Member States of statistics on aquaculture and repealing Council Regulation (EC) No 788/96

(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 788/96 of 22 April 1996 on the submission by Member States of statistics on aquaculture production[(2)] requires the Member States to submit annual data on the volume of production.

(2) The increased contribution by aquaculture to the Community's total fisheries production requires a wider range of data for a rational development and management of this sector within the Common Fisheries Policy.

(3) The increasing importance of hatcheries and nurseries for aquaculture activity requires detailed data for a suitable monitoring and management of this sector within the Common Fisheries Policy.

(4) Information on both the volume and value of the production is required to review and assess the market for aquaculture products.

(5) Information on the structure of the sector and on the technologies employed is required to ensure an environmentally sound industry.

(6) Regulation (EC) No 788/96 should be repealed.

(7) In order to ensure a smooth transition from the regime applicable under Regulation (EC) No 788/96, this Regulation should allow for a transitional period of up to three years to be granted to Member States where its application to their national statistical systems would require major adaptations and would be likely to cause significant practical problems.

Changes to legislation: *There are outstanding changes not yet made to Regulation (EC) No 762/2008 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*

(8) Since the objective of this Regulation, namely the establishment of a common legal framework for systematic production of Community statistics on the aquaculture sector, cannot be sufficiently achieved by the Member States and can be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

(9) Council Regulation (EC) No 322/97 of 17 February 1997 on Community Statistics[(3)] provides a reference framework for statistics in the field of fisheries. In particular, it requires conformity with principles of impartiality, reliability, relevance, cost-effectiveness, statistical confidentiality and transparency.

(10) The collection and submission of statistical data is an essential tool for the sound management of the Common Fisheries Policy.

(11) 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)].

(12) In particular, the Commission should be empowered to adopt technical changes to the Annexes to this Regulation. Since those measures are of general scope and are designed to amend non-essential elements of this Regulation, *inter alia*, by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

(13) The Commission should be assisted by the Standing Committee for Agricultural Statistics set up by Council Decision 72/279/EEC[(5)],

HAVE ADOPTED THIS REGULATION:

Article 1

Obligations of the Member States

Member States shall submit to the Commission statistics on all the aquaculture activities conducted in freshwater and saltwaters on their territory.

Article 2

Definitions

1 For the purpose of this Regulation, the following definitions shall apply:

a ‘Community statistics’ as defined in Article 2 of Regulation (EC) No 322/97;

b ‘aquaculture’ as defined in Article 3(d) of Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund[(6)];

c ‘capture-based aquaculture’ means the practice of collecting specimens from the wild and their subsequent use in aquaculture;

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d ‘production’ means the output from aquaculture at first sale, including production from hatcheries and nurseries offered for sale.

2 All other definitions for the purpose of this Regulation are set out in Annex I.

Article 3

Compilation of statistics

1 Member States shall use surveys or other statistically validated methods covering at least 90 % of the total production by volume, or by number for the production of hatcheries and nurseries, without prejudice to paragraph 4. The remaining part of the total production may be estimated. To estimate more than 10 % of the total production, a request for derogation may be submitted under the conditions provided for in Article 8.

2 Use of sources other than surveys shall be subject to provision of an *ex-post* assessment of the statistical quality of those sources.

3 A Member State having a total annual production of less than 1 000 tonnes may submit summary data estimating the total production.

4 Member States shall identify the production by species. However, the production of those species which individually do not exceed 500 tonnes and do not represent more than 5 % in weight of the production by volume in a Member State may be estimated and aggregated. The production of hatcheries and nurseries in number of those species may be estimated.

Article 4

Data

The data shall relate to the reference calendar year and shall cover:

(a) the annual production (volume and unit value) of aquaculture;

(b) the annual input (volume and unit value) to capture-based aquaculture;

(c) the annual production of hatcheries and nurseries;

(d) the structure of the aquaculture sector.

Article 5

Submission of data

1 The Member States shall submit the data referred to in Annexes II, III and IV to the Commission (Eurostat) within 12 months of the end of the reference calendar year. The first reference calendar year shall be 2008.

2 Starting with the data for the year 2008 and at intervals of three years thereafter, the data on the structure of the aquaculture sector referred to in Annex V shall be submitted within 12 months of the end of the reference calendar year to the Commission (Eurostat).

Changes to legislation: *There are outstanding changes not yet made to Regulation (EC) No 762/2008 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*

Article 6

Quality assessment

1 Each Member State shall provide the Commission (Eurostat) with a yearly report on the quality of the data submitted.

2 At the submission of the data, each Member State shall submit to the Commission a detailed methodological report. In that report, each Member State shall describe how the data were collected and compiled. This report shall include details of sampling techniques, estimation methods and of sources used other than surveys and an evaluation of the quality of the resultant estimates. A proposed format for the methodological report is indicated in Annex VI.

[[F1]3 The Commission shall examine the reports and present its conclusions to the 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

Transitional period

1 Full calendar year transitional periods for implementing this Regulation lasting not more than three years from 1 January 2009 may be granted to Member States in accordance with the management procedure referred to in Article 10(2), in so far as the application of this Regulation to their national statistical systems requires major adaptations and is likely to cause significant practical problems.

2 To this end, a Member State shall present a duly motivated request to the Commission by 31 December 2008.

Article 8

Derogations

[[F1]1 Where the inclusion in the statistics of a particular sector of aquaculture activities of a Member State would cause difficulties to the national authorities disproportionate to the importance of that sector, the Commission shall adopt implementing acts granting a derogation permitting that Member State to exclude statistical data covering that sector from the national statistical data submitted. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10(2).**]**

2 Member States shall support any request for derogations, which must be made prior to the deadline for the first submission of the data, by sending the Commission a report on problems encountered in applying this Regulation.

***Changes to legislation:** There are outstanding changes not yet made to Regulation (EC) No 762/2008 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*

3 Should a change in the situation for collecting the data create unforeseen difficulties for the national authorities, a duly justified request for a derogation may be submitted by the Member States after the deadline for the first submission of the data.

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 9

Technical provisions

1 The Commission shall be empowered to adopt delegated acts, in accordance with Article 9a, concerning technical amendments to Annex I, to adapt the definitions to changes in international definitions, and concerning amendments to Annexes II to VI.

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 of 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].

2 The Commission shall adopt implementing acts laying down the format in which statistics shall be submitted. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10(2).**]**

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.

[F2 Article 9a

Exercise of the delegation

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 9(1) 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.