



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 6 May 2014  
(OR. en)**

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**"I/A" ITEM NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: Proposal for a Regulation of the European Parliament and of the Council on the European Maritime and Fisheries Fund [repealing Council Regulation (EC) No 1198/2006 and Council Regulation (EC) No 861/2006 and Council Regulation No XXX/2011 on integrated maritime policy] **(first reading)**  
- Adoption of the legislative act (LA + S)  
= Statements

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**STATEMENTS BY THE COMMISSION**

**1. REFERENCE TO ARTICLE 349 TFEU IN THE EMFF LEGAL BASIS**

The object and purpose of the Commission's proposal is the establishment of the European Maritime and Fisheries Fund as the main financing instrument for the implementation of the reformed Common Fisheries Policy and thus the attainment of the objectives laid down in Article 39(1) of the Treaty on the Functioning of the European Union (TFEU). The Commission's proposal does not aim at introducing any derogation from obligations and/or prohibitions foreseen in the TFEU. For this reason, the Commission considers Article 43(2) TFEU as proposed to be the only correct legal basis in the given context and cannot concur with the addition of Article 349 TFEU as a second legal basis.

## **2. VERIFICATION OF GENERAL EX-ANTE CONDITIONALITIES AT THE LEVEL OF THE PARTNERSHIP AGREEMENTS**

In accordance with Article 15.1.b.(iii) and Article 19 as well as Part II of Annex XI of the CPR, the fulfilment of general ex-ante conditionalities at national level shall be assessed at the level of the Partnership Agreement, and for those which, pursuant to the assessment, are not fulfilled at the date of submission of the Partnership Agreement, an action plan shall be established with the actions to be taken, the responsible bodies and the timetable for their implementation. In the case of non-fulfilment of the general ex ante conditionalities, the required action plans will already be drawn up by the competent authorities in Member States as part of the establishment of the Partnership Agreements. General ex-ante conditionalities do thus not require further detailed elaboration within the context of the operational programme co-financed by the EMFF, apart from the inclusion of the parts related to the general ex-ante conditionalities established in the Partnership Agreements.

## **3. PUBLICATION OF THE NAME OF NATURAL BENEFICIARIES WHEN IN LINE WITH THE LEGISLATION OF A MS**

The Commission will pay particular attention to the accessibility and transparency of information on how Union funding is spent in the framework of the EMFF. In this context, the Commission will:

- closely monitor how Member States implement the obligation to create a user friendly website or website portal providing information on their EMFF operational programmes, including the list of operations supported and the names of beneficiaries;
- ensure that these dedicated websites are accessible from a single official Union website to facilitate public access to information from all Member States;

- in {2019}, assess to which extent Member States have complied with their obligations concerning the publication of beneficiaries and to what extent the provisions concerning the publication of beneficiaries have contributed to strengthening the accessibility and transparency of information on the EMFF;
- transmit to the European Parliament and the Council the results of this assessment;
- depending on the outcome of this assessment, consider proposing amendments to the EMFF in order to further improve the accessibility and transparency of information on the EMFF.

### **Statement from Germany on the designation of authorities**

Germany will indicate in its operational programme how it will apply the content of Article 20 (1) litra l) (i) in conjunction with Article 123 of regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 in accordance with its constitutional system. The European Commission confirms this understanding"

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