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## NOTE

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From:	Presidency
To:	Council
Subject:	Proposal for a Regulation of the European Parliament and of the Council on the European Maritime and Fisheries Fund and repealing Regulation (EU) No 508/2014 of the European Parliament and of the Council (EMFF) - Partial General Approach

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## I. INTRODUCTION

1. On 12 June 2018, the Commission submitted the above proposal to the European Parliament and to the Council. This proposal was presented to the Agriculture and Fisheries Council on 18 June 2018.
2. The EMFF proposal must be seen in the context of the Commission's proposal for the multiannual financial framework for 2021-2027 (MFF)<sup>1</sup> and of the Commission's proposal laying down common provisions on the horizontal funds<sup>2</sup>(CPR).

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<sup>1</sup> Proposal of the Commission for the Multiannual Financial Framework 2021-2027 (COM(2018) 321 final); (COM(2018) 322 final); (COM(2018) 323 final); (COM(2018) 324 final).

<sup>2</sup> Proposal for a Regulation of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, and the European Maritime and Fisheries Fund and financial rules for those and for the Asylum and Migration Fund, the Internal Security Fund and the Border Management and Visa Instrument, COM/2018/375 final - 2018/0196 (COD).

3. The EMFF aims to target funding from the Union budget to support the Common Fisheries Policy (CFP), the Union's integrated maritime policy, and the EU's international commitments in the field of ocean governance. According to the MFF Communication, the new EMFF, like the current one, will continue to constitute an important instrument to support the implementation of the objectives of the CFP; notably, a sustainable EU fisheries sector and support to coastal communities dependent on fisheries activities. It will also continue to be a valuable tool in promoting the blue economy in fisheries and aquaculture, thus supporting growth and the creation of jobs while safeguarding the marine environment.
4. The European Economic and Social Committee and the Committee of the Regions delivered their opinions on 12 December 2018 and 16 May 2018 respectively.
5. The European Parliament adopted its position at first reading on 4 April 2019<sup>3</sup>.
6. The Working Party on Internal Fisheries Policy examined the proposal at its meetings between 27 June 2018 and 11 April 2019. On 11 April 2019, at the request of a majority of delegations, the Presidency clarified the structure of the Fund in the compromise text, by replacing the reference to 'areas of support' with 'specific objectives' linked with the achievement of the CFP objectives.
7. On the basis of these discussions, the Presidency presented a compromise<sup>4</sup> to the Working Party that was discussed at the meetings on 6 May, 10 May and 16 May. On the basis of these discussions, the Presidency presented a revised compromise<sup>5</sup> on 23 May. Most provisions of the revised compromise were widely supported by delegations, with some points remaining open.
8. On 29 May 2019, the Presidency received COREPER's guidance on the main outstanding issues. On the basis of this guidance, the Presidency prepared the compromise text which was given broad support at the Working Party on 6 June 2019<sup>6</sup>.

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<sup>3</sup> Report on the proposal for a regulation of the European Parliament and of the Council on the European Maritime and Fisheries Fund and repealing Regulation (EU) No 508/2014 of the European Parliament and of the Council, PE 625.439v03-00, A8-0176/2019.

<sup>4</sup> WK 5543/2019.

<sup>5</sup> WK 6253/2019.

<sup>6</sup> WK 6669/2019.

9. On 12 June 2019, a revised compromise text<sup>7</sup>, taking into account the discussions in the Working Party, was presented to COREPER and received support from a large number of delegations.
10. DK entered a parliamentary scrutiny reservation.
11. UK lifted its scrutiny reservation.

## **II. THE PRESIDENCY COMPROMISE FOR A PARTIAL GENERAL APPROACH**

12. The Presidency compromise leaves aside all aspects related to the MFF [bracketed provisions] and CPR (Articles 54, 55 and 56). In addition, further adjustments will be required to align the EMFF text to the MFF and CPR Regulations, once adopted. No in-depth discussions have taken place in relation to recitals, delegated acts (Article 52) or results indicators (Articles 37, 48 and Annex I). These provisions should be examined at a later stage.
13. The Presidency compromise has been drawn up on the basis of the discussions in the Working Party, the guidance received from COREPER on 29 May 2019, as well as numerous written comments by delegations.
14. The Presidency compromise has kept the main focus areas in the Commission's proposal and built on them, in particular the support for small scale fleets, generational renewal, and the development of local communities. At the request of Member States, more visibility and flexibility has been included for aquaculture. In addition, as in the Commission proposal, the Presidency has also focus on simplification and alignment with the CPR, in order to offer Member States' administrations greater flexibility in the implementation phase and the possibility to adapt the programme to national specificities.

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<sup>7</sup> ST 9867/2019 ADD1.

15. The Presidency considers that the compromise that has received the support of COREPER on 12 June 2019 constitutes a good balance between the positions of delegations and a good basis for future discussions with the European Parliament. The Presidency devoted much effort to the compromise text and considers that the compromise text is a very good basis to allow the forthcoming Presidency to enter negotiations with the European Parliament.

16. The main topics of the Presidency compromise concern the following points:

a) Ineligible operations (Article 13(a), (b), (d) and (l), and Articles 16, 16 new, 17 and 18):

*i. Operations increasing the capacity of a fishing vessel or its ability to find fish (Article 13(a)):*

As in the Commission proposal, the compromise provides that the operations increasing the capacity of a fishing vessel or its ability to find fish are not eligible operations for EMFF support. However, at the request of several delegations and after confirmation by COREPER on 29 May and on 12 June 2019, the compromise text includes a derogation to this provision. This derogation is limited to operations related to investments in on-board safety, labour conditions and energy efficiency, and is accompanied by very restrictive conditions:

- the segment of the corresponding fleet must be in balance;
- any increase in capacity arising from these operations must be compensated for by a prior withdrawal of capacity of at least the same amount; and
- the national ceiling for fishing capacity assigned to each Member State must be respected.

A similar approach is adopted in the first reading position of the European Parliament.

The Presidency considers that the compromise text represents a fair balance between the Members States' positions, while supporting the CFP environmental and socio-economic objectives and without jeopardising the EU's commitments in international fora.

ii. *Construction and acquisition or importation of fishing vessels (Articles 13(b) and 16) and on replacement or modernisation of engines (Articles 13(l) and 16 new):*

As in the Commission proposal, the Presidency compromise provides that the construction and acquisition of fishing vessels or the importation of fishing vessels, as well as the replacement or modernisation of engines are not eligible operations for EMFF support (Article 13(b) and (l)), with some derogations.

In its proposal, the Commission limited the derogations only to small-scale fishing vessels. Nevertheless, during the examination of the proposal by the Working Party, a large majority of delegations considered that the derogations should be extended beyond the small-scale coastal fleets. To take this large majority into account, the Presidency compromise extends the derogations to vessels up to 24 meters. On 29 May and 12 June 2019, COREPER confirmed this approach.

- First acquisition of a fishing vessel

The derogation in Article 16 new for the first acquisition of a fishing vessel provides for very strict conditions, taking into account the Commission proposal's underlying objective of supporting generation renewal. The Presidency considers that this compromise represents a very good balance between the views of the Member States.

In its first reading position, as regards the first acquisition of a fishing vessel, the European Parliament provided for facilitation of access to credit, insurance and financial instruments to all vessels, independently of their length.

- Replacement or modernisation of engines

The Presidency compromise maintains the condition provided for in the Commission proposal, i.e. the new/modernised engine should not have more power in kW, but includes an additional condition for vessels between 12 and 24 meters: the new/modernised engine should emit at least 15% less CO<sub>2</sub> than the current engine. On 29 May and 12 June 2019, COREPER confirmed this approach. Moreover, regarding the method to be used for measuring the reduction of CO<sub>2</sub> emissions, COREPER supported the way forward proposed by the Presidency, i.e. empowering the Commission to adopt an implementing act to establish this method to calculate the reduction of CO<sub>2</sub> emissions in order to ensure a level playing field in the implementation of such a condition.

The Presidency compromise reflects the wish of a large majority of Member States to extend support beyond the small-scale fleet, without a compulsory reduction of the power in kW, in line with the current EMFF.

*iii. Temporary or permanent cessation of fishing activities (Articles 13(d), 17 and 18)*

As in the Commission proposal, the Presidency compromise provides that temporary or permanent cessation of fishing activities are not eligible operations for EMFF support, with some derogations.

These derogations reflect the request of a large majority of delegations to maintain the status quo of the current EMFF Regulation on this point. The European Parliament adopted a similar position on this point.

b) Aid intensity rate for first acquisition of fishing vessels (row 1 of Annex III)

The Commission proposed to deviate from the general rule of 50% for the maximum aid intensity rate and to establish a maximum aid intensity rate of 30% for investments for both the first acquisition of a fishing vessel and engine replacement or modernisation.

During the examination by the Working Party, a significant number of delegations asked for the aid intensity rate to be maintained at 50%. On 29 May 2019, the Presidency received guidance from COREPER to maintain the aid intensity rate for these investments at 50%. Nevertheless, as some delegations insisted in having a lower rate during the discussions in the Working Party on 6 June and in COREPER on 12 June 2019, the Presidency, in a spirit of compromise, proposes an aid intensity rate of 40%.

c) Ring-fencing for control and data collection (Article 6(4))

As in the Commission proposal, the Presidency compromise provides for at least 15% of the Union financial support allocated per Member State to be granted for control and data collection. This would allow the number of stocks for which scientific advice is available to be increased and scientific knowledge on the marine environment to be improved, in accordance with the CFP objectives. Some delegations would like to ring-fence a larger proportion, up to 25%, while other delegations asked to decrease the amount to 3% or even remove it altogether.

By retaining the Commission proposal on this point, the Presidency believes that the text constitutes a balanced compromise between the different positions of delegations and provides for flexibility on all the requirements expressed by the delegations.

### **III. CONCLUSIONS**

17. Council is invited to agree on the partial General Approach on the EMFF, as set out in 10297/2019 PECHÉ 290 CADREFIN 281 CODEC 1232.

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Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the European Maritime, ~~and Fisheries~~ and Aquaculture Fund and repealing Regulation (EU) No 508/2014 of the European Parliament and of the Council**

**TITLE I: GENERAL FRAMEWORK**

**CHAPTER I**

**General provisions**

*Article 1*

*Subject-matter*

This Regulation establishes the European Maritime ~~and~~, Fisheries and Aquaculture Fund (EMFAF). It lays down the priorities of the EMFAF, the budget for the period 2021-2027, ~~the forms of Union funding~~ and the specific rules for providing ~~such~~ Union funding, complementing the general rules applying to the EMFAF under Regulation (EU) No [Regulation laying down Common Provisions].

*Article 2*

*Geographical scope*

~~This Regulation shall apply to operations carried out in the territory of the Union, unless otherwise provided for in this Regulation.~~



### Article 3

#### Definitions

1. For the purpose of this Regulation and without prejudice to paragraph 2, the definitions referred to in Article 4 of Regulation (EU) No 1380/2013, Article 5 of Regulation (EU) No 1379/2013, Article 4 of Regulation (EC) No 1224/2009, **Article 2 of Regulation (EU) No [Regulation establishing the InvestEU Programme]** and Article 2 of Regulation (EU) No [Regulation laying down Common Provisions] shall apply.
2. For the purpose of this Regulation, the following definitions apply:
  - (1) ~~'blending operation' means actions supported by the Union budget, including within blending facilities pursuant to Article 2(6) of Regulation (EU) No [Regulation on the financial rules applicable to the general budget of the Union], combining non-repayable forms of support and/or financial instruments from the Union budget with repayable forms of support from development or other public finance institutions, as well as from commercial finance institutions and investors;~~
  - (2) 'Common Information Sharing Environment' (CISE) means an environment of systems developed to support the exchange of information between authorities involved in maritime surveillance, across sectors and borders, in order to improve their awareness of activities at sea;
  - (3) 'coastguard' means national authorities performing coastguard functions, which encompass maritime safety, maritime security, maritime customs, prevention and suppression of trafficking and smuggling, connected maritime law enforcement, maritime border control, maritime surveillance, protection of the marine environment, search and rescue, accident and disaster response, fisheries control and other activities related to those functions;
  - (4) 'European marine observation and data network' (EMODnet) means a partnership assembling marine data and metadata in order to make these fragmented resources more available and usable by public and private users by offering quality-assured, interoperable and harmonised marine data;
  - (5) 'exploratory fishing' means **any fishing operation for stocks, carried out for commercial purposes in a given area with a view to assessing the profitability and biological sustainability of regular, long-term exploitation of the fishery resources in that area for stocks** that have not been subject to **fishing commercial fishing** ~~or have not been subject to fishing by a particular gear type or technique in the previous ten years;~~

- (6) 'fisher' means any ~~natural~~-person engaging in commercial fishing activities, as recognised by the relevant Member State;
- (7) 'inland fishing' means fishing activities carried out for commercial purposes in inland waters by vessels or other devices, including those used for ice fishing;
- (8) 'international ocean governance' means a Union initiative to improve the overarching framework encompassing international and regional processes, agreements, arrangements, rules and institutions through a coherent cross-sectoral and rules-based approach to ensure that oceans are healthy, safe, secure, clean and sustainably managed;
- (9) 'maritime policy' means the Union policy that aims to foster integrated and coherent decision-making to maximise the sustainable development, economic growth and social cohesion of the Union, notably of the coastal and insular areas and of the outermost regions, and of the sustainable blue economy sectors, through coherent maritime-related policies and relevant international cooperation;
- (10) 'maritime security and surveillance' means the activities to understand, prevent wherever applicable and manage in a comprehensive way all the events and actions related to the maritime domain which would impact the areas of maritime safety and security, law enforcement, defence, border control, protection of the marine environment, fisheries control, trade and economic interest of the Union;
- (11) 'maritime spatial planning' means a process by which the relevant Member State's authorities analyse and organise human activities in marine areas to achieve ecological, economic and social objectives;
- (11 new) 'public body' means the State, regional or local authorities, bodies governed by public law or associations formed by one or more such authorities or one or more such bodies governed by public law;**
- ~~(12) 'productive aquaculture investments' means investments in the construction, extension, modernisation or in the equipment of facilities for aquaculture production;~~
- (13) 'sea basin strategy' means an integrated framework to address common marine and maritime challenges faced by Member States, and where appropriate third countries, in a sea basin or in one or more sub-sea basins, and promote cooperation and coordination in order to achieve economic, social and territorial cohesion; it is developed by the Commission in cooperation with the countries concerned, their regions and other stakeholders as appropriate;

- (14) ‘small-scale coastal fishing’ means fishing carried out by fishing vessels of an overall length of less than 12 metres and not using towed gear as listed in Article 2(1) of Council Regulation (EC) No 1967/2006<sup>8</sup>;
- (15) ‘sustainable blue economy’ means all sectoral and cross-sectoral economic activities throughout the single market related to oceans, seas, coasts and inland waters, covering the Union's outermost regions and landlocked countries, including emerging sectors and non-market goods and services and being consistent with Union environmental legislation.

#### *Article 4*

#### *Priorities*

The EMFAF shall contribute to the implementation of the CFP and of the maritime policy. It shall pursue the following priorities:

- 1) Fostering sustainable fisheries and the conservation of ~~marine~~-**aquatic** biological resources;
- 2) **Fostering Contributing to food security in the Union through competitive and sustainable aquaculture activities and processing and marketing of fisheries and aquaculture products;**
- 3) Enabling the growth of a sustainable blue economy and fostering ~~prosperous~~ **the development of fishing and aquaculture coastal** communities **in coastal and inland areas;**
- 4) Strengthening international ocean governance and enabling safe, secure, clean and sustainably managed seas and oceans.

Support under the EMFAF shall contribute to the achievement of the environmental and climate change mitigation and adaptation objectives of the Union. That contribution shall be tracked in accordance with the methodology set out in Annex IV.

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<sup>8</sup> Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409, 30.12.2006, p. 11).

## CHAPTER II

### Financial framework

#### *Article 5*

##### *Budget*

1. The financial envelope for the implementation of the EMFAF for the period 2021-2027 shall be [EUR 6 140 000 000] in [current prices].
2. The part of the financial envelope allocated to the EMFAF under Title II shall be implemented in shared management in accordance with Regulation (EU) No [Regulation laying down Common Provisions] and Article 63 of Regulation (EU) No [Regulation on the financial rules applicable to the general budget of the Union].
3. The part of the financial envelope allocated to the EMFAF under Title III shall be implemented either directly by the Commission in accordance with Article 62(1)(a) of Regulation (EU) No [Regulation on the financial rules applicable to the general budget of the Union] or within the framework of indirect management in accordance with Article 62(1)(c) of that Regulation.

#### *Article 6*

##### *Budgetary resources under shared management*

1. The part of the financial envelope under shared management as specified in Title II shall be [EUR 5 311 000 000] in [current prices] in accordance with the annual breakdown set out in [Annex V].

2. For operations located in the outermost regions, each Member State concerned shall allocate, within its Union financial support set out in Annex V, at least:
  - a) EUR [102 000 000] for the Azores and Madeira;
  - b) EUR [82 000 000] for the Canary Islands;
  - c) EUR [131 000 000] for Guadeloupe, French Guiana, Martinique, Mayotte, Réunion and Saint-Martin.
3. The compensation referred to in Article 21 ~~shall not~~ may exceed [50%] of each of the allocations referred to in points (a), (b) and (c) of paragraph 2 **in circumstances justified in each action plan for the outermost regions.**
4. At least 15% of the Union financial support allocated per Member State shall be allocated **in the programme prepared and submitted according to Article 16 (1) and (2) of the Regulation (EU) No [Regulation laying down Common Provisions]** to the ~~areas of support~~ **specific objectives** referred to in Articles 19 and 20. Member States with no access to Union waters may apply a lower percentage with regard to the extent of their control and data collection tasks.
5. The Union financial support from the EMFA~~F~~ allocated per Member State to the ~~areas of support~~ **specific objectives** referred to in Articles **16 new, 17(2)** and 18 shall not exceed the higher of the following two thresholds:
  - a) EUR 6 000 000; or
  - b) **105%** of the Union financial support allocated per Member State.
6. In accordance with Articles 30 to 32 of Regulation (EU) No [Regulation laying down Common Provisions], the EMFA~~F~~ may support technical assistance for the effective administration and use of this Fund at the initiative of a Member State.

## Article 7

### *Financial distribution for shared management*

The resources available for commitments by Member States referred to in Article 6(1) for the period from 2021 to 2027 are set out in the table in [Annex V].

## Article 8

### *Budgetary resources under direct and indirect management*

1. The part of the financial envelope under direct and indirect management as specified in Title III shall be EUR [829 000 000] in [current prices].
2. {The amount referred to in paragraph 1 may be used for technical and administrative assistance for the implementation of the EMFAF, such as preparatory, monitoring, control, audit and evaluation activities including corporate information technology systems.

In particular, the EMFAF may support, at the initiative of the Commission and subject to the ceiling of 1.7% of the financial envelope referred to in Article 5 (1)}:

- (a) technical assistance for the implementation of this Regulation as referred to in Article 29 of Regulation (EU) No [Regulation laying down Common Provisions];
  - (b) the preparation, monitoring and evaluation of sustainable fisheries partnership agreements and the Union participation in regional fisheries management organisations;
  - (c) the setting-up of a European network of local action groups.
3. The EMFAF shall support the costs of information and communication activities linked to the implementation of this Regulation.

## CHAPTER III

### Programming

#### *Article 9*

##### *Programming for support under shared management*

1. In accordance with Article 16 of Regulation (EU) No [Regulation laying down Common Provisions], each Member State shall prepare a single programme<sup>9</sup> to implement the priorities referred to in Article 4.
2. Support under Title II **in pursuit of the policy objectives of Article 4 of Regulation (EU) No [Regulation laying down Common Provisions]** shall be organised along the **areas of support priorities and specific objectives as** set out in Annex II.
3. In addition to the elements referred to in Article 17 of Regulation (EU) No [Regulation laying down Common Provisions], the programme shall include:
  - a) an analysis of the situation in terms of strengths, weaknesses, opportunities and threats and the identification of the needs that require to be addressed in the relevant geographical area, including, where appropriate, sea basins **covered by relevant for** the programme;
  - ~~(b) — the action plan for small-scale coastal fishing referred to in Article 15;~~
  - ~~(e)~~ **(b)** where applicable, the action plans for the outermost regions referred to in paragraph 4.

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<sup>9</sup> Germany shall explain in its Operational Programme how the conditions of Article 16 of the Common Provisions Regulation are met. The Commission should make a statement to confirm this view.

4. **While carrying out analysis of the strengths, weaknesses, opportunities, threats, and identification of needs the Member States shall take into account the specific needs of small-scale coastal fishing, as set out in Annex V of Regulation (EU) No [Regulation laying down Common Provisions].**

**In addition to the elements referred to in Article 17 of Regulation (EU) No [Regulation laying down Common Provisions], Member States may take into account for small-scale coastal fishing:**

- a) **adjustment and management of fishing capacity;**
- b) **promotion of low-impact, climate resilient and low-carbon fishing practices that minimise damage to the marine environment;**
- c) **reinforcement of the value chain of the sector and promotion of marketing strategies;**
- d) **promotion of skills, knowledge, innovation and capacity building;**
- e) **improvement of health, safety and working conditions on board fishing vessels;**
- f) **increased compliance with data collection, traceability, monitoring, control and surveillance requirements;**
- g) **involvement in the participatory management of the maritime space, including Marine Protected Areas and Natura 2000 areas;**
- h) **diversification of activities in the broader sustainable blue economy;**
- i) **collective organisation and participation in the decision-making and advisory processes;**
- j) **the FAO voluntary guidelines for securing sustainable small-scale fisheries;**
- k) **the regional plan of action for small-scale fisheries from the General Fisheries Commission for the Mediterranean.**



- 5. 4.** Member States concerned shall prepare as part of their programme an action plan for each of their outermost regions referred to in Article 6(2), which shall set out:
- a) a strategy for the sustainable exploitation of fisheries and the development of sustainable blue economy sectors;
  - b) a description of the main actions envisaged and the corresponding financial means, including:
    - i the structural support to the fishery and aquaculture sector under Title II;
    - ii the compensation for additional costs referred to in Article 21;
    - iii any other investment in the sustainable blue economy necessary to achieve a sustainable coastal development.
- 6. 5.** The Commission shall develop an analysis for each sea basin indicating the common strengths and weaknesses of the sea basin with regard to the achievement of the objectives of the CFP, as referred to in Article 2 of Regulation (EU) No 1380/2013. Where applicable, this analysis shall take into account the existing sea basin and macro-regional strategies.
- 7. 6.** The Commission shall assess the programme in accordance with Article 18 of Regulation (EU) No [Regulation laying down Common Provisions]. In its assessment it shall take into account, in particular:
- a) the maximisation of the contribution of the programme to the priorities referred to in Article 4;
  - b) the balance between the fishing capacity of the fleets and the available fishing opportunities, as reported annually by Member States according to Article 22(2) of Regulation (EU) No 1380/2013;

- c) where applicable, the multiannual management plans adopted under Articles 9 and 10 of Regulation (EU) No 1380/2013, the management plans adopted under Article 19 of Council Regulation (EC) No 1967/2006 and the recommendations from regional fisheries management organisations, where applicable to the Union;
- d) the implementation of the landing obligation referred to in Article 15 of Regulation (EU) No 1380/2013;
- e) the most recent evidence on the socio-economic performance of the sustainable blue economy, and in particular the fishery and aquaculture sector;
- f) where applicable, the analyses referred to in paragraph 5 6;
- g) the contribution of the programme to the conservation and restoration of marine ecosystems, while the support related to Natura 2000 areas shall be in accordance with the prioritised action frameworks established pursuant to Article 8(4) of Directive 92/43/EEC;
- h) the contribution of the programme to the reduction of marine litter, in accordance with Directive xx/xx of the European Parliament and of the Council [Directive on the reduction of the impact of certain plastic products on the environment];
- i) the contribution of the programme to climate change mitigation and adaptation.

~~7. Subject to Article 18 of Regulation (EU) No [Regulation laying down Common Provisions], the Commission shall adopt implementing acts approving the programme. The Commission shall approve the proposed programme provided the necessary information has been submitted.~~

~~8. Subject to Article 19 of Regulation (EU) No [Regulation laying down Common Provisions], the Commission shall adopt implementing acts approving amendments to a programme.~~

*Article 10*

*Programming for support under direct and indirect management*

**In order to implement** Titles III, **the Commission shall adopt implementing acts laying down** ~~shall be implemented through~~ work programmes ~~referred to in Article 110 of Regulation (EU) No [Regulation on the financial rules applicable to the general budget of the Union]~~. Work programmes shall set out, where applicable, the overall amount reserved for the blending operations referred to in Article 47. **Except as regards technical assistance, these implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53 (2).**

# TITLE II: SUPPORT UNDER SHARED MANAGEMENT

## CHAPTER I

### General principles of support

#### *Article 11*

##### *State aid*

1. Without prejudice to paragraph 2, Articles 107, 108 and 109 of the Treaty shall apply to aid granted by Member States to undertakings in the fishery and aquaculture sector.
2. However, Articles 107, 108 and 109 of the Treaty shall not apply to payments made by Member States pursuant to this Regulation and falling within the scope of Article 42 of the Treaty.
3. National provisions setting up public financing going beyond the provisions of this Regulation concerning payments referred to in paragraph 2 shall be treated as a whole on the basis of paragraph 1.

#### *Article 12*

##### *Admissibility of applications*

1. An application submitted by ~~an operator beneficiary for support from the EMFF~~ shall be inadmissible for an identified period of time laid down pursuant to paragraph 4, if it has been determined by the competent authority that the ~~beneficiary operator~~ concerned:
  - a) has committed serious infringements under Article 42 of Council Regulation (EC) No 1005/2008 or Article 90 of Council Regulation (EC) No 1224/2009 or under other legislation adopted by the European Parliament and by the Council **within the framework of the CFP**;
  - b) has been involved in the operation, management or ownership of fishing vessels included in the Union IUU vessel list as set out in Article 40(3) of Regulation (EC) No 1005/2008, or of a vessel flagged to countries identified as non-cooperating third countries as set out in Article 33 of that Regulation; or
  - c) has committed any of the environmental offences set out in Articles 3 and 4 of Directive 2008/99/EC of the European Parliament and of the Council, where the application is made for support under Article 23.

2. **If The beneficiary, after submitting the application, shall continue to comply with the admissibility any of the situations conditions referred to in paragraph 1 occurs throughout the period between submitting the application of implementation of the operation and for a period of five years after the final payment, to that the support paid from EMFAF related to that application shall be recovered from the operator, in accordance with Article 97 of Regulation (EU) No [Regulation laying down Common Provisions].**
3. Without prejudice to more far-reaching national rules as agreed on in the Partnership Agreement with the Member State concerned, an application submitted by **an operator beneficiary** shall be inadmissible for an identified period of time laid down pursuant to paragraph 4, if it has been determined **through a final decision** by the competent authority that the **operator beneficiary** has committed a fraud, as defined in Article 3 of Directive 2017/1371/EU of the European Parliament and of the Council<sup>10</sup>, **in the context of the EMFF or EMFAF.**
4. The Commission shall be empowered to adopt delegated acts in accordance with Article 52 concerning:
- a) the identification of the threshold triggering and the length of period of time of inadmissibility referred to in paragraphs 1 and 3, which shall be proportionate to the nature, gravity, duration and repetition of the serious infringements, offences or fraud, and shall be of at least one year's duration;
  - b) the relevant starting or ending dates of the period of time referred to in paragraphs 1 and 3.

**4new Member States may apply, in accordance with national rules, longer inadmissibility period than laid down pursuant to paragraph 4. Member States may apply an inadmissibility period also to applications submitted by the fishers in inland waters, who have committed serious infringements, as defined by national rules.**

5. Member States shall require that **beneficiaries operators** submitting an application under the EMFAF provide to the managing authority a signed statement confirming that they **respect do not fall under any of the criteria situations** listed in paragraphs 1 and 3. Member States shall verify the veracity of that statement before approving the operation, based on the information available in the national registers of infringements referred to in Article 93 of Regulation (EC) No 1224/2009, or any other available data.

For the purposes of the verification referred to in the first subparagraph, a Member State shall provide, on request from another Member State, the information contained in its national register of infringements referred to in Article 93 of Regulation (EC) No 1224/2009.

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<sup>10</sup> Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.07.2017, p. 29).

## Article 12 new

### Eligibility for EMFAF support under shared management

**Without prejudice to Article 9(2) of this Regulation and to Article 57 of Regulation (EU) No [Regulation laying down Common Provisions], operations under Title II shall be deemed eligible for support under EMFAF, provided that they are in accordance with applicable EU law and are not excluded under Article 13.**

## Article 13

### *Ineligible operations or expenditure*

The following operations **or expenditure** shall not be eligible under the EMFAF:

- a) operations that increase the fishing capacity of a fishing vessel or support the acquisition of equipment that increases the ability of a fishing vessel to find fish, **except when the operations relate to investments in onboard safety, labour conditions, and energy efficiency, provided that the segment of the corresponding fleet to which the operations relate is in balance, any increase in capacity arising from these operations is compensated by a prior withdrawal of capacity of at least the same amount and the national ceiling of fishing capacity assigned to each Member State is respected;**
- b) the construction and acquisition of fishing vessels or the importation of fishing vessels, unless otherwise provided for in this Regulation;
- c) the transfer or reflagging of fishing vessels to third countries including through the creation of joint ventures with partners of those countries;
- d) the temporary or permanent cessation of fishing activities, unless otherwise provided for in this Regulation;
- e) exploratory fishing, **unless it is carried out by scientific institutions with a view to investigate possible management options for fishing stocks to ensure a sustainable fishery or exploratory fishing for invasive species as included in the EU list referred to in Regulation 1143/2014;**
- f) the transfer of ownership of a business;
- g) direct restocking, except explicitly provided for as a **reintroduction measure or other** conservation measures, by a Union legal act or in the case of experimental restocking;
- h) the construction of new ports, **new landing sites** or new auction halls;

- i) market intervention mechanisms aiming to temporarily or permanently withdraw fishery or aquaculture products from the market with a view to reducing supply in order to prevent price decline or drive up prices; ~~by extension, storage operations in a logistics chain that would produce the same effects either intentionally or unintentionally;~~
- j) investments on board fishing vessels necessary to comply with the requirements under Union ~~or national~~ law in force at the time of the submission of the application, including requirements under the Union's obligations in the context of regional fisheries management organisations, unless otherwise provided for in this Regulation;
- k) investments on board fishing vessels that have carried out fishing activities at sea for less than 60 days in ~~each of~~ the two calendar years preceding the year of submission of the application for support;
- l) replacement or modernisation of a main or ancillary engine on a fishing vessel, unless otherwise provided for in this Regulation.

## CHAPTER II

### Priority 1: Fostering sustainable fisheries and the conservation of ~~marine~~ aquatic biological resources

#### SECTION 1

#### ~~GENERAL CONDITIONS~~

#### SCOPE OF SUPPORT

##### *Article 14*

##### *General scope of support*

##### Specific objectives

**1.** Support under this Chapter shall cover interventions that contribute to the achievement of the objectives of the CFP, as set out in Article 2 of Regulation (EU) No 1380/2013, through of one or more of the environmental, economic, social and employment following specific objectives:

- (a) Strengthening economically, socially and environmentally sustainable fishing activities;
- (b) Increasing energy efficiency and reducing CO2 emissions through replacement or modernisation of engines of fishing vessels;
- (c) Promoting the adjustment of fishing capacity to fishing opportunities in cases of permanent cessation and contributing to a fair standard of living in cases of temporary cessation of fishing activities;
- (d) Fostering efficient fisheries control and enforcement, as well as reliable data for knowledge-based decision-making;
- (e) Promoting a level-playing field for fishing and aquaculture products from the outermost regions; and
- (f) Contributing to the protection and restoration of aquatic biodiversity and ecosystems.



~~2. Where support under this Chapter is granted for a vessel, that vessel shall not be transferred or reflagged outside the Union during at least the five years from the final payment for the supported operation.~~

2. Support as foreseen under this Chapter ~~shall~~ may ~~also~~ apply to inland fishing, with the exception of the provisions laid down in Articles 15 and, 16 (2) a) and b), 16 new (1) a), b) and (3), 17 and 18 (1) a), b), b a), c) and (3).

## SECTION 2

### SPECIFIC CONDITIONS

#### ~~SMALL-SCALE COASTAL FISHING~~

##### *Article 15*

##### *Action plan for small-scale coastal fishing*

##### *Transferring or reflagging of fishing vessels*

**Where support under this Chapter is granted in respect of a vessel, that vessel shall not be transferred or reflagged outside the Union during at least the five years from the final payment for the supported operation.**

1. ~~Member States shall prepare as part of their programme an action plan for small-scale coastal fishing which shall set out a strategy for the development of profitable and sustainable small-scale coastal fishing. This strategy shall be structured along the following sections, where applicable:~~
  - a) ~~adjustment and management of fishing capacity;~~
  - (b) ~~promotion of low-impact, climate resilient and low-carbon fishing practices that minimize damage to the marine environment;~~
  - (c) ~~reinforcement of the value chain of the sector and promotion of marketing strategies;~~
  - (d) ~~promotion of skills, knowledge, innovation and capacity building;~~
  - (e) ~~improvement of health, safety and working conditions on-board fishing vessels;~~
  - (f) ~~increased compliance with data collection, traceability, monitoring, control and surveillance requirements;~~
  - (g) ~~involvement in the participatory management of the maritime space, including Marine Protected Areas and Natura 2000 areas;~~

~~(h) diversification of activities in the broader sustainable blue economy;~~

~~(i) collective organisation and participation in the decision-making and advisory processes.~~

~~2. The action plan shall take into account the FAO voluntary guidelines for securing sustainable small-scale fisheries and, where appropriate, the regional plan of action for small-scale fisheries from the General Fisheries Commission for the Mediterranean.~~

~~3. For the purpose of monitoring the implementation of the strategy referred to in paragraph 1, the action plan shall establish specific milestones and targets linked to relevant indicators established under the monitoring and evaluation framework referred to in Article 37.~~

## Article 16

### *Investments in First acquisition of a small-scale coastal fishing vessel*

1. ~~The EMFF may~~ By way of derogation to Article 13 (b), to achieve the specific objective in Article 14 (1) a), ~~the following investments in respect of small-scale coastal fishing vessels which belong to a fleet segment for which the latest report on fishing capacity, referred to in Article 22(2) of Regulation (EU) No 1380/2013, has shown a balance with the fishing opportunities available to that segment :~~ support may include the first acquisition of a fishing vessel, or the acquisition of partial ownership thereof, by a natural person who:

~~(a) the first acquisition of a fishing vessel by a young fisher who,~~ at the moment of submitting the application, is ~~under~~ no more than 40 years of age; and

~~(b) has worked at~~ least five years as fisher or has acquired adequate ~~vocational~~ qualification;

~~(b) the replacement or modernisation of a main or ancillary engine.~~

1 new Support under this Article may also be granted to legal persons which are wholly owned by one or more natural persons who each fulfil the conditions set out in paragraph 1.

**2. Support under this Article may be granted only in respect of a fishing vessel which:**

- a) **belongs to a segment of the fishing fleet for which the latest report on fishing capacity, referred to in Article 22(2) of Regulation (EU) No 1380/2013, has shown a balance with the fishing opportunities available to that segment;**
- b) **is equipped for sea fishing;**
- c) **has been registered in the fleet register for at least 3 calendar years preceeding the year of submission of the application for support; and**
- d) **is not longer than 24 meters in length overall.**

~~2. The vessels referred to in paragraph 1 shall be equipped for sea fishing and be between 5 and 30 years old.~~

**3. The first acquisition covered by paragraph 1 and 1 new shall not be considered a transfer of ownership of a business under Article 13 (f).**

~~3. The support referred to in paragraph 1(b) may only be granted under the following conditions:~~

~~a) the new or modernised engine shall not have more power in kW than the current engine;~~

~~b) any reduction of fishing capacity in kW due to the replacement or modernisation of a main or ancillary engine shall be permanently removed from the Union fleet register;~~

~~e) the engine power of the fishing vessel shall have been physically inspected by the Member State to ensure that it does not exceed the engine power stated in the fishing license.~~

~~4. No support shall be granted under this Article, if the assessment on the balance between fishing capacity and fishing opportunities in the latest report referred to in Article 22(2) of Regulation (EU) No 1380/2013 for the fleet segment to which the vessels concerned belong, has not been prepared on the basis of the biological, economic and vessel-use indicators set out in the common guidelines referred to in that Regulation.~~

Article 16 new

Replacement or modernisation of a main or ancillary engine

1. By way of derogation to Article 13 (l), to achieve the specific objective in Article 14 (1) b), support shall only be granted for vessels up to 24 meters in overall length that comply with the following conditions:
  - a) the vessel belongs to a fleet segment for which the latest report on fishing capacity, referred to in Article 22(2) of Regulation (EU) No 1380/2013, has shown a balance with the fishing opportunities available to that segment;
  - b) for small-scale coastal fishing vessels, the new or modernised engine does not have more power in kW than that of the current engine; and
  - c) for other vessels up to 24 meters in overall length, the new or modernised engine does not have more power in kW than that of the current engine and shall emit at least 15% less CO<sub>2</sub> compared to the current engine.
2. Member States shall ensure that all replaced or modernised engines are subject to verification of fulfilment of the conditions set out in paragraph 1 (b) and (c).
3. Any reduction of fishing capacity in kW due to the replacement or modernisation of a main or ancillary engine shall be permanently removed from the Union fleet register.
4. The Commission shall adopt implementing acts, to establish the method for calculating the reduction of CO<sub>2</sub> emissions referred to in paragraph 1 (c). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).

## SECTION 3

### SPECIFIC AREAS OF SUPPORT

#### Article 17

#### *Management of fisheries and fishing fleets Permanent cessation of fishing activities*

- ~~1. The EMFF may support operations for the management of fisheries and fishing fleets.~~
2. If the By way of derogation to Article 13 (d), support may be provided for permanent cessation in order to adjust fishing capacity to fishing opportunities under the specific objective in referred to in paragraph 1 is Article 14 (1) c). granted through the compensation for the permanent cessation of fishing activities, the Support to permanent cessation shall comply with the following conditions ~~shall be complied with:~~
  - a) the cessation is foreseen as a tool of an action plan referred to in Article 22(4) of Regulation (EU) No 1380/2013;
  - b) the cessation is achieved through the scrapping of the fishing vessel or through its decommissioning and retrofitting to activities other than commercial fishing, keeping in line with the objectives of the CFP and multiannual plans;
  - c) the fishing vessel is registered as active and has carried out fishing activities at sea for at least ~~120~~ **90** days in each of the last ~~three~~ **two** calendar years preceding the year of submission of the application for support;
  - d) the equivalent fishing capacity is permanently removed from the Union fishing fleet register and the fishing licenses and authorisations are permanently withdrawn, in accordance with Article 22(5) and (6) of Regulation (EU) No 1380/2013; and
  - e) the beneficiary is prohibited from registering any fishing vessel within five years following the receipt of support.

~~3. The support for the permanent cessation of fishing activities referred to in paragraph 2 shall be implemented by financing not linked to costs, in accordance with Articles 46(a) and 89 of Regulation (EU) No [Regulation laying down Common Provisions], and shall be based on:~~

- ~~a) the fulfilment of conditions, in accordance with Article 46(a)(i) of Regulation (EU) No [Regulation laying down Common Provisions]; and~~
- ~~b) the achievement of results, in accordance with Article 46(a)(ii) of Regulation (EU) No [Regulation laying down Common Provisions].~~

~~The Commission shall be empowered to adopt delegated acts, in accordance with Article 52, laying down the conditions referred to in point (a), which shall relate to the implementation of conservation measures, as referred to in Article 7 of Regulation (EU) No 1380/2013.~~

~~4. No support shall be granted under paragraph 2, if the assessment on the balance between fishing capacity and fishing opportunities in the latest report referred to in Article 22(2) of Regulation (EU) No 1380/2013 for the fleet segment to which the vessels concerned belong has not been prepared on the basis of the biological, economic and vessel use indicators set out in the common guidelines referred to in that Regulation.~~

#### *Article 18*

##### ***Extraordinary Temporary cessation of fishing activities***

~~1. The EMFF may By way of derogation to Article 13 (d), support may be provided for temporary cessation to achieve the specific objective in referred to in paragraph 1 is Article 14 (1) c). Support to a compensation for the extraordinary temporary cessation of fishing activities shall be caused by granted in the following circumstances:~~

- ~~a) conservation measures, as referred to in Article 7(1), points (a), (b), (c) and (j) of Regulation (EU) No 1380/2013, or equivalent conservation measures adopted by regional fisheries management organisations, where applicable to the Union;~~
- ~~b) Commission measures in case of a serious threat to marine biological resources, as referred to in Article 12 of Regulation (EU) No 1380/2013;~~

~~**(b a) Member States' emergency measures pursuant to Article 13 of Regulation (EU) 1380/2013;**~~

c) the interruption due to reasons of force majeure of the application of a sustainable fisheries partnership agreement or protocol thereto; or

d) natural disasters or environmental incidents, as formally recognised by the competent authorities of the relevant Member State.

2. The support referred to in paragraph 1 may only be granted where: ~~(a)~~ the commercial activities of the vessel concerned are stopped during at least **5 consecutive days and 90 at least 30 consecutive days in a given calendar year.** ~~and (b) the economic losses resulting from the cessation amount to more than 30% of the annual turnover of the business concerned, calculated on the basis of the average turnover of that business over the preceding three calendar years.~~

3. The support referred to in paragraph 1 shall only be granted to:

a) owners **or operators**<sup>11</sup> of fishing vessels which are registered as active and which have carried out fishing activities at sea for at least 120 days in ~~each of~~ the last **three two** calendar years preceding the year of submission of the application for support; ~~or~~

b) fishers who have worked at sea for at least 120 days in ~~each of~~ the last **three two** calendar years preceding the year of submission of the application for support on board a Union fishing vessel concerned by the **extraordinary** cessation; ~~or~~

c) **fishers not using vessels.**

The reference to the number of days at sea in this paragraph shall not apply to eel fisheries.

4. The support referred to in paragraph 1 may be granted for a maximum duration of 6 months per vessel **or per fisher not using vessels** during the period from 2021 to 2027.

5. All fishing activities carried out by the vessels ~~and~~ **or** fishers concerned shall be effectively suspended during the period concerned by the cessation. The competent authority shall satisfy itself that the vessel **or fisher** concerned has stopped any fishing activities during the period concerned by the **extraordinary temporary** cessation and that any overcompensation resulting from the use of the vessel for other purposes is avoided.

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<sup>11</sup> Armateurs



## Article 19

### Control and enforcement

1. ~~The EMFF may support~~ **To achieve the specific objective in Article 14 (1) d) through efficient fisheries control and enforcement, support shall be granted for** the development and implementation of a Union fisheries control system as provided for in Article 36 of Regulation (EU) No 1380/2013 and further specified in Council Regulation (EC) No 1224/2009 **and in Council Regulation (EC) No 1005/2008.**
2. By way of derogation from Article 13(j), the support referred to in paragraph 1 may also cover:
  - a) the purchase and installation on vessels of the necessary components for compulsory vessel tracking and electronic reporting systems used for control purposes, ~~only in the case of small-scale coastal fishing vessels~~;
  - b) the purchase and installation on vessels of the necessary components for compulsory remote electronic monitoring systems used for controlling the implementation of the landing obligation referred to in Article 15 of Regulation (EU) No 1380/2013;
  - c) the purchase and installation on vessels of devices for compulsory continuous measurement and recording of propulsive engine power.
3. ~~The support referred to in paragraph 1 may also contribute to maritime surveillance as referred to in Article 28 and to the European cooperation on coastguard functions as referred to in Article 29.~~<sup>12</sup>
4. ~~By way of derogation from Article 2, the support referred to in paragraph 1 may also be granted to operations carried out outside the territory of the Union.~~

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<sup>12</sup> Recital

## Article 20

### *Collection and processing of data for fisheries and aquaculture management and scientific purposes*

- 1. ~~The EMFF may support~~ To achieve the specific objective in Article 14 (1) d) through reliable data for knowledge-based decision-making, support shall be granted for the collection, management and use of data for fisheries and aquaculture management and scientific purposes, as provided for in Article 25(1) and (2) and Article 27 of Regulation (EU) No 1380/2013 and further specified in Regulation (EU) No 2017/1004, on the basis of the national work plans referred to in Article 6 of Regulation (EU) No 2017/1004.**
- ~~2. By way of derogation from Article 2, the support referred to in paragraph 1 may also be granted to operations carried out outside the territory of the Union.~~
- ~~3. The Commission may adopt implementing acts laying down rules on procedures, format and timetables for the submission of the national work plans referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 53(2).~~
- ~~4. The Commission shall adopt implementing acts approving or amending the national work plans referred to in paragraph 1 by 31 December of the year preceding the year from which the work plan is to apply.~~

## Article 21

### *Compensation for additional costs in the outermost regions for fishery and aquaculture products*

- 1. ~~The EMFF may support~~ To achieve the specific objective in Article 14 (1) e), support shall be granted for the compensation of additional costs incurred by beneficiaries in the fishing, farming, processing and marketing of certain fishery and aquaculture products from the outermost regions referred to in Article 6(2).**
2. Each Member State concerned shall determine, in line with the criteria laid down in accordance with paragraph 7, for the regions referred to in paragraph 1, the list of fishery and aquaculture products and the quantity of those products eligible for compensation.
3. When establishing the list and the quantities referred to in paragraph 2, Member States shall take into account all relevant factors, in particular the need to ensure that the compensation is compatible with the rules of the CFP.

4. The compensation shall not be granted for fishery and aquaculture products:
  - a) caught by third country vessels, with the exception of fishing vessels which fly the flag of Venezuela and operate in Union waters, in accordance with Council Decision (EU) 2015/1565<sup>13</sup>;
  - b) caught by Union fishing vessels that are not registered in a port of one of the regions referred to in paragraph 1;
  - c) imported from third countries.
5. Point (b) of paragraph 4 shall not apply if the existing capacity of the processing industry in the outermost region concerned exceeds the quantity of raw material supplied.
6. The compensation paid to the beneficiaries carrying out activities referred to in paragraph 1 in the outermost regions or owning a vessel registered in a port of these regions shall, in order to avoid overcompensation, take into account:
  - a) for each fishery or aquaculture product or category of products, the additional costs resulting from the specific handicaps of the regions concerned; and
  - b) any other type of public intervention affecting the level of additional costs.
7. The Commission shall be empowered to adopt delegated acts, in accordance with Article 52, laying down the criteria for the calculation of the additional costs resulting from the specific handicaps of the regions concerned.

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<sup>13</sup> Council Decision (EU) 2015/1565 of 14 September 2015 on the approval, on behalf of the European Union, of the Declaration on the granting of fishing opportunities in EU waters to fishing vessels flying the flag of the Bolivarian Republic of Venezuela in the exclusive economic zone off the coast of French Guiana (OJ L 244, 14.09.2015, p. 55).

## Article 22

### Protection and restoration of ~~marine, coastal~~ aquatic biodiversity and ecosystems

1. ~~The EMFF may support~~ **To achieve the specific objective in Article 14 (1) f), support shall be granted for** actions for the protection and restoration of ~~marine and coastal~~ aquatic biodiversity and ecosystems, including in inland waters.
2. The support referred to in paragraph 1 may cover, **inter alia**:
  - a) compensations to fishers for the collection of lost fishing gears and marine litter from the sea;
  - b) investments in ports **or other infrastructure** to provide adequate reception facilities for lost fishing gears and marine litter collected from the sea;
  - c) actions to achieve or maintain a good environmental status in the marine environment, as set out in Article 1(1) of Directive 2008/56/EC;
  - d) the implementation of spatial protection measures established pursuant to Article 13(4) of Directive 2008/56/EC;
  - e) the management, restoration, **surveillance** and monitoring of Natura 2000 areas, ~~in accordance with taking into account~~ the prioritised action frameworks established pursuant to Article 8 of Directive 92/43/EEC;
  - f) the protection of species under Directive 92/43/EEC and Directive 2009/147/EC, ~~in accordance with taking into account~~ the prioritised action frameworks established pursuant to Article 8 of Directive 92/43/EEC;
  - g) **the restoration of inland waters in accordance with the programme of measures established pursuant to article 11 of Directive 2000/60/EC.**

## CHAPTER III

### **Priority 2: ~~Fostering~~ ~~Contributing to food security in the Union through competitive and sustainable aquaculture activities~~ and ~~processing and marketising~~ of fisheries and aquaculture products**

#### **SECTION 1**

#### **SCOPE OF SUPPORT**

##### *Article 22 new*

##### *Specific objectives*

1. **Support under this Chapter shall cover interventions that contribute to the achievement of the objectives of the CFP, as set out in Art 2 of Regulation EU 1380 2013 through the following specific objectives:**
  - (a) **the promotion of sustainable aquaculture activities.**
  - (b) **the promotion of marketing, quality and value added of fisheries and aquaculture products, as well as processing of these products.**
2. **Support under paragraph 1 (a) may also cover aquaculture providing environmental services, as well as animal health and welfare in aquaculture in accordance with Regulation (EU) No 2016/429 of the European Parliament and of the Council and Regulation (EU) No 652/2014 of the European Parliament and of the Council.**
3. **Support under paragraph 1 (b) may also contribute to the achievement of the objectives of CMO as provided for in art. 35 of Reg 1380/2013, including the production and marketing plans as described in Article 28 of Regulation 1379/2013.**

## SECTION 2

### SPECIFIC CONDITIONS

#### *Article 23*

#### *Aquaculture*

- ~~1. The EMFF may support the promotion of a sustainable aquaculture as provided for in Article 34(1) of Regulation (EU) No 1380/2013. It may also support animal health and welfare in aquaculture in accordance with Regulation (EU) No 2016/429 of the European Parliament and of the Council<sup>14</sup> and Regulation (EU) No 652/2014 of the European Parliament and of the Council<sup>15</sup>.~~
2. The support referred to **To achieve the specific objective** in **paragraph 1 Article 22 new paragraph 1 (a) through the promotion of aquaculture activities, support** shall be consistent with the multiannual national strategic plans for the development of aquaculture referred to in Article 34(2) of Regulation (EU) No 1380/2013.
- ~~3. **Productive aquaculture investments under this Article may only be supported through the financial instruments provided for in Article 52 of Regulation (EU) No [Regulation laying down Common Provisions] and through InvestEU, in accordance Article 10 of that Regulation.**~~

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<sup>14</sup> Regulation (EU) No 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') (OJ L 84, 31.03.2016, p. 1).

<sup>15</sup> Regulation (EU) No 652/2014 of the European Parliament and of the Council of 15 May 2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material, amending Council Directives 98/56/EC, 2000/29/EC and 2008/90/EC, Regulations (EC) No 178/2002, (EC) No 882/2004 and (EC) No 396/2005 of the European Parliament and of the Council, Directive 2009/128/EC of the European Parliament and of the Council and Regulation (EC) No 1107/2009 of the European Parliament and of the Council and repealing Council Decisions 66/399/EEC, 76/894/EEC and 2009/470/EC (OJ L 189, 27.06.2014, p. 1).

## *Article 24*

### *Marketing of fishery and aquaculture products*

~~The EMFF may support actions contributing to the achievement of the objectives of the common organisation of the markets in fishery and aquaculture products as provided for in Article 35 of Regulation (EU) No 1380/2013 and further specified in Regulation (EU) No 1379/2013. It may also support actions promoting the marketing, the quality and the value added of fishery and aquaculture products.~~

## *Article 25*

### *Processing of fishery and aquaculture products*

- ~~1. The EMFF may support investments in the processing of fishery and aquaculture products. Such support shall contribute to the achievement of the objectives of the common organisation of the markets in fishery and aquaculture products as provided for in Article 35 of Regulation (EU) No 1380/2013 and further specified in Regulation (EU) No 1379/2013.~~
- 2. As regards enterprises other than SMEs, support to achieve the specific objective in Article 22 new paragraph 1 (b) through processing under this Article, support** shall only be granted through the financial instruments provided for in Article 52 of Regulation (EU) No [Regulation laying down Common Provisions] and through InvestEU, in accordance Article 10 of that Regulation.

## CHAPTER IV

**Priority 3: Enabling the growth of a sustainable blue economy and fostering ~~prosperous~~ the development of fishing and aquaculture coastal communities in coastal and inland areas**

### SECTION 1

#### SCOPE OF SUPPORT

##### *Article 25 new*

##### *Specific objective*

**Support under this Chapter shall cover interventions that contribute to the development of fishing and aquaculture communities in coastal and inland areas.**



## SECTION 2

### SPECIFIC CONDITIONS

#### *Article 26*

##### *Community-led local development*

1. **To achieve the specific objective in Article 25 new, support shall be granted for actions implemented through the community-led local development set out in Article 25 of Regulation (EU) No [Regulation laying down Common Provisions].**
2. For the purpose of EMFF support, the community-led local development strategies referred to in Article 26 of Regulation (EU) No [Regulation laying down Common Provisions] shall ensure that local **fishing or aquaculture** communities better exploit and benefit from their opportunities offered by the sustainable blue economy, capitalising on and strengthening environmental, cultural, social and human resources.

**Strategies may range from those which focus on fisheries to broader strategies directed at the diversification of fisheries areas.**

#### *Article 27*

##### *Marine knowledge*

~~The EMFF may support the collection, management and use of data to improve the knowledge on the state of the marine environment, with a view to:~~

- ~~a) fulfilling monitoring and site designation and management requirements under Directive 92/43/EEC and Directive 2009/147/EC;~~
- ~~b) supporting maritime spatial planning as referred to in Directive 2014/89/EU of the European Parliament and of the Council;~~
- ~~c) increasing data quality and sharing through the European marine observation and data network (EMODnet).~~

## CHAPTER V

**Priority 4: Strengthening international ocean governance and enabling safe, secure, clean and sustainably managed seas and oceans**

### SECTION 1

#### SCOPE OF SUPPORT

##### Article 26 new

##### Specific objective

Support under this Chapter shall cover interventions that contribute to strengthening international ocean governance and sustainable sea and ocean management through the promotion of marine knowledge, maritime surveillance and/or coastguard cooperation.

## SECTION 2

### SPECIFIC CONDITIONS

#### Article 27

##### Marine knowledge

To achieve the specific objective in Article 26 new through the promotion of marine knowledge, support shall be granted for actions aiming to collect, manage and use data to improve the knowledge on the state of the marine environment, with a view to:

- (a) achieving or maintaining a good environmental status in the marine environment, as set out in Article 1(1) of Directive 2008/56/EC;
- (b) fulfilling monitoring and site designation and management requirements under Directive 92/43/EEC and Directive 2009/147/EC;
- (c) supporting maritime spatial planning as referred to in Directive 2014/89/EU of the European Parliament and of the Council<sup>16</sup>; or
- (d) increasing data quality and sharing through the European marine observation and data network (EMODnet).

#### *Article 28*

##### *Maritime surveillance*

- ~~1. The EMFF may support~~ To achieve the specific objective in Article 26 new through the promotion of maritime surveillance, support shall be granted for actions contributing to the achievement of the objectives of the Common Information Sharing Environment.
- ~~2. By way of derogation from Article 2, the support referred to in paragraph 1 of this Article may also be granted to operations carried out outside the territory of the Union.~~

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<sup>16</sup> Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning (OJ L 257, 28.08.2014, p. 135).

## Article 29

### Coastguard cooperation

1. ~~The EMFF may support~~ **To achieve the specific objective in Article 26 new through the promotion of coastguard cooperation, support shall be granted for** actions, carried out by national authorities, contributing to the European cooperation on coastguard functions referred to in Article 53 of Regulation (EU) 2016/1624 of the European Parliament and of the Council<sup>17</sup>, Article 2b of Regulation (EU) No 2016/1625 of the European Parliament and of the Council<sup>18</sup> and Article 7a of Regulation (EU) No 2016/1626 of the European Parliament and of the Council<sup>19</sup>.
- ~~2. The support for actions referred to in paragraph 1 may also contribute to the development and implementation of a Union fisheries control system under the conditions set out in Article 19.~~
- ~~3. By way of derogation from Article 2, the support referred to in paragraph 1 may also be granted to operations carried out outside the territory of the Union.~~

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<sup>17</sup> Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC (OJ L 251, 16.09.2016, p. 1).

<sup>18</sup> Regulation (EU) 2016/1625 of the European Parliament and of the Council of 14 September 2016 amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency (OJ L 251, 16.09.2016, p. 77).

<sup>19</sup> Regulation (EU) 2016/1626 of the European Parliament and of the Council of 14 September 2016 amending Council Regulation (EC) No 768/2005 establishing a Community Fisheries Control Agency (OJ L 251, 16.09.2016, p. 80).

# CHAPTER VI

## Rules for implementation under shared management

### SECTION 1

#### SUPPORT FROM THE EMFAF

##### *Article 30*

##### *~~Calculation of~~ Compensations for additional costs or income foregone*

~~Support granted on the basis~~ Compensations of for additional costs or income foregone shall be granted under any of the forms referred to in points ~~(a)~~ (b), (c) and (d) ~~and (e)~~ of Article ~~46~~ 48 (1) of Regulation (EU) No [Regulation laying down Common Provisions].

##### *Article 31*

##### *Determination of co-financing rates*

The maximum EMFAF co-financing rate per ~~area of support~~ specific objective is 80% with the exception of Art. 14 (1) (e) which is 100% ~~set out in Annex H~~.

## Article 32

### *Intensity of public aid*

1. Member States shall apply a maximum aid intensity rate of 50% of the total eligible expenditure of the operation.
2. By way of derogation from paragraph 1, specific maximum aid intensity rates for certain ~~areas of support~~ **specific objectives** and certain types of operations are set out in Annex III.
3. Where one operation falls under several of the rows 2 to ~~2216~~ **2216** of Annex III, the highest maximum aid intensity rate shall apply.
4. Where one operation falls under one or several of the rows 2 to ~~2216~~ **2216** of Annex III and at the same time under row 1 of that Annex, the maximum aid intensity rate **referred** to in row 1 shall apply.

## SECTION 2

### FINANCIAL MANAGEMENT

#### *Article 33*

##### *Interruption of the payment deadline*

1. In accordance with Article 90(4) of Regulation (EU) No [Regulation laying down Common Provisions], the Commission may interrupt the payment deadline for all or part of a payment application in the case of evidence of non-compliance by a Member State with the rules applicable under the CFP, if the non-compliance is liable to affect the expenditure contained in a payment application for which the interim payment is requested.
2. Prior to the interruption referred to in paragraph 1, the Commission shall inform the Member State concerned about the evidence of non-compliance and give it the opportunity to present observations within a reasonable period of time.
3. The interruption referred to in paragraph 1 shall be proportionate, having regard to the nature, gravity, duration and repetition of the non-compliance.
4. The Commission shall be empowered to adopt ~~delegated~~ **implementing** acts, ~~in accordance with Article 52, to defining~~ the cases of non-compliance referred to in paragraph 1. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).**

## Article 34

### *Suspension of payments*

1. In accordance with Article 91(3) of Regulation (EU) No [Regulation laying down Common Provisions], the Commission may adopt implementing acts suspending all or part of the interim payments under the programme in the case of serious non-compliance by a Member State with the rules applicable under the CFP, if the serious non-compliance is liable to affect the expenditure contained in a payment application for which the interim payment is requested.
2. Prior to the suspension referred to in paragraph 1, the Commission shall inform the Member State that the Commission considers that there is a case of serious non-compliance with the rules applicable under the CFP and give it opportunity to present observations within a reasonable period of time.
3. The suspension referred to in paragraph 1 shall be proportionate, having regard to the nature, gravity, duration and repetition of the serious non-compliance.
4. The Commission shall be empowered to adopt **delegated implementing acts, ~~in accordance with Article 52, to defining~~ the cases of serious non-compliance referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).**

## Article 35

### *Financial corrections by Member States*

1. In accordance with Article 97(4) of Regulation (EU) No [Regulation laying down Common Provisions], Member States shall apply financial corrections in case of the non-respect of the obligations referred to in Article 12(2) of this Regulation.
2. In the cases of the financial corrections referred to in paragraph 1, Member States shall determine the amount of the correction, which shall be proportionate, having regard to the nature, gravity, duration and repetition of the infringement or offence by the beneficiary and the importance of the EMFAF contribution to the economic activity of the beneficiary.



## Article 36

### *Financial corrections by the Commission*

1. In accordance with Article 98(5) of Regulation (EU) No [Regulation laying down Common Provisions], the Commission shall adopt implementing acts making financial corrections by cancelling all or part of the Union contribution to a programme if, after carrying out the necessary examination, it concludes that:
  - a) expenditure contained in a payment application is affected by cases in which the beneficiary does not respect the obligations referred to in Article 12(2) and has not been corrected by the Member State prior to the opening of the correction procedure under this paragraph;
  - b) expenditure contained in a payment application is affected by cases of serious non-compliance with the rules of the CFP by the Member State which have resulted in the suspension of payment under Article 34 and the Member State concerned still fails to demonstrate that it has taken the necessary remedial action to ensure compliance with and the enforcement of applicable rules in the future.
2. The Commission shall decide on the amount of the correction taking into account the nature, gravity, duration and repetition of the serious non-compliance by the Member State or beneficiary with the rules of the CFP and the importance of the EMFAF contribution to the economic activity of the beneficiary concerned.
3. Where it is not possible to quantify precisely the amount of expenditure linked to non-compliance with the rules of the CFP by the Member State, the Commission shall apply a flat rate or extrapolated financial correction in accordance with paragraph 4.
4. The Commission shall be empowered to adopt **delegated implementing** acts, ~~in accordance with Article 52, to~~ **determining** the criteria for establishing the level of financial correction to be applied and the criteria for applying flat rates or extrapolated financial corrections. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).**

## SECTION 3

### MONITORING AND REPORTING

*{Article 37: "Monitoring and evaluation framework" - will be addressed at a later stage}*

#### *Article 38*

##### *Annual performance report*

1. ~~In accordance with Article 36(6) of Regulation (EU) No [Regulation laying down Common Provisions], each Member State shall submit to the Commission an annual performance report no later than one month before the annual review meeting. The first report shall be submitted in 2023 and the last report in 2029.~~
2. ~~The report referred to in paragraph 1 shall describe the progress in programme implementation and in achieving the milestones and targets referred to in Article 12 of Regulation (EU) No [Regulation laying down Common Provisions]. It shall also describe any issues that affect the performance of the programme and the measures taken to address those issues.~~
3. ~~The report referred to in paragraph 1 shall be examined during the annual review meeting, in accordance with Article 36 of Regulation (EU) No [Regulation laying down Common Provisions].~~
4. ~~The Commission shall adopt implementing acts laying down rules for the presentation of the report referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 53(2).~~

# TITLE III: SUPPORT UNDER DIRECT AND INDIRECT MANAGEMENT

## Article 39

### Geographical scope

~~By way of derogation from Article 2, The support referred to in~~ this Title may also ~~be granted~~ apply to operations all or part of which are carried out outside ~~the territory of a Member State,~~ including outside the Union, with the exception of technical assistance.

## CHAPTER I

**Priority 1:** Fostering sustainable fisheries and the conservation of **marine aquatic** biological resources

## Article 40

### Implementation of the CFP

The EMFAF shall support the implementation of the CFP through:

- a) the provision of scientific advice and knowledge for the purpose of promoting sound and efficient fisheries management decisions under the CFP, including through the participation of experts in scientific bodies;
- b) the development and implementation of a Union fisheries control system as provided for in Article 36 of Regulation (EU) No 1380/2013 and further specified in Regulation (EC) No 1224/2009;
- c) the functioning of Advisory Councils established in accordance with Article 43 of Regulation (EU) No 1380/2013, which have an objective forming part of, and supporting, the CFP;
- d) voluntary contributions to the activities of international organisations dealing with fisheries, in accordance with Article 29 and Article 30 of Regulation (EU) No 1380/2013.

*Article 41<sup>20</sup>*

*Promotion of clean and healthy seas*

1. The EMFAF shall support the promotion of clean and healthy seas, including through actions to support the implementation of Directive 2008/56/EC and actions to ensure coherence with the achievement of good environmental status pursuant to Article 2(5)(j) of Regulation (EU) No 1380/2013, and the implementation of the European strategy for plastics in a circular economy.
2. The support referred to in paragraph 1 shall be coherent with the Union environmental legislation, in particular with the objective of achieving or maintaining a good environmental status as set out in Article 1(1) of Directive 2008/56/EC.

## CHAPTER II

### **Priority 2: Fostering ~~Contributing to food security in the Union~~ through competitive and sustainable aquaculture activities and processing and marketing of fisheries and aquaculture products**

*Article 42*

*Market intelligence*

The EMFAF shall support the development and dissemination of market intelligence for fishery and aquaculture products by the Commission in accordance with Article 42 of Regulation (EU) No 1379/2013.

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<sup>20</sup> This Article will be moved to Chapter IV " Priority 4: Strengthening international ocean governance and enabling safe, secure, clean and sustainably managed seas and oceans"

## CHAPTER III

### **Priority 3: Enabling the growth of a sustainable blue economy and fostering ~~prosperous~~ the development of fishing and aquaculture coastal communities in coastal and inland areas**

#### *Article 43*

##### *Maritime policy and development of a sustainable blue economy*

The EMFAF shall support the implementation of the maritime policy through:

- a) the promotion of a sustainable, low carbon and climate resilient blue economy;
- b) the promotion of an integrated governance and management of the maritime policy, including through maritime spatial planning, sea basin strategies and maritime regional cooperation;
- c) the enhancement of the transfer and uptake of research, innovation and technology in the sustainable blue economy, including the European marine observation and data network (EMODnet);
- d) the improvement of maritime skills, ocean literacy and sharing of socio-economic data on the sustainable blue economy;
- e) the development of project pipelines and innovative financing instruments.

## CHAPTER IV

### **Priority 4: Strengthening international ocean governance and enabling safe, secure, clean and sustainably managed seas and oceans**

#### *Article 44*

##### *Maritime security and surveillance*

The EMFAF shall support the promotion of maritime security and surveillance, including through data sharing, coastguard and agencies cooperation and fight against criminal and illegal activities at sea.

#### *Article 45*

##### *International ocean governance*

The EMFAF shall support the implementation of the international ocean governance policy through:

- a) voluntary contributions to international organisations active in the field of ocean governance;
- b) voluntary cooperation with and coordination among international fora, organisations, bodies and institutions in the context of the United Nations Convention on the Law of the Sea, the 2030 Agenda for Sustainable Development and other relevant international agreements, arrangements and partnerships;
- c) the implementation of ocean partnerships between the Union and relevant ocean actors;
- d) the implementation of relevant international agreements, arrangements and instruments that aim to promote better ocean governance, as well as the development of actions, measures, tools and knowledge that enable safe, secure, clean and sustainably managed oceans;
- e) the implementation of relevant international agreements, measures and tools to prevent, deter and eliminate illegal, unreported and unregulated fishing;
- f) international cooperation on and development of ocean research and data.

## CHAPTER V

### Rules for implementation under direct and indirect management

#### *Article 46*

##### *Forms of Union funding*

1. The EMFAF may provide funding in any of the forms laid down in Regulation (EU) No [Regulation on the financial rules applicable to the general budget of the Union], in particular procurement pursuant to Title VII of that Regulation and grants pursuant to Title VIII of that Regulation. It may also provide financing in the form of financial instruments within blending operations, as referred to in Article 47.
2. The evaluation of grant proposals may be carried out by independent experts.

#### *Article 47*

##### *Blending operations*

Blending operations under the EMFAF shall be implemented in accordance with Regulation (EU) No [Regulation on InvestEU] and Title X of Regulation (EU) No [Regulation on the financial rules applicable to the general budget of the Union].

*{Article 48: "Evaluation " - will be addressed at a later stage}*

#### *Article 49*

##### *Audits*

Audits on the use of the Union contribution carried out by persons or entities, including by other than those mandated by the Union institutions or bodies, shall form the basis of the overall assurance pursuant to Article 127 of Regulation (EU) No [Regulation on the financial rules applicable to the general budget of the Union].

## *Article 50*

### *Information, communication and publicity*

1. The recipients of Union funding shall acknowledge the origin and ensure the visibility of the Union funding, in particular when promoting the actions and their results, by providing coherent, effective and proportionate targeted information to multiple audiences, including the media and the public.
2. The Commission shall implement information and communication actions relating to the EMF<sup>AF</sup>, and its actions and results. Financial resources allocated to the EMF<sup>AF</sup> shall also contribute to the corporate communication of the political priorities of the Union, as far as they are related to the priorities referred to in Article 4.

## *Article 51*

### *Eligible entities*

1. The eligibility criteria set out in paragraphs 2 to 3 shall apply in addition to the criteria set out in Article 197 of Regulation (EU) No [Regulation on the financial rules applicable to the general budget of the Union].
2. The following entities are eligible:  
  
legal entities established in a Member State or in a third country listed in the work programme under the conditions specified in paragraphs 3 and 4;  
  
any legal entity created under Union law or any international organisation.
3. Legal entities established in a third country are exceptionally eligible to participate where this is necessary for the achievement of the objectives of a given action.
4. Legal entities established in a third country which is not associated to the programme should in principle bear the cost of their participation.



## TITLE IV: PROCEDURAL PROVISIONS

*{Article 52: "Exercise of delegation" - will be further examined at a later stage}*

### *Article 53*

#### *Committee procedure*

1. The Commission shall be assisted by a Committee for the European Maritime ~~and~~ Fisheries **and Aquaculture** Fund. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>21</sup>.
2. Where reference is made to this paragraph, Article 4 5 of Regulation (EU) No 182/2011 shall apply.

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<sup>21</sup> Regulation (EU) 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.02.2011, p. 13).

# TITLE V: FINAL PROVISIONS

## Article 53a

### Amendments to Regulation 2017/1004

Article 6 of Regulation (EU) No 2017/1004 is amended as follows:

(1) Paragraphs 1 and 2 of Article 6 of Regulation (EU) No 2017/1004 are replaced by the following text:

“1. Without prejudice to their current data collection obligations under Union law, Member States shall collect data within the framework of a work plan drawn up in accordance with the multiannual Union programme (‘national work plan’)

2. Member States shall submit to the Commission by electronic means their national work plans by 31 October of the year preceding the year from which the work plan is to apply, unless an existing plan still applies, in which case they shall notify the Commission thereof.

3. The Commission shall adopt implementing acts approving the national work plans referred to in paragraph 1 and 1a by 31 December of the year preceding the year from which the work plan is to apply. When approving the national work plans, the Commission shall take into account the evaluation conducted by STECF in accordance with Article 10 of this Regulation. If such evaluation indicates that a national work plan does not comply with this Article or does not ensure 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 work plan that the Commission considers necessary. Subsequently, the Member State concerned shall submit a revised national work plan to the Commission.”

(2). The following paragraph 5 is inserted:

“5. The Commission may adopt implementing acts laying down rules on procedures, format for the submission of the national work plans referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 25(2).”

*{Article 54 "Repeal", Article 55 " Transitional provisions" and Article 56 "Entry into force and date of application " - will be addressed later, to align them with the approach taken in Regulation (EU)*

*No [Regulation laying down Common Provisions]}*

*For the European Parliament  
The President*

*For the Council  
The President*

*{Annex I: "Common indicators" - will be further examined at a later stage}*

## ANNEX II

### AREAS OF SUPPORT UNDER SHARED MANAGEMENT

<u>PRIORITY</u>	<u>AREA OF SUPPORT SPECIFIC CONDITION</u>	<u>TYPE OF AREA OF SUPPORT AREA OF SUPPORT (nomenclature to be used in the financing plan)</u>	<u>MAXIMUM CO- FINANCING RATE (% of the eligible public expenditure)</u>
<u>1</u>	<p>Article 14(1)</p> <p><i>Achievement of the environmental, economic, social and employment objectives of the CFP</i></p>	<u>1.1</u>	<u>75%</u>
	<p>Article 16</p> <p><i>Investments in <u>First acquisition of a small-seale coastal fishing vessel</u></i></p>	<u>1.1 Strengthening economically, socially and environmentally sustainable fishing activities</u>	<u>75%</u>
<u>1</u>	<p><u>Article 16 new</u></p> <p><u>Replacement or modernisation of a main or ancillary engine</u></p>	<u>1.1 new Replacement or modernisation of a main or ancillary engine</u>	<u>75 50%</u>
<u>1</u>	<p>Article 17(1)</p> <p><i>Management of fisheries and fishing fleets</i></p>	<u>1.1</u>	<u>75%</u>
<u>1</u>	<p>Article 17(2)</p> <p><i>Permanent cessation of fishing activities</i></p>	<u>1.2 Permanent and temporary cessation of fishing activities</u>	<u>50%</u> <u>50%</u>

1	Article 18 <i>Extraordinary <u>Temporary</u> cessation of fishing activities</i>		
1	Article 19 <i>Control and enforcement</i>	1.3 <u>Efficient fisheries control and reliable data for knowledge-based decision-making</u>	85%
1	Article 20 <i>Collection and processing of data for fisheries and <u>aquaculture</u> management and scientific purposes</i>		85%
1	Article 21 <i>Compensation for additional costs in the outermost regions for fishery and aquaculture products</i>	1.4 <u>Compensations for additional costs in the outermost regions</u>	100%
1	Article 22 <i>Protection and restoration of marine, and coastal and inland waters' biodiversity and ecosystems</i>	1.5 <u>Protection and restoration of aquatic ecosystems</u>	85%
2	Article 23 <i>Aquaculture</i>	2.1 <u>Aquaculture, markets and processing</u>	75%
2	Article 24 <i>Marketing of fishery and aquaculture products</i>		75%

2	<b>Article 25</b> <i>Processing of fishery and aquaculture products</i>		
3	<b>Article 26</b> <i>Community-led local development</i>	<b>3.1 <u>Development of fishing and aquaculture communities</u></b>	<b>75%</b>
3-4	<b>Article 27</b> <i>Marine knowledge</i>	<b>3. <u>4.1 Sustainable sea management</u></b>	<b>75%</b>
4	<b>Article 28</b> <i>Maritime surveillance</i>		<b>75%</b>
4	<b>Article 29</b> <i>Coastguard cooperation</i>		<b>75%</b>
	<b>Technical assistance</b>	<b>5.1</b>	<b>75%</b>

## ORGANISATION OF SUPPORT UNDER SHARED MANAGEMENT

<u>Policy Objectives as in Article 4 of Regulation (EU) No [Regulation laying down Common Provisions]</u>	<u>EMFAF Priorities</u>	<u>EMFAF Specific Objectives</u>	<u>Nomenclature to be used in the financing plan</u>
<u>A greener, low-carbon Europe by promoting clean and fair energy transition, green and blue investment, the circular economy, climate adaptation and risk prevention and management</u>	<u>1. Fostering sustainable fisheries and the conservation of aquatic biological resources</u>	<u>Strengthening economically, socially and environmentally sustainable fishing activities</u>	<u>1.1</u>
		<u>Increasing energy efficiency and reducing CO2 emissions</u>	<u>1.2</u>
		<u>Promoting the adjustment of fishing capacity to fishing opportunities and contributing to a fair standard of living in cases of certain temporary cessation of fishing activities</u>	<u>1.3</u>
		<u>Fostering efficient fisheries control and reliable data for knowledge-based decision-making</u>	<u>1.4</u>
		<u>Promoting a level-playing field for fishing and aquaculture products produced in the outermost regions</u>	<u>1.5</u>
		<u>Contributing to the protection and restoration of aquatic</u>	<u>1.6</u>

		<u>ecosystems</u>	
	<u>2. Fostering sustainable aquaculture activities and processing and marketing of fisheries and aquaculture products</u>	<u>Promoting sustainable and economically viable aquaculture activities, in accordance with Article 34(1) of Regulation (EU) No 1380/2013</u>	<u>2.1</u>
		<u>Developing competitive, transparent and stable markets for fisheries and aquaculture products, as well as processing of these products, in accordance with Article 35 of Regulation (EU) No 1380/2013 and with Regulation (EU) No 1379/2013</u>	<u>2.2</u>
	<u>4. Strengthening international ocean governance and enabling safe, secure, clean and sustainably managed seas and oceans</u>	<u>Strengthening sustainable sea and ocean management through the promotion of marine knowledge, maritime surveillance and/or coastguard cooperation</u>	<u>4.1</u>
<u>A Europe closer to citizens by fostering the sustainable and integrated development of urban, rural and coastal areas and local initiatives</u>	<u>3. Enabling the growth of a sustainable blue economy and fostering the development of fishing and aquaculture communities in coastal and inland areas</u>	<u>Developing fishing and aquaculture communities in coastal and inland areas</u>	<u>3.1</u>
	<u>Technical assistance</u>		



### ANNEX III

#### SPECIFIC MAXIMUM AID INTENSITY RATES UNDER SHARED MANAGEMENT

ROW NUMBER	TYPE OF OPERATION	MAXIMUM AID INTENSITY RATE
1	First acquisition of a fishing vessel or replacement or modernisation of a main or ancillary engine	<u>40%</u>
2	Operations contributing to the implementation of the landing obligation referred to in Article 15 of Regulation (EU) No 1380/2013 and improving size selectivity or species selectivity of fishing gears	100%
3	Others operations contributing to the implementation of the landing obligation referred to in Article 15 of Regulation (EU) No 1380/2013:  - operations improving the infrastructure of fishing ports, auction halls, landing sites and shelters in order to facilitate the landing and storage of unwanted catches;  - operations <b>facilitating the marketing of unwanted catches landed from commercial stocks</b> in accordance with Article 8(2)(b) of Regulation (EU) No 1379/2013.	75%
4	Operations improving the health, safety and working conditions on board fishing vessels	75%
5	Operations located in the outermost regions	85%

6	Operations located in the remote Greek Islands and in the Croatian islands of Dugi Otok, Vis, Mljet and Lastovo	85%
7	Article 19 Control and enforcement	85%
8	Operations related to small-scale coastal fishing (including for control and enforcement)	100%
9	Where the beneficiary is a public body or an undertaking entrusted with the operation of services of general economic interest as referred to in Article 106(2) of the Treaty, where support is granted for the operation of such services	100%
10	Compensations related to additional costs or income foregone under Article 30 including 17, 18, 21 and 23	100%
11	Article 20 Collection and processing of data for fisheries and aquaculture management and scientific purposes	100%
12	Article 22 Protection and restoration of marine, coastal and inland waters' biodiversity and ecosystems	100%
13	Article 23 Operations supporting sustainable aquaculture implemented by SMEs	60 %

14	<p>Article 26</p> <p>Community-led local development</p> <p>Operations which fulfil at least one of the following criteria:</p> <p>(i) it is of collective interest;</p> <p>(ii) it has a collective beneficiary;</p> <p>(iii) it has innovative features, where appropriate, at local level, <b><u>or it ensures public access to the results of the operations.</u></b></p>	100%
15	Running costs of FLAGS	100%
16	<p>Operations other than those covered in row 14 which fulfil all the following criteria:</p> <p>(i) it is of collective interest;</p> <p>(ii) it has a collective beneficiary;</p> <p>(iii) it has innovative features <b><u>or it ensures public access to the results of the operations.</u></b></p>	100%
17	Operations <b><u>related</u></b> <del>referring</del> to marine knowledge, maritime surveillance or coastguard cooperation	100%

18	Operations related to the design, development, monitoring, evaluation or management of transparent systems for exchanging fishing opportunities between Member States, in accordance with Article 16(8) of Regulation (EU) No 1380/2013	100%
19	Operations supporting innovative products, processes or equipment in fisheries, aquaculture and processing	75%
20	Operations implemented by producer organisations, associations of producer organisations or interbranch organisations	75%
21	Operations implemented by organisations of fishers or other collective beneficiaries	60%
22	Financial Instruments	100%

## ANNEX IV

Coefficients for calculating amounts of support for environment related and climate change objectives

AREA OF SUPPORT SPECIFIC OBJECTIVE OR SPECIFIC CONDITION	NOMENCLATURE TO BE USED IN THE PROGRAMME	Coefficient for the calculation of support to climate change objectives	Coefficient for the calculation of support to environment- related objectives
<i>Expenditure contributing to priority 1: Fostering sustainable fisheries and the conservation of <b>marine aquatic</b> biological resources</i>			
<i>Article 14 (1) a)</i> <i>Achievement of the environmental, economic, social and employment objectives of the CFP</i> <b><u>Strengthening economically, socially and environmentally sustainable fishing activities, excluding first acquisition of a fishing vessel</u></b>	1.1	40%	100% *
<i>Article 16</i> <b><u>Investments in First acquisition of a small-scale coastal fishing vessels</u></b>	1.1	0%*	0% for expenditure related to the first acquisition of a fishing vessel by a young fisher <b>40% for expenditure related to the replacement or modernisation of a main or ancillary engine</b>
<b><u>Article 16 new Replacement or</u></b>	<b><u>1.2</u></b>	<b><u>40%</u></b>	<b><u>40%</u></b>

<b><u>modernisation of a main or ancillary engine</u></b>			
<b>Article 17(1)</b> <i>Management of fisheries and fishing fleets</i>	<b>1.1</b>	<b>0%</b>	<b>0%</b>
Article 17(2) <i>Permanent cessation of fishing activities</i>	<b>1.23</b>	100% if the support is achieved through the scrapping of the fishing vessel 0%* if the support is achieved through the retrofitting of the fishing vessel for activities other than commercial fishing	0%*
Article 18 <i><b>Extraordinary Temporary</b> cessation of fishing activities</i>	<b>1.23</b>	40%	40%
Article 19 <i>Control and enforcement</i>	<b>1.34</b>	0%	40%
Article 20 <i>Collection and processing of data for fisheries <b>and aquaculture</b> management and scientific purposes</i>	<b>1.34</b>	0%	40%
Article 21 <i>Compensation for additional costs in outermost regions for fishery and aquaculture products</i>	<b>1.45</b>	0%	0%
Article 22 <i>Protection and restoration of marine, <b>and</b> coastal <b>and</b></i>	<b>1.56</b>	40%	100%

<i>inland waters' biodiversity and ecosystems</i>			
<p><i>Expenditure contributing to priority 2: <b><u>Fostering Contributing to food security in the Union through competitive and sustainable aquaculture activities and processing and marketing of fisheries and aquaculture products</u></b></i></p>			
Article 23 <i>Aquaculture</i>	2.1	0%*	40%
<b>Article 24</b> <b><i>Marketing of fishery and aquaculture products</i></b>	<b>2.1</b>	<b>0%</b>	<b>0%</b>
Article <del>25</del> 22 new <b><i>Processing of fishery and aquaculture products</i></b> <b><u>Developing competitive, transparent and stable markets for fisheries and aquaculture products, as well as processing of these products, in accordance with Article 35 of Regulation (EU) No 1380/2013 and with Regulation (EU) No 1379/2013</u></b>	2 <b><u>new</u></b> .1	0%*	0%
<p><i>Expenditure contributing to priority 3: Enabling the growth of a sustainable blue economy and fostering <b><u>prosperous the development of fishing and aquaculture coastal communities in coastal and inland areas;</u></b></i></p>			
Article 26 <i>Community-led local development</i>	3.1	0%*	40%
<b>Article 27</b> <b><i>Marine knowledge</i></b>	<b>3.1</b>	<b>40%</b>	<b>100%</b>
<p><i>Expenditure contributing to priority 4: Strengthening international ocean governance and enabling safe, secure, clean and sustainably managed seas and oceans</i></p>			

<b><u>Article 27</u></b> <b><u>Marine knowledge</u></b>	<b><u>4.1</u></b>	<b><u>40%</u></b>	<b><u>100%</u></b>
Article 28 <i>Maritime surveillance</i>	4.1	0%	0%
Article 29 <i>Coastguard cooperation</i>	4.1	0%	0%
<i>Expenditure contributing to technical assistance</i>			
<i>Technical assistance</i>	5.1	0%*	0%*

\* A Member State may propose in its programme that a coefficient of 40% be assigned to a **specific objective or specific condition** ~~an area of support~~ marked with \* in the table, provided it can demonstrate the relevance of that **specific objective or specific condition** ~~area of support~~ to climate change mitigation or adaptation, or to environment-related objectives, as appropriate.

**[ANNEX V - bracketed provision]**

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