Commission Regulation (EC) No 1581/2004 of 27 August 2004 amending Regulation (EC) No 1639/2001 establishing the minimum and extended Community programmes for the collection of data in the fisheries sector and laying down detailed rules for the application of Council Regulation (EC) No 1543/2000

COMMISSION REGULATION (EC) No 1581/2004

of 27 August 2004

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1543/2000 of 29 June 2000 establishing a Community framework for the collection and management of the data needed to conduct the common fisheries policy[(1)], and in particular Articles 5(1) and 8(1) thereof,

Whereas:

(1) Whenever an on-board sampling scheme is established within the respective national programmes, access to vessels should be guaranteed for sampling purposes. Therefore, on-board observers should be accepted on any vessel in order to avoid biased estimates.

(2) There is a need to assure a better sampling of stocks under recovery plans and deep-sea species, to obtain a better knowledge of these particular stocks.

(3) The analysis of Member States' reports on catch per unit of effort (hereinafter referred to as CPUE) data collected from 1995 to 2000, carried out together with the Scientific, Technical and Economic Committee for Fisheries (hereinafter referred to as the STECF), provides a basis on which to lay down the eligible CPUE data series to be collected in the future.

(4) Based on the acquired experience during the first year of data collection in 2002 and taking into consideration the STECF advice, technical modifications are needed to the detailed guidelines for data collection laid down in Commission Regulation (EC) No 1639/2001[(2)], and in particular to the names of the stocks and the sampling approach for length and age sampling strategies.

(5) Regulation (EC) No 1639/2001 should therefore be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1639/2001 is amended as follows:

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 1581/2004. (See end of Document for details)*

1. Article 3 is amended as follows:

   (a) in the first paragraph, point (c) is replaced by the following:

   > (c) in the event of sampling, a detailed description of the strategies followed and the statistical estimates used making it possible to appreciate the levels of precision and relationship between the cost and precision; this description shall also include estimates of levels of precision of the estimated parameter; these estimates shall be included in the final report, in a format established by the Commission, after having consulted the STECF.;

   (b) the second paragraph is deleted;

   (c) the following point is added:

   > (e) in the event of sampling, the procedures set within the national programmes shall ensure the collection of the required data by duly appointed observers and the acceptance on board and cooperation with such observers by masters of fishing vessels, in accordance with Article 22(1)(d) of Council Regulation (EC) No 2371/2002[(3)].

2. The Annex is amended in accordance with Annex I to this Regulation.

3. The Appendices are amended in accordance with Annex II to this Regulation.

Article 2

This Regulation shall enter into force on the seventh day following that of 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.

Done at Brussels, 27 August 2004.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

The Annex to Regulation (EC) No 1639/2001 is amended as follows:

1. In Chapter I, Section B, the following point is added:

   5. With regard to the data collection of stocks subject to a recovery plan pursuant to a Council Regulation, sampling requirements for the extended programme shall become mandatory under the minimum programme for the year following the Regulation's adoption and during the applicable period of the recovery plan. The same shall apply to surveys where the main objective stock is subject to a recovery plan.

2. In Chapter III, Section F is replaced by the following:

   F. **Collection of data concerning the catches per unit of effort and/or effective effort of specific commercial fleets**

   The following series are required:

   1. At the minimum programme level, data shall only contain data series for catches and effort for:
      — fleets which have been used at any time from 1995 onwards in stock assessments, either analytical and/or production models,
      — stocks where there is no stock assessment and where CPUE data series were the only way to estimate trends in the stocks abundance at any time from 1995 onwards,
      — fisheries for which there are regional fisheries organisation (hereinafter referred to as RFO) obligations.

      Stock definitions shall correspond with the ones defined by RFOs, and the sampling strategies shall include, as a minimum, the corresponding strata.

      Member States shall provide a thorough description of the way in which the abundance index for each stock has been calculated.

   2. At the extended programme level, data series for catches and effort for:
      — fleets which have not yet been used in stock assessments but where stock assessments are expected to be conducted in the future e.g. in the Mediterranean area and for deep-sea resources,
      — fleets where data collection started in recent years and until these data series are used in stock assessments (such data series may be transferred to the minimum programmes only if they are used in the stock assessment procedures),
      — fleets for which CPUE data series are collected but the data are presently only used for biological purposes (length and age composition, maturity data).

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 1581/2004. (See end of Document for details)*

Stock definitions should follow the ones defined by RFOs, and the sampling strategies shall include, as a minimum, the respective strata.

Member States shall provide a thorough description of the way in which the abundance index for each stock has been calculated.

3. In Chapter III, Section H is amended as follows:

(a) paragraph 1 is amended as follows:

(i) points (a) and (b) are replaced by the following:

(a) Parameters:

Biological sampling must be performed in order to evaluate the composition in length and, where appropriate, in age of the landings for all the stocks specified as mandatory in Appendix XV.

(b) Disaggregation and precision levels:

(i) for stocks under recovery plans Member States shall apply a sampling strategy, achieving a precision level 2 for the length and, where appropriate, age composition of landings;

(ii) for other stocks Member States shall apply a sampling strategy, achieving a precision level 1 for the length and, where appropriate, age composition of landings.

However, if this approach cannot be achieved, Member States may apply an alternative methodology for which the required disaggregation levels are specified in Appendix XV.

(ii) in point (d), first indent, subparagraph 3 is replaced by the following:

3. for the stocks in the Mediterranean area, the landings by weight of a Mediterranean Member State for a species corresponding to less than 10 % of the total EU landings of that species, taken in the Mediterranean area, or to less than 200 tonnes, are exempted. This derogation shall not apply for blue fin tuna.

(iii) in point (d), second indent, subparagraph 3 is replaced by the following:

3. for the stocks in the Mediterranean area, the landings by weight of a Mediterranean Member State for a species corresponding to less than 10 % of the total EU landings of that species, taken in the Mediterranean area, or to less than 200 tonnes, are exempted. This derogation shall not apply to blue fin tuna.

(iv) point (e) is replaced by the following:

(e) Discards:

Discards shall be the subject of an annual estimation of the distribution of the lengths by type of fishing technique when:

— discard data is used in stock assessment working groups,

— discards represent either more than 10 % of the total catches by weight, or more than 20 % of the catches in numbers for the stocks for which yearly discard data must be collected, as specified in Appendix XII.

The sampling intensities are those as defined in Appendix XV for commercial landings.

When discards take place for length ranges which are not represented in the landings, age-reading shall take place in accordance with the rules set out in in Appendix XV.

However, if Member States cannot reach this level of precision or only at excessive cost, they may obtain a derogation from the Commission provided that this request is fully documented.

(b) paragraph 2 is replaced by the following:

2. Extended programme:

(a) Complementary parameters:

Biological sampling shall be performed in order to evaluate the composition in length and, where appropriate, in age of the landings for all the stocks specified as optional in Appendix XV.

(b) Disaggregation and precision levels:

Member States shall apply a sampling strategy, achieving a precision level 1 for the length and, where appropriate, age composition of landings.

However, if this approach cannot be achieved, Member States may apply an alternative methodology for which the required disaggregation levels are specified in Appendix XV.

(c) Discards:

The sampling programme for the estimation of the annual composition in lengths of the discards for optional stocks specified in Appendix XV.