



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

ATLANTIC, OUTERMOST REGIONS AND ARCTIC

**STRUCTURAL ACTIONS: IRELAND, SPAIN, FRANCE, PORTUGAL AND UNITED KINGDOM;
HORIZONTAL MANAGEMENT OF DATA COLLECTION**

Brussels, 27.04.2010 D 04789
MARE C3/VV/HR D(2010)

To the members of the STECF plenary

**Subject: Access to data on fisheries collected by Member States under the
Data Collection Framework**

Dear Madam, Dear Sir,

In the light of recurrent questions on the possible use of data collected under the umbrella of the EU Data Collection Framework (DCF) it seems appropriate to inform you about the rules governing access to these data.

According to Articles 18 of Council Regulation (EC) No 199/2008 of 25 February 2008, Member States (MS) shall make detailed and aggregated data available to end-users to support scientific analysis in three different cases:

- 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 and
- c) for scientific publication.

According to Article 20 of that regulation, Member States have the right to withhold data for scientific publication for a period of three years following the date of collection of the data. In such case the Member State has to inform the end-users and the Commission. Member States may also refuse to provide data on vessels' activity based on information from vessel satellite monitoring to end-users under b) to ensure anonymity.

Bearing in mind that the implementation of the new DCF started in 2009 with the multi-annual national programmes for data collection 2009/2010, the first set of data for which these provisions apply are the data collected in 2009.

In the case of end users requesting DCF data for scientific publication or in the interest of public debate and stakeholder participation in policy development, these end users have to contact the Member States directly. The MS may authorize the Joint Research Centre (JRC) to transfer the requested data which have already been made available to the JRC or it may transfer the data directly. In no case should end users contact the Commission or the JRC to request data collected under the DCF.

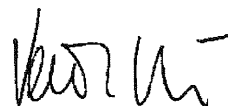
I wish also to draw your attention to the obligations that end-users have to respect according to Article 22 of Council Regulation (EC) No 199/2008 as listed in the annex.

The use of aggregated data already published in STECF reports is possible without asking for authorization as these reports are considered being public. Even though, end users should in any case always quote the origin of the data employed in any publication using DCF data.

I hope that these explanations are clarifying the rules in place. If any further questions arise please contact the data collection team at DG MARE by writing an email to the following functional mailbox:

MARE-DATACOLLECTIONFRAMEWORK@ec.europa.eu

Yours sincerely,



Veronika Veits
Head of Unit

Encl: Article 22 of Council Regulation (EC) No 199/2008

c.c.: Messrs. E. Penas Lado, J.C. Cueff, P. Daniel, A. Cervantes,
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ANNEX: Article 22 of Council Regulation (EC) No 199/2008 – Obligations for end users

Article 22

Obligations for end-users

1. The end-users of data shall:

- (a) use the data only for the purpose stated in their request in accordance with Article 18;
- (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 end-users.

3. Where an end-user 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-user.