



# **First experiences with launching the implementation of EMFF Ops**

## **Drawing up and adoption of selection criteria**

**EMFF expert group  
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# Legal framework

## 1. **Article 125.3 of CPR ('Functions of the managing authority')**

*"3. As regards the selection of operations, the managing authority shall:  
(a) draw up and, once approved, apply appropriate selection procedures and criteria that:*

*(i) ensure the contribution of operations to the achievement of the specific objectives and results of the relevant priority;*

*(ii) are non-discriminatory and transparent;*

*(iii) take into account the general principles set out in Articles 7 and 8;*

## 2. **Article 113 of EMFF ('Functions of the monitoring committee')**

*"In addition to the functions provided for in Article 49 of Regulation (EU) No 1303/2013, the monitoring committee shall verify the performance of the operational programme and the effectiveness of its implementation. For that purpose, the monitoring committee shall:*

*(a) be consulted and shall approve, within six months of the decision approving the programme, the selection criteria for the financed operations; the selection criteria shall be revised in accordance with programming needs;"*

# Often there is a confusion between ...

## 1. **Eligibility criteria**

- *to determine whether a potential beneficiary or a proposed operation is allowed to participate in the call for proposals*
- *sets only a minimum level of requirements but does not provide room for further considerations*

## 2. **Admissibility criteria**

- *used in the context of operations (and not operators/beneficiaries) in Article 10 of the EMFF Regulation and define in fact eligibility criteria towards potential beneficiaries*

## 3. **Selection criteria**

- *they are used to evaluate the content of the proposed operation. The sole purpose of selection criteria is to choose the best operation(s) among those meeting the eligibility criteria. Selection criteria may refer to:*
  - *certain characteristics, skill or capacity of the beneficiary or the target group, or*
  - *any element of the content of the operation that is of particular preference from the point of view of the objectives of the OP*

# Who does what?

- 1. Selection criteria for operations need to be drawn up under the responsibility of the Managing Authority (Article 125(3) of the CPR)**
  - In practice the Managing Authority may entrust the designated Intermediate Body to define such criteria or may outsource this task through a public service contract, but at the end the Managing Authority has to take full responsibility for the set of selection criteria proposed.
- 2. It is the Monitoring Committee that approves the selection criteria (Article 113(a) of the EMFF). Purpose of this provision:**
  - to ensure transparency in the adoption of the selection criteria;
  - to ensure that the criteria for selection of operations enjoy the support of all partners represented in the MC

**The MC is there to bring together partners in the implementation of the programme. Therefore, it cannot empower the MA to establish additional selection criteria without prior MC approval.**

## General conditions towards selection criteria

- *Selection criteria needs to be established for each and every measure in the OP;*
- *Should be linked to result indicators and targets of common indicators included into the performance framework;*
- *The selection of operations should be carried out on the basis of a competitive procedure – possible tools:*
  - allocation of weighing or points to each individual selection criterion
  - setting minimum threshold to ensure minimum level of quality of operations

**The combination of allocation of points and setting a threshold should not open a window to avoid the fulfilment of legal obligations or the compliance with certain common standards.**

## Specificities for data collection

- *Eligibility/Selection criteria should always include a reference (but not necessarily limited to) the national work plan for data collection as approved by the Commission;*
- *If additional activities are financed that go beyond the national work plan, there is a need to rank those activities to ensure the highest contribution to the achievement of the objectives of the OP;*

## Specificities for control and enforcement

- *selection criteria should refer to the compliance with the priorities of the Union in control and enforcement as adopted in the Commission Implementing Decision 2014/464/EU;*
- *no prioritising mechanism (allocation of points or any other) may open the window to support operations that are not in compliance with the priorities of the Union in control and enforcement;*
- *operations that aim fulfilling any of the priorities of the Union in control and enforcement should rank higher than those not linked to any of those priorities*

## Specificities for aquaculture

- **Reminder**: *Special Report 10/2014 of the European Court of Auditors was highly critical on the effectiveness of EU support in the aquaculture sector mainly due to the poor selection process of projects;*
- *a stronger emphasis should be placed on selection criteria in aquaculture (UP 2)*
  - criteria targeting economic growth, job creation, cost efficiency, economic viability and sustainability should be preferred



## Specificities for technical assistance

- *TA is also part of ESIF, sound financial management requires that selection criteria are established;*
- *the selection criteria may reflect the following priorities:*
  - Reduction of administrative burden for beneficiaries;
  - Simplification;
  - Sustained fulfilment of general and EMFF-specific ex-ante conditionalities related to administrative capacity;
  - More sustainable form of support (ie. not only salaries of staff);
  - Regularity and anti-corruption measures;
  - Partnership (support to enable partners' active cooperation and contribution in different stages of implementation);
  - Transparency and publicity.