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COMMISSION IMPLEMENTING DECISION

of 4.6.2021

**on the financing of the European Maritime, Fisheries and Aquaculture Fund and the
adoption of the work programme for 2021**

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012¹, and in particular Article 110 thereof,

Having regard to Regulation (EU) No 1380/2013 of the European Parliament and Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC², and in particular Article 45 (3) thereof,

Having regard to Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000³, and in particular Article 42 thereof,

Whereas:

- (1) In order to ensure the implementation of the European Maritime, Fisheries and Aquaculture Fund it is necessary to adopt an annual financing decision, which constitutes the annual work programme for 2021. Article 110 of Regulation (EU, Euratom) 2018/1046 ('the Financial Regulation') establishes detailed rules on financing decisions.
- (2) The envisaged financing is to comply with the conditions and procedures set out by the restrictive measures adopted pursuant to Article 215 TFEU.
- (3) It is appropriate to authorise the award of grants without a call for proposals and to provide for the conditions for awarding those grants.
- (4) Pursuant to Article 62(1)(c) of the Financial Regulation indirect management is to be used for the implementation of the work programme.
- (5) The Commission is to ensure a level of protection of the financial interests of the Union with regards to entities and persons entrusted with the implementation of Union funds by indirect management as provided for in Article 154(3) of the Financial

¹ OJ L 193, 30.7.2018, p. 1.

² OJ L 354, 28.12.2013, p. 22.

³ OJ L 354, 28.12.2013, p. 1.

Regulation. To this end, such entities and persons are to be subject to an assessment of their systems and procedures in accordance with Article 154(4) of the Financial Regulation and, if necessary, to appropriate supervisory measures in accordance with Article 154(5) of the Financial Regulation before a contribution agreement can be signed.

- (6) It is necessary to allow for the payment of interest due for late payment on the basis of Article 116(5) of the Financial Regulation.
- (7) In order to allow for flexibility in the implementation of the work programme, it is appropriate to allow changes that are not substantial for the purposes of Article 110(5) of the Financial Regulation.
- (8) The Member States were informally consulted in an ad-hoc meeting in the framework of the Committee for the European Maritime and Fisheries Fund.
- (9) In accordance with Article 51(5) of the Regulation (on the European Maritime Fisheries and Aquaculture Fund for the years 2021-2027 and point (a) of the second subparagraph of Article 193(2) of the Financial Regulation, and by derogation from Article 193(4) of that Regulation, if duly justified for the purpose of continuity of the underlying activities, costs for grants financed under this Decision should be eligible from the beginning of the 2021 financial year, even if implemented and incurred before the grant application was submitted. The same should apply to the eligibility of activities and costs under indirect management,

HAS DECIDED AS FOLLOWS:

Article 1
The work programme

1. The financing decision, constituting the annual work programme for the implementation of the European Maritime, Fisheries and Aquaculture Fund for 2021 ('the work programme'), as set out in the Annex, is adopted.
2. The work programme is subject to:
 - (a) the final adoption of the Regulation on the European Maritime Fisheries and Aquaculture Fund for the years 2021-2027 by the legislative authority without substantial modifications; and
 - (b) a positive opinion by the committee established by the Regulation on the European Maritime Fisheries and Aquaculture Fund for the years 2021-2027.

Article 2
Union contribution

The maximum Union contribution for the implementation of the programme for 2021 is set at EUR 97,107,185 and shall be financed from the appropriations entered in the following line of the general budget of the Union: budget line 08 04 02 - Operational expenditure under direct and indirect management.

The appropriations provided for in the first paragraph may also cover interest due for late payment.

Article 3
Methods of implementation and entrusted entities or persons

The implementation of the actions carried out by way of indirect management, as set out in the Annex, may be entrusted to the entities or persons referred to or selected in accordance with the criteria laid down in point 4 of that Annex.

Article 4
Flexibility clause

Cumulated changes to the allocations to specific actions not exceeding 20% of the maximum Union contribution set in the first paragraph of Article 2 of this Decision shall not be considered to be substantial for the purposes of Article 110(5) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council, where those changes do not significantly affect the nature of the actions and the objective of the work programme.

The authorising officer responsible may apply the changes referred to in the first paragraph. Those changes shall be applied in accordance with the principles of sound financial management and proportionality.

Article 5
Grants

Grants may be awarded without a call for proposals in accordance with the conditions set out in the Annex. Grants may only be awarded to the bodies referred to in the Annex.

Article 6
Financial instruments

An amount of EUR 19 500 000 from the European Maritime, Fisheries and Aquaculture Fund in 2021 shall be allocated to actions under blending operations. Blending operations shall be implemented under indirect management by the European Investment Fund.

Done at Brussels, 4.6.2021

For the Commission
Virginijus SINKEVIČIUS
Member of the Commission