

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(94) 376 final  
Brussels, 09.09.1994

94/ 0198(CNS)

Proposal for a

COUNCIL REGULATION (EC)

**on the submission of nominal catch statistics by Member States fishing in certain  
areas other than those of the North Atlantic**

(presented by the Commission)

## Explanatory Memorandum

Statistics on the nominal catches by Member States fishing in certain areas other than those of the North Atlantic are required so that

- 1) the European Union may meet its obligations under the terms of its membership of international organisations (for example, the Food and Agriculture Organisation of the United Nations and its subsidiary bodies)

and

- 2) the European Union may have available the information on the activities of its fishing vessels in these waters to aid the management of its fishery resources in the Mediterranean and the Eastern Central Atlantic and to aid its negotiations in the international fora.

This proposed regulation converts into EU legislation certain of the STATLANT series of questionnaires used for many years by Member States to report annual nominal catches to international organisations on an informal basis. Because this proposed regulation formalises the transmission of existing data sets collected by Member States it is the opinion of the Commission that the proposal will impose no extra financial implications for businesses and will have no impact on competitiveness or employment.

**Council Regulation (EEC) No 194**  
**on the submission of nominal catch statistics by Member States fishing in certain**  
**areas other than those of the North Atlantic**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the Agreement whereby the European Community acquires membership of the Food and Agriculture Organisation of the United Nations (FAO),

Whereas the protocol established between the Council of the European Union and the Commission of the European Communities provides for the Commission to supply FAO with the requested statistics,

Whereas according to the principle of subsidiarity the objectives of the proposed action can only be achieved on the basis of a Community legal act because only the Commission can coordinate the necessary harmonisation of the statistical information at Community level while the collection of fishery statistics and the necessary infra-structure to process and monitor the reliability of these statistics is first and foremost the responsibility of the Member States,

Whereas the specific method of drawing up the relevant community statistics, which is based on the national statistical systems, requires particularly close cooperation between the Commission and the Member States, in particular within the Standing Committee for Agricultural Statistics set up in Decision 72/279/EEC<sup>1)</sup>.

HAS ADOPTED THIS REGULATION

*Article 1*

Each Member State shall submit to the Commission data on the nominal catches by vessels registered in or flying the flag of that Member State fishing in certain areas other than those of the North Atlantic, with due regard to Council Regulation (Euratom, EEC) no. 1588/90 of 11 June 1990 on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities<sup>2)</sup>.

The nominal catch data shall include all fishery products landed or transhipped at sea in no matter what form but shall exclude quantities which, subsequent to capture, are discarded at sea, consumed on board or used as bait on board. The data shall be recorded as the live weight equivalent of the landings or transhipment, to the nearest tonne.

*Article 2.*

1. The data to be submitted shall be the nominal catches in each of the Major Fishing Areas and sub-divisions thereof as listed in Annex 1, described in Annex 2 and illustrated in Annex 3. For each of the Major Fishing Areas the species for which data are required are listed in Annex 4.

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1) OJ No. L 179, 7.8.1972, p. 1.

2) OJ No. L 151, 15.6.1990, p.1.

2. The data for each calendar year shall be submitted within six months of the end of the year.
3. Where the Member State's vessels under Article 1 have not fished in a Major Fishing Area in the calendar year, the Member State shall inform the Commission to this effect. However, where fishing has occurred in a Major Fishing Area, submissions shall only be required for species/sub-division combinations for which catches were recorded in the annual period of the submission.
4. The data for species of minor importance caught by the vessels of a Member State need not be individually identified in the submissions but may be included in an aggregated item provided that the weight of the products does not exceed 5% of the total annual catch in that Major Fishing Area.
5. The lists of statistical fishing areas, or sub-divisions thereof, and species may be amended in accordance with the procedure laid down in Article 5.

#### *Article 3*

Except where provisions adopted under the common fisheries policy dictate otherwise, a Member State shall be permitted to use sampling techniques to derive catch data for those parts of the fleet for which the complete coverage of the data would involve the excessive application of administrative procedures. The details of the sampling procedures, together with details of the proportion of the total data derived by such techniques, must be included by the Member State in the report submitted pursuant to Article 6(1).

#### *Article 4.*

Member States shall fulfil their obligations pursuant to Articles 1 and 2 by submitting the data on magnetic medium, the format of which is given in Annex 5.

With the prior approval of the Commission, Member States may submit data in a different form or on a different medium.

#### *Article 5.*

1. Where the procedure laid down in this Article is to be followed, the chairman shall refer the matter to the Standing Committee for Agricultural Statistics (hereinafter referred to as 'the Committee'), either on his own initiative or at the request of the representative of a Member State.
2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on that draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.
3. The opinion shall be recorded in the minutes: in addition, each Member State shall have the right to ask to have its position recorded in the minutes.
4. The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

#### *Article 6.*

1. Within 12 months of the entry into force of this regulation, Member states shall submit a detailed report to the Commission describing how the data on catches are derived and

specifying the degree of representativity and reliability of these data. The Commission shall draw up a summary of these reports for discussion within the competent Working Group of the Agricultural Statistics Committee.

2. Member States shall inform the Commission of any modifications to the information provided under paragraph 1 within three months of their introduction.

3. Where the methodological reports under paragraph 1 show that a Member State cannot immediately meet the requirements of this Regulation and that changes in survey techniques and methodology are necessary, the Commission may, in co-operation with the Member State within the Standing Committee on Agricultural Statistics, set a transitional period of up to two years during which the programme of this Regulation is to be achieved.

4. Methodological reports, transitional arrangements, data availability, data reliability and other relevant issues connected with the application of this Regulation shall be examined once a year within the competent Working Group of the Agricultural Statistics Committee.

#### *Article 7.*

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

This regulation shall be binding from 1 January 1995.

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# DOCUMENTS

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