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**COMMISSION IMPLEMENTING DECISION**

**of 26.1.2022**

**on the financing of the European Maritime, Fisheries and Aquaculture Fund and the  
adoption of the work programme for 2022 and 2023**

# COMMISSION IMPLEMENTING DECISION

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## on the financing of the European Maritime, Fisheries and Aquaculture Fund and the adoption of the work programme for 2022 and 2023

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 966/2012<sup>1</sup>, 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/EC<sup>2</sup>, 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 104/2000<sup>3</sup>, and in particular Article 42 thereof,

Having regard to Regulation (EU) 2021/1139 of the European Parliament and of the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004, and in particular Article 9 thereof,

Whereas:

- (1) In order to ensure the implementation of the European Maritime, Fisheries and Aquaculture Fund it is necessary to adopt multiannual financing decision, which constitutes the multiannual work programme for 2022 and 2023. 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) The financial interests of the Union should be protected through proportionate measures throughout the expenditure cycle, including the prevention, detection and

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<sup>1</sup> OJ L 193, 30.7.2018, p. 1.

<sup>2</sup> OJ L 354, 28.12.2013, p. 22.

<sup>3</sup> OJ L 354, 28.12.2013, p. 1.

investigation of irregularities, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, administrative and financial penalties.

- (5) Pursuant to Article 62(1)(c) of the Financial Regulation indirect management, along with direct management, is to be used for the implementation of the work programme with regard to Voluntary Contributions, International Ocean Governance, Control and Enforcement and Maritime Policy activities.
- (6) 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 similar to the level ensured in direct management in accordance with Article 154(3) of the Financial Regulation. To this end, such entities and persons are to be subject to an assessment of their systems and procedures by the Commission 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 prior to signing a contribution agreement.
- (7) The Commission is entitled to the payment of interest due for late payments on the basis of Article 116(5) of the Financial Regulation and in accordance with the conditions stipulated therein.
- (8) 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.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 63 of Regulation (EU) No 2021/1139 on the European Maritime, Fisheries and Aquaculture Fund.

HAS DECIDED AS FOLLOWS:

*Article 1*  
*The work programme*

The multiannual financing decision, constituting the multiannual work programme for the implementation of the European Maritime, Fisheries and Aquaculture Fund for 2022 and 2023, as set out in the Annex, is adopted.

*Article 2*  
*Union contribution*

The maximum Union contribution for the implementation of the programme for 2022 and 2023 is set at EUR 91 785 953 and EUR 94 207 693 respectively, and shall be financed from the appropriations entered in the following line of the general budget of the Union:

08 04 02 EMFAF — Operational expenditure under direct and indirect management;

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

The implementation of this Decision is subject to the availability of the appropriations:

- (a) as provided for in the draft general budget of the Union for 2022, following the adoption of that budget by the budget authority or as provided for in the system of provisional twelfths;

(b) as provided for in the general budget of the Union for 2023 following the adoption of that budget by the budget authority.

### *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 the Financial Regulation, where those changes do not significantly affect the nature of the actions and the objective of the work programme. The increase of the maximum Union contribution set in the first paragraph of Article 2 of this Decision shall not exceed 20%.

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 be awarded to the bodies referred to in point 3 of the Annex.

### *Article 6*

#### *Financial instruments – Blending operations*

An amount of EUR 19 500 000 from the European Maritime, Fisheries and Aquaculture Fund in each 2022 and 2023 shall be allocated to actions under blending operations. Blending operations shall be implemented under indirect management by the European Investment Fund.

Done at Brussels, 26.1.2022

*For the Commission*

*Virginijus SINKEVIČIUS*

*Member of the Commission*