EUROPEAN
COMMISSION

Brussels, 24.3.2023
COM(2023) 163 final

REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the exercise of the power to adopt delegated acts conferred on the Commission under Regulation (EC) No 216/2009 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic, Regulation (EC) No 217/2009 on the submission of catch and activity statistics by Member States fishing in the north-west Atlantic and Regulation (EC) No 218/2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic

1. BACKGROUND

Regulation (EC) No 216/2009 of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic[1], Regulation (EC) No 217/2009 of 11 March 2009 on the submission of catch and activity statistics by Member States fishing in the north-west Atlantic[2] and Regulation (EC) No 218/2009 of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic[3] were modified by Regulation (EU) No 1350/2013 of 11 December 2013 amending certain legislative acts in the field of agricultural and fishery statistics[4] to align implementing powers with the Treaty on the Functioning of the European Union.

The Commission is authorised to adopt delegated acts to take account of economic and technical developments. Such delegated acts may amend:

- the lists of statistical fishing areas or their subdivisions set out in Annexes I, II and III of Regulation (EC) No 216/2009, and in Annexes II and III of Regulations (EC) No 217/2009 and (EC) No 218/2009;
- the list of species set out in Annex IV of Regulation (EC) No 216/2009 and in Annex I of Regulations (EC) No 217/2009 and (EC) No 218/2009, and
- the measures, codes and definitions applied to fishing activity, fishing gear, vessel sizes and fishing methods set out in Annex IV of Regulation (EC) No 217/2009.

Under Article 5 of Regulations (EC) No 216/2009 and (EC) No 218/2009, and Article 6 of Regulation (EC) No 217/2009, the Commission has the power to adopt such delegated acts for a period of 5 years, from 10 January 2014. This power was tacitly renewed until 10 January 2024 in 2019[5].

The power is to be tacitly extended by periods of 5 years unless the European Parliament or the Council object.

The Commission is obliged to draw up a report on the delegation of power no later than 9 months before the end of the 5-year period. This report fulfils that obligation.

2. COMMISSION EXERCISE OF DELEGATED POWERS UNDER REGULATION (EC) NO 216/2009, (EC) NO 217/2009 AND (EC) NO 218/2009

The Commission has not yet exercised the power to adopt delegated acts conferred on it by Regulations (EC) No 216/2009, 217/2009 and 218/2009.

The Commission evaluated the European fisheries statistics[6] in 2019[7] and carried out an impact assessment in 2021. In light of the impact assessment, the results of the consultation activities, and discussions with stakeholders, the preferred option is a new streamlined legal

1 OJ L 87, 31.3.2009, p. 1
2 OJ L 87, 31.3.2009, p. 42
3 OJ L 87, 31.3.2009, p. 70
4 OJ L 351, 21.12.2013, p.1
5 COM(2018) 16 final
6 European Fisheries statistics cover catch, landing and aquaculture statistics.
7 SWD(2019) 425 final.

framework for European fishery statistics covering catches, landings, fishing fleet and aquaculture statistics.

3. CONCLUSIONS

The Commission has not yet exercised the power to adopt delegated acts conferred on it by Regulation (EC) No 216/2009, Regulation (EC) No 217/2009 and Regulation (EC) No 218/2009.

The Commission considers that it should continue to have these delegated powers, as it may need to adopt a delegated act to modify Annexes I-IV to the above-mentioned Regulations to meet the needs of data users in light of the future common fisheries policy.