

II. EU financial assistance from 2014 onwards

Q:

What about the budget ? Do we have to submit the budget for the period 2014-2016 now? Or the EMFF will take care of the budget and so there is no need to submit it now ?

A:

Indeed, the budget for data collection as of 2014, until 2020, will fall under the EMFF. Member States will no longer be invited to submit spending forecasts (ex. for 2014-2016) and annual requests for funding, as was done in the past. Arrangements will have to be introduced by the Managing authority as regards the administration of data collection.

According to Article 13 and 14 of the proposed EMFF, the Commission has decided on the financial allocation to data collection for each Member State. This allocation has now to be programmed by the Member State within the EMFF operational programme and will be approved by the Commission when approving the entire operational programme. Once the OP is adopted, a pre-financing amount shall be paid by the Commission for the entirety of the OP.

Q:

How will co-funding of eligible costs be available in a situation where the EMFF Operational Programme (OP) has not been approved yet and consequently no pre-financing of the OP has been carried out yet?

A:

EU co-funding for data collection for 2014 and subsequent years will follow the financing rules laid out in the Common Provisions Regulation and EMFF. The CPR provides for common rules on eligible expenditure, the different forms of financial support, simplified costs, and durability of operations. The CPR provides for the eligibility of expenditure even if the Commission has not approved the operational programme, so as to avoid interruption of activities.

Article 65(2) of the CPR states that "*Expenditure shall be eligible for a contribution from the CSF Funds if it has been incurred by a beneficiary and paid between the date of submission of the programme to the Commission or from 1 January 2014, whichever is earlier, and 31 December 2022*". This means that beneficiaries can be selected and start their activities without an OP being approved (provided the expenditure follows the general eligibility rules laid down in the CPR (art 65), the EMFF (art 10 and 11), supplemented by specific considerations related to data collection, Art.77 of the EMFF as well as national eligibility rules, and provided that the activities will remain in the final version of the OP when it is

approved by the Commission and be in line with the eligibility criteria to be approved by the EMFF monitoring committee later on. Member States should, therefore, take adequate administrative arrangements.

As soon as a pre-financing payment is made by the Commission, the Member State can use it to reimburse beneficiaries. As soon as the OP is adopted, the eligible expenditure can be included in an interim payment claim.

Q:

Article 65 (6) CPR states that operations already physically completed or fully implemented at the time of application under the EMFF OP are not eligible for funding. What does it mean for Data Collection and in particular in connection with CPR Article 65(2) setting the starting date of eligibility to 1 January 2014?

A:

According to CPR Article 65(2), the starting date of eligibility is the date of submitting the OP or 1 January 2014, whichever is earlier. However, this starting date refers only to the date when costs to be reimbursed incur. Member States should start with selecting operations already prior to this date in order to avoid any gap in funding Data collection in 2014. Article 65(6) provides for an additional selection criterion to ensure that operations which are physically completed or fully implemented do not receive EMFF funding retroactively.

As a result, it is possible for Member State to select an operation/project before the EMFF enters into force (and even before 1 January 2014), and this can be eligible as long as the operation/project is not completed at the time when it is selected. For example, it is possible to launch a call for tender for a research survey in October 2013, to select the project in December 2013 and then to carry out the research survey in January 2014 or later. Member States should, therefore, take adequate administrative arrangements.

Q:

What pre-financing will Member States receive?

A:

Provisions on pre-financing are specified in the CPR, Article 81 of the CPR specifies that once a Member States' OP has been adopted, an initial pre-financing amount for the total amount of that Member States' EMFF allocation (for the whole period 2014-2020) shall be paid by the Commission. In addition, annual pre-financing will be provided to Member States.

Article 124 of the CPR specifies the percentage of this initial pre-financing instalment, as well

as the subsequent annual pre-financing instalments. For 2014, 2015 and 2016, the Member State will receive an initial pre-financing of 1% per year of its total EMFF allocation for 2014-2020 (for some Member States this will be 1.5% - see CPR for details). Member States shall also receive an annual pre-financing amount, to be paid before 1 July in the years 2016 to 2023. In 2016, it shall be 2 % of the amount of the support from the Funds for the whole programming period to the operational programme. In the years 2017 to 2023, it shall be 2,5% of the amount of the support from the EMFF for the whole programming period to the operational programme.

This pre-financing payment relates to the total EMFF allocation, and is not earmarked for any specific expenditure such as relating to data collection.

III. Eligible measures

Q:

Will Regulation 1078/2008 be replaced and if so, what will be the new financial rules and which costs will be eligible?

A:

Council Regulation (EC) No. 861/2006 will apply until 31 December 2013 and, this regulation together with its implementing Regulation 1078/2008 provides the rules governing EU assistance to support the 2013 Data Collection national programmes. As from 1/1/2014, the Common Provisions Regulation will set out general provisions as regards eligibility (Article 65 of the CPR in particular). The EMFF includes provisions on Ineligible operations (Article 10), and provisions on eligible operations for data collection specifically (Article 77).

It will be the Member States' responsibility to decide, in the operational programme, on how EU funding received under the EMFF will be programmed for data collection, in conformity CPR and EMFF rules. Further, it will be for the Monitoring Committee to establish more detailed selection criteria of beneficiaries of EU funding.

If considered useful, the Commission may later on provide guidance to Member States regarding eligibility of expenditure for data collection.

Q:

Member States shall submit annual work plans to the Commission according to EMFF Article 23. How is the connection between EMFF Articles 23 and 77?

A:

In their OP (art 18 EMFF), Member States are required to provide 1) a general description of activities of data collection foreseen for the (whole) 2014-2020 and 2) information on how sound financial and administrative management in data collection will be achieved. The Annual Work Programme, foreseen under Article 23 of the EMFF, will complement the OP and provide the means for MS to set out in greater detail the procedures to be used for the collection and analysis of data and to estimate their accuracy and precision, on a yearly basis (unless the MS considers that an AWP does not need to be modified for the following year(s)).

The AWP is not the appropriate tool for financial programming, which MS shall do in their OP, based on Article 77, It is exclusively focused on scientific and methodological issues, not on financial eligibility ones.

By letter of June 16th, 2014 (ARES (2014) 1968106), the Commission draw your attention on the provisions of Art 18(1)(p) of Council Regulation (EC) 508/2014 (EMFF Regulation) which states that this section of the EMFF Operational programme should be supplemented by work plans for data collection in accordance with Article 4(4) of Regulation (EC) No 199/2008 by 31 October of the year preceding the year from which the work plan is to apply, unless an existing plan still applies, in which case they shall notify the Commission.

Which would be the financial coverage of participation of MS experts at different types of meetings related to data collection? Which will be the source of EU funding of these meetings?

A

According to Article 77.2.e of the EMFF Regulation participation in meeting may be financed from EMFF OP measure for data collection. These meetings can be meetings organised by the Commission, regional coordination meetings (RCM), meetings of regional fisheries management organisations (of which the EU is a contracting party or an observer) and meetings of international bodies responsible for providing scientific advice.

In the case of landlocked Member States no funding for data collection exists but there is a need to prepare for to implement the DC rules and the DC funding. Technical Assistance of the Operational programme can be used. Nevertheless, it would be limited for as long as the OP has not been approved.

Q:

Will the Commission continue to establish a list of eligible DCF meetings from 2014 onwards?

A:

From 2014 until 2020, the costs related to Data Collection will be covered by the EMFF under shared management. Article 77 of the EMFF provides for the types of eligible expenditure. It

will be the Member States' responsibility to decide, in the operational programme and at implementing stage on how EU funding received under the EMFF will be programmed for data collection, in conformity with national and EU eligibility rules and in accordance with the principles of cost-effectiveness and EU value-added.

It will therefore be up to each Member States to decide how they allocate their 2014-2020 envelope to meetings and to other eligible items.

IV. Beneficiaries of EU co-funding

Q:

Under the EMFF, will it be possible for a Member States' government authorities to be assisted in implementation of the data collection programme by other partners, as is the case under Article 9 of Regulation 1078/2008²? (² COMMISSION REGULATION (EC) No 1078/2008 of 3 November 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 861/2006 as regards the expenditure incurred by Member States for the collection and management of the basic fisheries data)

A:

Member States can be assisted by other partners provided all rules, in particular as regards public procurement and designation of intermediate bodies, are fulfilled. The Monitoring and Control System will have to set out how the Member States' Managing Authority will carry out the selection of operations eligible under the EMFF, who will be delegated some of the tasks of the managing authority ("intermediate bodies") and how rules on selection of the operations will be applied to fulfil all requirements of sound financial management.

Article 123 of the CPR indicates that "the Member State or the managing authority may entrust the management of part of an operational programme to an intermediate body by way of an agreement in writing between the intermediate body and the Member State or managing authority (a 'global grant'). The intermediate body shall provide guarantees of its solvency and competence in the domain concerned, as well as its administrative and financial management".

V. Land-locked countries

Q:

Which data will be required from land-locked countries?

A:

The current Data Collection Framework does not impose any data collection obligations on land-locked member States in the area of fisheries data collection. However, the Commission is preparing a revision to this Regulation, on the basis of the principles set out in Article 37 of the Basic regulation for the CFP. These legal provisions are still under development, but it is anticipated that new requirements will apply to land locked countries in the areas of aquaculture and processing. Note that this does not affect obligations under other data collection regulations such as statistical regulations, which land-locked Member States must continue to comply with.

However, even before the DCF is revised, land-locked Member States may benefit from EMFF funding for data collection in the fields of aquaculture and processing. To do so, they will have to provide information in their OP concerning these two areas of data collection (section 13.1) as well as information on how sound financial and administrative management in data collection will be achieved. Member States can refer to the current EU Multiannual Programme for data collection, Commission Decision 2010/93/EU (Appendices X, XI & XII), to familiarize themselves with the sort of data they would need to collect under the future framework.