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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
- Revised Bible

Following discussions in the Working Party on Internal Fisheries Policy between 6 July and 9 November 2018, delegations will find attached a revised summary of comments ('bible').

Delegations' comments, including summaries of written comments and non-papers, can be found in the footnotes, in *bold and italics*. These cover all operative articles and annexes of the proposal, except certain bracketed provisions that are likely to feature in negotiations on the Multiannual Financial Framework for the 2021-27 period, on which adoption of the text will depend.

General comments are summarised on pages 2-7. For delegations' detailed written comments and non-papers, please refer to the documents themselves¹.

¹ Docs 11207/18 + ADD 1 to ADD 80 + WK 14880/18.

GENERAL COMMENTS

The proposal is received as a good basis for ensuring the renewal of EMFF support for the 2021-27 programming period.

CY, DK, FI, IE, MT, NL and SE maintain general **scrutiny reservations** on the proposal. DK, IE, NL and UK also entered **parliamentary scrutiny reservations**.

1. Simplification

Delegations welcome COM's efforts to simplify the regulation in order to allow Member States greater flexibility in deciding on measures in the light of their own circumstances and strategic choices, whilst at the same time aligning to the extent possible the different structural and investment funds via the common provisions regulation (CPR).

COM's approach aimed at dispensing with the detailed prescriptions that are currently used to determine which measures are eligible for EMFF support is broadly welcomed as an effective means of attaining common objectives at a faster rate of implementation. The programming logic used under the current EMFF regulation is viewed as being overly complex, and partly responsible for a slow rate of project selection and spending. There is broad support for establishing a system whereby rules are simpler to implement, verify and control, with fewer administrative burdens on both applicants/beneficiaries and managing authorities.

Many delegations see scope nevertheless for further improvements, in terms of both content and the manner in which **simplified provisions** will apply:

- some delegations highlight the need to simplify administrative requirements with regard to the **size and/or characteristics** of different fisheries sectors, fishing fleets and operational programmes;

- some delegations note the **introduction of new elements** that could compromise efforts to simplify implementation. These include the obligation to draw up an action plan for small-scale coastal fisheries, a sea basin SWOT analysis and an action plan for the outermost regions, all of which would be incorporated into the operational programme and serve as a condition for the Commission's validation. These new elements add to a system of indicators to be used in assessing implementation, on which interim payments would depend, and could lead to delays in the adoption of operational programmes. According to FR, elements such as these should underpin the OPs, and not be an integral part of them. Similarly, delegations such as BE consider that community-led local development should be possible without requiring a dedicated FLAG or additional strategy, and this should be dealt within the OPs;
- the principle whereby eligibility for support under shared management is determined on the basis of the **measures to be prohibited** (article 13) raises a number of interrogations. Whilst agreeing that this is a more flexible approach, DE, for instance, suggests that this be made more explicit in the text;
- some delegations seek greater clarity regarding **which areas can and which areas cannot be supported** by the fund. For instance as regards title II (shared management), LV and SI find that the structure and content of chapter II do not state this clearly. Although article 14 allows a broad range of areas of support, they find that the sections that follow do not confirm this, and it could be concluded that support for fisheries under chapter II is limited to what is foreseen in articles 17 to 22;
- additionally, for a number of delegations, the reading of some provisions (e.g. articles 22 and 27) give the impression of referring to exclusive and exhaustive lists. It should be clarified that areas of support can be much broader and that such listing is only indicative;

- a number of delegations note that flexibility in deciding which areas can be supported is not matched in deciding how to support it, given the proposed mandatory use of **non-grant financial instruments** in the aquaculture and processing sectors (articles 23 and 25). They fear that such instruments would impose a considerable administrative burden on SMEs and have little appeal for investors in these sectors in the current climate of low interest rates. The prevailing view is that the use of financial instruments should be reserved for larger companies and/or sectors;
- some delegations are concerned about the **enabling conditions** for securing EMFF support, the fulfilment of which would be a condition for declaring costs. PT is concerned about the administrative burden and the delay in spending that might result from these. IT considers that the current planning arrangements should be maintained to allow for immediate implementation and an enhanced spending capacity;
- as regards **monitoring and evaluation**, some delegations consider that procedures should be clear from the start of the programming period and should be comparable to those required for the other structural and investment funds. Annual performance reports are generally viewed as adding to administrative burden.

2. Link with the common provisions regulation (CPR)

A number of delegations' comments relate to the relationship between EMFF provisions and **the CPR proposal**. ES considers that setting EMFF rules of functioning within the CPR is not justified, given the difference of scale with the larger funds in terms of resources, the dimension of operations and the scope of action. PT calls for complementarity to be ensured between the CPR and EMFF rules. PL calls for the connection between their respective policy aims to be better articulated, as the set-up and the intervention logic of the OPs will depend on it. Other delegations, such as NL, highlight inconsistencies between the two instruments, for instance in the definition and use of the term 'priority', and insist that complementarity between the two be improved.

3. Scope

Concerning the **scope of intervention** of the fund, and given the reduced volume of financial resources that is proposed for the EMFF, some delegations, such as BG and SE, are of the opinion that its scope should not expand. Whilst acknowledging that a comprehensive approach to the use of marine resources is necessary, they wish to maintain a primary focus in terms of EMFF financing on the objectives of the Common Fisheries Policy. BE considers that the EMFF shouldn't serve as the main vehicle of support for the development of the blue economy and ocean governance and security if this would dilute the overall efficiency and effectiveness of the fund.

PL is favourable to extending EMFF support to cover integrated **maritime policy** (IMP) and international ocean management, considering these areas to be closely connected to CFP objectives. In order that they should not be financed at the expense of the CFP, PL suggests rather that EMFF financial resources be increased. FI considers that **the EMFF's priorities** should be clarified, and aligned with both CFP and IMP objectives. In its view, a reformulation of priorities would also simplify monitoring and evaluation, as well as the design and implementation of national programmes.

A number of delegations welcome the possibility offered by the proposal to continue promoting **aquaculture and inland fisheries**. AT, CZ, DE, HR, HU, PL, RO, SK and SI highlight the role of traditional fishpond farming and flow-through systems both as a sustainable source of quality food and in number of non-production functions. Such systems face new challenges related to the environment and climate change; these create an additional financial burden for operators and should be adequately reflected in the new regulation. Reducing the role of freshwater aquaculture purely to food security would be to undervalue its benefits.

A number of delegations are concerned at requirements that restrict or eliminate the possibility of supporting fleet modernisation and the **acquisition of new fishing vessels**. LT, for instance, fears this will stymie the achievement of national objectives and the broader aims of the CFP, whilst SI advocates EMFF support for the purchase of vessels for sustainable small-scale fisheries. LV proposes the use of financial instruments for **fishing vessel construction** wherever the compulsory fleet capacity ceilings fixed per member state in the CFP regulation are not exceeded.

DE notes that the possibility of supporting emergency decommissioning measures in connection with the **temporary cessation** of fishing activities is missing from the proposal. DE emphasises that such measures, provided for by the current regulation, contribute significantly to the protection and rebuilding of threatened fish stocks and should therefore be maintained.

As regards the **permanent cessation** of fishing activities, some delegations consider the proposed eligibility requirements to be too stringent. BG calls for procedures to be simplified, whilst IT suggests that they remain in line with those foreseen in the current regulation.

PT considers that the current rules for temporary and permanent cessation should be maintained or improved, without being made more restrictive.

4. Annexes

The annexes to the proposed regulation raise a number of issues:

- a number of delegations seek greater clarity on the **common indicators** cited in annex I, some seeing no added value in indicators that are only applicable to the Commission, and others suggested that their use and purpose be more precisely defined. LV and SI suggest that the indicators (both result and output) be defined in the EMFF regulation, whilst PT suggests that they also be reduced in number;
- in annex II, some delegations call for a single **co-financing rate** to be used for areas of support under shared management, whereas other delegations are keen to obtain higher rates for certain areas of support;
- in annex III, there are numerous requests for **maximum aid intensity rates** to be added for specific areas of support/types of operation. FI suggests that the aid intensity be defined according to the nature of operations, not the area of support, and EE that the fixing of rigid aid intensities be discontinued so as to enable member states to design effective measures;
- regarding annex IV, BE and PT suggest that **coefficients** for the calculation of support to climate and environment objectives be reduced to a single percentage, to reflect the simplified fund logic, and PL notes an inconsistency between the climate coefficients and the general objective of achieving a 30% level of support for climate actions;

- LT suggests **an annex be added** to indicate, as under the current regulation, the distribution of funds under the direct management measures and their objectives.

5. Other issues

Amongst other issues raised:

- some delegations consider that the **distribution of EMFF resources** (laid down in articles 5 to 8) should be the same as under the current regulation, and reductions shared equally between shared and direct/indirect management;
- IT and PT suggest that the amounts allocated to the development of the **blue economy** be managed directly by the member states. PT calls for 10% minimum of EMFF funds to be reserved for the blue economy or, at least, that members states may decide to do so in their operational programmes;
- SE is concerned that there remains a potential for EMFF financial support having market-disrupting or **capacity-enhancing effects**. SE insists that EMFF support must be in line with goal 14.6 of Agenda 2030 in order not to contribute to overfishing, overcapacity or IUU fishing, which is of utmost importance for the EU to continue as an active partner in WTO negotiations;
- some delegations consider that **achieving a balance** between fishing capacity and fishing opportunities should not be precondition for EMFF support;
- BE and SI call for EMFF support to **young fishers** and SI for compensation for **retiring fishers**;
- BG highlights unequal outcomes on account of the **unavailability of funds** during previous programming periods, as well as its own context of sharing stocks with countries that are not committed to international cooperation.

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

TITLE I: GENERAL FRAMEWORK

CHAPTER I

General provisions

Article 1

Subject-matter

This Regulation establishes the European Maritime and Fisheries Fund (EMFF)². It lays down the priorities of the EMFF, the budget for the period 2021-2027, the forms of Union funding and the specific rules for providing such funding, complementing the general rules applying to the EMFF under Regulation (EU) No [Regulation laying down Common Provisions]³.

Article 2

Geographical scope⁴

This Regulation shall apply to operations carried out in the territory of the Union, unless otherwise provided for in this Regulation⁵.

² ***AT, CZ, HU:*** *European Maritime, Fisheries and Aquaculture Fund.*

³ ***PT:*** *add "for the period 2021-2027" to the first sentence and delete "the budget for the period 2021-2027".*

NL: *this article does not establish the EMFF, as it refers to the subject matter; an article should be added in accordance with article 4 of the current regulation.*

PL: *the connection between EMFF aims and CPR aims should be specified.*

EE: *delete "the forms of Union funding and the specific rules for providing such funding".*

⁴ ***CY, EE, LV, NL:*** *this article should be deleted (geographical scope is established by article 57, paragraph 4 of the CPR proposal).*

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 and Article 2 of Regulation (EU) No [Regulation laying down Common Provisions] shall apply.
2. For the purpose of this Regulation, the following definitions apply⁶:
 - (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 investors⁷;

⁵ ***DK, ES, IT:*** add: "All or part of an operation can be carried out outside the territory of a member state, including outside the territory of the Union, provided that the operation contributes to the objectives of the programme".

IE: coverage of marketing and promotion should be considered (no derogation currently foreseen in article 24).

CY: scrutiny reservation on this article pending the conclusion of the article 50 negotiations with the UK regarding application of the EU acquis in the British bases in CY, in order to secure the continued application of the EMFF regulation after UK withdrawal from the EU.

⁶ ***EE:*** indents (2), (3), (4), (12) and (13) should be deleted.

SE: definitions of 'direct restocking' and 'commercial recreational fishing vessel' are needed: "'commercial recreational fishing vessel' means a vessel used for the purpose of supplying commercial recreational fishing services".

ES: a definition of 'beneficiary' is needed, differentiating between vessel owners and operators.

IT: a definition of 'operator' is needed: "'operator' means the person who operates a vessel, whether or not they own it. Operation of a vessel means the set of functions, activities and responsibilities taken on by the person who manages it".

IT: a definition of 'transformation' is needed: "'transformation' means the process of preparation of fish products. It includes filleting, packaging, canning, freezing, smoking, salting, cooking, marinating, drying or preparing fish for placing on the market

DK: a definition of 'inland waters' is needed.

ES: a definition of 'artisanal coastal fishing' is needed, related to the type of fishing, the duration and distance, and the length of the vessel; (alternatively, requirements and flexibility could be defined to adapt aid to artisanal fishing in different countries and regions).

BE: a definition of 'small national fleet' is needed: "'small national fleet' means a national fleet of less than 100 active vessels or less than 12 000 GT, excluding vessels >40m or XX BT".

BE, SI: a definition of 'small operational programme' is needed: "'small operational programme' means a national programme defined by article 17 of [the CPR] which provides for less than EUR 100 000 000 in public support".

⁷ ***EE, LT:*** this definition should be established by the financial and InvestEU regulations.

- (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 sea⁸;
- (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 fishing for stocks that have not been subject to fishing or have not been subject to fishing by a particular gear type or technique in the previous ten years⁹;
- (6) 'fisher' means any natural person engaging in commercial fishing activities, as recognised by the relevant Member State¹⁰;
- (7) 'inland fishing' means fishing activities carried out for commercial purposes in inland waters by vessels or other devices, including those used for ice fishing¹¹;

⁸ ***EE:*** the definitions in indents (2), (3) and (4) should be deleted.

⁹ ***ES, NL:*** this definition should include innovation.

FI: it is unclear and should be reviewed.

PL: the definition should be deleted (and the term deleted from article 13)

DK: due to a potential confusion with experimental fishing, definitions of both should be provided; "'exploratory fishing' means fishing for stocks for the purpose of commercial exploitation, which have not been subject to fishing in the previous ten years, unless it is exploratory fishing for invasive species as included in the EU list referred to in regulation 1143/2014 or species mentioned in annex 4 of regulation 708/2007".

EE: "'exploratory fishing' means any fishing operation carried out for commercial purposes in a given area with a view to assessing the profitability of the regular, long-term exploitation of fishery resources in that area".

SE: "'exploratory fishing' means fishing for stocks that have not been subject to fishing in the previous ten years, with the exception of invasive alien species included on the Union list referred to in article 4 of regulation (EU) No 1143/2014".

¹⁰ ***DE, EE, FI, LT, LV:*** "any natural and legal person" (DE, EE, FI, LT); delete "natural" (LV).

SE: "'fisher' means any natural person engaging in commercial fishing activities, with the purpose of supplying food, feed and similar goods, as recognised by the relevant member state".

¹¹ ***FR, IT:*** "'inland fishing' means commercial fishing activities in inland waters, including lakes and rivers, 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 managed¹²;
- (9) 'maritime policy'¹³ 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 of¹⁴ 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 cooperation¹⁵;
- (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 Union¹⁶;
- (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 objectives¹⁷;

SE: "'inland fishing' means fishing activities carried out for commercial purposes, with the purpose of supplying food, feed and similar goods, in inland waters by vessels or other devices, including those used for ice fishing".

¹² ***PL:*** this definition is too narrow (refers only to EU action).

EE: it should be deleted; a footnote should be added to article 45 with reference to the Commission/High Representative "joint communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 10 November 2016 on international ocean governance".

¹³ ***EE:*** the term 'integrated maritime policy' should be used.

¹⁴ ***PL:*** "including".

¹⁵ ***EE:*** this definition should be deleted, and a footnote added to the relevant article with reference to the "Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 10 October 2007 on an integrated maritime policy for the European Union".

¹⁶ ***MT:*** this definition should be reviewed to avoid a potential overlap between EMFF interventions and the internal security fund.

EL: it is too broad and should be clarified.

PL: it is too narrow ("understand"); security and surveillance should consist primarily of planning and preventive activities and responding to threats that occur.

EE: it should be deleted; a footnote should be added to the relevant article with reference to the "Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 6 March 2014 for an open and secure global maritime domain: elements for a European Union maritime security strategy".

NL: the definition should be limited to clean and sustainably managed seas (to avoid broadening too much the EMFF's scope).

¹⁷ ***EE:*** this definition should be deleted and a footnote added to the relevant article with reference to directive 2014/89/EU on a framework for maritime spatial planning.

- (12) 'productive aquaculture investments' means investments in the construction, extension, modernisation or in the equipment of facilities for aquaculture production¹⁸;
- (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 appropriate¹⁹;
- (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 1967/2006²⁰²¹;
- (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 legislation²².

¹⁸ ***AT, IT, SI:*** add: "including direct farm sales".

CZ, EE, FI, LV, PL: this definition should be deleted; (PL:) it could cause implementation difficulties for environment projects in aquaculture; there is no definition for productive investments in processing.

SE: this definition should not include investments reducing negative impact or enhancing positive effects on the environment and increasing resource efficiency that are not directly linked to increased production.

¹⁹ ***EE:*** this definition should be deleted.

²⁰ ***FI:*** "carried out inland or by fishing vessels..."

EE: "'small-scale coastal fishing' means fishing carried out by fishing vessels of an overall length of less than 12 metres and using passive gear, as defined in article 2(6) of Commission implementing regulation (EC) No 404/2011, and inland fishing".

ES: small-scale coastal fishing means fishing carried out by vessels of an overall length of less than 15 metres, with trips shorter than 24 hours without leaving 12-mile limit territorial waters.

IE: this definition is restrictive; it should include inshore fishers in the 12-15m range, inshore vessels using towed gear or more selective gear and ecosystems-based fisheries management.

DK: the definition should either be broadened or set by national programmes (in DK, it includes vessels up to 17 metres).

²¹ 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).

²² ***FR:*** "'sustainable blue economy' means all sectoral and cross-sectoral economic activities in the entire single market related to oceans, seas, coasts and inland waters, also covering the outermost and landlocked regions of the Union, including emerging sectors and non-market goods and services and being compatible with Union environmental legislation".

PL: the terms 'emerging sectors' and 'non-market goods and services' should be clarified; the lack of a definition of the 'blue economy' could cause delays in implementation; an interpretation of the term is particularly necessary for the outermost regions.

Article 4

Priorities

The EMFF shall contribute to the implementation of the CFP and of the maritime policy²³. It shall pursue the following priorities²⁴:

- (1) Fostering sustainable fisheries²⁵ and the conservation of marine biological resources²⁶;

²³ **EE, FI, LV, NL**: there should be a clearer focus on CFP and maritime policy objectives; the value creation chain should be highlighted.

PL: maritime policy financing should not be at the expense of the CFP (new components should bring added funding).

DK, MT: the priorities should include maritime strategy (MT); should include efficient and science-based fisheries management, and a reference to community-led local development (DK).

ES: the regulation should specify which CFP political objectives it is contributing to.

²⁴ **DK, EL, FR, IE, LV**: the wording of the priorities should be reviewed, with clear provision for the fisheries sector (EL).

CZ, DE, EE, FI, LV, NL: "(1) Contributing to food security through a profitable fisheries value chain, (2) Fostering an environmentally sustainable fisheries value chain and the conservation of marine and freshwater biological resources; (3) Efficient and science-based fisheries management; (4) Enabling the growth of a sustainable blue economy and strengthening international ocean governance".

LV: a reference to community-led local development should be added to priority (4).

DE: "(1) Contributing to food security in the Union through a sustainable, profitable fisheries and aquaculture value chain; (2) Fostering sustainable fisheries and aquaculture and the conservation of marine and freshwater biological resources; (3) Efficient and science-based fisheries management; (4) Strengthening international ocean governance, enabling the growth of a sustainable blue economy and fostering prosperous fisheries and aquaculture communities".

DK, NL, PL, SI: linkages with the priorities listed by the CPR should be clarified.

EE, EL, ES, LV, NL, SE: the priorities should provide scope for supporting competitiveness (LV, SE), innovation (EE, EL, ES, NL) and projects coming under several priorities (EE, NL).

²⁵ **SE**: "competitive sustainable fisheries".

AT: add: "and aquaculture".

²⁶ **AT, CZ, DE, HR, HU, PL, RO, SI, SK**: "Fostering sustainable fisheries and aquaculture and the conservation of biological resources".

IT: add: "and of the economic and social fabric".

BG: "Promoting sustainable fisheries and the conservation of marine biological resources with possibility for exact actions, especially in regions where stocks are shared with third countries that do not adhere to the management and conservation measures adopted by authorities competent for fisheries management in the region concerned".

ES: "Fostering sustainable fisheries from the economic, biological and social points of view".

PT: the three strands of the CFP (environmental, economic and social sustainability) should be reflected in this priority.

- (2) Contributing to food security in the Union through competitive and sustainable aquaculture and markets²⁷;
- (3) Enabling the growth of a sustainable blue economy²⁸ and fostering prosperous coastal communities²⁹;
- (4) Strengthening international ocean governance³⁰ and enabling safe, secure, clean and sustainably managed seas and oceans³¹.

Support under the EMFF shall contribute to the achievement of the environmental and climate change mitigation and adaptation³² objectives of the Union. That contribution shall be tracked in accordance with the methodology set out in Annex IV³³.

BE: priority should be given to (1) and (2), i.e. fisheries and aquaculture, while conserving the marine and freshwater environment and biological resources.

²⁷ ***ES:*** contributing to food security should involve more than just aquaculture and markets.

IE: this priority should include promoting growth and development.

LV: it should be clarified.

BE: add: "of fishery and aquaculture products".

²⁸ ***DE, EE, NL, SE:*** the scope given to the blue economy should be assessed.

ES: the blue economy should be defined.

CZ, HU, SI: the contribution to the blue economy of aquaculture in landlocked countries should be reflected amongst the priorities.

²⁹ ***PT:*** intervention by central administrations should be possible, an not just coastal communities.

DK: a wording other than "prosperous" should be used as concerns coastal communities.

BG: "Creating preconditions for the growth of sustainable Blue economy and stimulating prosperous coastal communities, taking into account the specificity and the conditions of the region concerned".

FR, NL: the wording of priorities (3) and (4) is too broad; whilst the coastguard function can contribute to ocean governance, it shouldn't jeopardise EMFF objectives; the complementarity of financial instruments is therefore essential.

³⁰ ***DE:*** this term is too vague.

³¹ ***SE:*** priority (4) should be deleted, and its subject matter placed under priority (1).

³² ***HU:*** add: "as well as food security and safety".

DK, PL: the 30% climate target cited in recital 13 should be clarified; should not be obligatory.

³³ ***BE, DK, EE, PL:*** the role/implications of this sub-paragraph should be clarified.

HU: it should be a standalone priority.

CY: the sub-paragraph should be deleted.

ES: the limits to financing under this sub-paragraph would be better cited in article 6 or article 9.

CHAPTER II

Financial framework

Article 5

Budget

1. The financial envelope for the implementation of the EMFF 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 EMFF 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 EMFF 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 exceed 50% of each of the allocations referred to in points (a), (b) and (c) of paragraph 2³⁴.

³⁴ ***ES, FR, PT: the 50% limit is not justified; member states should be free to allocate compensation as necessary.***

4. At least 15% of the Union financial support allocated per Member State shall be allocated to the areas of support referred to in Articles 19 and 20³⁵. Member States with no access to Union waters may apply a lower percentage with regard to the extent of their control and data collection tasks³⁶.
5. The Union financial support from the EMFF allocated per Member State to the areas of support referred to in Articles 17(2) and 18³⁷ shall not exceed the higher of the following two thresholds³⁸:
- (a) EUR 6 000 000³⁹; or
 - (b) 10% of the Union financial support allocated per Member State⁴⁰.
6. In accordance with Articles 30 to 32 of Regulation (EU) No [Regulation laying down Common Provisions], the EMFF may support technical assistance for the effective administration and use of this Fund at the initiative of a Member State⁴¹.

FR: "The compensation referred to in Article 21 shall not exceed: (a) EUR XXXX for the Azores and Madeira; (b) YYYY EUR for the Canary Islands; (c) EUR 86 450 000 for Guadeloupe, French Guiana, Martinique, Mayotte, Réunion and Saint-Martin."

³⁵ ***HR, LT, LV, MT, PL, RO, SI*** opposed to earmarking (member states should decide on allocations).

MT: impact of earmarking should be assessed.

CY: requests clarification that member states can allocate 15% of the budget as they deem necessary to control and data collection.

BE, DE, DK, FR: 15% is too low (DK: 25%; add: "Member states without access to EU waters may apply a lower percentage").

ES: the reference to article 19 is too broad.

CY, DK, FI, NL: add: "Member states shall ensure sufficient financial support for fulfilling the obligation given in Council regulation (EC) No 1224/2009 and regulation (EU) 2017/1004 of the European Parliament and the Council".

³⁶ ***LV:*** this paragraph should be deleted.

CZ: the financing of control/enforcement for the collection/processing of data should be voluntary; the eligibility of support for aquaculture should be specified.

³⁷ ***SE:*** "articles 16(1), points (a) and (b), 17(2) and 18".

³⁸ ***BG, MT, PL:*** the thresholds should be deleted (flexibility needed to respond to emerging needs).

BE: support for transfer of ownership, engine replacement and fleet renewal should be subject to the thresholds.

HR: ceilings should be increased.

³⁹ ***SE:*** this ceiling should be reduced proportionately to the budgetary resources under shared management.

⁴⁰ ***ES, IT:*** 15%. ***HR, PL:*** 20%. ***NL:*** add: "to a maximum of EUR 30 000 000".

⁴¹ ***NL:*** this paragraph should be deleted (duplicates CPR).

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 EMFF, such as preparatory, monitoring, control, audit and evaluation activities including corporate information technology systems⁴².

In particular, the EMFF 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)⁴³:

- (a) technical assistance for the implementation of this Regulation as referred to in Article 29 of Regulation (EU) No [Regulation laying down Common Provisions]⁴⁴;
 - (b) the preparation, monitoring and evaluation of sustainable fisheries partnership agreements and the Union participation in regional fisheries management organisations⁴⁵;
 - (c) the setting-up⁴⁶ of a European network of local action groups.
3. The EMFF shall support the costs of information and communication activities linked to the implementation of this Regulation⁴⁷.

⁴² **EE:** *this sentence should be deleted (contradicts articles 40 to 45).*

FI: *"The amount referred to in paragraph 1 may be used for the implementation of the EMFF, including technical and administrative assistance, such as preparatory, monitoring, control, audit and evaluation activities including corporate information technology systems".*

⁴³ **NL:** *6% of the amount indicated in paragraph 1.*

FI, SE: *this should refer to the financial envelope for direct management (article 8, paragraph 1).*

⁴⁴ **DE:** *technical assistance should amount to 6% of the allocated budget.*

⁴⁵ **EE:** *indents (b) and (c) and paragraph 3 should be deleted (SFPAs not funded by the EMFF; networks and information/communication activities are covered by article 29 of the CPR).*

⁴⁶ **CZ:** *"development" (a network already exists).*

⁴⁷ **CZ, EE, NL:** *this paragraph overlaps with article 29 of the CPR; (CZ, EE:) it should be deleted.*

CHAPTER III

Programming

Article 9

*Programming for support under shared management*⁴⁸

1. In accordance with Article 16 of Regulation (EU) No [Regulation laying down Common Provisions], each Member State shall prepare a single programme to implement the priorities referred to in Article 4⁴⁹.
2. Support under Title II shall be organised along the areas of support set out in Annex II⁵⁰.
3. In addition to the elements referred to in Article 17 of Regulation (EU) No [Regulation laying down Common Provisions], the programme shall include⁵¹:
 - (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 the programme⁵²;

⁴⁸ ***EE, LV: this article should be deleted (it is mostly covered by CPR article 17; only paragraph 1 is EMFF-specific, it can be moved to articles 6 or 7).***

BE, DE, HU, NL: it might not be necessary.

HR: paragraph 5 is unnecessary.

⁴⁹ ***DE: joint DE-COM statement (related to DE federal system):***

“Germany shall explain in its operational programme how the conditions of article 16 of the CPR are met. The Commission confirms this view.”

FR, SI: member states should be able to make transfers between areas of support and priorities.

⁵⁰ ***CZ, FI, LV, NL: funding should be organised according to priorities, not areas of support.***

EE, LV: this paragraph should be deleted (it is covered by article 17(3)(d) of the CPR proposal), or (LV) the number of areas of support reduced.

⁵¹ ***CZ: requirements of CPR article 17 cannot be fulfilled as the EMFF has no specific objectives; areas of support do not contain any target and therefore cannot be considered as specific objectives.***

DK: the following indent should be added: "the obligations regarding fisheries control and data collection and the budget allocated to these areas in the financing plan of the programme".

⁵² ***BG: analyses under this indent and paragraph 5 might cover ineligible actions and require a derogation.***

LV: this indent should be deleted (analysis under this and paragraph 5 is too extensive).

EE: this indent should be deleted (table 1a of annex V of the CPR proposal already requires the EMFF OP to contain a SWOT analysis and the identification of needs).

- (b) the action plan for small-scale coastal fishing referred to in Article 15⁵³;
- (c) where applicable, the action plans for the outermost regions referred to in paragraph 4⁵⁴.
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, including⁵⁵:
- 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.
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 strategies⁵⁶.

⁵³ ***BE, CY, DE, EE, FI, IE, LV, MT, NL, PT, SE, SI: action plans should not be obligatory. CY, DE, MT, NL, SE, SI: it should be for member states with more than 1000 small-scale coastal fishing vessels (administrative burden; risk of programming delays). LV: the paragraph should be deleted. DE, NL: add "where applicable". PL: "the action plan for the fishing fleet segments for which structural overcapacity has been identified". EE: this indent should be deleted (the identification of needs and types of actions for small-scale coastal fisheries will be described in accordance with article 17, paragraph 3 and annex V of the CPR proposal; the themes set out in article 15, paragraph 1 are not specific to small-scale coastal fisheries and should be covered in other sub-sectors).***

⁵⁴ ***PT: action plans should not be obligatory. EE: this indent and paragraph 4 should be deleted (the strategy will be described in the partnership agreement and the OP; sustainable fisheries and the blue economy are general concepts, not specific to the outermost regions).***

⁵⁵ ***EE: this indent should be deleted (points i and iii will be covered by the OP; "forms of support by member states" and "forms of grants" are established by articles 47 and 48 of the CPR proposal).***

⁵⁶ ***PL: additional analysis is unnecessary. ES, IE, FI, HR, MT, NL, PL, SI: the aim (ES, IE, FI, HR, NL, PL), geographical scope (NL) and timing (MT, PL, SI) of the analysis should be clarified. EL: sea basins should be precisely demarcated, and measures introduced gradually. HR: coherence with management plans should be considered. IE: member states should be able to contribute to the analysis.***

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 particular⁵⁷:
- (a) the maximisation of the contribution⁵⁸ 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 1380/2013⁵⁹;
 - (c) where applicable, the multiannual management plans adopted under Articles 9 and 10⁶⁰ 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 sector⁶¹;
 - (f) where applicable, the analyses referred to in paragraph 5;

EE, LV: this paragraph should be deleted (EE: the Commission can carry out analyses without a specific reference in the EMFF regulation and use its findings in the OP negotiation process; LV: the aim/procedure for the analyses and responsibility for content checks are unclear).

DK, ES, FR: the role of member states with more than one sea basin should be examined.

BG: the analysis should take account of the behaviour of third countries.

⁵⁷ ***PL: in the absence of a uniform intervention logic, member states should demonstrate the coherence of their proposed actions with both EMFF priorities and CPR policies.***

FR, SI: the complexity of the Commission's assessment could undermine simplification.

SI: "may take into account".

EE, LV: this paragraph should be deleted (the assessment/approval of programmes is covered by article 18 of the CPR proposal).

DK: the following indent should be added:

"(j) the obligations regarding fisheries control and data collection and the budget allocated to these areas in the financing plan of the programme".

SE: the following indent should be added:

"(j) whether national provisions setting up public financing within the programmes may adversely affect competition between member states, in order to eliminate the risk of possible distortions".

⁵⁸ ***PL: this term should be clarified to establish how OPs will be assessed in the absence of result indicators.***

⁵⁹ ***SI: this is unrealistic for smaller fisheries and Mediterranean fisheries.***

⁶⁰ ***IT: add: "and measures adopted by the member states within their 12 nautical mile zones under article 20".***

⁶¹ ***PL: this requirement is too broad and could lead to misinterpretation.***

DK, PL: indents (e), (f) and (h) should be deleted.

- (g) the contribution of the programme to the conservation and restoration of marine ecosystems⁶², 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 contribution⁶³ 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]⁶⁴;
 - (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 submitted⁶⁵.
8. Subject to Article 19 of Regulation (EU) No [Regulation laying down Common Provisions], the Commission shall adopt implementing acts approving amendments to a programme⁶⁶.

Article 10

Programming for support under direct and indirect management

Titles III shall be implemented through work programmes referred to in Article 110⁶⁷ of Regulation (EU) No [Regulation on the financial rules applicable to the general budget of the Union]⁶⁸. Work programmes shall set out, where applicable, the overall amount reserved for the blending operations referred to in Article 47.

⁶² ***AT, HU: "aquatic ecosystems".***

⁶³ ***PL: this term should be clarified to establish how OPs will be assessed with annex IV including a climate coefficient for only a limited number of areas of support.***

⁶⁴ OJ C [...], [...], p. [...].

⁶⁵ ***EE: paragraphs 7 and 8 should be deleted (they are covered by the CPR proposal; it is obvious that the OPs and their amendments can only be approved if the necessary information has been provided).***

⁶⁶ ***CY: the 'simplified procedure' for approving amendments should be reintroduced.***

⁶⁷ ***EE: or article 108.***

⁶⁸ ***PT opposes direct management of blue economy/maritime policy projects.***

DE, DK: the Commission should consult member states before it adopts the work programmes.

ES: the Commission should receive member states' proposals in advance.

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 Treaty⁶⁹ shall not apply to payments made by Member States pursuant to this Regulation and falling within the scope of Article 42 of the Treaty⁷⁰.
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.

⁶⁹ ***ES:*** *the scope should be enlarged beyond articles 107 to 109 TFEU, given that the fund isn't limited to the fisheries sector.*

⁷⁰ ***CY, DE:*** *the reference to article 42 TFEU should be deleted (conflicting legal requirements for state aid).*

SE: *a link should be established between this provision and the Commission's approval of national programmes.*

Article 12

*Admissibility of applications*⁷¹

1. An application submitted by a beneficiary⁷² for support from the EMFF shall be inadmissible for an identified period of time⁷³ laid down pursuant to paragraph 4, if it has been determined by the competent authority that the beneficiary concerned⁷⁴:
 - (a) has committed serious infringements under Article 42 of Council Regulation (EC) No 1005/2008⁷⁵ or Article 90 of Council Regulation (EC) No 1224/2009 or under other legislation adopted by the European Parliament and by the Council⁷⁶;
 - (b) has been involved in the operation, management⁷⁷ 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 Council⁷⁸, where the application is made for support under Article 23⁷⁹.
2. The beneficiary, after submitting the application, shall continue to comply with the admissibility conditions referred to in paragraph 1 throughout the period of implementation of the operation and for a period of five years after the final payment to that beneficiary⁸⁰.

⁷¹ ***EE:*** as the CFP regulation doesn't distinguish between management modes (article 42, paragraph 1 of regulation 1380/2013), the admissibility rules should also apply to direct/indirect management.

IE: article 12 should be simplified (administrative burden).

ES: how to treat operators with several vessels?

⁷² ***BE, DE, FR, RO, SI:*** "operator".

DK, NL, PL: "applicant".

⁷³ ***EE:*** either "a minimum period of time" or add: "Member states may apply a longer inadmissibility period than laid down pursuant to paragraph 4".

⁷⁴ ***NL:*** it should be specified whether the member state is required to take corrective action.

⁷⁵ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

⁷⁶ ***NL:*** "has committed serious infringements" (the rest of the indent is redundant).

DK, PL: the wording on infringements under "other legislation" should be clarified.

EE: replace the end of the indent with "other legislation under the Common Fisheries Policy".

⁷⁷ ***DK:*** data on vessel management/employees isn't always available.

⁷⁸ Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (OJ L 328, 06.12.2008, p. 28).

⁷⁹ ***BG:*** at the beginning of this indent, add: "at the discretion of the member state concerned,";

⁸⁰ ***NL:*** it is not possible to comply with the admissibility conditions referred to in paragraph 1, because paragraph 1 describes inadmissibility conditions.

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 a beneficiary shall be inadmissible for an identified period of time laid down pursuant to paragraph 4, if it has been determined by the competent authority⁸¹ that the beneficiary has committed a fraud⁸², as defined in Article 3 of Directive 2017/1371/EU of the European Parliament and of the Council^{83 84}.
4. The Commission shall be empowered to adopt delegated acts⁸⁵ 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 3⁸⁶, 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 duration⁸⁷;

HU: fraud committed in the previous, current or next programming periods should be taken into account.

BE, DK, EE, ES, NL: verifying continued compliance isn't always practicable (especially for a five-year period); a more manageable solution should be envisaged.

NL: delete "and for a period of five years after the final payment to that beneficiary".

MT: replace "and for a period of five years after the final payment to that beneficiary" by "until the closure of the EMFF programme".

IT: replace "after the final payment to that beneficiary" by "after that beneficiary has received final approval, failing which the support shall be withdrawn or repaid pro rata temporis, according to the seriousness of the infringement".

EL: the procedure for monitoring serious infringements (five year period) should be clarified.

CZ, DK, NL: a scientific institution acting as beneficiary should not be penalised if a fisher subcontractor becomes inadmissible.

CY, ES, PT: delete paragraph 2 (CY, ES, PT) and paragraph 3 (administrative burden) (CY).

SI: replace "competent authority" by "a final judgement in a criminal matter".

NL: "fraud affecting the Union's financial interests".

⁸³ 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).

⁸⁴ ***DK, HU:*** the scope (DK) and timeframe (HU) of the reference to fraud should be clarified.

PT: delete: "Without prejudice... member state concerned".

EE: "If it has been determined by the competent authority that the beneficiary has committed a fraud, as defined in Article 3 of Directive 2017/1371/EU of the European Parliament and of the Council, the application submitted by a beneficiary shall be inadmissible until 31 December 2029".

CY: the paragraph should be deleted.

⁸⁵ ***CZ, DK, EL, SI:*** the provisions in indents (a) and (b) should be set not by delegated acts, but by the regulation itself (SI: or an implementing act).

CY: this paragraph could be transformed into an annex (as in CPR).

⁸⁶ ***DE:*** the duration should be uniform under different acts of legislation.

EE, NL: for fraud, it should be the lifetime of the fund (EE), a relevant timeframe (NL).

⁸⁷ ***ES:*** 24 months.

DE: the terms "threshold triggering" and "serious infringement" should not be used here.

EE: delegated acts are unnecessary in this case.

(b) the relevant starting or ending dates of the period of time referred to in paragraphs 1 and 3⁸⁸.

5. Member States shall require that beneficiaries submitting an application under the EMFF provide to the managing authority a signed statement confirming that they respect the criteria listed in paragraphs 1 and 3⁸⁹. 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 data⁹⁰.

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 1224/2009⁹¹.

Article 13

*Ineligible operations*⁹²

The following operations shall not be eligible under the EMFF⁹³:

(a) operations that increase the fishing capacity of a fishing vessel⁹⁴ or support the acquisition of equipment that increases the ability of a fishing vessel to find fish⁹⁵;

EL: a fuller description is needed of the procedures to ensure equal treatment, promote investment security and minimise administrative costs.

⁸⁸ ***EE:*** "the relevant starting dates of the period of time referred to in paragraphs 1 and 2".

⁸⁹ ***NL:*** the statement should refer to a specific timeframe.

DK: the Commission should clarify how the information requested in the last part of 1(a) ("other legislation adopted") should be verified.

⁹⁰ ***EE, NL:*** delete "or any other available data" (excessive administrative burden).

⁹¹ ***EE:*** this paragraph should not apply to universities, institutes and public bodies.

EE, PL: the Commission should centralise data on serious infringements.

EE: the following should be added "The Commission will provide to member states the data on operators involved in the operation, management or ownership of fishing vessels included in the Union IUU vessel list".

MT: the managing authority should verify the veracity of the statement with their own registers, but not those of other member states (risk of delays).

EE: rules on infringements should be extended to inland fisheries; the following should be added: "Member states may apply the inadmissibility period also to applications submitted by fishers in inland waters who have committed serious infringements as defined by national rules".

⁹² ***CY, CZ, DE, EE, EL, ES, FI, HU, LV, NL, PL, SI:*** it should be stated that everything not prohibited under article 13 is eligible for support; (NL, SI:) amend the introductory paragraph to read "All operations may be eligible under the EMFF except the following".

FI proposes a derogation for financial instruments.

⁹³ ***ES:*** the exclusions cited relate only to fisheries; unrelated activities should also be considered.

NL, SE: an exclusion should be added for "the replacement or modernisation of main or ancillary engines, unless otherwise provided for in this regulation".

- (b) the construction⁹⁶ and acquisition of fishing vessels or the importation of fishing vessels⁹⁷, unless otherwise provided for in this Regulation⁹⁸;
- (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 Regulation⁹⁹;
- (e) exploratory fishing¹⁰⁰;
- (f) the transfer of ownership of a business¹⁰¹;

⁹⁴ **EL**: fishing capacity should be assessed only on the basis of the hold (fish storage) capacity of each vessel.

ES: the wording excludes investments in safety/working conditions and prevents member states from respecting international commitments.

BG: the effect on competitiveness should be considered.

SE: add "or the ability to catch fish".

PL: add "unless within the limit allocated to the member state concerned"

⁹⁵ **PT**: "operations that increase the fishing capacity of a fishing vessel, except investments in safety and working conditions, or support the acquisition of equipment that increases the ability of a fishing vessel to find fish".

CY: the second part of this indent is too vague (a specific list should be included).

BG: the wording of indents (a) and (b) should be more flexible.

⁹⁶ **LV**: add: "except if it is financed through financial instruments and by not exceeding the compulsory maximum fleet capacity ceilings fixed per member state in annex II of CFP regulation 1380/2013";

⁹⁷ **BG**: add: "leading to an increase in the fishing capacity ceilings set out in annex II of regulation 1380/2013".

SI: add: "and engine replacement".

⁹⁸ **DE, IE, PL, SI**: this exclusion should be adjusted (too restrictive; see article 16).

DE, IE, NL: support should be allowed for vessels up to 18 metres with a €100 000 grant limit (IE); support for engine replacement and the young fishers' premium should be extended to the entire fleet (DE, NL).

FR: Commission guidelines allow state aid for vessel construction in the outermost regions (guidelines are under review).

NL: support for control and inland vessels should be considered.

ES, SI: support for vessel construction, without increasing capacity, should be considered, especially for small-scale fisheries and outermost regions.

PT: this exclusion should be deleted, or worded as follows: "the construction, purchase or import of fishing vessels, except in the case of replacement by others of vessels displaying deficient operating and safety conditions (not involving increases in capacity), and/or unless otherwise indicated in this regulation".

⁹⁹ **FR**: support to temporary or permanent cessation should be possible (see articles 17 and 18).

ES: this exclusion should be reviewed.

EE: the term 'extraordinary cessation' is used in article 18.

¹⁰⁰ **DE, DK, EE, ES, NL, SE**: the definition of exploratory fishing should be reviewed; (PL:) it should be deleted.

DK: see DK proposal for revised definition in footnote 8.

- (g) direct restocking, except explicitly provided for as a conservation measure by a Union legal act or in the case of experimental restocking¹⁰²;
- (h) the construction of new ports, new landing sites or new auction halls¹⁰³;
- (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 unintentionally¹⁰⁴;
- (j) investments on board fishing vessels necessary to comply with the requirements under Union or national law, including requirements under the Union's obligations in the context of regional fisheries management organisations¹⁰⁵;

¹⁰¹ ***BE***: add: "unless otherwise provided in this regulation" (i.e. the first acquisition by a young fisher of a company owning a vessel; for a young aquaculture producer entering the sector; or for artisanal or small-scale fish farmers with a maximum volume of production).

EE: it should be specified that this exclusion doesn't apply to non-grant financial instruments.

HU: it should be clarified whether indents (f) and (g) are applicable to landlocked countries.

¹⁰² ***DE***: replace "conservation measure" with "conservation or reintroduction measure" (eel restocking should not be excluded).

NL: replace "by a Union legal act" with "as referred to in article 7 of regulation 1380/2013".

HU: the relevance of (f) and (g) for landlocked countries should be clarified.

¹⁰³ ***ES, FI, IE, PL, PT, SI***: exceptions to this exclusion should be provided, for instance for the development of infrastructure, inland stockage and the relocation of auction halls.

FI: the indent should be deleted, or a derogation introduced for small-scale coastal and inland fisheries.

LV: "new landing sites" should be deleted (their exclusion would hinder implementation of the landing obligation).

PT: add: "except in the event of relocation of existing infrastructure for maritime or coastal area planning reasons".

CY, DE, MT, RO: the indent should be deleted (especially in the light of the landing obligation); (*CY*: a ceiling could be included).

IE: member states should decide.

EL: it should be specified whether the fitting-out of ports is eligible for interventions in support of the landing obligation.

¹⁰⁴ ***FR***: support to product storage investments should be possible, but not the operating expenses and use of these investments.

IT: storage operations should not be part of this exclusion.

ES: an exception to this exclusion should be considered for exceptional circumstances.

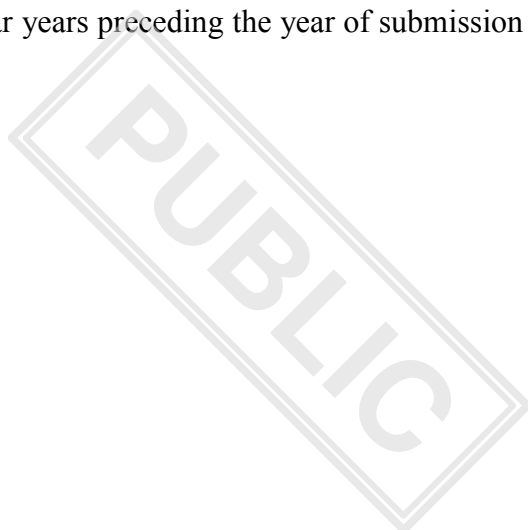
EE, LV: the second part of this indent ("by extension", etc.) should be deleted.

¹⁰⁵ ***EE, ES, FR, NL***: it should be clarified how this exclusion fits in with the need to implement EU law and/or international conventions.

BE, ES, HR: vessel safety, working conditions and/or ecological investments should be eligible for support; (*BE*:) with the exception of investments that serve to reach the goals of the CFP within two years and implemented through a collective project.

IT: only investments where the equipment itself should be excluded; non-mandatory equipment purchased to meet a general requirement should be eligible for funding.

- (k) investments on board fishing vessels that have carried out activities¹⁰⁶ at sea for less than 60 days in each of¹⁰⁷ the two calendar years preceding the year of submission of the application for support¹⁰⁸.



FR: "investments on board fishing vessels prescribed by EU law or national law in particular to meet requirements of the Union's obligations under regional fisheries management obligations".

ES: "investments on board fishing vessels that do not go beyond the requirements of Union or national law, including requirements under the Union's obligations in the context of regional fisheries management organisations, unless otherwise provided for in this regulation".

EL, SE: add "unless otherwise provided for in this regulation".

NL: delete "on board fishing vessels".

CY, EL, IE: delete "or national law".

CY, MT: the indent should be deleted.

¹⁰⁶ ***NL:*** "fishing activities".

¹⁰⁷ ***DK:*** "in total of" (as in the current regulation).

¹⁰⁸ ***CY, DE, EE, ES, FI, HR, IE, LV, MT, SI:*** this exclusion should be deleted (given the seasonal nature of some fisheries).

BG, FR, SE: it should be reconsidered.

EL, HR, IE: 60 days is too restrictive; (HR: 20 days).

IT: add: "except for fishing vessels subject to TACs and fishing periods".

FR: "(k) investments on board fishing vessels that have carried out activities at sea, directly or indirectly related to fishing, for less than 60 days in each of the two calendar years preceding the date of submission of the application for help, except for seasonal fishing activities".

CHAPTER II

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

SECTION 1

GENERAL CONDITIONS

Article 14

*General scope of support*¹⁰⁹

1. Support under this Chapter shall contribute to the achievement of the environmental, economic, social and employment objectives of the CFP, as set out in Article 2 of Regulation (EU) No 1380/2013¹¹⁰.

¹⁰⁹ ***AT, CZ, LV:*** the status of aquaculture and processing under priority 1 (which only mentions fisheries and marine resources) should be clarified; (LV:) overlaps between priorities 1 and 2 should be avoided.

BE: a provision is necessary to enable similar actions to be implemented if another vessel has replaced the vessel that had sufficient activity.

FI, NL: after this article, add an extra article:

"Article 14a

Fostering sustainable and economically viable fisheries

1. The EMFF shall support achievement of the environmental, economic, social and employment objectives of the CFP, as set out in Article 2 of Regulation (EU) No 1380/2013.

2. The support referred in paragraph 1 may cover operations such as:

a) Innovations and pilot projects;

b) Actions aiming at increasing the value of the catches and improving the selectivity and the sustainability of the capture fisheries, advancing the best available knowledge in the fisheries;

c) Provide conditions for economically viable and competitive fishing capture industry and land-based fishing related activity;

d) Actions contributing protection and restoration of aquatic living resources".

DK calls on COMM to present a table comparing eligibility under the existing EMFF and the proposal, and to confirm that this chapter also applies to operations in inland waters unrelated to commercial fishing.

¹¹⁰ ***IE, NL, SI:*** it is unclear if the objectives are cumulative; (NL, SI:) add "at least one of".

ES: achievement of CFP objectives should be a requirement for chapters III and IV too.

FI, IE, NL: "Support under this chapter shall contribute to implementation of the CFP" (FI) to the achievement of EMFF priority 1 of listed in article 4.

DK: support for innovation/investments related to implementation of the landing obligation should be eligible under chapter II, as well as implementation of other CFP objectives.

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 years¹¹¹ from the final payment for the supported operation.
3. Support under this Chapter shall also apply to inland fishing¹¹², with the exception of Articles 15 and 17¹¹³.

SECTION 2

SMALL-SCALE COASTAL FISHING

Article 15

*Action plan for small-scale coastal fishing*¹¹⁴

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 fishing¹¹⁵. This strategy shall be structured along the following sections, where applicable:

¹¹¹ **MT:** "three years".

¹¹² **DK:** should read "inland waters"; actions related to the ecological status of rivers (e.g. improving passageways for migratory species) should be eligible.
AT, DE, FR: a specific article is needed for inland fishing (terms for coastal fisheries are not applicable to inland fisheries).

PL: inland fishing should have similar treatment to aquaculture.

¹¹³ **EE, FI, FR, NL:** the article 17 exclusion should be limited to article 17, paragraph 2 (FI, NL), paragraphs 2 and 4 (FR), paragraphs 2, 3 and 4 (EE).

RO: this paragraph should specify under which conditions the provisions apply to inland fishing (not all provisions are relevant).

SE: for inland fishing, articles 15 and 17 should be maintained as exemptions.

¹¹⁴ **CY, EE, IE, LV, MT, NL, PT:** article 15 should be deleted (in substance it will be covered by the operational programmes) (CY, EE, LV, MT, PT); it creates excessive administrative burden, in contradiction to the aim of simplification (IE, PT).

ES: the definition of small-scale coastal fishing should be amended to enable the use of towed gear (impossible to monitor under current rules) and to set a 24 hour limit on fishing trips.

ES, FI: article 15 should focus on competitiveness and sustainability.

FI: if the action plan has a concrete role in EMFF implementation, or effects on the financing possibilities of the fisheries sector, it should be applicable to inland fishing as well.
RO: article 15 should explicitly state that the EMFF provides support for the action plans.

¹¹⁵ **CY, DK, LT, MT, NL, SE, SI:** action plans should only be mandatory for small-scale fleets with more than 1000 vessels; (LT, SE:) after "member states", add "that have a small-scale coastal fishing fleet of over 1000 vessels".

SI: "In member states where over 1000 fishing vessels can be considered small-scale coastal fishing vessels, an action plan for small-scale fishing shall be prepared as part of their programme, which shall set out a strategy for the development of profitable and sustainable small-scale coastal fishing".

- (a) adjustment and management of fishing capacity;
 - (b) promotion of¹¹⁶ 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 strategies¹¹⁷;
 - (d) promotion of skills, knowledge, innovation and capacity building¹¹⁸;
 - (e) improvement of health, safety and working conditions on board fishing vessels;
 - (f) increased compliance with data collection, traceability, monitoring, control and surveillance requirements¹¹⁹;
 - (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 fisheries¹²⁰ 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 37¹²¹.

BE: similar actions should be possible for small fleets, either by extending the scope of articles 15 and 16 to small-scale coastal fisheries and small fleets or by adding additional articles for small fleets only (articles 16a and 16b).

BE: action plans should be applicable to small fleets.

ES: member states should specify planned operations in their action plans.

FR: delete: "as part of their programme" (incorporation of the action plan into the operational programme risks undermining simplification).

116 ***SE:*** add: "selective gears,".

117 ***RO:*** "creation and reinforcement...".

118 ***FR, PL:*** the wording of this indent should be clarified; (FR:) replace "capacity building" by "expertise" or "know-how".

RO: add "for professional counselling and qualifications".

119 ***LT:*** this indent is incompatible with article 13, indent (j).

120 ***EE, PT:*** reference to voluntary guidelines should be deleted.

121 ***FR, SI:*** the indicators to be used should be clarified, in particular as regards specialised fisheries (uniform indicators make an overview easier, but some criteria make it difficult to assess the profitability of specialised fisheries, such as seasonal fisheries).

EE, NL, SE: the paragraph should be deleted (excessive administrative burden; it duplicates the programme monitoring system).

*Investments in small-scale coastal fishing vessels*¹²²

1. The EMFF may support 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 segment¹²³:
 - (a) the first acquisition of a fishing vessel by a young fisher who, at the moment of submitting the application, is under 40 years of age and has worked a least five years as fisher or has acquired adequate vocational qualification¹²⁴;

¹²² ***ES, FI, IT, NL, PL:*** the wording of the title should be reviewed; ***(FI, NL, PL:)*** delete "small-scale coastal".

EE: it should be clarified whether other fleet segments supported under article 14, paragraph 1 are subject to the same requirements.

CY seeks clarification, given that this article only refers to small-scale fisheries, how eligibility/conditions should be decided for other fleet segments and investments other than engine replacement and vessel acquisition; only general fleet restrictions, specifically for large vessels, should be mentioned.

FI: the title and content of the article should be reworded and moved to section 3.

EL: the scarcity of vessel data would make it difficult to implement this article.

AT, DE, EE, FI, FR, IT, LT, NL, RO: for inland fishing (not concerned by overfishing), the article is too restrictive (*DE, IT*); it should be clarified (*RO*); it should be clarified that the scope of support for inland fishing is broader than stated in this article (*FR*); the article should be reworded to remove references to "sea" and "coastal" (*NL*); the balance requirement and age restriction in paragraph 1 and the engine power inspection in paragraph 3 should not apply to inland fishing (*DE*), the reports cited in paragraphs 1 and 4 are not relevant for inland fishing (*LT*); paragraph 4 should not apply to inland fishing (*FI*).
FR: a separate article is needed for inland fishing (including freshwater fishing), as in the current regulation.

FR: after this article, add an extra article:

"Article 16a

Energy transition

The EMFF can finance investments relating to carbon-free propulsion or using only natural gas".

¹²³ ***DE, IE, NL, PL:*** the whole fleet should be eligible (*DE, NL, PL*); vessels up to 18 metres should be eligible, or the wording of the current regulation retained (*IE*).

FR, LV, MT: the scope of EMFF intervention is too restrictive and should be reviewed (article 15 suggests a broader scope).

RO: the EMFF should provide support also where fishing capacity is lower than fishing opportunities.

FI: "1. The EMFF may support investments in fishing vessels.

2. The support referred to in paragraph 1 may also cover:" (etc.).

SI: "The EMFF may support the following investments in respect of small-scale coastal fishing vessels" (delete "which belong to", etc.).

¹²⁴ ***FR:*** the date of first acquisition should be defined (to avoid differences of interpretation).

HR: it should be clarified how the 60 day criterion in indent (k) of article 13 applies in this case.

- (b) the replacement or modernisation of a main or ancillary engine¹²⁵.
2. The vessels referred to in paragraph 1 shall be equipped for sea fishing and be between 5 and 30 years old¹²⁶.
3. The support referred to in paragraph 1(b) may only be granted under the following conditions¹²⁷:
- (c) the new or modernised engine shall not have more power in kW than the current engine¹²⁸;

EE raises issue of acquisition of a fishing vessel vis-à-vis support for the acquisition of fishing rights.

BE, DK, IT, LT: all fishers should be eligible for this provision (*IT*); vessels up to 24 metres and part ownership (e.g. generational shift) should be eligible, and support no higher than EUR 75 000 per fisher (*DK*); legal persons/small fishing enterprises should also be eligible (*BE, LT*).

MT: delete "vocational".

SE: add: "Support under this provision shall not be higher than EUR 75 000 per fisher".

125 ***CY, EL, PT***: support for fleet renovation/modernisation should be eligible, especially to ensure safety and not just to replace engines.

BE, IE, LT: support for engine replacement/modernisation shouldn't be limited to the small-scale sector (*LT*: especially in view of IMO 50% GHG emissions reduction target for 2050); (*BE*:) it should be possible for vessels up to 24 metres.

126 ***CY, DE, EE, EL, ES, FI, LT, LV, MT, PT, SI***: this paragraph should be deleted (*FI, MT*), vessels of all ages should be eligible for replacement (*EL*), the 5 year limit should be deleted (*EE, ES, LV, PT*), the 30 year limit should be deleted (*MT, SI*), the 30 year limit should be raised (*DE*), the 30 year limit should be reduced, depending on the member state and the characteristics of its fleet (*ES*); "The vessels referred to in indent (a) of paragraph 1 shall be equipped for sea fishing and be no more than 30 years old" (*PT*); "The vessels referred to in indent (a) of paragraph 1 shall be equipped for fishing activity and be over 5 years old" (*LT*).

NL: delete "be equipped for sea fishing and".

FI: replace "be equipped for sea fishing and between 5 and 30 years old" with "be inland fishing vessels or small-scale coastal fishing vessels that 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" (in substance deleting the paragraph and using wording moved from paragraph 1).

EE, LT: inland fishing vessels under 12 metres and using passive gear should also be eligible (and they shouldn't be subject to paragraph 4) (*EE*); inland fishing vessels should also be eligible (*LT*).

LV: a provision should be added on support for the acquisition of environment-friendly vessels.

127 ***ES***: exemptions should be allowed to ensure safety.

EE: this paragraph should be deleted.

PT: engine power for small-scale fishing should be managed by each member state comprehensively and not on a vessel-by-vessel basis.

FI: paragraphs 3 and 4 should not apply to inland fisheries.

128 ***LT, PL***: "the new or modernised engine shall not have more power in kW than indicated in the fishing licence" (*LT*); "the maximum power obtainable (in kW) of a new engine or an engine which is upgraded must not be greater than that indicated in the fishing licence" (*PL*).

CY, EL: changes to vessels/engines without engine power restrictions should be allowed (small heavy-duty engines no longer available).

- (d) 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 register¹²⁹;
- (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 license¹³⁰.
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 Regulation¹³¹.

SECTION 3

SPECIFIC AREAS OF SUPPORT

Article 17

Management of fisheries and fishing fleets

1. The EMFF may support operations for the management of fisheries and fishing fleets¹³².

¹²⁹ **NL:** *the new or modernised engine should emit 25% less CO2.*
EE, PT: *this indent is not relevant and should be deleted (according to article 16, paragraph 1, support can be given for segments that are in balance); (PT:) it should be deleted.*

¹³⁰ **NL:** *add "where applicable".*
EE, FI, LV, MT, NL: *this indent should be deleted (excessive administrative burden); (NL:) delete "have been physically inspected by the member state to ensure that it does".*
ES: *this condition should instead involve average activity over a three-year period as concerns engine replacement or modernisation.*

¹³¹ **EE, ES, MT, SI:** *this paragraph should be deleted (ES, MT), the conditions are too restrictive (will make support impracticable) (ES, MT, SI); the requirement for a balance contradicts the aims of the action plan cited in article 15 (ES); it is an excessive administrative burden.*
SE: *strict conditions are necessary.*
FR: *the indicators to be used should be clarified.*
FI: *the exclusion should only refer to the first acquisition of a vessel by a young fisher and the replacement/modernisation of a main or ancillary engine.*
ES, PT: *only the economic indicator is relevant (ES), the reference to biological indicators should be deleted (not relevant for multi-species fisheries) (PT).*

¹³² **HR:** *support for the purchase of fishing gear should be clarified vis-à-vis authorisation for the use of more than one fishing gear.*
BE: *support for fleet renewal, with a balanced plan, should be possible.*
BE, HR, IE, NL, PT: *support for vessel safety/hygiene/efficiency should be eligible.*
PT: *support for better energy use should be eligible.*

2. If the support referred to in paragraph 1 is granted through the compensation for the permanent cessation of fishing activities¹³³, the following conditions shall be complied with¹³⁴:
- (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 plans¹³⁵;
 - (c) the fishing vessel is registered as active and has carried out fishing activities at sea for at least 120 days in each of the last three calendar years preceding the year of submission of the application for support¹³⁶;

DK, EE: support for management activities such as studies and new methods should be eligible.

FR: all fishing and fleet management measures should be eligible, and specified in the regulation or in the member states' OPs.

FR: support for vessel conversion should be eligible (as under the current regulation).

ES suggests introducing an open list, in the manner of articles 15 and 22.

LV: this paragraph should be deleted (it duplicates article 14).

¹³³ ***SE: support for permanent cessation should not be eligible (likely to have adverse effects, even resulting in increased capacity).***

¹³⁴ ***ES, PT: these conditions are too restrictive; (PT:) support should be eligible for fleet renovation/modernisation, especially to ensure safety and improve energy efficiency, without increasing capacity; (ES:) the conditions will paralyse support for fleet management.***

DK: the conditions should be very specific.

LV: they should be deleted.

HR: the conditions in the current regulation should be renewed.

LT: the conditions should be adjusted for inland fishing.

LT: social compensation for fishers due to permanent cessation should also be eligible.

FR: support for reconversion should also be eligible, as in the current regulation: "Aid may be granted for the definitive cessation of fishing activities without demolition, provided that the vessels are redeveloped for activities other than commercial fishing".

¹³⁵ ***IE: flexibility necessary for member states.***

¹³⁶ ***BG, DE, EE, FR, HR, IE, LI, LV, PT, SI: this condition is too restrictive (in particular for seasonal fisheries) (BG, DE, EE, FR, LT, LV, PT); it contradicts the condition set in article 13, point (k) and makes capacity reduction more difficult to achieve (EE); the wording of the current regulation (90 days in each of the last two calendar years) should be used (FR, IE).***

LT, PL: "180 days during the last three calendar years".

PT: "120 days in the last two calendar years".

IT: "90 days in each of the last three calendar years".

DE, ES, FR, HR, PL: "90 days per year during the last two calendar years" (as in the current regulation).

FR: support for vessel refitting should be eligible (as in the current regulation).

- (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 support¹³⁷.
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]¹³⁸, 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 1380/2013¹³⁹.

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 Regulation¹⁴⁰.

¹³⁷ ***EE, LI, LV, PL, PT, SI:*** this condition is impracticable for owners of several vessels; ***(LT:)*** it should relate to the activities of a fishing vessel, not a fishing enterprise; ***(PL:)*** replace "any fishing vessel" with "a new fishing vessel" or delete the indent; ***(LV, PT:)*** delete the indent.

¹³⁸ ***DE, IE, PL, SI:*** the restriction to financing not linked to costs ***(DE:)*** should be removed; ***(PL:)*** would complicate financial planning for vessel owners; ***(IE, SI:)*** should be clarified. ***LT:*** paragraph 3 is not in line with the CPR proposal (it should require either the fulfilment of conditions or the achievement of results, not both).

EE: it should be reworded to clarify that it applies to payments from the Commission to the member states and not from member states to beneficiaries (the Commission will reimburse support for permanent cessation in the form of financing not linked to costs).

¹³⁹ ***CY, EL:*** the conditions should not be laid down in delegated acts, but in an annex ***(CY:)*** in the regulation ***(EL)***.

¹⁴⁰ ***SI:*** these conditions are too restrictive (will make support impracticable).

PT: reference to biological indicators should be deleted (insufficient scientific data for some stocks).

*Extraordinary cessation of fishing activities*¹⁴¹

1. The EMFF may support a compensation for the extraordinary cessation of fishing activities¹⁴² caused by¹⁴³:
 - (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;

¹⁴¹ **NL**: delete "extraordinary" throughout article 18.

HU, RO: it should be clarified whether this article applies to inland fishing.

DE: decommissioning measures should also be eligible (as under the current regulation).

DK: there should be further possibilities for temporary cessation.

LT: support in the event of a serious threat to marine biological resources should also be eligible.

PL: at the end of the article, add:

"6. The EMFF may support compensation for the extraordinary cessation of fishing activities caused by:

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

b) natural disasters or environmental incidents, as formally recognised by the competent authorities of the relevant member state.

7. The support referred to in paragraph 6 may be granted only if the commercial activity of the vessel concerned has been suspended for at least 45 consecutive days and the economic loss suffered as a result of the cessation of fishing activities amounts to more than 30 % of the annual turnover of the enterprise concerned, calculated on the basis of the average turnover of the enterprise in the previous three calendar years.

8. The support referred to in paragraph 6 shall only be granted to owners of fishing vessels which are registered as active and have carried out fishing activities at sea for a total of at least 180 days in the last three calendar years preceding the year of submission of the application for support".

¹⁴² **IE, LT, SE**: support for extraordinary cessation (**LT**;) should be in line with national rules; (**IE**;) should be based on rules of the current regulation; (**SE**;) should not be eligible (temporary cessation is a short-term measure that may contribute to maintaining overcapacity).

PL: term "temporary cessation" should be used throughout this article.

LT: common principles for the calculation of compensation should be established in EU legislation.

¹⁴³ **CY**: support should also be possible when extraordinary cessation results from national measures.

DE: at the end of the paragraph, add:

"(e) member state emergency measures pursuant to article 13 of regulation 1380/2013".

SI: at the end of the paragraph, add:

"(e) where the extraordinary cessation is provided for in a management plan adopted in accordance with Council regulation 1967/2006;

(f) compensation for fishers due to the inability to implement the access regime laid down in annex I to regulation 1380/2013".

- (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;
 - (c) the interruption due to reasons of force majeure of the application of a sustainable fisheries partnership agreement or protocol thereto; or¹⁴⁴
 - (d) natural disasters or environmental incidents, as formally recognised by the competent authorities of the relevant Member State¹⁴⁵.
2. The support referred to in paragraph 1 may only be granted where¹⁴⁶:
- (a) the commercial activities of the vessel concerned are stopped during at least 90 consecutive days¹⁴⁷; and¹⁴⁸
 - (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 years¹⁴⁹.
3. The support referred to in paragraph 1 shall only be granted to¹⁵⁰:
- (a) owners 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 calendar years preceding the year of submission of the application for support¹⁵¹; or

¹⁴⁴ ***ES, LT:*** support should be possible not just in the event of force majeure (***LT:***) "the non-renewal of sustainable fisheries partnership agreements or protocols thereto".
PL: indents (c) and (d) and paragraph 2, indents (a) and (b), should be moved to the end of the article; see footnote 153.

¹⁴⁵ ***EE, FI:*** paragraphs 2, 3 and 4 shouldn't apply to this indent.

¹⁴⁶ ***EE, EL, HR, IE, RO, SI:*** the conditions under indents (a) and (b) are too restrictive.

PL: add: "the commercial activities of the vessel concerned are stopped during at least 30 consecutive days".

¹⁴⁷ ***DE, HR:*** this condition should be deleted (impossible to fulfil for seasonal fisheries).

EL, ES, FR, SI, PL, PT: the stoppage period should be less than 90 days (***EL, FR, IT:***) it should be 60 days (***IT, PT:***); 30 days (***SI:***); 15 days (***ES, PL:***).

DK: the wording of the current regulation should be used.

LT: this condition should not undermine cessation for a shorter period under article 13 of regulation 1380/2013 and should prevent compensation for national emergency measures.

¹⁴⁸ ***RO:*** replace "and" with "or".

¹⁴⁹ ***DE, DK, LT, PL, PT, SI:*** this condition should be aligned with the CPR (***PL:***); it would be difficult to implement (losses can only be calculated in the subsequent year) (***DK, PL, PT:***); it should be reduced or deleted (***LT:***); should be deleted (***DE, SI, PT:***).

IT: economic losses should be more than 15%.

ES, FR: indent (b) should be deleted.

¹⁵⁰ ***HR*** opposes the conditions set in this paragraph (they don't take account of fishery restrictions).

DE, HR, PT: the wording of the current regulation should be used.

EE, FI: the conditions shouldn't apply to inland fishing; (***EE:***) they fail to take account of seasonal fisheries.

¹⁵¹ ***LT, PL:*** replace "owners" by "operators" (***LT, PL:***) or "vessel agents" (***PL:***).

IT: add "or operators".

- (b) fishers who have worked at sea for at least 120 days in each of the last three calendar years preceding the year of submission of the application for support on board a Union fishing vessel concerned by the extraordinary cessation¹⁵².

The reference to the number of days at sea in this paragraph shall not apply to eel fisheries¹⁵³.

4. The support referred to in paragraph 1 may be granted for a maximum duration of 6 months per vessel during the period from 2021 to 2027¹⁵⁴.
5. All fishing activities carried out by the vessels and fishers concerned shall be effectively suspended during the period concerned by the cessation. The competent authority shall satisfy itself that the vessel concerned has stopped any fishing activities during the period concerned by the extraordinary cessation and that any overcompensation resulting from the use of the vessel for other purposes is avoided¹⁵⁵.

Article 19

Control and enforcement¹⁵⁶

1. The EMFF may support 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 1224/2009¹⁵⁷.

DE, DK, ES, LT, PL, SI: 120 days during the last two calendar years (ES, LT); 60 days in each of the last three calendar years in both indents (a) and (b) (SI); "120 days in total in the last two calendar years" (DK); "120 days during the last two calendar years" in both indents (a) and (b) (DE); 180 days in the last three calendar years in both indents (a) and (b) (PL).

¹⁵² ***HR, LT:*** this condition is unjustified (constraints of EU regulation/excessive administrative burden).

¹⁵³ ***EE, ES, PL:*** the derogation for eel should be deleted (PL); it should also be allowed for other seasonal fisheries (EE, ES).

¹⁵⁴ ***ES, HR, PT, SI:*** the duration of support should not be limited; (HR:) the maximum duration could be set at 12 months (SI:) the paragraph should be deleted.

HR, LT, MT: the duration should be extended (LT) to 12 months, or not be limited per vessel (HR); 18 months (MT).

¹⁵⁵ ***PL:*** "extraordinary" should be deleted.

¹⁵⁶ ***LV:*** article 19, paragraphs 1 and 3 and article 20 should be moved to the provisions related to priority 3 or priority 4; article 19, paragraph 2 should be moved to article 14, and the reference to small-scale fishing vessels deleted.

EE, HU: articles 19 and 20 should be moved (EE:) to Union priority 4; (HU:) to the general provisions.

¹⁵⁷ ***EE, NL:*** add: "The support may be granted also for control activities in inland waters".

SE: add: "and Council regulation 1005/2008" (a reference to the IUU regulation is necessary to ensure that commercial recreational fishing vessels are also covered).

PL: the following paragraph should be added:

"1a. In particular, the following types of operations are eligible for support:

a) the purchase and installation of measures necessary for the control of sea and inland fishing;

2. By way of derogation from Article 13(j), the support referred to in paragraph 1 may also cover¹⁵⁸:
- (a) the purchase and installation on vessels¹⁵⁹ 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 vessels¹⁶⁰;
 - (b) the purchase and installation on vessels of the necessary components for compulsory remote electronic monitoring systems¹⁶¹ 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 power¹⁶².
3. The support referred to in paragraph 1¹⁶³ 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 29¹⁶⁴.

b) operational costs related to the implementation of control activities for sea and inland fishing;

c) the organisation of seminars, the purchase of media tools, the dissemination of information concerning i.a. the fight against illegal, unreported and unregulated (IUU) fishing or CFP rules".

¹⁵⁸ ***DK, ES, SI:*** all control and inspection activities should be eligible (to improve CFP compliance), not only those mentioned (ES, SI); devices should be eligible if they contribute to CFP compliance control, irrespectively of whether they are compulsory under EU law (DK); land-based management systems for control purposes should also be eligible, as well as control activities introduced by the revised control regulation (DK).

NL opposes the subsidisation of compulsory investments.

EL: replace indents (a) to (c) by "the purchase and installation on board of the equipment necessary for the mandatory monitoring of vessels and electronic reporting systems used for control purposes, for those vessels which are required to comply with the applicable Union provisions".

EL: the operating costs for tracking and reporting systems should also be eligible.

PL: after the last indent, add:

"(d) the purchase and installation of measures necessary for the control of sea and inland fishing;

(e) operational costs related to the implementation of control activities for sea and inland fishing;

(f) seminars, media tools and the dissemination of information concerning i.a. the fight against illegal, unreported and unregulated fishing or CFP rules".

¹⁵⁹ ***PT:*** add: "and the operationalisation".

¹⁶⁰ ***DK, EE, FI, LT, LV, PT, SE:*** delete "only in the case of small-scale coastal fishing vessels".

CY: replace "only in the case of small-scale coastal fishing vessels" by "and other compulsory equipment deemed appropriate by the national competent authority for communicating with FMC and control authorities and for complying with control provisions in general".

PL: the indent should be deleted (VMSs for control purposes are mandatory for fishing vessels over 12 metres).

FI: delete "compulsory" in indents (a) and (b).

¹⁶¹ ***CY:*** add: "or other compulsory systems approved by the competent national authority".

¹⁶² ***RO:*** this obligation should be clarified.

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.¹⁶⁵

Article 20

Collection and processing of data for fisheries¹⁶⁶ management and scientific purposes¹⁶⁷

1. The EMFF may¹⁶⁸ support the collection, management and use of data for fisheries 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 2017/1004¹⁶⁹.
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 Union¹⁷⁰.
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)¹⁷¹.

¹⁶³ ***FI:*** add: "may cover operational costs of public bodies and".

¹⁶⁴ ***ES:*** the linkages with articles 28 and 29 should be clarified, or a merged article established.

EE: articles 19 and 20 should be moved to priority 4 (they deal with public authority tasks, not the fishing sector; article 19 overlaps with articles 28 and 29).

HU: articles 19 and 20 should be moved to the general provisions.

FR: replace "also" by "secondarily".

SE: replace "to the European cooperation on coastguard functions as referred to in to article 29" by "shall only refer to development cooperation efforts of importance for fisheries control and enforcement".

PT: add: "provided that coordination is provided by the single national authority that is competent in the matter".

¹⁶⁵ ***EE, LV, NL:*** this paragraph and article 20, paragraph 2 should be deleted (geographical scope is established by article 57, paragraph 4 of the CPR proposal).

¹⁶⁶ ***CZ:*** add: "and aquaculture".

¹⁶⁷ ***NL:*** this article should be transferred to regulation 2017/1004 on data collection (the EMFF proposal doesn't contain detailed provisions on national work programmes for data collection).

¹⁶⁸ ***BE, CY, DK, FI:*** "shall".

¹⁶⁹ ***FR:*** "The EMFF shall support the collection and processing of data for fisheries management and scientific purposes".

¹⁷⁰ ***EE:*** this paragraph should be deleted, along with article 2 (geographical scope is established by article 57, paragraph 4 of the CPR proposal).

¹⁷¹ ***EE:*** paragraphs 3 and 4 should be deleted (or moved to the end of the proposal as an amendment to regulation 2017/1004).

ES: the Fisheries and Aquaculture Committee should be consulted, not the EMFF Committee.

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 apply¹⁷².

Article 21

*Compensation for additional costs in the outermost regions for fishery and aquaculture products*¹⁷³

1. The EMFF may support 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) 2015/1565¹⁷⁴;
 - (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.

¹⁷² ***EL:*** *an earlier date in the year should be set, to enable implementing acts for the national work plans to be issued earlier.*

¹⁷³ ***PT:*** *a derogation from article 57 of the CPR proposal is required, to take account of the specificity of the compensation provided under this article. It should be specified that the outermost regions must receive specific treatment, as foreseen by article 349 TFEU, providing support for fleet renewal and higher aid rates without increased fishing effort.*

ES: *the following should be added to this article: "Two years after entry into force of this regulation, the Commission will study the possibility to implement, as soon as possible, an instrument to regulate specific financial measures for the fisheries and aquaculture products, using as model the POSEI programme used in agriculture".*

¹⁷⁴ 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).

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 concerned¹⁷⁵.

Article 22

*Protection and restoration of marine and coastal biodiversity and ecosystems*¹⁷⁶

1. The EMFF may support actions for the protection and restoration of marine and coastal biodiversity and ecosystems, including in inland waters.

¹⁷⁵ **FR:** *criteria should not be laid down by means of delegated acts without their content being known.*

¹⁷⁶ **AT, BE, CZ, DE, HR, HU, PL, RO, SI, SK:** *the scope of this article should be enlarged to include the sustainable and non-production aspects of freshwater aquaculture.*

DK: *delete "marine and coastal" in order to broaden the scope.*

EE, FI: *this article is covered by article 14; (EE:) it should be deleted.*

EL, PL: *after this article, add the following:*

"Article 22a Fishing ports, landing places, fish exchanges and harbour

Without prejudice to Article 13(1)(h), the EMFF may support investments improving the infrastructure of fishing ports, auctions halls, landing sites and shelters aimed at increasing the quality, control and traceability of products landed and improving safety and working conditions.

Article 22b Innovations

1. In order to encourage innovation in the fisheries sector, the EMFF may support projects aimed at developing or introducing new or improved products and equipment, new or improved processes and techniques, new or improved management and organisation systems, including at the processing and marketing level, the gradual elimination of discards and by-catches, introduction of new technical or organisational knowledge, reducing the environmental impact of fishing activities, including improved fishing techniques and selectivity of fishing gear, or achieving a more sustainable use of living marine resources and coexistence with protected predators.

2. Operations financed under this article shall be individual entrepreneurs or fish producer organisations and their associations.

3. The results of operations financed under this article shall be promoted by the member state."

2. The support referred to in paragraph 1 may cover¹⁷⁷:
- (a) compensations to fishers for the collection of lost fishing gears and marine litter from the sea¹⁷⁸;
 - (b) investments in ports to provide adequate reception facilities for lost fishing gears and marine litter collected from the sea¹⁷⁹;
 - (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;

¹⁷⁷ ***BE, CZ, EE, ES, FI, FR, LT, LV, NL, PT, SI:*** it should be stated that all measures referred to in paragraph 1 are eligible, not just those cited in paragraph 2; (FI, FR, LT, PT:) add: "such as", "inter alia" or "in particular"; (LV:) "may also cover".

IE, SE: paragraph 2 should be deleted; (IE:) or its scope expanded.

DK: paragraph 2 should read: "The support referred to in paragraph 1 may cover actions to achieve or maintain good environmental status in the marine environment as set out in article 1(1) of directive 2008/56/EC, the rehabilitation of inland waters in accordance with directive 2000/60/EC, and the conservation of habitats and species under directive 92/43/EC and directive 2009/147/EC"

CZ: paragraph 2 should clarify the eligibility of actions in inland waters mentioned in paragraph 1.

SI: a reference should be added to regionally important species, habitats and areas of protection, as well as conventions defining measures for the conservation of the marine environment.

BE: add at the end of the paragraph:

"(g) the protection and development of aquatic fauna and flora and the rehabilitation of inland waters in accordance with directive 2000/60/EC of the European Parliament and the Council, including spawning grounds and migration routes for migratory species, without prejudice to indents (e) and (f) and, where relevant, with the participation of inland fishers".

CZ, LT, PL: add at the end of the paragraph:

"(g) compensation for damage caused by protected mammals and birds" (CZ:) "...for the non-production functions of traditional ponds and compensation for the conservation of national genetic diversity";

PL: add at the end of the paragraph:

"(h) the construction, installation or modernisation of fixed or mobile installations for the protection and development of marine and inland flora and fauna;

(i) direct restocking as a conservation measure in a Union legal act;

(j) the collection and management of data on the occurrence of alien species that may have catastrophic effects on biodiversity".

¹⁷⁸ ***EE, IE:*** support should be available for other beneficiaries, not just fishers.

¹⁷⁹ ***EL, HR:*** other fishing port investments should be eligible.

EE: delete "collected from the sea" (marine litter can also be collected from estuaries, etc.).

PL: "investments in ports to provide adequate facilities for the collection and recycling of lost fishing gears and marine litter taken out of the sea".

NL: "investments in ports to provide adequate reception and treatment facilities (including storage) for lost fishing gears and collected marine litter".

- (e) the management,¹⁸⁰ restoration and monitoring of Natura 2000 areas, in accordance with the prioritised action frameworks established pursuant to Article 8 of Directive 92/43/EEC¹⁸¹;
- (f) the protection of species under Directive 92/43/EEC and Directive 2009/147/EC, in accordance with the prioritised action frameworks established pursuant to Article 8 of Directive 92/43/EEC.

CHAPTER III

Priority 2: Contributing to food security in the Union through competitive and sustainable aquaculture and markets¹⁸²

Article 23

Aquaculture

1. The EMFF may support the promotion of a sustainable aquaculture as provided for in Article 34(1)¹⁸³ of Regulation (EU) No 1380/2013. It may also support animal health and welfare in aquaculture¹⁸⁴ in accordance with Regulation (EU) No 2016/429 of the European Parliament and of the Council¹⁸⁵ and Regulation (EU) No 652/2014 of the European Parliament and of the Council^{186 187}.

¹⁸⁰ **CY:** add: "*surveillance*".

¹⁸¹ **IE:** the scope of this indent should be expanded to include fisheries/aquaculture activities that could potentially impact on Natura 2000 sites.

DE: replace "*in accordance with*" in indents (e) and (f) by "*taking into account*" (the PAF shouldn't be a criterion for exclusion).

¹⁸² **CZ, ES** propose to add an article on the general scope of priorities 1 and 2.

¹⁸³ **DK, LV:** article 34(2) should also be supported (DK); "*articles 2 and 34(1)*" (LV).

¹⁸⁴ **SI:** public health should be added (e.g. in the case of shellfish production).

¹⁸⁵ 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).

¹⁸⁶ 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).

¹⁸⁷ **AT, CZ, DE, HR, HU, PL, RO, SI, SK:** support should include the non-production functions of traditional fishpond farming and the conservation of national genetic diversity.

FI, NL: "*The EMFF may support actions improving the competitiveness of the sustainable aquaculture industry and supporting its development and innovation, especially as provided for in article 34(1) of regulation 1380/2013. It may also support animal health and welfare, as*

2. The support referred to in paragraph 1 shall be consistent with the multiannual national strategic plans for the development of aquaculture referred to in Article 34(2) of Regulation (EU) No 1380/2013¹⁸⁸.
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 Regulation¹⁸⁹.

Article 24

*Marketing of fishery and aquaculture products*¹⁹⁰

The EMFF may support¹⁹¹ 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

well as preventing and eradicating diseases in aquaculture, especially in accordance with regulation 2016/429 of the European Parliament and of the Council and regulation 652/2014 of the European Parliament and of the Council".

RO: support should take account of the relative starting positions and different circumstances of the member states (e.g. economic differences).

BE, SI: add the following paragraph:

"1a. By way of derogation to article 13, indent (f), the EMFF may support the first acquisition of an aquaculture production unit which meets the criteria of a microenterprise or small enterprise, as defined by Commission recommendation 2003/361/EC of 6 May 2003, by a young aquaculture producer who, at the moment of submitting the application, is under 40 years of age and has at least five years of professional experience or has acquired adequate vocational qualification".

¹⁸⁸ *CZ, DE, HR, HU, PL, RO, SI, SK: priority 2 is limited to food security and is therefore more limited than the multiannual national strategic plans.*

EE, LV: this paragraph should be deleted (it refers to an expired deadline and outdated document).

LT: it should be stated whether new guidelines for support to aquaculture will be issued.

BE, IE: national strategic plans are long-term and should be omitted from this article.

¹⁸⁹ *AT, BE, BG, CY, CZ, DE, DK, EL, ES, FI, FR, HR, HU, IE, LT, LV, MT, PL, PT, RO, SE, SI, SK: it should be possible to use both grants and financial instruments, as under the current regulation; (CZ, DE, HR, HU, EE, LV, PL, RO, SE, SI, SK;) the paragraph should be deleted; (AT, FI, FR;) delete "only"; (AT, FI;) add "grants and" before "the financial instruments"; (PT;) replace the reference to article 52 of the CPR proposal by article 47.*

BE, IT: an exception should be made for micro-enterprises and SMEs.

PL: for inland fisheries, aid mechanisms should be similar to those currently available.

¹⁹⁰ *EE, LV, NL: articles 24 and 25 should be merged.*

CY: marketing and processing measures could overlap.

PT: measures to strengthen POs should also be eligible.

FI: it should be clarified whether projects carried out by non-POs can be supported under articles 24 and 25.

HU: it should be clarified whether marketing campaigns and the establishment of POs can be supported.

¹⁹¹ *LV: "may also support" (support should also be available to other types of beneficiaries).*

PL: use "shall" throughout this article.

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 products¹⁹².

Article 25

Processing of fishery and aquaculture products

1. The EMFF may support investments in the processing of fishery and aquaculture products¹⁹³. Such support shall contribute¹⁹⁴ 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 1379/2013¹⁹⁵.
2. Support under this Article 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 Regulation¹⁹⁶.

¹⁹² ***ES:*** all marketing measures should be eligible, not just those mentioned.
CZ, FI: it should be clarified whether marketing measures can be aimed at commercial brands.
HU: the reference to article 35 of regulation 1380/2013 in this paragraph and in article 25, paragraph 1 should be clarified.
DK: support for the preparation/implementation of production and marketing plans, export-related activities and the certification of sustainable fisheries and aquaculture products should be eligible.

¹⁹³ ***FI, SE:*** it should be clarified whether innovation/development projects can be supported.
DK, SE: delete "investments".

¹⁹⁴ ***LV:*** "may also contribute" (support should also be available to other types of beneficiaries).

¹⁹⁵ ***EE, ES:*** all processing measures should be eligible, not just those mentioned.
EE, FI: innovation and development actions in the processing sector should be eligible.
HU: article 35 of regulation 1380/2013 doesn't mention processing.
LT: the reference to regulation 1379/2013 is redundant.

¹⁹⁶ ***AT, BG, CY, CZ, DE, DK, EE, EL, ES, FI, FR, HR, HU, IE, LV, PT, RO, SE, SI, SK:*** it should be possible to use both grants and financial instruments (as under the current regulation); (AT, FR, HU:) replace "shall only" by "may"; (AT:) add "grants and" before "the financial instruments"; (SI:) replace "only" by "also"; (DE, EE, SE:) the paragraph should be deleted.
BE, IT, LT: an exception should be made for micro-enterprises and SMEs.

CHAPTER IV

Priority 3: Enabling the growth of a sustainable blue economy and fostering prosperous coastal communities¹⁹⁷

Article 26

Community-led local development¹⁹⁸

- ¹⁹⁷ **PL, SI:** a provision on fisheries (SI: and inland) local action groups should be added to this chapter (as in the current regulation).
CZ: the scope of priority 3 should be extended to cover member states not using fisheries local action groups.
EE: to enable support to the blue economy using methods other than integrate territorial development, an article should be added with the following provision:
"The EMFF may support actions contributing to the development of the sustainable blue economy".
- ¹⁹⁸ **CZ, DE, HR, HU, PL, RO, SI, SK:** as support can only be provided through CLLD, priority 3 largely excludes the non-production functions of freshwater aquaculture.
PT: greater flexibility should be provided under this article regarding the types of action, the means of support and the constitution of local action groups.
ES: a minimum participation of the fishing sector should be required for local action groups.
BE: CLLD should be possible without the involvement of a fisheries local action group or additional strategy for small programmes or small fleets (excessive administrative burden).
CZ, EE: this article should be deleted (CLLD is a delivery method, not an area of support or a specific objective), or the following paragraph added:
"3. Integrated territorial development tools established in article 22 of the CPR may also be used for delivering support under other Union priorities".
PL: the following paragraph should be added:
"3. The strategies shall be coherent with the opportunities and needs identified in the relevant area and the Union priorities set out in article 4. Strategies may range from those which focus on fisheries to broader strategies directed at the diversification of fisheries areas. The strategies shall go beyond a mere collection of operations or juxtaposition of sectoral measures".
PL: the following article should be added:
"Article 26a
Support from the EMFF for community-led local development
1. The following operations are eligible for support under article 26 in accordance with article 28 of (Regulation laying down Common Provisions):
(a) preparatory support;
(b) implementation of community-led local development strategies;
(c) cooperation activities;
(d) running costs and animation.
2. Fisheries local action groups may request the payment of an advance from the managing authority if such possibility is provided for in the operational programme. The amount of the advances shall not exceed 50% of the public support related to running costs and animation".

1. The EMFF may support the sustainable development of local economies and communities through the community-led local development set out in Article 25 of Regulation (EU) No [Regulation laying down Common Provisions]¹⁹⁹.
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 local²⁰⁰ communities better exploit and benefit from the opportunities offered by²⁰¹ the sustainable blue economy²⁰², capitalising on and strengthening environmental, cultural, social and human resources.²⁰³

¹⁹⁹ ***NL:*** *this reference could lead to support being directed to operations defined as ineligible under the EMFF.*

²⁰⁰ ***EE, FI:*** *add: "fisheries".*

²⁰¹ ***EE, FI:*** *add: "fisheries and if possible by the broader" (local action groups don't always have the resources to address the whole concept of the blue economy).*

²⁰² ***SE:*** *add: "and which fall within the scope of this regulation" (to avoid expanding the scope of the EMFF).*

²⁰³ ***PL:*** *add: "Strategies shall be consistent with the opportunities and needs identified for the area concerned".*

ES: *it should be clarified whether these expenses can be included in within the 15% limit cited in article 6, paragraph 4.*

DK: *activities both within and outside the fisheries sector should be eligible.*

SI: *local communities dealing with aquaculture should be eligible.*

Article 27

Marine knowledge²⁰⁴

The EMFF may support²⁰⁵ the collection, management and use of data²⁰⁶ to improve the knowledge on the state of the marine environment,²⁰⁷ with a view to²⁰⁸:

- (a) fulfilling monitoring and site designation and management requirements under Directive 92/43/EEC and Directive 2009/147/EC²⁰⁹;
- (b) supporting maritime spatial planning as referred to in Directive 2014/89/EU of the European Parliament and of the Council²¹⁰;
- (c) increasing data quality and sharing through the European marine observation and data network (EMODnet).

²⁰⁴ ***EE, FI, LT, SE:*** this article should be moved to chapter V; (FI:) under the title "Marine knowledge and coherent maritime policy"; (EE:) it should be merged with article 28 under the title: "Integrated maritime policy".

FR: after this article, add an extra article:

"Article 27a

Maritime spatial planning

The EMFF may support actions to achieve the objectives provided for in article 5 of directive 2014/89/EU establishing a framework for maritime spatial planning."

²⁰⁵ ***EE, FI:*** add "actions to improve marine knowledge, as well as the coordination and synergies between different marine policy areas. Support to".

²⁰⁶ ***NL:*** add: "and research".

²⁰⁷ ***EE, PT, SI:*** the list should not be exhaustive; (EE, PT:) add "in particular".

PL: replace "on the state of the marine environment" by "on marine areas" (covering marine knowledge in all its aspects, i.e. ecological, economic, oceanographic and climatic).

²⁰⁸ ***BE, FI:*** it should be clarified that this isn't an exhaustive list; (FI:) replace "with a view to" by "may be focused on areas such as".

PT, SI: a reference to the marine strategy framework directive should be added.

CY: at the end of this paragraph, add the following indent:

"(d) fulfilling monitoring and programmes of measures under directive 2008/56/EC".

DK: at the end of the paragraph, add the following indent:

"(d) improving knowledge of the state of the marine environment, with a view to carrying out assessments, establishing monitoring programmes and programmes of measures provided for in directive 2008/56/EC, in accordance with the obligations established in that directive".

²⁰⁹ ***MT, NL:*** add: "and directive 2008/56/EC".

SE: add: "and international and regional agreements where the EU or member states are contracting parties".

FI, NL: "The EMFF may support actions to improve marine knowledge, as well as the coordination of and synergies between different marine policy areas. Support to the collection, management and use of data to improve knowledge on the state of the marine environment may be focused on areas such as".

PL: this indent should be deleted.

²¹⁰ 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).

CHAPTER V

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

Article 28

*Maritime surveillance*²¹¹

1. The EMFF may support actions contributing²¹² to the achievement of the objectives of the common information sharing environment²¹³.
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 Union²¹⁴.

Article 29

*Coastguard cooperation*²¹⁵

1. The EMFF may support actions, carried out by national authorities²¹⁶, 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 Council²¹⁷, Article 2b of Regulation (EU) No 2016/1625 of the European Parliament and of the Council²¹⁸ and Article 7a of Regulation (EU) No 2016/1626 of the European Parliament and of the Council²¹⁹.

²¹¹ ***LT:*** articles 28 and 29 should be merged.

²¹² ***FI:*** add: "especially".

²¹³ ***EE:*** should it be necessary to include an indicative list of possible operations, then this paragraph should be moved to article 27 as indent (d).

²¹⁴ ***EE:*** this paragraph and article 29, paragraph 3 should be deleted.

²¹⁵ ***BE, EE, NL, SE:*** this article should be deleted (the EMFF shouldn't support coastguard cooperation)..

²¹⁶ ***PT:*** "The EMFF may support actions, coordinated by single national authorities, according to the subject matter in question...".

²¹⁷ 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).

²¹⁸ 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).

²¹⁹ 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).

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 19²²⁰.
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 Union²²¹.

CHAPTER VI

Rules for implementation under shared management

SECTION 1

SUPPORT FROM THE EMFF

Article 30

Calculation of additional costs or income foregone²²²

Support granted on the basis of additional costs or income foregone shall be granted under any of the forms referred to in points (a), (c), (d) and (e) of Article 46²²³ of Regulation (EU) No [Regulation laying down Common Provisions].

Article 31

Determination of co-financing rates

The maximum EMFF co-financing rate per area of support is set out in Annex II²²⁴.

²²⁰ ***PT:*** *add: "coordinated by the single authority of the member state".*

²²¹ ***EE:*** *this paragraph should be deleted (it is already covered by article 57, paragraph 4 of the CPR proposal).*

²²² ***EE, SI:*** *"Form of support of compensations".*

²²³ ***NL:*** *"article 48".*

EE: *"Compensations shall be granted in the forms referred to in points (b) and (c) of paragraph 1 of article 48 of [the CPR]".*

²²⁴ ***EE, LV:*** *"The maximum EMFF co-financing rate is 80%" (a single co-financing rate would facilitate implementation).*

DE: *"The EMFF share amounts to 50%. The maximum EMFF co-financing rate per specific area of support is set out in annex II".*

PT: *the minimum co-financing rate should be 75%.*

DE: *annex II only includes specific co-financing rates; generalised co-financing rates should be set, as under the current regulation.*

Article 32

*Intensity of public aid*²²⁵

1. Member States shall apply a maximum aid intensity rate of 50% of the total eligible expenditure of the operation²²⁶.
2. By way of derogation from paragraph 1, specific maximum aid intensity rates for certain areas of support and certain types of operations are set out in Annex III²²⁷.
3. Where one operation falls under several of the rows 2 to 16 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 16 of Annex III and at the same time under row 1 of that Annex, the maximum aid intensity rate to in row 1 shall apply²²⁸.

***DK** welcomes the simplification of co-financing rates.*

²²⁵ ***DE, DK:** the following should be added after paragraph 4:*

“5. By way of derogation from paragraph 1, the member states may, in the case of public aid, apply an aid rate of between 50% and 100% of the total eligible expenditure, provided that the operation is implemented under chapter II or III of title II and fulfils all of the following criteria:

i) it is of collective interest;

ii) it has a collective beneficiary;

iii) it has innovative features, where appropriate, at local level.”

²²⁶ ***CZ, FR, SI:** a maximum aid intensity of 100% should be allowed.*

***LT:** the maximum aid intensity rate should be 60% (as during the 2007-13 programming period).*

***CZ, EE:** "Member states shall apply a maximum aid intensity of the total eligible expenditure of the operation as set out in annex III".*

²²⁷ ***EE:** paragraphs 2, 3 and 4 should be deleted (rigid aid intensities should be discontinued, so as to enable member states to design effective measures).*

***LV:** maximum aid intensity rates for collective beneficiaries and scientific bodies should be introduced in annex III.*

²²⁸ ***PT:** this paragraph should be clarified.*

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 acts, in accordance with Article 52²²⁹, defining the cases of non-compliance referred to in paragraph 1²³⁰.

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.

²²⁹ ***DE, EE:*** in this paragraph and article 34, paragraph 4: "implementing acts, in accordance with article 53" (DE); in this paragraph, article 34, paragraph 4 and article 36, paragraph 4: "implementing acts by examination procedure, in accordance with article 5 of regulation 182/2011" (EE).

²³⁰ ***DK, EL, ES, FR, IE, SI:*** this paragraph and article 34, paragraph 4 should provide for implementing acts, if necessary, not delegated acts.

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 acts, in accordance with Article 52, defining the cases of serious non-compliance referred to in paragraph 1²³¹.

Article 35

Financial corrections by Member States²³²

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 EMFF 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.

²³¹ ***EE: delegated acts should be replaced by implementing acts, in accordance with article 5 of regulation 182/2011.***

²³² ***CY: this article should be deleted.***

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 EMFF 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 acts, in accordance with Article 52, determining the criteria for establishing the level of financial correction to be applied and the criteria for applying flat rates or extrapolated financial corrections²³³.

SECTION 3

MONITORING AND REPORTING²³⁴

Article 37

Monitoring and evaluation framework²³⁵

1. Indicators to report on progress of the EMFF towards the achievement of the priorities referred to in Article 4 are set out in Annex I²³⁶.

²³³ ***DK, EE, EL, FR, SI:*** this paragraph should provide for implementing acts, if necessary, not delegated acts.

²³⁴ ***EE:*** monitoring and evaluation should also cover direct/indirect management; articles 37 and 38 should be established under a separate title Va.

²³⁵ ***EE:*** article 38 should be worded as follows:

"1. Common output and result indicators for monitoring progress toward specific objectives are set out in annex I.

2. In derogation from article 37, paragraph 2 of [Regulation laying down Common Provisions], data on total eligible costs, the contribution from the funds, total eligible expenditure declared by the beneficiaries to the managing authority, values of output and result indicators for selected operations and values achieved by operations shall be submitted at the level of individual operations.

3. In derogation from article 37, paragraph 5 of [Regulation laying down Common Provisions], the managing authority shall publish the cumulative data transmitted to the Commission on the website referred to in article 44, aggregated at the level of specific objectives.

4. The Commission shall adopt implementing acts by examination procedure, in accordance with article 52, for establishing the types of intervention for the EMFF and the template to be used for the submission of the data on operations".

²³⁶ ***DK:*** there is a need for relevant indicators and therefore a substantial revision of annex I.

LV: common output and result indicators should be set at EMFF priority level and included in annex I; indicators should be binding for both the Commission and the member states.

2. To ensure effective assessment of progress of the EMFF towards the achievement of its priorities, the Commission shall be empowered to adopt delegated acts, in accordance with Article 52, to amend Annex I to review or complement the indicators where considered necessary and to supplement this Regulation with provisions on the establishment of a monitoring and evaluation framework²³⁷.

Article 38

Annual performance report²³⁸

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 meeting²³⁹. The first report shall be submitted in 2023 and the last report in 2029²⁴⁰.
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]²⁴¹. It shall also describe any issues that affect the performance of the programme and the measures taken to address those issues.

HR: member states should be provided with specific information on indicators at an early stage of programming.

ES: a clear and simple framework should be introduced (to avoid reproducing the deficiencies of the current EMFF).

²³⁷ ***CZ, DK, EL, ES, FI, FR, SI:*** amendments should not be enacted by legislation but by delegated acts (or implementing acts); (ES:) in the regulation.

LT: the scope/objective of the delegated acts should be clarified.

PT: a reference date should be specified for the indicators.

LV, NL: this paragraph should be deleted.

²³⁸ ***BE, CZ, NL:*** the requirement for an annual report (CZ, NL:) should be removed; (BE:) should not lead to an excessive administrative burden.

CZ, EE, NL: this article should be worded as follows:

“The Commission shall prepare and submit to the European Parliament and the Council by 31 March 2022, and by 31 March of each subsequent year up to and including 2027, a report on implementation of budgetary resources under shared, direct and indirect management” (the additional annual report, discontinued for the other funds, is no longer justified; it creates an excessive administrative burden).

²³⁹ ***AT, CZ, ES, FR, HU, IE, LT, SI:*** the procedure and the timeframe for submitting the report should be specified in greater detail; (ES, FR, HU:) a specific date should be set for the annual review meeting; (FR:) it should be 30 June; (IE:) a simplified template should be established and a submission deadline set for the report; (CZ:) the basis for the Commission's EMFF mid-term review should be clarified, given that the member states aren't obliged to evaluate their programmes.

²⁴⁰ ***FI, SI:*** this isn't in line with article 36 of the CPR proposal; (FI:) it isn't required for the other funds.

²⁴¹ ***CZ:*** this provision will be impossible to implement (in the absence of specific objectives, the report will assess areas of support, which however do not formulate any objectives).

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)²⁴².

²⁴² ***HU:** it should be clarified whether the report should be approved by the monitoring committee.*

TITLE III: SUPPORT UNDER DIRECT AND INDIRECT MANAGEMENT²⁴³

Article 39

Geographical scope²⁴⁴

By way of derogation from Article 2,²⁴⁵ this Title may also be granted to operations carried out outside the territory of the Union, with the exception of technical assistance.

²⁴³ ***ES:*** a prior analysis should be conducted before the Commission presents annual work programmes and programme amendments.

²⁴⁴ ***NL:*** replace "this title may also be granted" by "this title may also apply".

EE: if CPR article 57, paragraph 4 applies to indirect management, this article should be deleted. If it does not, it should be worded as follows:

“All or part of an operation may be implemented outside member states, including outside the Union, provided that the operation contributes to the objectives of the programme”

²⁴⁵ ***LT:*** add: "the support referred to in".

CHAPTER I

Priority 1: Fostering sustainable fisheries²⁴⁶ and the conservation of marine biological resources

Article 40

Implementation of the CFP²⁴⁷

The EMFF shall support²⁴⁸ the implementation of the CFP through²⁴⁹:

- (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.

²⁴⁶ **CZ:** add: "*and aquaculture*".

²⁴⁷ **EE, LT:** articles 40, 41 and 42 should be merged into one article: "*implementation of the CFP*".

²⁴⁸ **PL:** "*may support*"

EE, MT, NL: throughout articles 40 to 45, (MT:) "*may*"; (EE:) "*shall in particular*" (to accommodate the needs of future CFP reform); (NL:) the phrasing obliges the Commission to give support, whereas the current regulation says that "*support shall contribute to*".

²⁴⁹ **CZ, FI:** to enable the EMFF to address future challenges, this should not be a closed list of operations.

EE: at the end of this paragraph, add:

"(e) the promotion of clean and healthy seas;

(f) the development and dissemination of market intelligence for fishery and aquaculture products, in accordance with article 42 of regulation 1379/2013".

Article 41

Promotion of clean and healthy seas

1. The EMFF 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/EC²⁵⁰.

CHAPTER II

Priority 2: Contributing to food security in the Union through competitive and sustainable aquaculture and markets

Article 42

*Market intelligence*²⁵¹

The EMFF shall²⁵² support the development and dissemination of market intelligence²⁵³ for fishery and aquaculture products by the Commission in accordance with Article 42 of Regulation (EU) No 1379/2013.

²⁵⁰ *EE: this paragraph should be deleted (it repeats article 2, paragraph 5, indent (j) of regulation 1380/2013).*

²⁵¹ *DK, NL: spending under this article should be demand-driven (NL: data is often out-of-date).
DK: throughout articles 42 to 45, "may" should be used instead of "shall".*

²⁵² *PL: "may".*

²⁵³ *SE: add: "including standardisation" (digitalisation under the fisheries control system involves the standardisation of databases).*

CHAPTER III

Priority 3: Enabling the growth of a sustainable blue economy and fostering prosperous coastal communities

Article 43

*Maritime policy and development of a sustainable blue economy*²⁵⁴

The EMFF shall support the implementation of the maritime policy through²⁵⁵:

- (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 cooperation²⁵⁶;
- (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 instruments²⁵⁷.

²⁵⁴ ***PL:*** provisions on international cooperation should be added to this article.
HU: the definition of 'sustainable blue economy' should be clarified (i.e. whether inland waters are covered).
DK: the objectives/activities to be pursued under this article should be clarified, with a focus on the management of maritime policy, including maritime strategies and the sustainable blue economy; actions should be cost-effective and not duplicate national measures.

²⁵⁵ ***SE:*** indents (a), (d) and (e) should be deleted.
BE, NL: maritime policy and blue economy measures should be limited.

²⁵⁶ ***DK:*** the terms "sea basin strategies" and "maritime regional cooperation" should be clarified (preference for "marine regional coordination"), as well as whether regional cooperation can be supported.

²⁵⁷ ***PL:*** the definition of innovative financing instruments should be added.

CHAPTER IV

Priority 4: Strengthening international ocean governance and enabling safe, secure, clean and sustainably managed seas and oceans²⁵⁸

Article 44

*Maritime security and surveillance*²⁵⁹

The EMFF 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 EMFF 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;

²⁵⁸ ***PL:*** although these areas should be addressed together, they shouldn't be financed at the expense of the CFP.

²⁵⁹ ***EE:*** this article should be deleted; to promote the sharing of fisheries inspection data and provide for the multi-use of fisheries control/enforcement databases, a provision could be included in the article on CFP implementation.

LT: the article should either be deleted or formulated more specifically, to allow the EMFF to contribute to, but not support entirely, the promotion of maritime security and surveillance.

EL: the wording should be more flexible; control provisions should be linked to specific objectives, to ensure support for productive activities.

DK, NL: the scope of this article should be limited to clean and sustainably managed seas.

SE: this article should be replaced by the following:

"Control and enforcement

The EMFF may support implementation of a Union control, inspection and enforcement system, as provided for in article 36 of regulation 1380/2013 and further specified in [the new control regulation]".

- (c) the implementation of ocean partnerships between the Union and relevant ocean actors²⁶⁰;
- (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 oceans²⁶¹;
- (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 management²⁶²

Article 46

Forms of Union funding

1. The EMFF 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 may²⁶³ be carried out by independent experts.

Article 47

Blending operations

Blending operations under the EMFF 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]²⁶⁴.

²⁶⁰ ***SE:*** *indents (c) and (f) should be deleted.*

²⁶¹ ***SE:*** *"financial contributions to international agreements, arrangements and instruments that aim to promote better ocean governance".*

²⁶² ***FI:*** *a multiannual strategy should be established for direct financing and funding allocated to priorities on a multiannual basis, with annual work plans; the allocation of funding should be described, as in the current regulation.*

²⁶³ ***EE:*** *"shall".*

²⁶⁴ ***MT:*** *"Where applicable, blending operations...".*

NL: *the reference to InvestEU is premature, as the regulation has not yet been finalised.*

Article 48

Evaluation²⁶⁵

1. Evaluations shall be carried out in a timely manner to feed into the decision-making process²⁶⁶.
2. The interim evaluation of the support under Title III shall be performed once there is sufficient information available about the implementation, but not later than four years after the start of the implementation of the support²⁶⁷.
3. At the end of the implementation period, but no later than four years after it, a final evaluation report on the support under Title III shall be prepared by the Commission²⁶⁸.
4. The Commission shall communicate the conclusion of the evaluations, accompanied by its observations, to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.

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].

²⁶⁵ ***CZ, FI, PL:*** evaluation rules should be the same for all types of management; (CZ:) a list of common indicators are necessary, as for shared management; (FI:) output and result indicators should be set on a multiannual basis.

EE: this article should be deleted (evaluation requirements for direct management will be provided by the financial regulation).

²⁶⁶ ***SE:*** the deadline for evaluations should be specified.

HU: it should be specified whether the Commission or the member states carry out the evaluations mentioned in paragraphs 1 and 2; the notion of "in a timely manner" should be clarified.

NL: this paragraph should be deleted (no added value).

²⁶⁷ ***NL:*** the scope of this paragraph should be clarified.

SI: it should be specified that the interim evaluation is prepared by the Commission.

²⁶⁸ ***ES:*** four years is too long.

SE: "At the end of the implementation period, but no later than four years after it, a final evaluation report on the support under title III shall be finalised. The evaluation should be carried out by an independent entity".

NL: the deadlines should be the same as in CPR articles 39 and 40 for shared management, i.e. 31/06/29 for the member states and 31/12/31 for the Commission.

Article 50

*Information, communication and publicity*²⁶⁹

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 public²⁷⁰.
2. The Commission shall implement information and communication actions relating to the EMFF, and its actions and results. Financial resources allocated to the EMFF 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 4²⁷¹.

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:
 - (a) 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;
 - (b) 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.

²⁶⁹ **NL:** delete "acknowledge the origin and".

²⁷⁰ **EE:** "The recipients of Union funding shall acknowledge support from the EMFF in line with the requirements established in article 45 of [the CPR]" (the rules should be the same as under shared management).

SI: it should be clarified what "proportionate targeted information" is required for micro- and small aquaculture enterprises.

HU: it should be clarified how rules will be established for the technical characteristics of information/publicity measures and instructions for creating the Union emblem.

²⁷¹ **EE:** the second sentence should be deleted (technical assistance under direct management should be used for EMFF-related publicity).

TITLE IV: PROCEDURAL PROVISIONS

Article 52

Exercise of delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article²⁷².
2. The power to adopt delegated acts referred to in Articles 12, 17, 21, 33, 34, 36, 37 and 55 shall be conferred until 31 December 2027.
3. The delegation of power referred to in Articles 12, 17, 21, 33, 34, 36, 37 and 55 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the powers specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.²⁷³
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Articles 12, 17, 21, 33, 34, 36, 37 or 55 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

²⁷² ***EL:*** *implementing acts should be preferred to delegated acts.*

DK: *scrutiny reservation.*

²⁷³ ***EE:*** *add: "3a. Before adopting a delegated act, the Commission shall consult experts designated by each member state in accordance with the principles laid down in the inter-institutional agreement on better law-making of 13 April 2016".*

Article 53

Committee procedure²⁷⁴

1. The Commission shall be assisted by a Committee for the European Maritime and Fisheries Fund. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council²⁷⁵.
2. Where reference is made to this paragraph, Article 4²⁷⁶ of Regulation (EU) No 182/2011 shall apply.

²⁷⁴ ***ES:*** *the wording of this article should be the same as that used in the other regulations (except for the name of the committee).*

²⁷⁵ 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).

²⁷⁶ ***EE, NL:*** *"article 5" (the examination procedure should be used for implementing acts, in accordance with article 2, paragraph 2(b)(ii) of regulation 182/2011).*

TITLE V: FINAL PROVISIONS

Article 54²⁷⁷

Repeal

1. Regulation (EU) No 508/2014 is repealed with effect from 1 January 2021²⁷⁸.
2. References to the repealed Regulation shall be construed as references to this Regulation.

Article 55

Transitional provisions

1. In order to facilitate the transition from the support scheme established by Regulation (EU) No 508/2014 to the scheme established by this Regulation, the Commission shall be empowered to adopt delegated acts, in accordance with Article 52, laying down the conditions under which support approved by the Commission²⁷⁹ under Regulation (EU) No 508/2014 may be integrated into support provided for under this Regulation²⁸⁰.
2. This Regulation shall not affect the continuation or modification of the actions concerned, until their closure, under Regulation (EU) No 508/2014, which shall continue to apply to the actions concerned until their closure²⁸¹.
3. Applications made under Regulation (EU) No 508/2014 shall remain valid.

²⁷⁷ ***EE, ES:*** articles 54 and 55 should be merged.
EE, SI: they should be replaced by the following: "Regulation 508/2014 or any act adopted thereunder shall continue to apply to operations supported by the EMFF under the 2014-20 programming period" (transitional provisions should also apply to support approved under shared management). Given that the current EMFF is subject to the N+3 rule and expenditure is eligible until the end of 2023, the current regulation should not be repealed from 1 January 2021.

²⁷⁸ ***NL, PT:*** add: "without prejudice to article 55, paragraph 2".

²⁷⁹ ***RO:*** delete "by the Commission" (support approved by member states should also be covered).

²⁸⁰ ***SI:*** the envisaged content of the delegated acts should be clarified.

²⁸¹ ***FI, LT, NL:*** it should be clarified whether funding under the current programme can be used to finance new projects after 2020 (as proposed, the legal basis for post-2020 financing under the current programme would be the new regulation, with different aid intensity rates, etc.).

Article 56

Entry into force and date of application

This Regulation shall enter into force 20 days following that of its publication in the *Official Journal of the European Union*.

This Regulation shall apply from 1 January 2021.

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

Done at Strasbourg,

For the European Parliament
The President

For the Council
The President