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NOTE

From:	General Secretariat of the Council
To:	Delegations
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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) - Croatian comments

Delegations will find attached written comments by the Croatian delegation on the above-mentioned proposal.

HR COMMENTS

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Row 77 – PGA should be kept bearing in mind different national rules on commercial fishing activities in the context of legal form, as stated in the second part of the definition „as recognised by the relevant Member State“.

Row 78a – flexible for the EP amendment, as specificities of different Member States should be taken into account.

Row 85 – flexible to include EP's amendment and to cover inland fishing.

Row 202 – we can support if it does not impact on PGA in row 204b, as in practice ownership of the vessel is related to legal person which is owned by natural person(s).

Row 205d - we can support the proposal to have condition of 3 years for small-scale coastal fishing vessels and 5 years for other type of vessels. However, it is not clear if „year of age“ is related to year of construction of vessel or to year when vessel became a fishing vessel. We consider that partial general approach should be kept, i.e. that such condition should be related to the year of registration of the vessel in the fishing fleet register.

Row 210d - We consider that condition related to the age of the vessel should not be defined under this Article, i.e. it is redundant taking into account that age of the vessel is not necessarily the same as the age of the engine (vessel could be older but have newer engine). Therefore, we consider that defining such condition would not contribute to ensuring that the main objective (increase the

energy efficiency of the vessel) is achieved. However, in the spirit of compromise, we can support similar condition but related to the year of registration of the vessel in the fishing fleet register. Therefore, we propose the following wording:

„b. the vessel has been registered in the fleet register for at least 3 calendar years preceding the year of submission of the application for support in case of a small-scale coastal fishing vessel, and at least 5 years in case of other type of vessel“

Row 210g – we consider that PGA should be kept and conditions on capacity should refer to the engine power in kW. We do not agree that the alternative drafting suggested by the Commission has the same sense than the Council's PGA". Namely, PGA is referring to fishing capacity in kW and it seems from the wording that Commission`s proposal covers fishing capacity in general, i.e. both in kW and in GT. The fishing capacity withdrawn due to the replacement or modernisation of a main or ancillary engine shall not be replaced."

Row210l and 210p – we welcome the flexibility to compromise on extending the possibility for funding to vessels longer than 24 metres. However, we believe that possibility not to limit the support for such vessels through financial instruments should be further examined with the EP.

Row 210m - We consider that support should be also available for younger vessels, for example vessels of 10 years of age, as we believe that for such vessels there is also the need to improve safety, working conditions or energy efficiency, provided that other conditions, in particular those related to capacity ceilings, are respected. However, in the spirit of compromise, we could be flexible if possibility for funding would be extended to vessels longer than 24 meters

Row 220 - We do not support to have an obligation to implement the support by financing not linked to costs. We consider that the Member States should have a possibility to choose the way of implementation, as provided in the CPR. Conditions defined for support under this article already ensure that support is granted for the right purpose and in order to achieve the objectives of such support. Namely, support can only be granted if the cessation is foreseen as a tool of an action plan

referred to in Article 22(4) of Regulation (EU) No 1380/2013, i.e. support can only be granted for cessation of vessels which belong to unbalanced segment in order to achieve the balance between fishing capacity and fishing opportunities. This means that support can be granted only for those operations (cessations of vessels) which directly impact on achieving the results and objectives.

Row 224 - We consider that this obligation goes beyond the scope of the EMFAF Regulation in the context of conditions for granting support. Any eligibility condition and criteria set in the regulation must be checked by the Managing Authority when selecting and approving operations/granting support. Note: Managing Authority = authority in charge of management and control of the implementation of the fund/operational programme, designated by the Member State. In the context of this provision, in practice it would mean that the Managing Authority, when checking the eligibility of applications/operations should, in addition to checks of fulfilment of conditions set in paragraph 2, also perform checks if 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 been prepared on the basis of the biological, economic and vessel use indicators set out in the common guidelines referred to in that Regulation. In other words, the Managing Authority would have to „assess the assessment“, i.e. to assess if the respective report on the balance between the fishing capacity and fishing opportunities was prepared in accordance with the common guidelines referred to in CFP Regulation and to make a decision if the assessment was done correctly or not. Such assessment goes far beyond the functions of the Managing Authority. Namely the Managing Authority is not in charge of management of fisheries in general, but in charge of management of the Fund. There is no basis in the CFP Regulation which would allow for the Managing Authority of the Fund to disprove the Report/assessment prepared/conducted by the relevant authority of the Member State. There is no basis for the Managing Authority to formally decide if the assessment is done properly or not. Provisions defining preparation and obligations of the Member State in relation to Fleet report and assessment on the balance between fishing capacity and fishing opportunities, including consequences in cases of not respecting provisions of Article 22(2) are already defined in the CFP Regulation. Therefore, any further provisions in the Fund regulation would go much beyond the CFP Regulation.

Row 231 - Taking into account that cessations, i.e. conservation measures when support can be granted are already specified in paragraph 1(a), we consider that no further specification of the CFP objectives is necessary, in separate paragraph. Therefore, we propose to delete paragraph 3 and to amend paragraph 1(a). We propose wording as follows, or similar:

“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, provided that cessation is based on scientific advice.”

With regard to scientific advice, we can support the reference. However, for the sake of further clarification, we would kindly ask you to confirm if, for instance, scientific advice made by national scientific institute be considered as scientific advice in the context of this provision.

Row 238 – we support the flexibility for this provision and we consider that the flexibility should be kept. Namely, we consider that period for which support can be granted should not be limited or, in the spirit of compromise, it should be increased to 12 months. Namely, cases of temporary cessation when support can be granted are strictly defined and limited in paragraph 1, which ensures that support is granted only for those cessations which are implemented when it is actually needed. Bearing in mind that duration of such situations cannot be predicted, we consider that limitation of period for granting support should not be defined in the regulation. In addition to cessations implemented for biological reasons, where periods of cessation would depend on the scientific advice, we have an example of health crisis caused by new Coronavirus for which it is not known how the situation will develop and how long it will last.

Row 284 - we support the flexibility for this provision and we consider that the flexibility should be kept. Namely, we consider that type of support should be decided by each Member State, on the basis of its specificities. Therefore, we consider that support in the form of grants should be possible for all enterprises, regardless the size.