



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES
POLICY DEVELOPMENT AND CO-ORDINATION

Brussels,

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Subject: **Final minutes of the 1st meeting of the Expert group on the European Maritime and Fisheries Fund - Brussels, 25 June 2014, 9.00 – 16.30**

Attendance

Chairperson

Elisa ROLLER, Head of Unit MARE A3, "Structural policy and economic analysis".

Member States

With the exception of AT, IT and LU, all the MS' delegations were present at the meeting.

Commission

DG MARE were represented by units A1, A3, B2, E1, F4
DG SANCO and DG ENV were also represented

Secretariat:

E Horanyi (MARE A3).

1. Adoption of the agenda.

The agenda was adopted.

2. Rules of procedure.

The Rules of Procedure were formally adopted and entered into force immediately thereafter.

3. Delegated act on admissibility of operations (Article 10 of the EMFF)

COM (E. Roller) presented the revised version of the draft delegated act highlighting the main changes that reflect the comments received from MS. She informed the MS that the draft delegated act is still incomplete, only refers to cases of infringements of fisheries rules but does not include provisions for the cases of environmental offences. COM will only be in a position to put forward a proposal as soon as further analysis is completed and other Commission services consulted on the transposition and practice within MS on the subject.

MS welcomed the revised version, in particular the changes made as a result of comments expressed at previous meetings.

NL and DK articulated concerns in relation to the level playing field, in particular where a particular MS does not implement the point system until the entry into force of the delegated act. COM (E. Roller) emphasized that the fund-specific ex-ante conditionality on control would contribute to providing the necessary assurance towards a level playing field.

DE urged for more dissuasive provisions in case of a sale of a vessel by transferring not only the points but the period of inadmissibility as well.

In response to the concerns expressed DE and NL, COM assured that it is not the intention of COM to establish parallel systems between the control and EMFF regulations. However, it is important to note that the period of admissibility as outlined in the EMFF regulation concerns the operator, while the points system established in the control regulation concerns the vessel. This is why in cases of sale of a vessel, there should not be a transfer of the period of inadmissibility imposed as a result of a serious infringement.

In response to the question by ES, COM informed that the admissibility period (under art 2 of the draft delegated act) starts at the time when the infringement was committed. The procedure leading to determining the act of infringement is within national competence, therefore any eventual appeal procedure should also be regulated at national level.

In response to the question by EE, COM drew attention to the fact that the delegated act does not cover Art 10(2) of EMFF, since that article sets out the obligation for the operator to remain compliant with CFP rules after receiving funds. Thus, the consequence of not being compliant with CFP rules will be the financial correction by MS in accordance with Art 99 of EMFF.

In response to the question of EE concerning admissibility of operators under aquaculture measures, COM informed that once the delegated act has been revised to incorporate these elements of Article 10 and enters into force, the period of inadmissibility would not be retroactive for operators already receiving support for aquaculture measures under the EMFF. However, COM stressed the need to ensure that beneficiaries of EMFF support continue to respect and comply with all EU legislation irrespective of when the delegated act enters into force.

COM requested that written comments be sent until 4 July.

4. Guidance on the implementation of eradication plans (Article 56.1 of EMFF)

COM (V. Piazza, DG SANCO) presented the framework of veterinary fund and possible financing of eradication plans in the period of 2014-2020. She emphasised that there is no substantial change in the procedure: Member States still have to submit eradication plans to DG SANCO for approval prior to implementation. However, Member States should indicate in their plans the chosen EU source of financing: whether it is the directly managed veterinary fund or the EMFF OP.

COM (E. Roller), for the question of several MS, also emphasised that the Member States have to decide which fund they would like to use for financing eradication plans.

In response to the question of DK, COM (V. Piazza) informed that in case of an unforeseen outbreak MS can benefit from the emergency fund if they do not have approved eradication plans in place. This emergency fund can be requested any time during the year by sending the necessary documentation, reimbursement of 50% of expenditures can be received within 3 months period of time.

5. Guidance on measures for IMP under Union priority 6

COM (H. Siemers, DG MARE, N. Smith, DG ENV) provided a presentation on the measures, operations that can be eligible for financing under the union priority for Integrated Maritime Policy.

In response to a number of questions of MS, it was clarified that despite some overlap between the articles of the EMFF Regulation, for example support towards the Marine Strategy Framework Directive, measures and operations that directly contribute to IMP (as listed under article 80) should be financed under Union Priority 6. There should be a clear differentiation between operations that are related to fisheries or aquaculture and those operations that have a closer link to IMP and the maritime environment in general.

A question concerning the exact number of measures under UP6 IMP was discussed under AOB.

6. Guidance on integrating the marketing dimension into the EMFF OP

COM (L. Schultz, Ch. Vande Weyer, DG MARE) presented the guidance on how to integrate the market dimension into the EMFF OPs, including the main features of the new market policy and its contribution to the implementation of the CFP, as well as the measures eligible under the EMFF.

FR raised some questions of clarification on the consistency of the guidance with the new CMO Regulation concerning actions eligible under the Production and Marketing Plans (PMP). As regards PMPs, COM (L. Schultz) clarified that, provided they are mentioned in a PMP, and are thus necessary to contribute to its objectives, management and administrative costs can be financed. This should exclude, by definition, the costs incurred for the day-to-day running of the production activities as they are not directly related to the implementation of the PMP". The trigger prices, once decided by the MS upon examination of the producer organisations (POs)' proposals, must be published.

DK called attention to the fact that PMPs may cover issues that might be financed under other measures of the EMFF as well. COM (E. Roller) confirmed that it was acceptable for the

purpose of simplification that if there is a PMP in place, than all measures eligible under that PMP are financed under processing and marketing measures, even if they are potentially eligible under other fisheries measures.

In response to the question raised by ES, the level of public aid intensity as well as co-financing was clarified in that even if there is a top-up for POs, the level of public aid intensity and the co-financing cannot exceed 100%. However, there is no provision included into the EMFF Regulation as regards how the support to individual POs should be calculated; this should be decided by the Managing Authority and outlined in the EMFF OP. It is also the obligation of the MS to validate the content of the PMP, and assess whether the measures are *relevant and appropriate*.

In response to the question of EE, further clarification was provided as regards promotional campaigns as referred to in Article 68 of the EMFF Regulation. Those promotional campaigns still shall not aim at commercial brands, but in comparison with the EFF, the reference to geographical origin has been removed from the list of restrictions.

As regards storage aid, it was clarified, in response to the question of IE, that if a MS does not use its EMFF financial allocation for storage aid before end of 2018, that financial resource is considered as lost.

COM advised the MS to make use of the FAQ page¹ concerning the implementation of the new market policy published on the MARE website.

COM requested that written comments be sent until 4 July.

Based on the comments, a revised version of the guidance will be published on the DG MARE website.

7. Guidance on Marine Strategy Framework Directive related eco-system indicators

COM (Nigel Smith, DG ENV) made a presentation on the use of MSFD related eco-system indicators.

Several MS (NL, DK) indicated that a number of activities are on-going to establish indicators on by-catch and seafloor integrity, however the indicators will not necessarily be in place by the time of the submission of the operational programme.

COM (N. Smith) outlined the flexibility envisaged in the proposed context indicator; Member States are encouraged to use existing MSFD indicators from the previous reporting exercise, updated where possible. Where this is not feasible, other existing indicators are outlined in the guidance to be used as context indicators.

8. Financial instruments – Short guidance to Managing Authorities

COM (M Pena, DG MARE) presented the state of play of the Financial Instruments in the fisheries sector, specifically highlighting the requirements towards and advantages of financial instruments. He also called attention to the instruments that have been established to provide assistance to MS: the guidance to Managing Authorities and the Technical Assistance platform in collaboration with the EIB.

In response to the question by EE, it was clarified that the ex-ante assessment of a financial instrument (as referred to in Article 37.2 of the CPR) is not obligatory before the submission

¹ http://ec.europa.eu/fisheries/cfp/market/faq/index_en.htm

of the operational programme. However, the operational programme includes a corresponding point to the similar provision in the CPR according to which, information should be provided on the planned use of financial instruments. In their EMFF OPs, MS should only identify the potential areas where financial instruments can be made use of. If the MS does not plan to make use of financial instruments or has no information of relevance, this part of the EMFF OP should be left blank.

9. Presentation of the state aid framework for fisheries and aquaculture

COM (F. Wieland, F. Pereira, C. Tomboy, DG MARE) made a presentation on the state aid framework for fisheries and aquaculture in the period 2014-2020.

Several MS (BE, EE, IE, PT) complained that certain measures (eg. those linked to IMP, support to FLAGS) will not be covered by the exemption from the application of State aid rules. PT would like to finance maritime surveillance carried out by a public authority and asks whether this is covered by the state aid exemption.

FR asked if a measure is financed from the ERDF but is clearly fishery-related, can it be covered by the exemption under fisheries, or should it be notified according to the rules relevant to regional aid.

COM (F. Wieland) clarified that Article 42 of TFEU only allows the co-legislators to exempt from State aid rules the specific aid that relates to the production of and trade in fishery products. This has been done by means of Article 8 of the EMFF regulation. Therefore, in general, IMP and support to FLAGS (if these do not involve fishery or aquaculture products) are not exempted. Union priorities 1 and 2 include clearly fishery-related measures, but it is the task of the MS to assess on a case-by-case basis whether this is the case or not. It was also clarified that based on the definition of "State aid" in Article 107(1) TFEU and the related case-law, only support to undertakings shall be considered as State aid. COM also reminded that there is no such exemption to any other sector or EU funds, for instance the ERDF is fully covered by the State aid provisions without any specific exemption. If a measure is financed from any other fund than the EMFF, such support will not be covered by the provision in Article 8 of the EMFF Regulation and thus cannot be covered by the exemption. COM also noted that the handling of the non-fishery parts of the EMFF meant breaking new grounds such that comprehensive guidelines for the corresponding State-aid-related issues cannot be contemplated at this juncture. Moreover, COM invited MS to draw upon their vast experience in using the current framework.

For the question of UK, COM clarified that no areas, not even biodiversity can be completely excluded from State aid, but there should be a case-by-case examination of whether specific funding measures distort or threaten to distort the market.

10. Miscellaneous

a. Annual work programme to implement Article 92 (Technical assistance at the initiative of the Commission)

COM (F. Deridder) presented the content of the COM decision on the annual work programme to implement technical assistance at the initiative of COM. He highlighted in particular: FAME, FARNET II, SFC2014 and the SME technical assistance facility.

b. Guidance to the OP template, the table on Intervention logic

COM sent out the guidance and the table before the meeting. The guidance was also sent out in track changes (to show the differences with the previous versions), therefore no specific presentation took place.

EE and FI asked for the possibility to merge all measures into one under UP6 (IMP). COM will consider the proposal but stressed that the measures under UP6 correspond to the relevant article in the regulation and that it made sense for monitoring and evaluation purposes, given the broad scope of the IMP, to differentiate between the different measures.


In response to the questions raised by BG and PT, COM (E. Roller) clarified that the intervention logic table establishes the links among union priorities, specific objectives, measures and thematic objectives. The Member States may select measures to be included into the operational programme, they can also select whether to include the corresponding indicator into the performance framework. These selections need to be duly justified also within the OP.

In response to the question of LT, COM (E. Roller) informed the MS that the list of common indicators to be used in the EMFF OP will be part of the annex on the Delegated Act on the Common Monitoring and Evaluation System, to be transmitted to Council and Parliament in July.

c. Further presentations

Presentations were provided by COM (F. Deridder and A. Calvo) on including the indicators into SFC2014 and an excel tool to help generate the financial tables in the EMFF OP as well as a web application to generate maps. For the latter, the weblinks are as follows:

- The Common Database on Designated Areas (i.e. MPAs and other spatial protection measures reported nationally) is available at <http://www.eea.europa.eu/data-and-maps/data/nationally-designated-areas-national-cdda-8#tab-interactive-maps-produced>;
- Natura 2000 areas are available at <http://natura2000.eea.europa.eu/>
- The JRC hosts the below databases that are helpful to build maps on fisheries regions or communities. These maps only cover DCF data (so not all MS and not all segments are included, eg. freshwater aquaculture is not included)
 - Fisheries: <https://fishreg.jrc.ec.europa.eu/web/coastalcommunities>
 - Aquaculture: <https://fishreg.jrc.ec.europa.eu/web/mappingaquaculture>

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