



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

COUNCIL REGULATION

**establishing a Community framework for the collection and management of the
fisheries data needed to conduct the common fisheries policy**

(presented by the Commission)

EXPLANATORY MEMORANDUM

Fisheries management needs scientific advice on its economic, biological and technical aspects. The scientific community has stressed that the lack of appropriate data is one of the main factors limiting this. This is not a problem for the common fisheries policy alone, however. The need to find appropriate remedies is highlighted in a series of reference documents from international forums on fisheries, in particular the FAO's Code of Conduct for Responsible Fisheries, the UN Agreement on straddling stocks (New York, 1995) and the FAO Plan of Action for the Management of Fishing Capacity.

The problems cannot be resolved at Member State level alone. Where Member States share the same stock, the efforts made by one to collect relevant data will be useless if the other Member States do not do likewise. Steps must therefore be taken at Community level and must result in the establishment of multiannual datasets, collected using standardised procedures that remain the same from one year to the next. The data must cover all the parameters needed for scientific evaluations, and be accessible by computer to the appropriate authorised users.

Useful arrangements are currently in place that should be maintained, but they are not comprehensive and so need to be supplemented. The existing arrangements provide in the main for very detailed data - often at individual level - and also aggregate data for Member States. Scientific evaluations primarily require aggregate data at a level pitched between these two; the data might, for example, relate to catches for a particular category of vessel in part of the North Sea over a three-month period. Furthermore, some spheres of activity are not covered and standardised procedures for data collection are only in place for some fisheries and for some spheres of activity. These shortcomings are also reflected in the way computerised databases accessible to the scientific community are organised.

Moreover, while significant funding, Community contributions included, has been devoted for several years now to collecting and managing the basic data, there are no guarantees that the funding will continue indefinitely. The calls for proposals which have been used to determine the Community contributions are not fully geared to funding the regular collection and management of the basic data.

Provision should therefore be made to introduce and harmonise data collection projects where such collection is not currently done and to lay down the management and processing procedures needed to produce aggregated databases and the rules allowing computerised access to them. Appropriate rules for organising the Community contributions must also be introduced.

The proposal for a regulation provides for the establishment of a Community framework into which the national programmes will fit. The proposal places the emphasis on a minimum programme that must be achieved so that scientific advice can be produced. It is, nevertheless, advisable to go beyond the minimum offered by this basic Community programme. An extended programme is also envisaged, therefore. In both cases Member States must gather the sets of aggregated data relating to them, following standardised procedures and giving priority to the

minimum programme. The appropriate authorised users will have access to the resulting aggregated data.

The preparation and implementation of this scheme will require close collaboration with scientists, the fishing industry and the other groups concerned. This will be achieved through the Scientific, Technical and Economic Committee for Fisheries and the Advisory Committee on Fisheries. In addition, close collaboration with Eurostat on implementing the collection of economic data will be required, so that the existing definitions and classification systems are fully complied with.

The proposal for a regulation introduces general rules. It is part of a wider set of arrangements. An implementing regulation will describe in detail the data collection and management programmes and the management rules for data handling, especially those relating to access to the databases. In addition, a separate Council Decision will set out the financial terms for Community participation. It will be broader in scope, however, and include the pilot projects and studies needed to implement the CFP. This will cover, inter alia, exploratory work that might result in an expansion of the regular collection of basic data so that it also covers activities that cannot be included at the moment (aquaculture, fisheries' relationship with the environment, etc.)

The proposed regulation is meant to last for some time, since it aims to compile datasets that are directly comparable from year to year. It is based on six-year periods, the first instalment covering the years 2000 to 2005. Regular progress reports must be prepared, the first of which is planned for 2002 with a view to identifying and recommending adjustments, if needed. The relevant provisions are therefore included in the draft.

Proposal for a

COUNCIL REGULATION

establishing a Community framework for the collection and management of the fisheries data needed to conduct the common fisheries policy

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,

- (1) Whereas Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture¹, as last amended by Regulation (EC) No 1181/98², provides for regular assessments by the Scientific, Technical and Economic Committee for Fisheries (hereinafter referred to as the STECF) of the situation as regards fishery resources, and its economic implications;
- (2) Whereas the United Nations Food and Agriculture Organisation's Code of Conduct for Responsible Fisheries and the Agreement relating to the Conservation and Management of Straddling Fish Stocks both emphasise the need to develop research and data collection with a view to improving scientific knowledge;
- (3) Whereas the Community must take part in the efforts undertaken in international waters to conserve fishery resources, notably in accordance with the provisions adopted by the regional fishery organisations;
- (4) Whereas to conduct the scientific evaluations needed for the common fisheries policy (hereinafter referred to as the CFP) complete data must be collected on the biology of the fish stocks, on the fleets and their activities and on economic and social issues;
- (5) Whereas the collection of this specific information should be coordinated with statistical data;

¹ OJ L 389, 31.12.1992, p. 1.

² OJ L 164, 9.6.1998, p. 1.

- (6) Whereas priorities must be established at Community level, as must the procedures for data collection and processing within the Community, in order to ensure that the entire system is consistent and to optimise its cost-effectiveness by creating a stable multiannual framework;
- (7) Whereas, rather than basic detailed data, scientific analyses primarily require aggregated data obtained by grouping and processing the detailed data at an appropriate level,
- (8) Whereas the existing regulations in this area, in particular Council Regulations (EEC) Nos 3759/92³, 2847/93⁴ and (EC) Nos 685/95⁵ and 779/97⁶ and Commission Regulations (EC) Nos 2090/98⁷, 2091/98⁸ and 2092/98⁹ include provisions on the collection and management of data relating to fishing vessels, their activities and catches and on price monitoring, all of which must be taken into account if a comprehensive system is to be established;
- (9) Whereas the existing regulations do not cover all the activities for which data should be collected with a view to complete and reliable scientific analysis; whereas the regulations currently relate to data on an individual or global level but not data aggregated at the appropriate level for scientific evaluation; whereas new provisions must therefore be introduced to produce multiannual sets of aggregated data that can be accessed by the appropriate authorised users;
- (10) Whereas the evaluation of the sector's resources and economic situation requires biological data to be collected covering all catches, including discards, evaluations of available stocks which are independent of the commercial fisheries for a set of resources, the collection of information on catch capacities and the fishing efforts used, and data explaining price formation and enabling the economic situation of fishing enterprises and the processing industry to be assessed, as well as job trends in these sectors;
- (11) Whereas, while priority must be given to the data strictly required for scientific evaluations, an extended programme to improve these evaluations must also be encouraged;

³ Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organisation of the market in fishery and aquaculture products, OJ L 388, 31.12.1992, p. 1.

⁴ Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy, OJ L 261, 20.10.1993, p. 1, as last amended by Regulation (EC) No 2346/98, OJ L 358, 31.12.1998, p. 5.

⁵ Council Regulation (EC) No 685/95 of 27 March 1995 on the management of the fishing effort relating to certain Community fishing areas and resources, OJ L 71, 31.3.1995, p. 5.

⁶ Council Regulation (EC) No 779/97 of 24 April 1997 introducing arrangements for the management of fishing effort in the Baltic Sea, OJ L 113, 30.4.1997, p. 1.

⁷ Commission Regulation (EC) No 2090/98 of 30 September 1998 concerning the fishing vessel register of the Community, OJ L 266, 1.10.1998, p. 27.

⁸ Commission Regulation (EC) No 2091/98 of 30 September 1998 concerning the segmentation of the Community fishing fleet and fishing effort in relation to the multiannual guidance programmes, OJ L 266, 1.10.1998, p. 36.

⁹ Commission Regulation (EC) No 2092/98 of 30 September 1998 concerning the declaration of fishing effort relating to certain Community fishing areas and resources, OJ L 266, 1.10.1998, p. 47.

- (12) Whereas the scientific community, those working in the fishing industry and the other groups concerned must be involved in drawing up the rules on data collection and management; whereas the appropriate bodies in which to gather the opinions required are the STECF, set up by Article 16 of Regulation (EEC) No 3760/92 and the Advisory Committee on Fisheries (hereinafter referred to as the ACF), set up by Commission Decision (EEC) No 128/71¹⁰;
- (13) Whereas the Community programmes to collect and manage fisheries data must be implemented under the direct responsibility of the Member States; whereas they must accordingly draw up their national programmes in line with the Community programmes;
- (14) Whereas the implementation of the national programmes to collect and manage fisheries data will require significant expenditure; whereas the worth of these programmes is only fully felt at Community level; whereas there should therefore be provision for a Community contribution to the Member States' costs; whereas this contribution is governed by Decision (EC) No ... /1999 (Decision on assistance for data collection and studies);
- (15) Whereas the aggregated data referred to in this Regulation must be fed into computerised databases so that they are accessible to authorised users and can be exchanged; whereas the transmission of specific scientific data is provided for by international organisations, in particular the International Council for the Exploration of the Sea and regional fisheries organisations;
- (16) Whereas a procedure should be laid down for adopting detailed rules for the application of this Regulation, especially with a view to specifying the data that must be collected, as well as rules on the organisation of data handling and on transmission of the aggregated data and access thereto;
- (17) Whereas the conduct of the collection and management programmes must be regularly evaluated; whereas the possibility of extending the activities covered should be examined in the medium term,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation establishes a Community framework for the collection and management of the data needed to evaluate the situation as regards fishery resources and the fishing industry.

The Member States shall be responsible for collecting the data.

¹⁰ Commission Decision of 25 February 1971 setting up an Advisory Committee on Fisheries, OJ L 68, 22.3.1971, p. 18, as last amended by Decision (EC) No 478/99, OJ L 187, 20.7.1999, p. 70.

Article 2

For the purposes of this Regulation:

- (a) "*multiannual datasets*" means data measuring the changes in a parameter over a number of years
- (b) "*aggregated data*" means the output resulting from the processing of data from a group of vessels for a given period and, where appropriate, for a specific geographic sector, with a view to obtaining an estimate representative of the whole.
- (c) "*time-space grid*" means the combination of a geographical area cut into equal sectors and a regular time interval.

Title I

General principles of data collection and management

Article 3

1. Member States shall establish multiannual datasets suitable for scientific analysis which incorporate biological and economic information and comprised of aggregated data. The methods used shall be stable in time and standardised across the Community and shall comply with relevant international provisions.
2. Without prejudice to their current data collection obligations under Community law, and in particular the Regulations referred to in points 2 and 3 of Article 4, the Member States shall:
 - a. establish data collection programmes supplementary to these obligations, or for spheres of activity not covered by these obligations and based on sampling where necessary,
 - b. specify the procedures that will produce aggregated data,
 - c. ensure that the data used to produce aggregated data will remain available for any recalculations.

Article 4

The Member States shall collect data:

1. making it possible to discover or estimate the total volume of catches per stock, including discards where appropriate and, where necessary, to classify

these catches by vessel group, geographic area and time period. The catches shall be subject to biological sampling. In addition, the Member States shall undertake scientific research at sea to evaluate the abundance and distribution of stocks independently of the data provided by the commercial fisheries in the case of stocks for which such evaluations are possible and useful;

2. needed to evaluate changes in fishing power and the activities of the various fishing fleets. To this end, summaries shall be prepared using the data collected under Council Regulations (EEC) No 2847/93 and (EC) Nos 685/95 and 779/97 and Commission Regulations (EC) Nos 2090/98, 2091/98 and 2092/98 and additional information shall be collected by the Member States, as needed;
3. that allow the prices associated with the various catches, and their formation, to be monitored. The data collected under Regulation (EEC) No 3759/92 shall be grouped and summarised. Additional data shall be collected to reflect all landings at ports inside and outside the Community, as well as imports;
4. needed to evaluate the economic state of the industry:
 - a. as regards the fishing fleets:
 - the income from sales and other revenue (subsidies, interest received, etc.)
 - the production costs
 - data enabling the jobs at sea to be classified.
 - b. as regards the fish processing industry:
 - production expressed in volume and value terms for product categories to be determined
 - the number of enterprises, and the number of jobs
 - changes in production costs, and their composition.

Title II

Procedure for establishing the content of Community and national programmes

Article 5

1. In accordance with the procedure laid down in Article 18 of Regulation (EEC) No 3760/92, the Commission shall define a minimum Community programme covering the information absolutely needed for scientific evaluations, and an extended Community programme that shall include, in addition to the information contained in the minimum programme, information likely to improve the scientific evaluations substantially. The programmes shall be drawn up for six-year periods, the first of which shall cover the years 2000 to 2005 inclusive.
2. Both the minimum and extended programmes shall specify, in particular:
 - a. the headings covered, i.e.:
 - a list of the stocks involved,
 - the zones and resources to be covered by the scientific research at sea mentioned in point 1 of Article 4,
 - the parameters to be taken into account for monitoring changes in fishing power,
 - the fish species whose prices at unloading must be monitored, and any separation of a species into commercial categories,
 - the accounting headings or groups of headings that are relevant for the economic monitoring of fishing enterprises and the processing industry,
 - the type of jobs that should be monitored.
 - b. the level of aggregation of the information collected:
 - the time-space grids, defining the size of the reference sectors and the time intervals to be used,
 - identification of the groups of vessels and/or ports, as well as the sectors of the fish processing industry; the vessel groups shall correspond to the subsegments of the Multiannual Guidance Programmes (MGPs) and be consistent across headings.
 - c. where appropriate, the objectives quantified in terms of the precision of the evaluation or the intensity of the sampling programmes.

Article 6

1. Each Member State shall draw up for six-year periods and for the first time for the years 2000 to 2005 inclusive, a national programme of collection and management of data. The programme shall describe both the collection of the detailed data and the processing needed to produce aggregated data in accordance with the principles set out in Article 3. It shall specify the links between it and the Community programmes drawn up under Article 5.
2. Each Member State shall guarantee the reliability and stability of the data collection and processing procedures. It shall provide the Commission with the information needed to evaluate the means employed and the effectiveness of the procedures. Where they exist, appropriate international or European definitions and classification systems shall be used to collect and analyse the data.
3. Each Member State shall as far as possible include in its national programme the elements relating to it under the minimum Community programme as defined in Article 5.
4. Member States may apply to the Community for financial assistance for those parts of their national programmes that correspond to the minimum Community programme. Community financial assistance may also be sought for additional elements of the national programme corresponding to the extended Community programme, provided that the provisions concerning the minimum programme have been fully met.

The Community financial assistance shall be decided in accordance with the detailed rules laid down in Decision (EC) No /1999 (Decision on financial assistance for data collection and studies).

Article 7

1. Member States shall ensure that the aggregated data relating to Community programmes are fed into computerised databases.
2. The data covered by this Regulation may be sent by the Member States to the competent international organisations, in accordance with their specific rules and the provisions adopted under Article 8(2)(b). The Commission shall be informed of any data transmissions and shall receive an electronic copy of the data, should it request one.
3. The Commission shall have computer access to all aggregated data relating to the Community programmes and may make the data available to the S.T.E.C.F.
4. Data transmitted or collected in whatever form under this Regulation shall be covered by professional secrecy and shall qualify for the same protection as that granted to similar data by the national legislation of the Member States who receive them, and by the corresponding provisions applying to the Community institutions.

Title III

Final provisions

Article 8

1. Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 18 of Regulation (EEC) No 3760/92.
2. The detailed rules of application shall concern in particular:
 - a. the programmes referred to in Article 5(1);
 - b. the organisation of data handling:
 - the rules on data transmission, including the transmission of scientific data to international organisations,
 - the criteria for interrogating databases and the minimum standards needed to ensure authorised users have access to the data,
 - the data that will be, where appropriate, grouped under the Commission's direct responsibility,
 - the provisions guaranteeing confidentiality in accordance with Article 7(4).
3. Without prejudice to paragraph 1, the programmes referred to in Article 5(1) shall be adopted after the STECF and the ACF have been consulted.

Article 9

1. The Commission, in association with the STECF and the ACF, shall annually examine the progress of the national programmes in the Management Committee for Fisheries and Aquaculture.
2. On the basis of information supplied by the Member States, and having consulted the STECF, the Commission shall present to the European Parliament and the Council, at three-yearly intervals and for the first time by 31 December 2002, a report evaluating the measures taken by each Member State, the appropriateness of the methods used and the results achieved as regards the data collection and management referred to in this Regulation.
3. By 31 December 2002 the Commission shall review whether it is appropriate to extend the range of data collected under this Regulation. To this end the Member States and the Commission may undertake studies and exploratory projects in areas that are significant for the CFP yet not covered by Article 4,

in particular aquaculture, the relationship of fisheries' and aquaculture with the environment and the capacity of fishing and aquaculture industries to create jobs. These studies and projects may receive Community financial assistance in accordance with the detailed rules laid down in Decision (EC) No /1999 (Decision on financial assistance for data collection and studies).

4. On the basis of the report and analyses provided for in paragraphs 2 and 3, and taking account of the changing needs of the CFP, the Commission shall decide, by 31 December 2002, whether an amendment to this Regulation is needed.

Article 10

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council
The President