

Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council

REGULATION (EU) No 508/2014 OF THE
EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 15 May 2014

on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 42, Article 43(2), Article 91(1), Article 100(2), Article 173(3), Articles 175 and 188, Article 192(1), Article 194(2), Article 195(2) and Article 349 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinions of the European Economic and Social Committee⁽¹⁾,

Having regard to the opinion of the Committee of the Regions⁽²⁾,

Acting in accordance with the ordinary legislative procedure⁽³⁾,

Whereas:

- (1) The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 13 July 2011 entitled ‘Reform of the Common Fisheries Policy’ set out the potential challenges, objectives and orientations for the Common Fisheries Policy (‘CFP’) after 2013. In the light of the debate that followed the publication of that Communication, the CFP was reformed by Regulation (EU) No 1380/2013 of the European Parliament and of the Council⁽⁴⁾. The reform of the CFP covers all the main elements of the CFP, including its financial aspects. In order to attain the objectives of that reform, it is appropriate to repeal Council Regulation (EC) No 2328/2003⁽⁵⁾, Council Regulation (EC) No 861/2006⁽⁶⁾, Council Regulation (EC) No 1198/2006⁽⁷⁾ and Council Regulation (EC) No 791/2007⁽⁸⁾ and to replace them with this Regulation.

Recognising that all matters related to Europe’s oceans and seas are interlinked, this Regulation should also support the further development of the Integrated Maritime Policy (IMP) as referred to in Regulation (EU) No 1255/2011 of the European Parliament and of the Council⁽⁹⁾.

Status: Point in time view as at 31/01/2020.

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- (2) The scope of the European Maritime and Fisheries Fund (EMFF) should include support for the CFP for the conservation of marine biological resources, for the management of fisheries and fleets exploiting those resources, for fresh water biological resources and aquaculture, as well as for the processing and marketing of fishery and aquaculture products, where such activities take place on the territory of Member States, by Union fishing vessels, or by nationals of Member States, without prejudice to the primary responsibility of the flag State, bearing in mind the provisions of Article 117 of the United Nations Convention on the Law of the Sea of 10 December 1982⁽¹⁰⁾ (UNCLOS).
- (3) The success of the CFP depends on an effective system of control, inspection and enforcement, as well as on the availability of reliable and complete data, both for scientific advice purposes and for implementation and control purposes. The EMFF should, therefore, support those policies.
- (4) The scope of the EMFF should include the support for the IMP, including for the development and implementation of coordinated operations and decision-making in relation to the oceans, seas, coastal regions and maritime sectors, complementing the different Union policies relating to them, notably, the CFP, and transport, industry, territorial cohesion, environment, energy and tourism policies. Coherence and integration should be ensured in the management of different sectoral policies within the Baltic Sea, North Sea, Celtic Seas, Bay of Biscay and the Iberian Coast, Mediterranean and Black Sea sea basins.
- (5) Beneficiaries of the EMFF, within the meaning of point (10) of Article 2 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council⁽¹¹⁾, can be operators, within the meaning of point (30) of Article 4 of Regulation (EU) No 1380/2013, fishermen or organisations of fishermen, unless otherwise laid down in this Regulation.
- (6) In accordance with the conclusions of the European Council of 17 June 2010, whereby the Union's new strategy for jobs and smart, sustainable and inclusive growth, based on the Communication from the Commission of 3 March 2010 entitled 'Europe 2020 – A strategy for smart, sustainable and inclusive growth' ('Europe 2020 strategy') was adopted, the Union and Member States should implement smart, sustainable and inclusive growth, while promoting harmonious development in the Union. Resources should be concentrated in order to meet the Europe 2020 strategy objectives and targets, in particular those linked to employment, climate change, energy sustainability, the fight against poverty and social inclusion, and to improve effectiveness by an increased focus on results. The inclusion of the IMP in the EMFF also contributes to the major policy objectives set out in the Europe 2020 strategy and corresponds to the general objectives to increase economic, social and territorial cohesion set out in the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU).
- (7) To ensure that the EMFF contributes to the achievement of the objectives of the CFP, the IMP and the Europe 2020 strategy, it is necessary to focus on a limited number of core priorities relating to fostering environmentally sustainable, resource efficient, innovative, competitive and knowledge-based fisheries and aquaculture, fostering the implementation of the CFP, increasing employment and territorial cohesion, fostering marketing and processing, as well as fostering the implementation of the IMP.

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- (8) The Union should, at all stages of implementation of the EMFF, aim to eliminate inequalities and promote equality between men and women, as well as to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.
- (9) The overall objective of the CFP is to ensure that fishing and aquaculture activities contribute to the creation of environmental conditions capable of being sustained long-term which are necessary for economic and social development. Moreover, it should contribute to increased productivity, a fair standard of living for the fisheries sector and stable markets, and it should ensure the availability of resources and that supplies reach consumers at reasonable prices.
- (10) It is paramount to better integrate environmental concerns into the CFP which should achieve the objectives and targets of the Union's environmental policy and the Europe 2020 strategy. The CFP seeks to achieve an exploitation of living marine biological resources that restores fish stocks to and maintains them above levels which can produce the maximum sustainable yield, by 2015, where possible, and at the latest by 2020. The CFP should implement the precautionary and eco-system approaches to fisheries management. Consequently, the EMFF should contribute to the protection of the marine environment as set out in Directive 2008/56/EC of the European Parliament and of the Council⁽¹²⁾.
- (11) The financing of the CFP and IMP expenditure through a single fund, the EMFF, should address the need for simplification and should strengthen the integration of both policies. The extension of shared management to processing and marketing, including compensation for the outermost regions, control, data collection and management activities and to the IMP, should further contribute to simplifying and reducing the administrative burden both for the Commission and Member States as well as to achieving a greater coherence and efficiency of the support granted.
- (12) The Union budget should finance the CFP and the IMP expenditure through a single fund, the EMFF, either directly or in the context of shared management with Member States. Shared management with Member States should apply not only to measures to support fisheries, aquaculture and community-led local development, but also to processing and marketing, compensation for the outermost regions, control and data collection activities as well as the IMP. Direct management should apply to scientific advice, specific control and enforcement measures, voluntary contributions to regional fisheries management organisations, Advisory Councils, market intelligence, operations for the implementation of the IMP and communication activities. The types of operations that qualify for financing under the EMFF should be specified.
- (13) It is necessary to distinguish between categories of control and enforcement measures that are co-financed within the framework of shared management, and those co-financed within the framework of direct management. It is crucial to ring-fence the resources to be allocated to control and data collection under shared management whilst allowing flexibility between those two categories of measures.

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- (14) In accordance with Regulation (EU) No 1380/2013, Union financial support under EMFF is to be made conditional upon compliance by Member States and by operators with the rules of the CFP. This requirement is intended to reflect the responsibility of the Union to ensure, in the public interest, the conservation of marine biological resources under the CFP pursuant to Article 3 TFEU.
- (15) The achievement of the objectives of the CFP would be undermined if Union financial support under the EMFF were disbursed to operators who, *ex ante*, did not comply with requirements related to the public interest of conservation of marine biological resources. Therefore, applications submitted by operators should only be admissible for funding under the EMFF on the condition that, within a particular period of time before submitting an application for support, the operators concerned have not committed a serious infringement, offence or fraud and have not been involved in the operation, management or ownership of fishing vessels included in the Union list of vessels engaged in illegal, unreported and unregulated (IUU) fishing or of vessels flagged to countries identified as non-cooperating third countries as set out in this Regulation.
- (16) In addition, the beneficiaries, after submitting the application for support, should continue to comply with those admissibility requirements throughout the period of implementation of the operation and for a period of five years after the final payment to the beneficiary concerned.
- (17) If the beneficiary fails to fulfil the conditions related to eligibility and duration, financial consequences and corrections should apply. In order to determine the amount of such a financial correction, the nature, gravity, duration and repetition of the infringement, offence or fraud by the beneficiary and the importance of the EMFF contribution to the economic activity of the beneficiary should be taken into account.
- (18) The achievement of the objectives of the CFP would also be undermined if Union financial support under the EMFF were paid to Member States who did not comply with their obligations under the CFP rules related to the public interest of conservation of marine biological resources, such as data collection and the implementation of control obligations. Moreover, if those obligations are not complied with, there is a risk that inadmissible applications or ineligible operations will not be detected by Member States.
- (19) As a precautionary measure, in order to prevent ineligible payments as well as to provide an incentive for Member States to comply with the CFP rules, provision should be made for the interruption of the payment deadline and the suspension of payments, measures which are limited in time and in their scope of application. Financial corrections which have definite and irrevocable consequences should only apply to expenditure which is affected by the cases of non-compliance.
- (20) In order to improve the coordination and to harmonise the implementation of the Funds providing support under the cohesion policy, namely the European Regional Development Fund (ERDF), the European Social Fund (ESF) and the Cohesion Fund (CF), with the Funds for rural development and for the maritime and fisheries sector, namely the European Agricultural Fund for Rural Development (EAFRD) and the

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EMFF respectively, common provisions for all those Funds ('ESI Funds') have been established in Regulation (EU) No 1303/2013. In addition to Regulation (EU) No 1303/2013, this Regulation contains specific, complementary provisions due to the particularities of the CFP and the IMP sectors.

- (21) The principle of proportionality should be applied to the operational programme and throughout the programme cycle, taking into account the size of the Member States' respective administrations and the total amount of public expenditure allocated to the operational programme.
- (22) The Commission should break down the available commitment appropriations annually by Member State using objective and transparent criteria. Those criteria should include indicators measuring the size of the fishery and aquaculture sector, the extent of control and data collection responsibilities, the historical allocations in accordance with Regulation (EC) No 1198/2006 and the historical consumption in accordance with Regulation (EC) No 861/2006.
- (23) The fulfilment of certain specific *ex ante* conditionalities is of utmost importance in the context of the CFP, especially as regards the submission of a report on fishing capacity and of a multiannual national strategic plan on aquaculture and the proven administrative capacity to comply with the data requirements for fisheries management and to enforce the implementation of a Union control, inspection and enforcement system.
- (24) In accordance with the aim of simplification, all activities under the EMFF which fall under shared management, including control and data collection, should take the form of a single operational programme per Member State, in accordance with the national structure of the Member State concerned. The programming exercise should cover the period from 1 January 2014 to 31 December 2020. When preparing the single operational programme, Member States should ensure that the content and volume of their operational programmes reflect the aim of simplification. Each programme should identify a strategy for meeting targets in relation to the Union priorities under the EMFF and a selection of measures. Programming should comply with those Union priorities, while adapting to national contexts, and should complement other Union policies, in particular the rural development policy and the cohesion policy.
- (25) With a view to promoting small-scale coastal fishing, Member States having a significant small-scale coastal fishing segment should attach, to their operational programmes, action plans for the development, competitiveness and sustainability of small-scale coastal fishing.
- (26) In order to contribute to achieving the aim of simplification while implementing the EMFF and to reduce the costs of control and the error rate, Member States should make as much use as possible of the possibility to use simplified forms of grants as provided for in Regulation (EU) No 1303/2013.
- (27) For the purpose of enforcing control obligations under the CFP, Member States should draw up the section on control of the operational programme in accordance with the priorities of the Union adopted by the Commission for that policy area. In order to adjust

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the operational programme to the evolving needs in relation to control and enforcement, the control section of the operational programmes should be reviewed regularly on the basis of the changes in the priorities of the Union in the control and enforcement policy under the CFP. Those amendments should be approved by the Commission. In order to keep flexibility in the programming of activities in the field of control, the revision of the control section of the operational programmes should be subject to a simplified procedure.

- (28) Member States should draw up the section on data collection of the operational programme in accordance with the Union multiannual programme as referred to in Council Regulation (EC) No 199/2008⁽¹³⁾. In order to adapt to the specific needs of data collection activities, Member States should, in accordance with that Regulation, draw up a work plan, which should be subject to approval by the Commission.
- (29) Funds under direct management, with the exception of technical assistance by the Commission, should be pre-defined by objectives with a 5 % flexibility margin and be governed by annual work programmes.
- (30) In order to increase the competitiveness and economic performance of fishing activities, it is vital to stimulate and to provide support for investment in innovation. In order to encourage a higher level of participation, the application procedure for support for innovation should be simplified.
- (31) Investment in human capital is also vital to increase the competitiveness and economic performance of fishing and maritime activities. Therefore, the EMFF should support advisory services, cooperation between scientists and fishermen, professional training, lifelong learning, and should stimulate the dissemination of knowledge, help to improve the overall performance and competitiveness of operators and promote social dialogue. In recognition of their role in fishing communities, spouses and life partners of self-employed fishermen should, under certain conditions, also be granted support for professional training, lifelong learning and the dissemination of knowledge, and for networking that contributes to their professional development.
- (32) In order to help young people experiencing difficulties in accessing the labour market in the fisheries sector during a time of persistent financial crisis, the EMFF should support traineeship programmes and courses on sustainable fishing practices and the conservation of marine biological resources.
- (33) Conscious of the potential that diversification offers for small-scale coastal fishermen and their crucial role in coastal communities, the EMFF should provide support for investments contributing to the diversification of the income of fishermen through the development of complementary activities, including investments on board, angling tourism, restaurants, environmental services related to fishing and educational activities on fishing.
- (34) The creation and development of new economic activities in the fisheries sector by young fishermen is financially challenging and constitutes an element that should be considered in the allocation and targeting of funds under the EMFF. Such development is essential for the competitiveness of the fisheries sector in the Union. Consequently,

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- support for young fishermen starting up their fisheries activities should be established in order to facilitate their initial establishment. In order to ensure the viability of new economic activities supported under the EMFF, support should be made conditional upon the acquisition of the necessary skills and competencies. Support for business start-up should only contribute to the acquisition of the first fishing vessel.
- (35) In order to address health and safety needs on board, the EMFF should support investments covering safety, working conditions, health and hygiene on board, provided that the investment supported goes beyond requirements under Union or national law.
- (36) Rules should be laid down for granting allowances and financial compensation to fishermen and owners of fishing vessels in cases of temporary cessation of fishing activities, if such cessation is the direct consequence of certain conservation measures, excluding the fixing and allocation of fishing opportunities, is provided for in certain Union or national fisheries' management plans, or results from the non-renewal of Sustainable fisheries partnership agreements or protocols thereto. Such rules should also be laid down in cases of permanent cessation of fishing activities.
- (37) It should be possible, under certain conditions, for the EMFF to contribute to mutual funds which provide financial compensation to fishermen for economic losses caused by adverse climatic events, an environmental incident or rescue costs.
- (38) In order to adapt fishing activities to fishing opportunities, it should be possible for the EMFF to support the design, development, monitoring, evaluation and management of systems for the allocation of fishing opportunities.
- (39) It is of paramount importance to integrate environmental concerns into the EMFF and to support the implementation of conservation measures under the CFP, whilst taking into account the diverse conditions throughout Union waters. For that purpose, it is essential to develop a regionalised approach to conservation measures.
- (40) Similarly, it should be possible for the EMFF to support the reduction of the impact of fishing on the marine environment, in particular through the promotion of eco-innovation and the use of more selective gears and equipment as well as through measures aimed at protecting and restoring marine biodiversity and ecosystems and the services they provide, in accordance with the 'EU Biodiversity Strategy to 2020'.
- (41) In accordance with the headline target of the Europe 2020 strategy related to mitigation of climate change and energy efficiency, it should be possible for the EMFF to support investments on board and energy audits.
- (42) In order to mitigate the effects of climate change and improve the energy efficiency of fishing vessels, it should be possible to grant support to the modernisation and replacement of main and ancillary engines, provided that operators active in small-scale coastal fishing are given priority in the selection process in order to improve their access to financing, and provided that larger vessels contribute to the reduction of engine power.
- (43) In order not to jeopardise the sustainability objective of the CFP reform, the amount of financial support that may be dedicated to fleet measures, such as temporary and

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permanent cessation as well as engine replacement, should be capped, and the period of time during which such financial support may be granted for permanent cessation should be limited.

- (44) In accordance with the discard ban introduced by the CFP, the EMFF should support investments on board aimed at making the best use of unwanted fish caught and exploiting underused components of the fish caught. In view of the scarcity of the resources, and in order to maximise the value of the fish caught, the EMFF should also support investments on board aimed at adding commercial value to the fish caught.
- (45) Conscious of the importance of fishing ports, landing sites and shelters, the EMFF should support relevant investments that aim, in particular, to increase energy efficiency, environmental protection, the quality of the products landed, and to improve safety and working conditions.
- (46) It is vital for the Union that a sustainable balance be achieved between fresh water resources and their exploitation. Therefore, having due regard to the impact on the environment, while preserving the economic viability of those sectors, appropriate measures should be provided for to support inland fishing.
- (47) In accordance with the Communication from the Commission to the Council and the European Parliament of 19 September 2002 entitled ‘A Strategy for the sustainable development of European aquaculture’ and the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 29 April 2013 entitled ‘Strategic guidelines for the sustainable development of EU aquaculture’, the CFP objectives and the Europe 2020 strategy, the EMFF should support the environmentally, economically and socially sustainable development of the aquaculture industry.
- (48) Due to the potential impact on wild marine populations of escapes of farmed animals from aquaculture sites, the EMFF should not provide incentives for the farming of genetically modified organisms.
- (49) Aquaculture contributes to growth and jobs in coastal and rural regions. Therefore, it is crucial that the EMFF is accessible to aquaculture enterprises, in particular small and medium-sized enterprises (SMEs), and that it contributes to bringing new aquaculture farmers into the business. In order to increase the competitiveness and economic performance of aquaculture activities, it is vital to stimulate innovation and entrepreneurship. Therefore, it should be possible for the EMFF to support innovative operations, the business development of aquaculture enterprises in general, including non–food and off–shore aquaculture, and complementary activities such as angling–tourism, environmental services related to aquaculture or educational activities.
- (50) Investment in human capital is also vital to increase the competitiveness and economic performance of aquaculture activities. Therefore, it should be possible for the EMFF to support lifelong learning and networking stimulating the dissemination of knowledge, as well as advisory services helping to improve the overall performance and competitiveness of operators.

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- (51) In order to contribute to the development of aquaculture sites and infrastructures, it should be possible for the EMFF to support national and regional authorities in their strategic choices, in particular as regards the definition and mapping of the zones which may be considered to be most suited to the development of aquaculture.
- (52) In order to promote environmentally, socially and economically sustainable aquaculture, it should be possible for the EMFF to support aquaculture activities which highly respect the environment, the conversion of aquaculture enterprises to eco-management, the use of audit schemes as well as the conversion to organic aquaculture. Similarly, it should be possible for the EMFF to also support aquaculture which provides special environmental services.
- (53) Conscious of the importance of consumer protection, it should be possible for the EMFF to provide adequate support to farmers in order to prevent and mitigate the risk for public and animal health that aquaculture rearing may cause.
- (54) Recognizing the risk of investments in aquaculture activities, it should be possible for the EMFF to promote business security by contributing to aquaculture stock insurance, thereby safeguarding the income of producers in case of abnormal production losses due, in particular, to natural disasters, adverse climatic events, sudden water quality changes, diseases or pest infestations and the destruction of production facilities.
- (55) Given that the community-led approach for local development has, over a number of years, proven its utility in promoting the development of fisheries and aquaculture as well as rural areas by fully taking into account the multisectoral needs for endogenous development, support should be continued and reinforced in the future.
- (56) In the fishery and aquaculture sector, community-led local development should encourage innovative approaches to create growth and jobs, in particular by adding value to fishery products and diversifying the local economy towards new economic activities, including those offered by 'blue growth' and the broader maritime sectors.
- (57) The sustainable development of the fishery and aquaculture sector should contribute to achieving the objectives of the Europe 2020 Strategy of promoting social inclusion and poverty reduction, creating jobs and fostering innovation, at local level. It should also contribute to achieving the objective of territorial cohesion which is one of the main priorities of the TFEU.
- (58) Community-led local development should be implemented through a bottom-up approach by local partnerships that are composed of representatives of the public, private and civil society sectors and that reflect correctly the local society. Those local actors are best placed to draw up and implement multisectoral community-led local development strategies to meet the needs of their local fisheries area. It is important to ensure that no single interest group has more than 49 % of the voting rights in the decision-making bodies of Fisheries local action groups (FLAGs).
- (59) Networking between local partnerships is an essential feature of that approach. Cooperation between local partnerships is therefore an important development tool which should be supported by the EMFF.

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- (60) The support to fisheries areas through the EMFF should be coordinated with the local development support offered by other Union Funds, and should cover all aspects of the preparation and implementation of community-led local development strategies and operations of FLAGs as well as the costs of animating the local area and running the local partnership.
- (61) In order to ensure the viability of fisheries and aquaculture in a highly competitive market, it is necessary to lay down provisions granting support for the implementation of Regulation (EU) No 1379/2013 of the European Parliament and of the Council⁽¹⁴⁾, and for marketing and processing activities carried out by operators to maximise the value of fishery and aquaculture products. Particular attention should be paid to the promotion of operations which integrate producing, processing and marketing activities of the supply chain, or which consist of innovative processes or methods. Priority should be given to producer organisations and associations of producer organisations when granting support. In the case of production and marketing plans, only such organisations and associations should be eligible for support. In order to adapt to the new discard ban policy, the EMFF should also support the processing of unwanted catches.
- (62) Regulation (EU) No 1379/2013 provides for a storage mechanism for fishery products intended for human consumption with a view to fostering the stabilisation of the markets. In order to ensure a transition from market intervention mechanisms to a new focus on the planning and management of production and marketing activities, any support granted by the EMFF should end by 31 December 2018.
- (63) Recognising the growing competition that small-scale coastal fishermen are confronted with, it should be possible for the EMFF to support entrepreneurial initiatives of small-scale coastal fishermen that add value to the fish they catch, in particular by carrying out the processing or direct marketing of such fish.
- (64) Given that fishing activities in the outermost regions of the Union are facing difficulties, in particular because of their remoteness and special climatic conditions, it should be possible for the EMFF to take into account the particular constraints of such regions, recognised in Article 349 TFEU.
- (65) In order to maintain the competitiveness of certain fishery and aquaculture products from the outermost regions of the Union compared to that of similar products from other regions of the Union, the Union introduced measures in 1992 to compensate for the related additional costs in the fisheries sector. The measures that apply for the period 2007-2013 are laid down in Regulation (EC) No 791/2007. It is necessary to continue to provide support in order to offset the additional costs for the fishing, farming, processing and marketing of certain fishery and aquaculture products from the outermost regions of the Union as from 1 January 2014, so that the compensation contributes to the retaining of the economic viability of operators from those regions.
- (66) In view of the different marketing conditions in the outermost regions, the fluctuations in captures and stocks and of market demands, it should be left to the Member States concerned to determine the fishery products eligible for compensation, their respective

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- maximum quantities and the compensation amounts, within the overall allocation per Member State.
- (67) Member States should be authorised to differentiate the list and the quantities of fishery products concerned and the amount of compensation within the overall allocation per Member State. They should also be authorised to adjust their compensation plans if justified by changing conditions.
- (68) Member States should set the compensation amount at a level which allows appropriate off-setting of additional costs, arising from the specific handicaps of the outermost regions. To avoid overcompensation, that amount should be proportionate to the additional costs that the aid off sets. For that purpose, it should also take into account other types of public intervention having an impact on the level of additional costs.
- (69) It is of paramount importance that Member States and operators have the means necessary to carry out controls to a high standard, thereby ensuring compliance with the rules of the CFP, while providing for the sustainable exploitation of living aquatic resources. It should therefore be possible for the EMFF to support Member States and operators in accordance with Council Regulation (EC) No 1224/2009⁽¹⁵⁾. By creating a culture of compliance, that support should contribute to sustainable growth.
- (70) The support granted to Member States on the basis of Regulation (EC) No 861/2006 in respect of expenditure incurred in relation to the implementation of the Union control system should be increased under the EMFF, thereby pursuing the logic of a single fund.
- (71) In accordance with the Union control and enforcement policy objectives, it is appropriate that a minimum time is dedicated to fisheries control in the usage of patrol vessels, aircrafts and helicopters, which should be set out precisely in order to provide a basis for support under the EMFF.
- (72) Considering the importance of cooperation between Member States in the field of control, it should be possible for the EMFF to provide support for that purpose.
- (73) Measures should be adopted which support the collection, management and use of fisheries data as specified in the multiannual Union programme, in particular to support national programmes and the management and use of data for scientific analysis and CFP implementation. The support granted to Member States on the basis of Regulation (EC) No 861/2006 for the expenditure incurred relating to the collection, management and use of fisheries data should be continued under the EMFF, thereby pursuing the logic of a single fund.
- (74) Sound and efficient fisheries management decisions under the CFP should be supported by research and cooperation activities, by the provision of scientific and socio-economic opinions and by the advice needed for the implementation and development of the CFP, including in biogeographically sensitive areas.
- (75) It is also necessary to support the cooperation between Member States, as well as with third countries where relevant, with respect to the collection of data within the same sea basin, as well as with the relevant international scientific bodies.

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- (76) The objective of the IMP is to support the sustainable use of seas and oceans and to develop coordinated, coherent and transparent decision-making in relation to the policies affecting the oceans, seas, islands, coastal and outermost regions and maritime sectors, as reflected in Commission Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 10 October 2007 entitled ‘An Integrated Maritime Policy of the European Union’.
- (77) Sustained funding is needed for the implementation and further development of the IMP for the Union as reflected in Regulation (EU) No 1255/2011, in the conclusions of the Council, in European Parliament resolutions and in opinions of the Committee of the Regions. The development of maritime affairs through financial support for IMP measures is expected to have a significant impact in terms of economic, social and territorial cohesion.
- (78) The EMFF should support the promotion of integrated maritime governance at all levels, especially through exchanges of best practices and the further development and implementation of sea basin strategies. Those strategies aim to set up an integrated framework to address common challenges in European sea basins, to strengthen cooperation between stakeholders to maximise the use of Union financial instruments and funds, and to contribute to the economic, social and territorial cohesion of the Union. In that context, actions and mechanisms targeting improved cooperation between Member States may include cross-border and cross-sectoral cooperation between maritime sectors, for example, activities within the framework of the European coastguard functions forum, to promote the exchange of experiences and best practices in order to achieve effectiveness and coherence within the framework of existing relevant Union law.
- (79) The EMFF should support the further development of tools to create synergies between initiatives taken in different sectors and affecting the seas, oceans and coasts. This is the case for the Integrated Maritime Surveillance (IMS), which aims to improve awareness of the maritime situation through enhanced and secure information exchanges across sectors. However, operations related to maritime surveillance falling within the scope of Title V of Part Three, TFEU should not be financed through the EMFF.
- (80) The interconnection of information systems run by those sectors may make it necessary to mobilise the funding mechanisms of those systems in a coherent way and in accordance with the TFEU. Maritime spatial planning and integrated coastal zone management are essential for the sustainable development of marine areas and coastal regions, and both contribute to the aims of an ecosystem-based management and the development of land-sea links. Those tools are also important in managing the diverse uses of our coasts, seas and oceans to enable their sustainable economic development and to stimulate cross-border investment, whereas the implementation of Directive 2008/56/EC will further define the boundaries of sustainability of human activities that have an impact on the marine environment. Furthermore, it is necessary to improve knowledge of the marine world, and to stimulate innovation by facilitating

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the collection, free sharing, re-use and dissemination of data concerning the status of oceans and seas.

- (81) The EMFF should support sustainable economic growth, employment, innovation and competitiveness within maritime sectors and in coastal regions. It is particularly important to identify regulatory barriers and skill deficiencies hindering growth in emerging and prospective maritime sectors, as well as operations aimed at fostering investment in technological innovation that are necessary to enhance the business potential of marine and maritime applications.
- (82) The EMFF should be complementary to, and coherent with, existing and future financial instruments made available by the Union and Member States, at national and sub-national level, for promoting sustainable economic, social and territorial development, the protection and sustainable use of the oceans, seas and coasts, helping to foster more effective cooperation between Member States and their coastal, island, and outermost regions, and taking into account the prioritisation and progress of national and local projects. The EMFF should tie in with other Union policies that are capable of having a maritime dimension, in particular the ERDF, the CF and the ESF, as well as the Horizon 2020 Programme established by Regulation (EU) No 1291/2013 of the European Parliament and of the Council⁽¹⁶⁾.
- (83) In order to achieve the objectives of the CFP at global level, the Union plays an active role in the work of international organisations. It is therefore essential that the Union contributes to the activities of such organisations that help to ensure the conservation and sustainable exploitation of fisheries resources on the high seas and in third country waters. The support granted to international organisations on the basis of Regulation No (EC) 861/2006 should be continued under the EMFF, thereby pursuing the logic of a single fund.
- (84) In order to improve governance within the CFP and to ensure the effective functioning of the Advisory Councils, it is essential for Advisory Councils to be provided with sufficient and permanent funding in order to pursue effectively their advisory role within the CFP. Pursuing the logic of a single fund, the support granted to Advisory Councils under the EMFF should replace the support granted to Regional Advisory Councils on the basis of Regulation (EC) No 861/2006.
- (85) By means of technical assistance, the EMFF should facilitate the implementation of operational programmes, inter alia, by promoting innovative approaches and practices that are capable of simple and transparent implementation. Technical assistance should also include the setting-up of a European network of FLAGs aimed at capacity building, disseminating information, exchanging experience and supporting cooperation between local partnerships.
- (86) In the interest of a good working partnership and the proper promotion of Union assistance, provision should be made for the broadest possible information on, and publicity about, Union support. The authorities responsible for managing assistance should also be responsible for such information and publicity aspects, and for keeping the Commission informed of measures taken in that regard.

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- (87) In relation to all operations financed under this Regulation, both under shared and direct management, it is necessary to ensure the protection of the financial interests of the Union by means of the proper application of the relevant legislation relating to the protection of those interests, and to ensure that appropriate controls are carried out by Member States and by the Commission.
- (88) In order to address the specific conditions of the CFP referred to in Regulation (EU) No 1380/2013 and to contribute to the compliance with CFP rules, provisions additional to the rules on interruption of the payment deadline as set out in Regulation (EU) No 1303/2013 should be laid down. Where a Member State or an operator has failed to comply with its obligations under the CFP, or where the Commission has evidence that suggests such a lack of compliance, the Commission should, as a precautionary measure, be allowed to interrupt payment deadlines.
- (89) In addition to the possibility of interruption of the payment deadline, and in order to avoid an evident risk of paying out ineligible expenditure, the Commission should be allowed to suspend payments in cases of serious non-compliance with the CFP rules by a Member State.
- (90) Operational programmes should be subject to monitoring and evaluation in order to improve their quality and to demonstrate their achievements. The Commission should set up a framework for a common monitoring and evaluation system ensuring, inter alia, that relevant data is made available in a timely manner. In that context, a list of indicators should be determined and the impact of the EMFF policy should be assessed by the Commission in relation to specific objectives.
- (91) Responsibility for monitoring the implementation of an operational programme should be shared between the managing authority and the monitoring committee set up for that purpose. To this end, the respective responsibilities of the managing authority and the monitoring committee should be specified. The monitoring of an operational programme should involve the drawing up of an annual implementation report, which should be sent to the Commission.
- (92) With a view to improving accessibility to, and transparency of, information about funding opportunities and project beneficiaries, a single website or website portal providing information on the operational programme, including the lists of operations supported under the operational programme, should be made available in each Member State. The dedicated websites of all Member States should also be accessible from a single official Union website in order to facilitate the access of citizens from different Member States to information published by all Member States. That information should be reasonable, clear and concrete, to give the wider public and, in particular, Union taxpayers, an understanding of how Union funding is spent in the framework of the EMFF. In addition to that objective, the publication of relevant data should serve to further publicise the possibility of applying for Union funding. Without prejudice to the application of Directive 95/46/EC of the European Parliament and of the Council⁽¹⁷⁾, such publication may include the names of natural persons in accordance with national law.

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- (93) In order to supplement and amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the identification of the period of time and of the relevant starting or ending dates of the period of time with regard to the admissibility criteria of applications, adjusting the percentages concerning the indicative distribution of funds among the objectives under direct management, the definition of eligible operations and costs for hygiene, health and safety-related investments and investments concerning working conditions, on board or in individual equipment, the definition of eligible costs of operations to protect and restore marine biodiversity and ecosystems in the framework of sustainable fishing activities, the definition of costs eligible for support with regard to investments in equipment or on board aimed at reducing the emission of pollutants or green-house gases and increasing the energy efficiency of fishing vessels, the definition of the criteria for calculation of the additional costs resulting from the specific handicaps of outermost regions, the definition of the cases of non-compliance by Member States which can trigger interruption of the payment deadline or suspension of payments, the definition of the criteria for establishing the level of financial correction to be applied and the criteria for applying flat rates or extrapolated financial corrections and the definition of the content and construction of the common monitoring and evaluation system.
- (94) In order to facilitate a smooth transition from the scheme established by Regulation (EC) No 1198/2006 to the scheme established by this Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of establishing transitional provisions.
- (95) When adopting delegated acts under this Regulation, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (96) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in respect of setting out the annual breakdown, by Member State, of the global resources available for commitments in the framework of shared management approving the operational programmes and their amendments, approving the work plans for data collection, adopting the annual work programmes relating to technical assistance at the initiative of the Commission, recognising that there is evidence suggesting non-compliance with obligations under the CFP, recognising that a Member State has failed to comply with its obligations under the CFP, suspending all or part of the interim payments under the operational programme and making financial corrections by cancelling all or part of the Union support for an operational programme. The Commission should adopt those implementing acts without applying Regulation (EU) No 182/2011 of the European Parliament and of the Council⁽¹⁸⁾.
- (97) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should also be conferred on the Commission in respect of

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the presentation of the elements of the operational programme, rules on procedures, format and timetables concerning the approval of, and the submission and approval of amendments to, operational programmes, the annual work programme under Chapters I and II of Title VI, the structure of the compensation plan for outermost regions, the application of the different percentage points of public aid intensity, the model to be used by Member States when submitting financial data to the Commission, setting the indicators specific to the Union priorities, rules on the information to be sent by Member States as well as on the data needs and synergies between potential data sources, the format and presentation of the annual implementation reports, and the elements to be included in the *ex ante* evaluation reports. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 and the examination procedure should be used.

- (98) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should, moreover, be conferred on the Commission in respect of the adoption of, and detailing any changes in, the actual priorities of the Union for enforcement and control, laying down rules for the presentation of the data provided by the managing authorities, technical characteristics of information and publicity measures for the operation and instructions for creating the emblem and a definition of the standard colours. Those powers should be exercised in accordance with Regulation (EU) No 182/2011. In order to ensure a simpler and faster procedure, the advisory procedure should be used.
- (99) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States given the structural problems encountered in the development of the fisheries, aquaculture and maritime sectors as well as the limited financial resources of Member States, but can rather, by reason of the scale and effects of the operations to be financed under the operational programmes, be better achieved at Union level by providing multiannual financial support focused on the relevant priorities, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (100) The support scheme provided for in this Regulation replaces the support schemes set up by Regulation (EC) No 2328/2003, Regulation (EC) No 861/2006, Regulation (EC) No 1198/2006, Regulation (EC) No 791/2007, Regulation (EU) No 1255/2011 and Article 103 of Regulation (EC) No 1224/2009. Those regulations and that provision should therefore be repealed with effect from 1 January 2014. However, this Regulation should not affect either the continuation or modification of assistance approved by the Commission on the basis of Regulation (EC) No 1198/2006 or any other legislation applying to that assistance on 31 December 2013.
- (101) It is appropriate to align the period of application of this Regulation with that of Regulation (EU) No 1303/2013. Therefore, this Regulation should apply as from 1 January 2014,

HAVE ADOPTED THIS REGULATION:

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- (1) [OJ C 299, 4.10.2012, p. 133](#) and [OJ C 271, 19.9.2013, p. 154](#).
- (2) [OJ C 391, 18.12.2012, p. 84](#).
- (3) Position of the European Parliament of 16 April 2014 (not yet published in the Official Journal) and decision of the Council of 8 May 2014.
- (4) Regulation (EU) No 1380/2013 of the European Parliament and of the 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 ([OJ L 354, 28.12.2013, p. 22](#)).
- (5) Council Regulation (EC) No 2328/2003 of 22 December 2003 introducing a scheme to compensate for the additional costs incurred in the marketing of certain fishery products from the Azores, Madeira, the Canary Islands and the French departments of Guiana and Réunion, as a result of those regions' remoteness ([OJ L 345, 31.12.2003, p. 34](#)).
- (6) Council Regulation (EC) No 861/2006 of 22 May 2006 establishing Community financial measures for the implementation of the Common Fisheries Policy and in the area of the Law of the Sea ([OJ L 160, 14.6.2006, p. 1](#)).
- (7) Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund ([OJ L 223, 15.8.2006, p. 1](#)).
- (8) Council Regulation (EC) No 791/2007 of 21 May 2007 introducing a scheme to compensate for the additional costs incurred in the marketing of certain fishery products from the outermost regions the Azores, Madeira, the Canary Islands, French Guiana and Réunion ([OJ L 176, 6.7.2007, p. 1](#)).
- (9) Regulation (EU) No 1255/2011 of the European Parliament and of the Council of 30 November 2011 establishing a Programme to support the further development of an Integrated Maritime Policy ([OJ L 321, 5.12.2011, p. 1](#)).
- (10) The United Nations Convention on the Law of the Sea and of the Agreement on the implementation of Part XI thereof ([OJ L 179, 23.6.1998, p. 3](#)).
- (11) Regulation (EU) No 1303/2013 of the European Parliament and the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 ([OJ L 347, 20.12.2013, p. 320](#)).
- (12) Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) ([OJ L 164, 25.6.2008, p. 19](#)).
- (13) Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy ([OJ L 60, 5.3.2008, p. 1](#)).
- (14) 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 ([OJ L 354, 28.12.2013, p. 1](#)).
- (15) Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 ([OJ L 343, 22.12.2009, p. 1](#)).
- (16) Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC ([OJ L 347, 20.12.2013, p. 104](#)).
- (17) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ([OJ L 281, 23.11.1995, p. 31](#)).

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- (18) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ([OJ L 55, 28.2.2011, p. 13](#)).

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