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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 788/96

of 22 April 1996

on the submission by Member States of statistics on aquaculture production

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 [1],

Whereas aquaculture is a rapidly developing sector of the fishing industry with a potential for supplementing the limited supplies from traditional fisheries;

Whereas the production from aquaculture has to be monitored and, where necessary, controlled so as to ensure satisfactory marketing conditions;

Whereas the impact of aquaculture on regional development and on the environment results in an increasing demand for statistics to monitor the development of this sector;

Whereas the implementation of the Community's structural policy for fisheries also requires statistics on production in the aquacultural sector;

Whereas the objectives of the proposed action can be achieved only on the basis of a Community legal act which will permit the Commission to coordinate the necessary harmonization of the statistical information at Community level while the collection of aquaculture production statistics and the necessary infrastructure to increase 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 on aquaculture production, developed by using existing national statistics compiled to meet current national and international obligations, requires particularly close cooperation between the Commission and the Member States, in particular within the Standing Committee on Agricultural Statistics set up in Decision 72/279/EEC [2],

HAS ADOPTED THIS REGULATION:

Article 1

General provisions

Each Member State shall submit annually to the Commission statistics on aquaculture production in all waters of that Member State.

Article 2

Submission of data

Member States shall forward to the Commission the data referred to in Article 1, in the form described in Annex I within nine months of the end of the calendar year to which they refer, together with data declared confidential by the Member States pursuant to domestic legislation or practice concerning statistical confidentiality, in accordance with 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 [3].

The data may be submitted on magnetic medium or in a form other than that described in Annex I, the format of such submissions being agreed between the Member State and the Commission (Eurostat).

Subject to the measures which are necessary to ensure statistical confidentiality, the Commission (Eurostat) shall make available to Member States the data submitted pursuant to this Regulation.

[1] Opinion delivered on 27 March 1996 (not yet published in the Official Journal).

[2] OJ No L 179, 7. 8. 1972, p. 1.
[3] OJ No L 151, 15. 6. 1990, p. 1.

Article 3

Definitions

The definitions to be used in submission of the data are shown in Annex II. Where national practices or administrative procedures do not permit the strict application of these definitions, the Member State concerned shall inform the Commission (Eurostat) of the definitions in use.

Article 4

Data compilation

A Member State may use sample surveys or other relevant sources to produce data on the major components of the aquaculture production; the remaining components may be estimated.

A Member State having a total annual production of less than 1 000 tonnes may submit estimates for the total production.

A Member State shall individually identify the species listed in Annex III. However, the production of species which, individually, do not exceed 1 000 tonnes and do not represent more than 10 % by weight of the total production may be estimated and aggregated.

Article 5

Transitional period and derogations

1. If a Member State is unable to meet the requirements of this Regulation, the Commission may fix a transitional period up to a maximum of three years from the date of entry into force of this Regulation, during which full implementation of the Regulation is to be completed.

During this transitional period, temporary derogations exempting a Member State from the application of this Regulation may be granted. The Commission shall inform all Member States of the details of such derogations.

2. In cases where the inclusion of a particular sector of the aquaculture industry would cause difficulties to the national authorities incommensurate with the importance of the sector in the Member State concerned, a derogation may be granted, in accordance with the procedure laid down in Article 7, permitting that Member State to exclude data for that sector from the national data submitted.

3. The derogations granted pursuant to paragraph 2 shall be for a maximum of three years; however, they may be extended by further three-year periods. In submitting a request for an extension, a Member State shall forward to the Commission the results of a sample survey showing the problems encountered in the application of this Regulation. The request shall then be subject to the procedure laid down in Article 7.

Article 6

Committee

The arrangements for implementing this Regulation, including the amendments to the format of data transmissions in Annex I, the definitions in Annex II and the list of species in Annex III, will be laid down by the Commission following consultation of the Standing Committee on Agricultural Statistics in accordance with the procedure specified in Article 7.

Article 7

Procedure

1. Where the procedure laid down in this Article is to be followed, the chairman shall refer the matter to the Standing Committee on 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. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Commitee, they shall be communicated by the Commission to the Council forthwith. In that event:

— the Commission shall defer application of the measures which it has decided for a period of two months from the date of communication;

— the Council, acting by a qualified majority, may take a different decision within the time limit referred to in the first indent.

Article 8

Final provisions

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

It shall apply with effect from 1 January 1996.

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

Done at Brussels, 22 April 1996.

For the Council

The President

W. LUCHETTI

ANNEX I

Quantity of fish, crustaceans, molluscs and seaweed produced by aquaculture

(tonnes live weight)

Species (1)	Fresh water (2)	Other waters			Total (2)
		Brackish water (3)	Sea water (3)	Total (2)	
Fish					
Crustaceans					
Molluscs					
Seaweed (4)					

(1) Subject to the provisions of Article 4, the species are to be individually identified. Annex III contains an indicative list of species subject to aquaculture.

(2) Obligatory submission of data.

(3) Optional submission of data.

(4) Wet weight equivalent.

ANNEX II

Definitions

For the purposes of this Regulation:

— 'Aquaculture' means the farming of aquatic organisms including fish, molluscs, crustaceans and aquatic plants. Farming implies some form of intervention in the rearing process to enhance production, such as regular stocking, feeding and protection from predators. Farming also implies individual or corporate ownership of, or rights resulting from contractual arrangements to, the stock being cultivated. For statistical purposes, aquatic organisms which are harvested by an individual or corporate body which has owned them throughout their rearing period contribute to aquaculture, while aquatic organisms which are exploited by the public as a common property resource, with or without appropriate licences, are the harvest of fisheries.

— 'Freshwater' means the waters of rivers, streams, lakes, ponds and tanks and other enclosures where the water has a constantly negligible salinity.

— 'Other waters' means waters where the salinity is not negligible throughout the year. The salinity may be constantly high (for example, sea water) or may be subject to periodic variation (for example, due to tidal or seasonal influences).

— 'Sea water' means water where the salinity is high and not subject to significant variation.

— 'Brackish water' means water where the salinity is appreciable but not at a constant high level. The salinity may be subject to considerable variation due to the influx of fresh or sea waters.

— 'Aquaculture production' means the output for final consumption, involving extensive or intensive culture techniques, and includes the production of aquatic plants for industrial purposes. Hatchery output or products which will continue to be subject to aquaculture practices are excluded. Production is to be recorded in tonnes live weight equivalent for animal products and in wet weight for aquatic plants.

ANNEX III

Aquaculture products for which production statistics must be communicated

English name	French name	Scientific name	3-alpha code
FISH			
Grass carp (White amur)	Carpe herbivore	*Ctenopharyngodon idella*	FCG
Common carp	Carpe commune	*Cyprinus carpio*	FCP
Northern pike	Grand brochet	*Esox lucius*	FPI
Bighead carp	Carpe à grosse tête	*Hypophthalmichthyes nobilis*	BIC
Silver carp	Carpe argentée	*Hypophthalmichthys molitrix*	SVC
Freshwater fishes n.e.i.	Poissons d'eau douce n.c.a.	*Osteichthyes*	FRF
Roaches	Gardons	*Rutilus spp.*	FRX
Tench	Tanche	*Tinca tinca*	FTE
Tilapias n.e.i.	Tilapias n.c.a.	*Oreochromis spp.*	TLP
North African catfish	Poissons-chats d'Afrique	*Clarius gariepinus*	CLZ
Black bullhead	Poisson-chat d'Amérique	*Ictalurus melas*	ITM
Wels (Som) catfish	Silure glane	*Siluris glanis*	SOM
Sturgeons n.e.i.	Esturgeons n.c.a.	*Acipenseridae*	STU
European eel	Anguille d'Europe	*Anguilla anguilla*	ELE
Whitefishes n.e.i.	Corégones n.c.a.	*Coregonus n.e.i.*	WHF
Coho (= Silver salmon)	Saumon coho	*Oncorhynchus kisutch*	COH
Rainbow trout	Truite arc-en-ciel	*Oncorhynchus mykiss*	TRR
Pacific salmons n.e.i.	Saumons du Pacifique n.c.a.	*Oncorhynchus spp.*	ORC
Atlantic salmon	Saumon de l'Atlantique	*Salmo salar*	SAL
Trouts n.e.i.	Truites n.c.a.	*Salmo spp.*	TRO
Sea trout	Truite de mer	*Salmo trutta*	TRS
Arctic char	Omble chevalier	*Salvelinus alpinus*	ACH
Brook trout	Omble de fontaine	*Salvelinus fontinalis*	SVF
Chars n.e.i.	Ombles n.c.a.	*Salvelinus spp.*	CHR
Turbot	Turbot commun	*Psetta maxima*	TUR
Common sole	Sole commune	*Solea vulgaris*	SOL
Atlantic cod	Cabillaud	*Gadus morhua*	COD
Seabass	Bar	*Dicentrarchus labrax*	BSS
Porgies, seabreams n.e.i.	Dorades n.c.a.	*Sparidae*	SBX
Gilthead seabream	Dorade royale	*Sparus auratus*	SBG
Flathead grey mullet	Mulet cabot	*Mugil cephalus*	MUF
Mullets n.e.i.	Muges n.c.a.	*Mugilidae*	MUL
Greater amberjack	Sériole	*Seriola dumerili*	AMB
Northern bluefin tuna	Thon rouge	*Thunnus thynnus*	BFT
CRUSTACEANS			
Crayfishes	Ecrevisses	*Astacus spp., Cambarus spp*	AYS
Giant river prawn	Crevette géante	*Macrobrachium rosenbergii*	PRF
Kuruma prawn	Crevette kuruma	*Penaeus japonicus*	KUP
Red swamp crawfish	Écrevisse rouge des marais	*Procambarus clarkii*	RCW
Spinous spider crab	Araignée de mer	*Maja squinado*	SCR
Palinurid spiny lobsters n.e.i.	Langoustes n.c.a.	*Palinurus spp.*	CRW
Common prawn	Bouquet commun	*Palaemon serratus*	CPR
Giant tiger prawn	Crevette géante tigrée	*Penaeus monodon*	GIT
Signal crayfish	...	*Pacifastacus leninsculus*	PCL
MOLLUSCS			
Pacific cupped oyster	Huître creuse japonaise	*Crassostrea gigas*	OYG
Cupped oyster	Huîtres creuses	*Crassostrea spp.*	OYC
European flat oyster	Huître plate	*Ostrea edulis*	OYF
Blue mussel	Moule commune	*Mytilus edulis*	MUS
Mediterranean mussel	Moule méditerranéenne	*Mytilus galloprovincialis*	MSM
Queen scallop	Vanneau	*Chlamys opercularis*	QSC

English name	French name	Scientific name	3-alpha code
Common scallop	Coquille Saint-Jacques	*Pecten maximus*	SCE
Common cockle	Coque	*Cardium edule*	COC
Grooved carpet shell	Palourde	*Ruditapes decussatus*	CTG
Japanese (Manilla) clam	Palourde japonaise	*Ruditapes philippinarum*	CLJ
Carpet shells n.e.i.	Clovisses n.c.a.	*Tapes spp.*	TPS
Venus clams	Praires	*Veneridae*	CLV
Common cuttlefish	Seiche	*Sepia officinalis*	CTC
Hard clam	Praire	*Mercenaria mercenaria*	CLH
SEAWEED			
Wakame n.e.i.	Wakame n.c.a.	*Undaria spp.*	UDS

n.c.a. = non compris ailleurs
n.e.i. = not elsewhere indicated.