



Action plans for unfulfilled ex-ante conditionalities

**EMFF Expert Group
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Action plans for unfulfilled ex-ante conditionalities

- (1) Legal framework
- (2) Applicable ex-ante conditionalities (EACs)
- (3) Main reasons for unfulfillment of EACs
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(1) Legal framework

Article 19, CPR - Ex-ante conditionalities

(2) "[...] Where the applicable ex ante conditionalities are not fulfilled, the programme shall contain a description of the actions to be taken, the bodies responsible and the timetable for their implementation. Member States shall fulfill those ex ante conditionalities not later than 31 December 2016 and report on their fulfillment not later than in the annual implementation report in 2017 in accordance with Article 50(4) [...]."

(5) "[...] The failure to complete actions to fulfill an applicable ex ante conditionality which has not been fulfilled at the date of submission of the Partnership Agreement and the respective programmes, by the deadline set out in paragraph 2, shall constitute a ground for suspending interim payments by the Commission to the priorities of the programme concerned that are affected. [...]"

(2) Applicable ex-ante conditionalities

General ex-ante conditionalities

- State aid
- Public Procurement
- Environmental impact assessment
- Statistical systems and result indicators
- Assessed at the level of the Partnership Agreement

EMFF-specific ex-ante conditionalities

- submission of a fleet report in line with Commission guidelines
- sufficient administrative capacity to fulfil control obligations
- sufficient administrative capacity to fulfil data obligations
- submission of a multiannual strategic plan for aquaculture

(3) Main reasons for unfulfilment of EACs

- **Fleet capacity report**
 - COM guidelines were followed insufficiently, e.g. regarding analysis by fleet segment, calculation of indicators
- **Data collection**
 - Insufficient administrative capacity to prepare/apply (multiannual) work programmes
- **Control**
 - Insufficient administrative capacity with regards national control programmes and systems for infringements

With regards the EAC for aquaculture, some lack of consistency and coherence between draft EMFF OPs and multi-annual plans for aquaculture was remedied in final version of OPs.

(4) Action plans for unfulfilled EACs

OPs	EMFF-specific Ex-ante conditionalities				
	Fleet	Aqua- culture	Data collection	Control	TOTAL
Revised (11)	6	0	5	6	17
Adopted (16)	4	0	1	5	10
Total (27)	10	0	6	12	27

- 15 MS had unfulfilled EACs at the time of adoption of their OPs
- A total of 27 action plans will be adopted with the EMFF OPs

(5) Monitoring of action plans

- For those MS that have adopted action plans with their EMFF OPs, implementation of action plans should be a standard point on the agenda of the meetings of the monitoring committees
- When a deadline i.e. the last deadline to complete the action plan has expired, COM will contact the MS to inquire about the status of the action plan.

(6) Reporting on the fulfilment of action plans

- Inform COM on the completion of all actions of a given action plan by a letter submitted in SFC (under tab programming - Ex-ante conditionality fulfilment report)
- Before submitting the letter via SFC, it is strongly recommended to consult with the geo-desk in DG MARE.
- MARE replies with a letter via SFC 2015 assessing the completion of the action plan in question. Three options
 - Positive reply: The Commission concludes that the EAC is fulfilled.
 - Non-concluding reply: Due to lack of sufficient information: we ask the MS to provide additional info.
 - Negative reply: The Commission considers that the EAC is not fulfilled and provides arguments, as well as indicates which actions still need to be undertaken by the Member State.