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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1966/2006

of 21 December 2006

on electronic recording and reporting of fishing activities and on means of remote sensing

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

(1) Regulation (EC) No 2371/2002[1] establishes a framework designed to ensure the conservation and the sustainable exploitation of fisheries resources under the Common Fisheries Policy.

(2) Objectives of conservation and sustainable exploitation of the fisheries resources are achieved through conditions governing access to waters and resources, namely by limiting catches and fishing effort and by adopting technical measures related to fishing techniques and gears and sizes of catches.

(3) Therefore, in order to soundly manage fishing opportunities and in order to achieve these objectives, there is a need to monitor fisheries activities through the most appropriate means. Control on quantities caught is mainly carried out by collecting information on catches, landings, transhipments, transports and sales, while control on fishing effort is mainly carried out by collecting information on the characteristics of the vessel, time spent on fishing and gears used. Furthermore, remote control technologies enable fisheries control authorities to monitor the presence of vessels in a given area. The combination of all these means increases the accuracy of the information.

(4) Articles 22(1) and 23(3) of Regulation (EC) No 2371/2002 respectively provide that the Council is to decide in 2004 on the obligation to electronically record and transmit relevant information relating to fishing activities, including landing or transhipments of catches and sales note, and on the obligation to set up a means of remote sensing.

[1] OJ L 358, 31.12.2002, p. 59.

(5) Pilot projects on electronic recording and reporting as well as on remote sensing have been carried out during recent years by Member States and other countries. They have proved to be valid and cost-effective.

(6) Article 6 of Regulation (EEC) No 2847/93 establishing a control system applicable to the Common Fisheries Policy[1] foresees that the masters of Community fishing vessels shall keep a logbook of their operations.

(7) Article 22 of Regulation (EC) No 2371/2002 stipulates that fisheries products shall only be sold from a fishing vessel to registered buyers or at registered auctions.

(8) Article 9 of Regulation (EEC) No 2847/93 foresees that auction centres or other bodies or persons authorised by Member States which are responsible for the first marketing of fishery products shall, upon first sale, submit a sales note to the competent authorities in whose territory the first marketing takes place.

(9) Article 8 of Regulation (EEC) No 2847/93 foresees that the master of each Community fishing vessel having an overall length equal to, or more than, 10 m, or his representative, shall after each trip and within 48 hours of landing submit a declaration to the competent authorities of the Member State where the landing takes place.

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[1] OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 768/2005 (OJ L 128, 21.5.2005, p. 1).

(10) Article 9 of Regulation (EEC) No 2847/93 also foresees that where the first marketing of fisheries products does not take place in the Member State where the products have been landed, the Member State responsible for monitoring the first marketing shall ensure that a copy of the sales note is submitted to the authorities responsible for monitoring the landing of the products concerned as soon as possible.

(11) Article 19 of Regulation (EEC) No 2847/93 requires Member States to create computerised databases and to establish a validation system comprising in particular cross-checks and verification of data.

(12) Article 9 of Council Regulation (EEC) No 2847/93 also foresees that a take-over declaration which is the responsibility of the holder of this declaration shall be submitted to the competent authorities when the products are not offered for sale or are intended for sale at a later date.

(13) Remote sensing should only be used where there is clear evidence of a cost benefit in relation to the use only of traditional control means such as fishery patrol vessels and aircraft in the detection of fishing vessels operating illegally.

(14) Conditions under which electronic recording and reporting, as well as means of remote sensing, are to be used for control purpose should therefore be established.

(15) The formats which national competent authorities will use to exchange information for control and inspection purposes should be defined in detailed implementing rules.

(16) A Member State should be free to decide on the formats for transmission of data used by vessels flying its flag.

(17) Investments related to implementation of control technologies are eligible under the framework of the Council Regulation (EC) No 861/2006 establishing Community financial measures for the implementation of the common fisheries policy and in the area of the Law of the Sea[1].

(18) 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[2],

HAS ADOPTED THIS REGULATION:

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1 OJ L 160, 14.6.2006, p. 1.

2 OJ L 184, 17.7.1999, p. 23. Decision as last amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).