



Council of the
European Union

Brussels, 21 March 2016
(OR. en)

Interinstitutional File:
2015/0133 (COD)

5417/3/16
REV 3

LIMITE

PECHE 18
CODEC 50

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	10143/15 PECHE 224 CODEC 909 - COM(2015) 294 final
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL concerning the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy (recast)

Delegations will please find attached a final Presidency compromise on the above-mentioned proposal to be agreed at the forthcoming meeting of COREPER. Modifications to the initial Commission proposal are set out in **bold and underline**.

CHAPTER I

GENERAL PROVISIONS

↓ 199/2008 (adapted)

Article 1

Subject-matter ☒ and scope ☒

↓ 199/2008

~~1. This Regulation establishes rules on:~~

~~(a) the collection and management, in the framework of multi-annual programmes, of biological, technical, environmental and socio-economic data concerning the fisheries sector;~~

~~(b) the use of data concerning the fisheries sector in the framework of the Common Fisheries Policy (hereinafter referred to as the CFP), for the purpose of scientific analysis.~~

~~2. This Regulation also lays down provisions for the improvement of the scientific advice needed for the implementation of the CFP.~~

↓ new

1. With a view to contribute to the objectives of the Common Fisheries Policy set out in Article 2 of Regulation (EU) 1380/2013, this Regulation establishes rules on the collection, management, and use of biological, technical, environmental, social and economic data concerning the fisheries sector **as provided for in Article 25 of the Regulation (EU) 1380/2013.**

2. The data referred to in paragraph 1 should only be collected if no obligation to collect it exists under other Union legal acts than this one.

3. For data **necessary** to fisheries management which are collected under legal acts ~~other than this one~~, this Regulation **only** defines rules for **the use and transmission** of these data.

↓ 199/2008 (adapted)

~~43.~~ This Regulation shall be without prejudice to the obligations under ~~Directive 95/46/EC, Regulation (EC) No 45/2001,~~ Directive 2003/4/EC of the European Parliament and of the Council ¹ and Regulation (EC) No 1367/2006².

↕ new

Article 2

Data protection

Where relevant, the processing, management and use of data collected under this Regulation shall comply with, **and be without prejudice to,** Directive 95/46/EC , Regulation (EC) No 45/2001 and **Regulation (EC) No 223/2009.**

¹ Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).

² Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ L 264, 25.9.2006, p. 13).

Article ~~23~~

Definitions

For the purposes of this Regulation, definitions referred to in Article 4 of Regulation (EU) No 1380/2013 shall apply. In addition, the following definitions shall apply:

(a) 'fisheries sector' means activities related to commercial fisheries, recreational fisheries, aquaculture and industries processing fisheries products;

(b) 'recreational fisheries' means non-commercial fishing activities exploiting marine biological resources ~~for recreation or sport~~; such as for recreation, tourism or sport.

(c) 'marine regions' means ~~the~~ a geographical areas set out in ~~Annex I to Council Decision 2004/585/EC and the areas~~ ☒ article 4(2) of Regulation (EU) No 1380/2013, an area ☒ established by the regional fisheries management organisations ☒ or an area defined in the implementing act mentioned under the Article ~~5-8~~ **(786)**;

(d) 'primary data' means data associated with individual vessels, natural or legal persons or individual samples;

(e) 'meta data' means data giving qualitative and quantitative information on the collected primary data;

(f) 'detailed data' means data based on primary data in a form which does not allow natural persons or legal entities to be identified directly or indirectly;

(g) 'aggregated data' means the output resulting from summarising the primary or detailed data for specific analytic purposes;

(h) "scientific observer" means a person appointed to observe fishing operations in the context of data collection for scientific purposes and designated by a body in charge of the implementation of the National Work Plans for Data Collection.

i) "scientific data" means data referred to in Article 1(1) that are collected or used under this Regulation as set out in article 1.

~~(j) 'fleet fishery based sampling' means biological, technical and socio-economic data collection surveys based on agreed regional fishing types and fleet segments;~~

CHAPTER II

COLLECTION ~~AND~~ ~~MANAGEMENT AND USE~~ OF DATA IN THE FRAMEWORK OF MULTI-ANNUAL PROGRAMMES

SECTION 1

~~COMMUNITY PROGRAMME AND NATIONAL~~ MULTI-ANNUAL UNION PROGRAMMES

↓ 199/2008

~~Article 3~~

~~Community programme~~

~~1. A multi-annual Community programme for collection, management and use of biological, technical, environmental, and socio-economic data concerning:~~

~~(a) commercial fisheries carried out by Community fishing vessels;~~

~~(i) within Community waters, including commercial fisheries for eels and salmon in inland waters;~~

~~(ii) outside Community waters;~~

~~(b) recreational fisheries carried out within Community waters including recreational fisheries for eels and salmon in inland waters;~~

~~(c) aquaculture activities related to marine species, including eels and salmon, carried out within the Member States and the Community waters;~~

~~(d) industries processing fisheries products;~~

~~shall be defined in accordance with the procedure referred to in Article 27(2).~~

~~2. The Community programme shall be drawn for three-year periods. The first period shall cover the years 2009 and 2010.~~

~~Article 4~~

~~National programmes~~

~~1. Without prejudice to their current data collection obligations under Community law, Member States shall collect primary biological, technical, environmental and socio-economic data within the framework of a multi-annual national programme (hereinafter referred to as the national programme) drawn up in accordance with the Community programme.~~

~~2. The national programme shall include, in particular, the following matters as provided for in Section 2:~~

~~(a) multi-annual sampling programmes;~~

~~(b) a scheme for at-sea monitoring of commercial and recreational fisheries, where necessary;~~

~~(c) a scheme for research surveys at sea;~~

~~(d) a scheme for management and use of the data for scientific analyses purposes.~~

~~3. The procedures and methods to be used in collecting and analysing data and in estimating their accuracy and precision shall be included in the national programmes.~~

~~4. Member States shall submit their national programmes for approval to the Commission. They shall submit them by electronic means by the date, in the format and to the address to be established by the Commission in accordance with the procedure referred to in Article 27(2).~~

~~5. The first national programmes shall include the activities for the years 2009 and 2010.~~

~~Article 5~~

~~Coordination and cooperation~~

~~1. Member States shall coordinate their national programmes with other Member States in the same marine region and make every effort to coordinate their actions with third countries having sovereignty or jurisdiction over waters in the same marine region. For this purpose the Commission may organise Regional Coordination Meetings in order to assist Member States in coordinating their national programmes and the implementation of the collection, management and use of the data in same region.~~

~~2. In order to take into account any recommendation made at regional level at the Regional Coordination Meetings, Member States shall where appropriate submit amendments to their national programmes during the programming period. Those amendments shall be sent to the Commission at the latest two months prior to the year of implementation.~~

~~3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 27(2).~~

 new

Article 4

Establishment of multi-annual Union programmes

1. For the purpose of the uniform application of the obligation to collect and manage data referred to in Article 1(1), multi-annual Union programmes shall be adopted by means of an implementing act. Such implementing act shall be adopted in accordance with the examination procedure referred to in Article 24(2) and shall comply with the criteria set out in Article 5.

2. **For the purpose of adopting a multi-annual Union programme, the Commission shall** the Regional Co-ordination Groups referred to in Article 8, the Scientific, Technical and Economic Committee for Fisheries (STECF) and other **appropriate scientific bodies referred to in Article 26 of Regulation (EU) 1380/2013.**

Article 5

Criteria for the establishment of multi-annual Union programmes

1. Multi-annual Union programmes shall **define**:

- (a) data requirements to achieve the objectives **set out in** Article 25 of Regulation (EU) No 1380/2013;
- (b) a list of mandatory research surveys **at sea**;
- (c) thresholds below which Member States do not need to collect data or carry out research surveys **at sea**;

2. **The data referred to in paragraph 1(a) shall include:**

- (a) **biological data on all stocks** caught or by-caught **in** Union commercial and, where appropriate, recreational fisheries in Union and **outside Union** waters **including for eels and salmon in relevant inland waters;** to enable **an** ecosystem based **approach to fisheries** management and conservation as necessary for the operation of the Common Fisheries Policy;
- (b) data to assess the impact of Union fisheries on the marine ecosystem in Union waters **and outside Union waters**, including data on by-catch of non-target species, in particular species protected under international or Union law, data on impacts of fisheries on marine habitats and data on impacts of fisheries **structure** on food webs;
- (c) data on the activity of Union **fishing** vessels in Union waters **and outside Union waters**, including levels of fishing and of effort and capacity of the Union fleet;

(d) socio-economic data on fisheries to enable the assessment of the socio-economic performance of the Union **commercial** fisheries sector;

(f) socio-economic data on the fish processing sector to enable the assessment of the socio-economic performance of that sector.

2a. In addition, the data referred to in paragraph 1(a) may include socio-economic data and sustainability data on aquaculture to enable the assessment of the socio-economic performance and the sustainability of the Union aquaculture sector, including its environmental impact;

3. For the purpose of establishing a multi-annual Union programme, the Commission shall take into account:.

(a)the information needs for the management of the Common Fisheries Policy;

(b) the need and relevance of data for decisions on fisheries management and protection of the ecosystem including vulnerable species and habitats,

bb) the need and relevance of data for the sustainable development of aquaculture at Union level, taking account of the predominantly local character of its impacts,

(c) the need to support impact assessments of policy measures,

(d) costs and benefits, taking account of the most cost-effective solutions to achieve the objective of data collection,

(e) the need to avoid disruption of existing time-series,

(f) the need to avoid duplication of data collection, in accordance with Article 1 of this regulation.

(g) regional specificities and regional agreements concluded in Regional Coordinating Groups,

(h) the international obligations of the Union and its Member States

i) spatial and temporal coverage of the data collection activities.

4. The list of mandatory research surveys **at sea** referred to in paragraph 1(b) shall be drawn up taking into account the following requirements:

(a) information needs for management of the Common Fisheries Policy;

(b) information needs arising from internationally agreed coordination and harmonisation;

(c) information needs for the evaluation of management plans;

(c new) information needs for the monitoring of ecosystems variables;

(d) information needs for a sufficient coverage of stock areas;

(e) avoidance of duplication between surveys; and

(f) avoidance of disrupting the **time series** of survey data.

5. **For stocks that are subject to catch limits, the** rules on participation by different Member States in the research surveys referred to in paragraph 1(b) shall be based upon **the share of the relevant Member States in the EU total allowable catches. For stocks that are not subject to catch limits, these rules shall be based upon the relative share of the relevant Member States in the stock exploitation.**

6. For stocks that are subject to catch limits, the threshold referred to in paragraph 1(c) shall be defined on the basis of the share of a Member State in the total allowable catches that are available for the Union for the stock concerned. For stocks that are not subject to catch limits, such threshold shall be defined on the basis of the relative share of a Member State in the total exploitation of the stock. Regarding the aquaculture and the processing sector such threshold shall be based, on the relative size of those sectors of a Member State.

SECTION 2

IMPLEMENTATION OF THE MULTI-ANNUAL UNION PROGRAMME BY THE MEMBER STATES

Article 6

National work plans

1. Without prejudice to their current data collection obligations under Union law, Member States shall collect data within the framework of an operational programme, as referred to in Article 18 of Regulation (EU) No 508/2014, and a work plan drawn up in accordance with the multi-annual Union programme and pursuant to Article 21 of Regulation (EU) No 508/2014.

1a. When approving the national work plans in accordance with article 21 of Regulation (EU) No 508/2014, the Commission shall take into account the evaluation conducted by STECF in accordance with article 8a. If such evaluation, referred to in paragraph 1, indicates that a national programme ☒ work plan ☒ does not comply with Articles 46 or does not guarantee the scientific relevance of the data or sufficient quality of the proposed methods and procedures, the Commission shall immediately inform the Member State concerned and indicate amendments to that programme ☒ work plan that the Commission considers necessary ☒. Subsequently, the Member State concerned may submit a revised national programme ☒ work plan ☒ to the Commission.

2. Member States' work plans shall contain a detailed description of the following:

aa) data to be collected in accordance with the multi-annual Union programme

(a) the **temporal and spatial distribution and the** frequency by which the data will be collected;

- (b) the source of the data, the procedures and methods to collect and process the data into the data sets that will be provided to end-users;
- (c) the quality assurance and quality control framework to ensure adequate quality of the data in accordance with Article 13;
- (d) how and when the data **will be available, taking into account the needs defined by the end-users of scientific data, where known;**
- (e) the international and regional cooperation **and coordination** arrangements, including bilateral and multilateral agreements concluded to achieve the objectives of this Regulation; and
- (f) how the international obligations of the Union and its Member States have been taken into account.

3. In preparing its work plan, each Member State shall, in the framework of the regional coordination groups referred to in Article 8 of this Regulation, cooperate and coordinate its efforts with other Member States, notably those in the same marine region, to ensure sufficient and efficient coverage and avoid duplication of data collection activities. Where appropriate, such cooperation and coordination may also take place outside of the framework of the regional coordinating groups.

Article 7

National correspondents

1. Each Member State shall designate a national correspondent and shall inform the Commission thereof. The national correspondent shall serve as the focal point for exchange of information between the Commission and the Member State regarding the preparation and implementation of the work plans.

2. The national correspondent shall furthermore, **in particular,** carry out the following tasks:
- (a) coordinate the preparation of the annual report referred to in Article 10;
 - (b) ensure the transmission of information within the Member State; and
 - (c) **coordinate** attendance of relevant experts in meetings organized by the Commission and participation in the relevant Regional Co-ordination Groups referred to in Article 8.
3. **If several bodies in a Member State are participating in the implementation of the work plan, the national correspondent shall be responsible for the co-ordination of that work.**

Article 7a

Cooperation within the EU

The Member States shall cooperate and coordinate their actions to further improve the quality, timeliness and coverage of data enabling further improvement of the reliability of data collection methods. with a view to improve their data collection activities.

Article 8

Regional coordination and cooperation

1. **As foreseen in Article 25 of Regulation (EU) No 1380/2013, Member States shall coordinate their data collection activities with other Member States in the same marine region and shall make every effort to coordinate their actions with third countries having sovereignty or jurisdiction over waters in the same marine region.**

1 a. In order to facilitate regional coordination, Regional Co-ordination Groups shall be established by the relevant Member States for each marine region.

1 b. Regional Coordination Groups shall aim at developing and implementing procedures, methods, quality assurance and quality control for collecting and processing data with a view to enable further improvement of the reliability of scientific advice. For this purpose, Regional Coordination Groups may develop and implement regional data bases.

2. Regional Co-ordination Groups shall consist of experts from Member States, including National Correspondents and the Commission.

3. Regional Co-ordination Groups shall draw up and agree on rules of procedures for their activities.

4. Regional Co-ordination Groups shall coordinate with each other and with the Commission where issues affect several regions.

4 a. Representatives of relevant end-users of scientific data, including the appropriate scientific bodies as referred to in Article 26 of Regulation (EU) 1380/2013, regional fisheries management organisations and third countries shall be invited to attend the meetings of the Regional Coordination Groups as observers, where needed.

4b. Regional Co-ordination Groups may be used as a forum for the purpose of preparation of draft regional workplans, which shall be compatible with the provisions of this Regulation and with the Union's multiannual programme. They may include procedures, methods, quality assurance and quality control for collecting and processing of data as referred to in paragraph 2(a) and (b) and paragraph 4 of Article 5, regionally coordinated sampling strategies and conditions for delivery of data in regional data bases. They may also contain cost-sharing arrangements for the participation in research surveys at sea.

5. Where a draft regional workplan is prepared, it shall be submitted to the Commission before 31 October. The draft regional workplans may be adopted by means of an implementing act. Such implementing act shall be adopted in accordance with the examination procedure referred to in Article 24(2). For that purpose, the Commission shall take into account, where relevant, the evaluation of STECF as referred to in art. 8 a.

6. A regional work plan shall be considered to replace, or supplement the relevant parts of the national workplans of each of the Member State concerned.

7. The Commission may adopt implementing acts laying down rules on procedures, cost-sharing arrangements for the participation in research surveys at sea, the area of marine region for the purpose of data collection, format and timetables for the submission and approval of regional work plans, as referred to in paragraph 5.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24 (2).

Article 8a

Evaluation of work plans by STECF

1. When evaluating the work plans, the STECF shall consider:

(a) the conformity of the ☒ work plans ☒ and any amendments thereto with Articles 6 and 8; and

(b) the scientific relevance of the data to be covered by ~~national~~national programmes ☒ work plans ☒ for the purposes laid down in Article 1(1) and the quality of the proposed methods and procedures.

Article 9 -deleted

Article ~~7~~10

Evaluation and approval of the outcomes of the national~~national~~ programmes ☒ work plans ☒

1. Member States shall on an annual basis submit to the Commission a report on the carrying out of their national~~national~~ programmes ☒ work plans ☒. ~~They shall submit them by the date, in the~~ ☒ The Commission may adopt implementing acts laying down rules on procedures, ☒ format and ~~to the address to~~ ☒ timetables for the submission and approval of annual reports. Those implementing acts shall ☒ be ~~established by the Commission~~ ☒ adopted ☒ in accordance with the ☒ examination ☒ procedure referred to in Article ~~27~~24(2).

2. **In accordance with article 8a,** the STECF shall evaluate:

(a) the execution of the national~~national~~ programmes ☒ work plans ☒ approved by the Commission, ~~in accordance with Article 6(3)~~; and

(b) the quality of the data collected by the Member States.

3. The Commission shall assess the implementation of the national~~national~~ programmes ☒ work plans ☒ on the basis of:

(a) the evaluation by the STECF;

(b) the consultation of appropriate regional fisheries management organisations to which the **Union** Community is contracting party or observer and relevant international scientific bodies, ~~and~~

~~(c) the evaluation of costs carried out by its services.~~

↓ 199/2008

~~Article 8~~

Community financial assistance

~~1. Community financial assistance for national programmes shall be implemented in accordance with the rules laid down in Regulation (EC) No 861/2006.~~

~~2. The basic data referred to Article 9 of Regulation (EC) No 861/2006 shall cover only those parts of Member States' national programmes that implement the Community programme.~~

~~3. Community financial assistance for national programmes shall only be granted if the rules set out in this Regulation are fully respected.~~

~~4. The Commission may, after having afforded the Member States concerned an opportunity of being heard, suspend and/or recover Community financial assistance in the following circumstances:~~

~~(a) the evaluation, referred to in Article 7, indicates that the execution of a national programme does not comply with this Regulation; or~~

↓ Corrigendum, OJ L 096, 16.4.2010, p.
8

~~(b) the consultation referred to in Article 7(3)(b) indicates that the data has not been provided by Member States in accordance with Articles 16(4) and 20(1); or~~

↓ 199/2008

~~(e) data quality control and data process were not achieved in accordance with Articles 14(2) and 17.~~

~~5. Without prejudice to paragraph 3, the Commission may, after having afforded the Member States concerned an opportunity of being heard, also reduce Community financial assistance in the following circumstances:~~

~~(a) if a national programme was not submitted to the Commission by the date established in accordance with Article 4(4);~~

~~(b) if a report was not submitted to the Commission by the date established in accordance with Article 7(1);~~

~~(c) if an official request for data has been made by an end-user and the data was not delivered in accordance with Articles 20(2) and 20(3) to the end-user concerned or the quality control and the processing of these data were not in accordance to Articles 14(2) and 17.~~

~~6. The reduction of the Community financial assistance referred to in paragraphs 4 and 5 shall be proportionate to the degree of non-compliance. The reduction of the Community financial assistance referred to in paragraph 5 shall be applied gradually over time and shall amount to no more than 25 % of the total annual cost of the national programme.~~

~~7. Detailed rules for the application of the reduction referred to in paragraph 6 shall be adopted in accordance with the procedure referred to in Article 27(2).~~

SECTION ~~23~~

REQUIREMENTS FOR THE DATA COLLECTION PROCESS

~~Article 9~~

~~Sampling programmes~~

~~1. Member States shall establish multi-annual national sampling programmes.~~

~~2. Multi-annual national sampling programmes shall include, in particular:~~

~~(a) a sampling design for biological data following fleet fishery based sampling including, where appropriate, recreational fisheries;~~

~~(b) a sampling design for ecosystem data that allows the impact of the fisheries sector on the marine ecosystem to be estimated and that contributes to monitoring of the state of the marine ecosystem;~~

~~(c) a sampling design for socio-economic data that permits the economic situation of the fisheries sector to be assessed and enables its performance over time to be analysed, and impact assessments of measures undertaken, or proposed to be carried out.~~

~~3. The protocols and the methods used for the establishment of national sampling programmes shall be given by Member States and shall be, as far as possible:~~

~~(a) stable over time;~~

~~(b) standardised within regions;~~

~~(c) in accordance with the quality standards established by the appropriate regional fisheries management organisations to which the Community is contracting party or observer and relevant international scientific bodies.~~

~~4. Accuracy and precision for the data collected shall be systematically estimated where required.~~

↓ 199/2008 (adapted)

Article ~~40~~11

Access to the sampling sites

1. Member States shall ensure that, in order to carry out their duties, ~~samplers designated by the body in charge of the implementation of the national programme~~ ☒ data collectors **designated by the body in charge the implementation of the national work plan** ☒ have access to ☒ all catches, vessels and other sampling sites, business registers and any necessary data ☒.

~~(a) all landings, including as appropriate, transshipments and transfers to aquaculture;~~

~~(b) vessel and business registers operated by public bodies relevant for the collection of economic data;~~

~~(c) economic data of fisheries related businesses.~~

~~Article 11~~

~~**At sea monitoring of commercial and recreational fisheries**~~

~~1. Where necessary for the purposes of the collection of the data under the national programmes, Member States shall design and implement at sea monitoring of commercial and recreational fisheries.~~

~~2. The tasks of the at sea monitoring shall be determined by the Member States.~~

~~32.~~ The masters of ~~Community~~ ☒ Union ☒ fishing vessels shall accept on board ~~samplers operating under the at sea monitoring scheme and designated by the body in charge of the implementation of the national programme~~ ☒ scientific observers ☒ and cooperate with them in order to allow them to discharge their duties while on board ~~Community~~ ☒ Union ☒ fishing vessels ☒ , **as well as alternative data collection methods where appropriate under national work plans,** without prejudice to international obligations ☒ .

2a. The masters of Union fishing vessels may refuse to accept on board the scientific observers operating under the at-sea monitoring scheme only on the basis of an obvious lack of space on the vessel or for safety reasons in accordance with national legislation. In such cases, data shall be collected through alternative data collection methods under the national workplan and designed and controlled by the body in charge of the implementation of the national work plan.

↓ new

~~4. The masters of Community fishing vessels may refuse to accept on board the samplers operating under the at-sea monitoring scheme only on the basis of an obvious lack of space on the vessel or for safety reasons in accordance with national legislation. In such cases, data shall be collected through a self-sampling programme, carried out by the crew of the Community fishing vessel, and designed and controlled by the body in charge of the implementation of the national programme.~~

~~Article 12~~

~~Research surveys at sea~~

~~1. Member States shall carry out research surveys at sea to evaluate the abundance and distribution of stocks, independently of the data provided by commercial fisheries, and to assess the impact of the fishing activity on the environment.~~

~~2. The list of research surveys at sea eligible for the Community financial assistance shall be adopted in accordance with the procedure referred to in Article 27(2).~~

~~CHAPTER III~~

SECTION 4

DATA MANAGEMENT PROCESS

Article ~~12~~ 12

Data storage

Member States shall:

(a) ensure that primary data collected under **national**~~national programmes~~ ☒ work plans ☒ are safely stored in computerised databases and take all necessary measures to ensure that they are treated as confidential;

(b) ensure that metadata related to the primary socio-economic data collected under **national**~~national programmes~~ ☒ work plans ☒ are safely stored in computerised databases;

↓ 199/2008

(c) take all necessary technical measures to protect such data against any accidental or illicit destruction, accidental loss, deterioration, unauthorised consultation **or distribution**.

↓ 199/2008 (adapted)

Article 13

Data quality control and validation

1. Member States shall be responsible for the quality and completeness of the primary data collected under national~~national programmes~~ ☒ work plans ☒, and for the detailed and aggregated data derived therefrom which are transmitted to end-users **of scientific data**.

2. Member States shall ensure that:

(a) primary data collected under **national** ~~national programmes~~ ☒ work plans ☒ are properly checked for errors by appropriate quality control procedures;

(b) detailed and aggregated data derived from primary data collected under **national** ~~national programmes~~ ☒ work plans ☒ are validated before their transmission to end-users **of scientific data**;

(c) the quality assurance procedures applied to the primary, detailed and aggregated data referred to in (a) and (b) are developed in accordance with the procedures adopted by the international scientific bodies, regional fisheries management organisations ~~and~~ STECF ☒ and Regional Co-ordination Groups as referred to in Article 8 ☒.

CHAPTER ~~IV~~III

USE OF DATA COLLECTED IN THE FRAMEWORK OF THE ~~CFP~~ **COMMON FISHERIES POLICY**

↓ 199/2008

~~Article 15~~

Data covered

~~1. This Chapter shall apply to all data collected:~~

~~(a) under Regulations (EEC) No 2847/93, (EC) No 788/96, (EC) No 2091/98, (EC) No 104/2000, (EC) No 2347/2002, (EC) No 1954/2003, (EC) No 2244/2003, (EC) No 26/2004, (EC) No 812/2004, (EC) No 1921/2006, (EC) No 1966/2006 and (EC) No 1100/2007;~~

~~(b) under the framework of this Regulation;~~

~~(i) data on vessels' activity based on information from satellite monitoring and other monitoring systems with the required format;~~

~~(ii) data allowing the reliable estimation of the total volume of catches per stock by defined regional fishing types and fleet segments, geographical area and time period, including discards and, where appropriate, data regarding catches in recreational fisheries;~~

~~(iii) all biological data needed to assess the status of exploited stocks;~~

~~(iv) ecosystem data needed to evaluate the impact of fishing activities on the marine ecosystem;~~

~~(v) the socio-economic data from the fisheries sector.~~

~~2. Member States shall avoid any duplication in the collection of the data referred to in paragraph 1.~~

Article ~~46~~¹⁴

Access to and transmission of primary data

1. For the purpose of the verification of the existence of the primary data collected in accordance with Article ~~64~~⁶⁴(1), other than socio-economic data, Member States shall ensure that the Commission has access to the national computerised databases referred to in Article ~~1312~~¹³¹²(a).
2. For the purpose of the verification of the socio-economic data collected in accordance with Article ~~64~~⁶⁴(1), Member States shall ensure that the Commission has access to the national computerised databases referred to in Article ~~1312~~¹³¹²(b).

↓ 199/2008 (adapted)

3. Member States shall conclude agreements with the Commission to ensure effective and unhindered access for the Commission to their national computerised databases referred to in paragraph 1 and 2, without prejudice to the obligations established by other ~~Community~~
☒ Union ☒ rules.

4. Member States shall ensure that the primary data collected under the research surveys at sea are transmitted to international scientific organisations and appropriate scientific bodies within regional fisheries management organisations in accordance with the international obligations of the ~~Community~~ ☒ Union ☒ and the Member States.

↓ 199/2008

Article ~~17~~15

Processing of primary data

1. Member States shall process the primary data into data sets of detailed or aggregated data in accordance with:
 - (a) relevant international standards, wherever they exist;
 - (b) protocols agreed at international or regional level, wherever they exist.
 2. The Member State shall provide to the end-users **of scientific data** and the Commission, whenever necessary, a description of the methods applied to process the requested data and their statistical properties.
-

↓ 199/2008

~~Article 18~~

~~Submission of detailed and aggregated data~~

~~1. Member States shall make detailed and aggregated data available to end-users to support scientific analysis;~~

~~(a) as a basis for advice to fisheries management, including to Regional Advisory Councils;~~

~~(b) in the interest of public debate and stakeholder participation in policy development;~~

~~(c) for scientific publication.~~

~~2. Where necessary, to ensure anonymity Member States may refuse to provide data on vessels' activity based on information from vessel satellite monitoring to end users for the purposes referred to in paragraph 1(b).~~

~~Article 19~~

~~Transmission of detailed and aggregated data~~

~~Member States shall transmit detailed and aggregated data in a secure electronic format.~~

~~Article 20~~

~~Procedure for transmission of detailed and aggregated data~~

~~1. Member States shall ensure that relevant detailed and aggregated data to be sent on a regular basis is provided timely to the appropriate regional fisheries management organisations to which the Community is a contracting party or observer and relevant international scientific bodies in accordance with the international obligations of the Community and the Member States.~~

~~2. Where detailed and aggregated data are requested for specific scientific analysis, Member States shall ensure that the data is provided to end users:~~

~~(a) for the purpose referred to in Article 18(1)(a), within one month from the receipt of the request for these data;~~

~~(b) for the purpose referred to in Article 18(1)(b), within two months from the receipt of the request for these data.~~

~~3. Where detailed and aggregated data are requested for scientific publication referred to in Article 18(1)(c), Member States:~~

~~(a) may, in order to protect the professional interests of the data collectors, withhold data transmission to the end-users for a period of three years following the date of collection of the data. Member States shall inform the end-users and the Commission of any such decisions. In duly justified cases the Commission may authorise that period to be extended;~~

~~(b) shall in case that three years period has already expired, ensure that the data is provided to end-users within two months from the receipt of the request for these data.~~

~~4. Member States may refuse to transmit the relevant detailed and aggregated data only:~~

~~(a) if there is a risk of natural persons and/or legal entities being identified, in which case the Member State may propose alternative means to meet the needs of the end-user which ensure anonymity;~~

~~(b) in the cases referred to in Article 22(3);~~

~~(c) if the same data are already available in another form or format which is easily accessible by end-users.~~

~~5. In cases where the data requested by end-users other than appropriate regional fisheries management organisations to which the Community is contracting party or observer and relevant international scientific bodies are different from those already provided to appropriate regional fisheries management organisations to which the Community is contracting party or observer and relevant international scientific bodies, Member States may charge those end-users the actual costs of extraction and, if required, aggregation of the data before their transmission.~~

↓ new

Article 16

Procedure for ensuring availability of detailed and aggregated data

1. Member States shall set up adequate processes and electronic technologies to ensure an effective application of Article 25 of Regulation (EU) No 1380/2013 **and of this Regulation. They shall refrain from any unnecessary restrictions to the dissemination of detailed and aggregated data to end-users of scientific data and other interested parties.**

2. Member States shall ensure appropriate safeguards, in case data include information relating to identified or identifiable natural-persons or legal entities. Member States may refuse to transmit the relevant detailed and aggregated data if there is a risk of natural persons or legal entities being identified, in which case such Member State shall propose alternative means to meet the needs identified by the end-users of scientific data which ensure anonymity.

3. In case of requests made by end-users of scientific data in order to serve as a basis for advice to fisheries management, Member States shall ensure that relevant detailed and aggregated data are updated and made available to the relevant end-users of scientific data within the set deadlines , which may not be shorter than one month from the receipt of a request for those data.

3a. In case of requests made for other purposes than those referred to in paragraph 3, Member States shall ensure that the data are updated and made available within a reasonable period of time which may not be shorter than two months from the receipt of a request for those data.

3b. In cases where the data request by other end-users of scientific data than those referred to in paragraph 3 or other interested parties requires additional processing of already collected data, Member States may charge the actual costs of the additional processing of data needed before their transmission.

3c. In duly justified cases, the Commission may authorize the extension of the deadline set out in paragraph 3.

4. Where detailed data are requested for scientific publication, Member States may, in order to protect the professional interests of data collectors designated by the body in charge of the implementation of the national work plan, require that the publication of data be delayed by 3 years from the date to which the data refer. Member States shall inform the end-users of scientific data and the Commission of any such decision and of the reasons therefor.

Article 17

Compatible data storage and exchange systems

1. In view of reducing costs and facilitating access to **detailed and aggregated** data for end-users **of scientific data** and other interested parties, Member States, the Commission, scientific advisory bodies and any relevant end-users **of scientific data** shall cooperate to develop compatible data storage and exchange systems, taking into account the provisions of Directive 2007/2/EC. Those systems shall also facilitate dissemination of information to other interested parties. **Such systems may take the form of regional databases.** Regional work plans referred to in Article 8(6) may serve as a basis for agreement on such systems.
2. **The Commission shall be empowered to adopt implementing acts laying down rules on procedures, formats, codes and timetables to be used to ensure the compatibility of data storage and exchange systems, and to establish** safeguards, where appropriate, in case the data storage and exchange systems referred to in paragraph 1 include information relating to identified or identifiable natural persons.
3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24(2).

↓ 199/2008 (adapted)

Article ~~24~~18

Review of refusal to provide data

~~1.~~ If a Member State refuses to provide data under Article ~~20(3)(a)~~ ~~16~~(4) ~~16~~, the end-user **of scientific data** may request the Commission to review the refusal. If the Commission finds that the refusal is not duly justified, it may require the Member State to supply the data to the end-user **of scientific data** within one month.

~~2. If the Member State fails to provide such data within the period laid down in paragraph 1, Article 8 paragraphs 5 and 6 shall apply.~~

Article ~~22~~19

Obligations for end-users of scientific data and other interested parties

1. **The end -users of scientific data and other interested parties** shall:

(a) use the data only for the purpose stated in their ☒ information ☒ request in accordance with Article ~~18~~ ☒ 16 ☒ ;

↓ 199/2008

(b) duly acknowledge the data sources;

(c) be responsible for correct and appropriate use of the data with regard to scientific ethics;

(d) inform the Commission and the Member States concerned of any suspected problems with the data;

(e) provide the Member States concerned and the Commission with references to the results of the use of the data;

(f) not forward the requested data to third parties without consent with the Member State concerned;

(g) not sell the data to any third party.

2. The Member States shall inform the Commission of any non-compliance by **the end -users of scientific data and other interested parties**.

3. Where **the end-users of scientific data and other interested parties** fails to comply with any of the requirements set out in paragraph 1, the Commission may allow the Member State concerned to limit or refuse access to the data to that ~~end~~ ☒ data ☒ -user.

CHAPTER IV

SUPPORT FOR SCIENTIFIC ADVICE

Article ~~23~~20

Participation in meetings of international bodies

Member States shall ensure that their national experts participate in relevant meetings of regional fisheries management organisations to which the ~~Community~~ ☒ Union ☒ is contracting party or observer and international scientific bodies.

Article ~~24~~21

International Coordination and cooperation

1. Member States and the Commission shall coordinate their efforts and cooperate in order to further improve ☒ the quality, timeliness and coverage of data enabling further improvement of ☒ the reliability of scientific advice, the quality of the work programmes and the working methods of the regional fisheries management organisations to which the ~~Community~~ ☒ Union ☒ is contracting party or observer and international scientific bodies.

↓ 199/2008

2. Such coordination and cooperation shall take place without prejudice to open scientific debate and shall aim to promote impartial scientific advice.

CHAPTER ~~V~~IV

FINAL PROVISIONS

↓ 199/2008 (adapted)

~~Article 25~~

~~Implementing measures~~

~~The measures necessary for the implementation of this Regulation shall be adopted in accordance with the procedure referred to in Article 27(2).~~

Article ~~26~~22

Monitoring

1. The Commission, in association with the STECF, shall monitor the progress of the ~~national programmes~~ ☒ work plans ☒ in the Committee for Fisheries and Aquaculture established by Article ~~30~~ 47 of Regulation (EU) No ~~2371/2002~~ 1380/2013 (hereinafter referred to as the Committee).

2. Five years after the entering into force of this Regulation, the Commission shall submit to the European Parliament and the Council a report on the implementation and functioning of this Regulation.

Article ~~23~~ - deleted

Article ~~27~~24

Committee ☒ procedure ☒

1. ☒ When implementing this Regulation ☒ ~~the~~ the Commission shall be assisted by the Committee ☒ for the Fisheries and Aquaculture established by Article 47 of Regulation (EU) No 1380/2013. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 ☒.
2. Where reference is made to this paragraph, ~~Articles 4 and 7 of Decision 1999/468/EC~~ ☒ Article 5 of Regulation (EU) No 182/2011 ☒ shall apply.
- ~~3. The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.~~

Article ~~28~~25

Repeal

1. Regulation (EC) No ~~1543/2000~~ ☒ 199/2008 ☒ is hereby repealed with effect from ~~1 January 2009~~ ☒ [.....] ☒ However, the repealed provisions shall remain applicable for national programmes approved before ☒ the entry into force of this Regulation ☒ . ~~31 December 2008~~.

2. Reference to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table set out in the Annex hereto.

Article ~~29~~26

Entry into force

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,

For the European Parliament

For the Council

The President

The President
