Regulation (EC) No 1921/2006 of the European Parliament and of the Council of 18 December 2006 on the submission of statistical data on landings of fishery products in Member States and repealing Council Regulation (EEC) No 1382/91 (Text with EEA relevance)

REGULATION (EC) No 1921/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 18 December 2006

on the submission of statistical data on landings of fishery products in Member States and repealing Council Regulation (EEC) No 1382/91

(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 1382/91 of 21 May 1991 on the submission of data on the landings of fishery products in Member States[(2)] requires Member States to submit data on the quantities and average prices of fishery products landed on their territory.

(2) Experience has shown that analyses of the market for fishery products and other economic analyses would not be adversely affected if data were submitted under Community legislation at yearly rather than monthly intervals.

(3) Analyses would be enhanced if data were broken down by the flag state of fishing vessels carrying out landings.

(4) Regulation (EEC) No 1382/91 imposes a limit on the extent to which sampling techniques are permitted when the collection and compilation of data place an excessive burden on certain national authorities. In order to improve and simplify the system for the submission of data, it is appropriate to replace that Regulation with a new instrument. Consequently, Regulation (EEC) No 1382/91 should be repealed.

(5) Since the objective of this Regulation, namely the establishment of a common legal framework for the systematic production of Community statistical data on landings of fishery products in Member States, cannot be sufficiently achieved by the Member States and can therefore 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.

Changes to legislation: *There are outstanding changes not yet made to Regulation (EC) No 1921/2006 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) 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.

(7) It is important to ensure the uniform application of this Regulation and, in order to do so, to make provision for a Community procedure to help determine the implementing arrangements within an appropriate timescale and to make the necessary technical adaptations.

(8) 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].

(9) Since the statistical data on landings of fishery products are an essential tool for the management of the Common Fisheries Policy, it is appropriate to lay down the possibility of using the management procedure provided for by Decision 1999/468/EC for granting Member States transitional periods for the implementation of this Regulation and derogations permitting them to exclude statistical data covering a particular sector of the fisheries industry from the national statistical data submitted.

(10) On the other hand, power should be conferred on the Commission to establish the conditions under which the Annexes should be technically adapted. Since those measures are of general scope and are designed to amend non-essential elements of this Regulation, they should 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

Definitions

For the purposes of this Regulation, the following definitions shall apply:

1) ‘Community fishing vessels’ means fishing vessels flying the flag of a Member State and registered in the Community;

2) ‘EFTA fishing vessels’ means fishing vessels flying the flag of, or registered in, an EFTA country;

3) ‘Unit value’ means:

   (a) the value at first sale of the fishery products landed (in national currency) divided by the quantity landed (in tonnes), or

   (b) for fishery products not immediately sold, the average price per tonne in national currency, estimated using an appropriate method.

***Changes to legislation:** There are outstanding changes not yet made to Regulation (EC) No 1921/2006 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 2

Obligations of the Member States

1 Each year each Member State shall submit to the Commission statistical data in respect of the fishery products landed on its territory by Community and EFTA fishing vessels (hereinafter referred to as 'statistical data').

2 For the purposes of this Regulation, the following fishery products shall be deemed to be landed on the territory of the reporting Member State:

a products landed by fishing vessels or other parts of the fishing fleet in national ports within the Community;

b products landed by fishing vessels of the reporting Member State in non-Community ports and covered by the T2M form contained in Annex 43 to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code[(5)].

Article 3

Compilation of statistical data

1 The statistical data shall cover total landings on national territory within the Community.

2 Sampling techniques may be employed where, owing to the structural characteristics of a particular sector of the fisheries of a Member State, comprehensive data collection would result in difficulties for the national authorities which would be disproportionate to the importance of that sector.

Article 4

Statistical data

The statistical data shall relate to the total quantities and unit values of the fishery products landed in the reference calendar year.

The variables for which statistical data need to be submitted, their definitions and the relevant nomenclatures are given in Annexes II, III and IV.

Article 5

Submission of statistical data

Member States shall submit the statistical data to the Commission on an annual basis in accordance with the format specified in Annex I and using the codes set out in Annexes II, III and IV.

The statistical data shall be submitted within six months of the end of the reference calendar year.

Changes to legislation: *There are outstanding changes not yet made to Regulation (EC) No 1921/2006 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

Methodology

1 By 19 January 2008 each Member State shall submit a detailed methodological report to the Commission describing how the data have been collected and the statistics compiled. That report shall include details of any sampling techniques and an evaluation of the quality of the resulting estimates.

[[F1]2 The Commission shall examine the reports and present its conclusions to the Member States.**]**

3 The Member States shall inform the Commission of any change in the information provided for under paragraph 1 within three months of the introduction of such change. They shall also forward to the Commission details of any substantial changes in the collection methods used.

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 periods

Transitional periods for the implementation of this Regulation lasting not more than three years from the date of its entry into force may be granted to Member States in accordance with the procedure referred to in Article 11(2).

Article 8

Derogations

[[F1]1 Where the inclusion in the statistics of a particular sector of the fisheries industry 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 11(2).**]**

2 Where a Member State requests a derogation under paragraph 1, it shall provide the Commission, in support of its request, with a report on problems encountered in applying this Regulation to total landings on its territory.

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.

***Changes to legislation:** There are outstanding changes not yet made to Regulation (EC) No 1921/2006 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*

[F1 Article 9

Technical amendments to the Annexes

The Commission shall be empowered to adopt delegated acts, in accordance with Article 10a, concerning technical amendments to the Annexes. Those delegated acts shall not change the optional nature of the required information or 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[(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 10

Assessment

The Commission shall, by 19 January 2010 and every three years thereafter, submit an assessment report to the European Parliament and the Council on the statistical data compiled pursuant to this Regulation and in particular on their relevance and quality. The report shall also analyse the cost-effectiveness of the system used for the collection and processing of statistical data and shall put forward best practices for reducing the workload for Member States and enhancing the usefulness and quality of the statistical data.

[F2 Article 10a

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 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 9 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