

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

TITLE V

**MEASURES FINANCED UNDER SHARED MANAGEMENT**

*CHAPTER I*

***Sustainable development of fisheries***

*Article 24*

**Specific objectives**

Support under this Chapter shall contribute to the achievement of the specific objectives under the Union priority set out in Article 6(1).

*Article 25*

**General conditions**

1 The owner of a fishing vessel having received support under this Chapter shall not transfer that vessel outside the Union during at least the five years following the date of actual payment of that support to the beneficiary. If a vessel is transferred within that time-frame, sums unduly paid in respect of the operation shall be recovered by the Member State, in an amount proportionate to the period during which the condition set out in the first sentence of this paragraph has not been fulfilled.

2 Operating costs shall not be eligible unless otherwise expressly provided for in this Chapter.

3 The total financial contribution from the EMFF to the measures referred to in Articles 33 and 34 and to the replacement or modernisation of main or ancillary engines referred to in Article 41, shall not exceed the higher of the following two thresholds:

- a EUR 6 000 000; or
- b 15 % of the Union financial support allocated by the Member State to the Union priorities set out in Article 6(1), (2) and (5).

4 The total financial contribution from the EMFF to the measures referred to in Article 29(4) shall not exceed 5 % of the Union financial support allocated per Member State.

5 Support to vessel owners granted under Article 33 shall be deducted from support granted to vessel owners under Article 34 for the same vessel.

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*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 508/2014 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

## Article 26

### Innovation

[<sup>X1</sup>1. In order to stimulate innovation in fisheries, the EMFF may support operations aimed at developing or introducing new or substantially improved products and equipment, new or improved processes and techniques, and new or improved management and organisation systems, including at the level of processing and marketing.]

2 Operations financed under this Article shall be carried out by, or in collaboration with, a scientific or technical body, recognised by the Member State or the Union. That scientific or technical body shall validate the results of such operations.

3 The results of operations financed under this Article shall be adequately publicised by the Member State in accordance with Article 119.

#### Editorial Information

- X1** Substituted by [Corrigendum to 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 \(Official Journal of the European Union L 149 of 20 May 2014\).](#)

## Article 27

### Advisory services

1 In order to improve the overall performance and competitiveness of operators and to promote sustainable fisheries, the EMFF may support:

- [<sup>X1</sup>a feasibility studies and advisory services that assess the viability of operations potentially eligible for support under this Chapter;]
- b the provision of professional advice on environmental sustainability, with a focus on limiting and, where possible, eliminating the negative impact of fishing activities on marine, terrestrial and freshwater ecosystems;
- c the provision of professional advice on business and marketing strategies.

2 The feasibility studies, advisory services and advice referred to in paragraph 1 shall be provided by scientific, academic, professional or technical bodies, or entities providing economic advice that have the required competences.

3 The support referred to in paragraph 1 shall be granted to operators, organisations of fishermen, including producer organisations, or public law bodies.

4 Where the support referred to in paragraph 1 does not exceed the amount of EUR 4 000, the beneficiary may be selected by means of an accelerated procedure.

#### Editorial Information

- X1** Substituted by [Corrigendum to 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](#)

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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 (Official Journal of the European Union L 149 of 20 May 2014).

## Article 28

### Partnerships between scientists and fishermen

1 In order to foster the transfer of knowledge between scientists and fishermen, the EMFF may support:

- a the creation of networks, partnership agreements or associations between one or more independent scientific bodies and fishermen, or one or more organisations of fishermen, in which technical bodies may participate;
- b the activities carried out in the framework of the networks, partnership agreements, or associations referred to in point (a).

2 The activities referred to in point (b) of paragraph 1 may cover data collection and management activities, studies, pilot projects, dissemination of knowledge and research results, seminars and best practices.

3 The support referred to in paragraph 1 may be granted to public law bodies, fishermen, organisations of fishermen, FLAGS and non-governmental organisations.

## Article 29

### Promotion of human capital, job creation and social dialogue

1 In order to promote human capital, job creation and social dialogue, the EMFF may support:

- a professional training, lifelong learning, joint projects, the dissemination of knowledge of an economic, technical, regulatory or scientific nature and of innovative practices, and the acquisition of new professional skills, in particular linked to the sustainable management of marine ecosystems, hygiene, health, safety, activities in the maritime sector, innovation and entrepreneurship;
- b networking and exchange of experiences and best practices between stakeholders, including among organisations promoting equal opportunities between men and women, promoting the role of women in fishing communities and promoting under-represented groups involved in small-scale coastal fishing or in on-foot fishing;
- c social dialogue at Union, national, regional or local level involving fishermen, social partners and other relevant stakeholders.

2 The support referred to in paragraph 1 may also be granted to spouses of self-employed fishermen or, where and in so far as recognised by national law, the life partners of self-employed fishermen, under the conditions laid down in point (b) of Article 2 of Directive 2010/41/EU of the European Parliament and of the Council<sup>(1)</sup>.

3 The support referred to in point (a) of paragraph 1 may be granted, for a maximum period of two years, for the training of people under 30 years of age, who are recognised as unemployed by the Member State concerned ('trainees'). Such support shall be limited to training on board a small-scale coastal fishing vessel owned by a professional fisherman of at least 50 years of age, formalised by a contract between the trainee and the owner of the vessel that is recognised by the Member State concerned, including courses on sustainable fishing

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practices and the conservation of marine biological resources as defined in Regulation (EU) No 1380/2013. The trainee shall be accompanied on board by a professional fisherman of at least 50 years of age.

4 Support under paragraph 3 shall be granted to professional fishermen to cover the trainee's salary and related charges, and shall be calculated in accordance with Article 67(5) of Regulation (EU) No 1303/2013, taking into account the economic situation and living standards of the Member State concerned. That support shall not exceed a maximum amount of EUR 40 000 for each beneficiary during the programming period.

### *Article 30*

#### **Diversification and new forms of income**

1 The EMFF may support 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 concerning fishing.

2 The support under paragraph 1 shall be granted to fishermen who:

- a submit a business plan for the development of their new activities; and
- b possess adequate professional skills which may be acquired through operations financed under point (a) of Article 29(1).

3 The support under paragraph 1 shall only be granted if the complementary activities relate to the fisherman's core fishing business.

4 The amount of support granted under paragraph 1 shall not exceed 50 % of the budget foreseen in the business plan for each operation, and shall not exceed a maximum amount of EUR 75 000 for each beneficiary.

### *Article 31*

#### **Start-up support for young fishermen**

1 The EMFF may provide business start-up support to young fishermen.

2 Support under this Article may be granted only in respect of the first acquisition of a fishing vessel:

- a with an overall length of less than 24 metres;
- b which is equipped for sea fishing;
- c which is between 5 and 30 years old; and
- d which belongs to a fleet segment for which the report on fishing capacity, referred to in Article 22(2) of Regulation (EU) No 1380/2013, has shown a balance with the fishing opportunities available to that segment.

3 For the purpose of this Article, the term 'young fisherman' means a natural person who seeks to acquire a fishing vessel for the first time and who, at the moment of submitting the application, is under 40 years of age and who has worked for at least five years as fisherman, or has acquired equivalent vocational training. Member States may define further objective criteria to be met by young fishermen in order to be eligible for support under this Article.

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4 The support under this Article shall not exceed 25 % of the acquisition cost of the fishing vessel and shall in any event not be higher than EUR 75 000 per young fisherman.

### Article 32

#### Health and safety

1 In order to improve hygiene, health, safety and working conditions for fishermen, the EMFF may support investments on board or in individual equipment provided that those investments go beyond the requirements under Union or national law.

2 The support under this Article shall be granted to fishermen or owners of fishing vessels.

3 Where the operation consists of an investment on board, the support shall not be granted more than once during the programming period for the same type of investment and for the same fishing vessel. Where the operation consists of an investment in individual equipment, the support shall not be granted more than once during the programming period for the same type of equipment and for the same beneficiary.

4 The Commission shall be empowered to adopt delegated acts, in accordance with Article 126, identifying the types of operations eligible under paragraph 1 of this Article.

### Article 33

#### Temporary cessation of fishing activities

1 The EMFF may support measures for temporary cessation of fishing activities in the following cases:

- a the implementation of Commission measures or Member States emergency measures referred to in Articles 12 and 13, respectively, of Regulation (EU) No 1380/2013 or of conservation measures referred to in Article 7 of that Regulation, including biological recovery periods;
- b a non-renewal of Sustainable fisheries partnership agreements or protocols thereto;
- c where the temporary cessation is provided for in a management plan adopted in accordance with Council Regulation (EC) No 1967/2006<sup>(2)</sup> or in a multiannual plan adopted under Articles 9 and 10 of Regulation (EU) No 1380/2013, where, based on scientific advice, a reduction of fishing effort is needed in order to achieve the objectives referred to in Article 2(2) and point (a) of Article 2(5) of Regulation (EU) No 1380/2013.

2 The support referred to in paragraph 1 may be granted for a maximum duration of six months per vessel during the period from 2014 to 2020.

3 The support referred to in paragraph 1 shall only be granted to:

- a owners of Union fishing vessels which are registered as active and which have carried out fishing activities at sea for at least 120 days during the last two calendar years preceding the date of submission of the application for support; or
- b fishermen who have worked at sea for at least 120 days during the last two calendar years preceding the date of submission of the application for support on board a Union fishing vessel concerned by the temporary cessation.

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4 All fishing activities carried out by the fishing vessel or by the fishermen concerned shall be effectively suspended. The competent authority shall satisfy itself that the fishing vessel concerned has stopped any fishing activities during the period concerned by the temporary cessation.

#### Article 34

### Permanent cessation of fishing activities

1 The EMFF may support measures for the permanent cessation of fishing activities only when that is achieved through the scrapping of fishing vessels and provided that:

- a such scrapping is included in the operational programme referred to in Article 18; and
- b the permanent cessation is foreseen as a tool of an action plan referred to in Article 22(4) of Regulation (EU) No 1380/2013 indicating that the fleet segment is not effectively balanced with the fishing opportunities available to that segment.

2 Support under paragraph 1 shall be granted to:

- a owners of Union fishing vessels registered as active and which have carried out fishing activities at sea for at least 90 days per year during the last two calendar years preceding the date of submission of the application for support; or
- b fishermen who have worked at sea for at least 90 days per year during the last two calendar years preceding the date of submission of the application for support, on board of a Union fishing vessel concerned by the permanent cessation.

3 The fishermen concerned shall effectively cease all fishing activities. The beneficiary shall provide proof of the effective cessation of fishing activities to the competent authority. The compensation shall be refunded on a *pro rata temporis* basis where the fisherman returns to a fishing activity within a period of less than two years from the date of submission of the application for support.

[<sup>F14</sup> Support under this Article may be granted until 31 December 2017, unless the permanent cessation measures are adopted in order to achieve the objectives of the multi-annual plan for the conservation and sustainable exploitation of demersal stocks in the western Mediterranean Sea, established by Regulation (EU) 2019/1022 of the European Parliament and of the Council<sup>(3)</sup>.]

[<sup>F24a</sup> Expenditure related to the permanent cessation measures adopted in order to achieve the objectives of Regulation (EU) 2019/1022 shall be eligible for support from the EMFF as from the entry into force of that Regulation.]

5 Support under this Article shall be paid only after the equivalent capacity has been permanently removed from the Union fishing fleet register and after the fishing licences and authorisations have also been permanently withdrawn. The beneficiary shall be prohibited from registering a new fishing vessel within five years following the receipt of such support. The decrease in capacity as a result of the permanent cessation of fishing activities with public aid shall result in the permanent equivalent reduction of the fishing capacity ceilings set out in Annex II to Regulation (EU) No 1380/2013.

6 By way of derogation from paragraph 1, support may be granted for the permanent cessation of fishing activities without scrapping provided that the vessels retrofit for activities other than commercial fishing.

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In addition and with a view to preserving maritime heritage, support may be granted for the permanent cessation of fishing activities without scrapping in the case of traditional wooden vessels, provided that such vessels retain a land-based heritage function.

#### Textual Amendments

- F1** Substituted by [Regulation \(EU\) 2019/1022 of the European Parliament and of the Council of 20 June 2019 establishing a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea and amending Regulation \(EU\) No 508/2014.](#)
- F2** Inserted by [Regulation \(EU\) 2019/1022 of the European Parliament and of the Council of 20 June 2019 establishing a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea and amending Regulation \(EU\) No 508/2014.](#)

### Article 35

#### Mutual funds for adverse climatic events and environmental incidents

1 The EMFF may contribute to mutual funds which pay financial compensation to fishermen for economic losses caused by adverse climatic events or by environmental incidents or for the rescue costs for fishermen or fishing vessels in the case of accidents at sea during their fishing activities.

2 For the purpose of paragraph 1, the term ‘mutual fund’ means a scheme accredited by the Member State, in accordance with its national law, which enables affiliated fishermen to insure themselves, whereby compensation payments are made to affiliated fishermen for economic losses caused by the events set out in paragraph 1.

3 Member States shall ensure that overcompensation as a result of the combination of the support under this Article with other Union or national instruments or private insurance schemes is avoided.

4 In order to be eligible for support under this Article, the mutual fund concerned shall:

- be accredited by the competent authority of the Member State, in accordance with national law;
- have a transparent policy towards payments into and withdrawals from the fund; and
- have clear rules attributing responsibility for any debts incurred.

5 Member States shall define the rules for the establishment and management of the mutual funds, in particular for the granting of compensation payments and the eligibility of fishermen for such compensation in the event of adverse climatic events, environmental incidents or accidents at sea referred to in paragraph 1, as well as for the administration and monitoring of compliance with those rules. Member States shall ensure that the fund arrangements provide for penalties in the case of negligence on the part of the fisherman.

6 Adverse climatic events, environmental incidents or accidents at sea referred to in paragraph 1 shall be those that are formally recognised by the competent authority of the Member State concerned as having occurred.

7 The contributions referred to in paragraph 1 shall only relate to the amounts paid by the mutual fund as financial compensation to fishermen. The administrative costs of setting-up the mutual funds shall not be eligible for support. Member States may limit the costs that are eligible for support by applying ceilings per mutual fund.

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8 The contributions referred to in paragraph 1 shall only be granted to cover losses caused by the adverse climatic events, environmental incidents or accidents at sea which amount to more than 30 % of the annual turnover of the business concerned, calculated on the basis of the average turnover of that business over the preceding three calendar years.

9 No contribution from the EMFF shall be made to the initial capital stock.

10 Where Member States decide to limit the costs that are eligible for support by applying ceilings per mutual fund, they shall provide details and justifications in their operational programmes on those ceilings.

#### *Article 36*

### **Support for the systems of allocation of fishing opportunities**

1 In order to adapt the fishing activities to the fishing opportunities, the EMFF may support the design, development, monitoring, evaluation and management of the systems for allocating the fishing opportunities.

2 Support under this Article shall be granted to public authorities, legal or natural persons or organisations of fishermen recognised by the Member State, including recognised producer organisations involved in the collective management of the systems referred to in paragraph 1.

#### *Article 37*

### **Support for the design and implementation of conservation measures and regional cooperation**

1 In order to ensure the efficient design and implementation of conservation measures under Articles 7, 8 and 11 of Regulation (EU) No 1380/2013 and regional cooperation under Article 18 of that Regulation, the EMFF may support:

- a the design, development and monitoring of technical and administrative means necessary for the development and implementation of conservation measures and regionalisation;
- b stakeholder participation and cooperation between Member States in designing and implementing conservation measures and regionalisation.

2 The EMFF may support direct restocking under paragraph 1 only when it is provided for as a conservation measure in a Union legal act.

#### *Article 38*

### **Limitation of the impact of fishing on the marine environment and adaptation of fishing to the protection of species**

1 In order to reduce the impact of fishing on the marine environment, to foster the gradual elimination of discards and to facilitate the transition to a sustainable exploitation of living marine biological resources in accordance with Article 2(2) of Regulation (EU) No 1380/2013, the EMFF may support investments:

- a in equipment improving size selectivity or species selectivity of fishing gear;



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- b on board or in equipment that eliminates discards by avoiding and reducing unwanted catches of commercial stocks, or that deals with unwanted catches to be landed in accordance with Article 15 of Regulation (EU) No 1380/2013;
  - c in equipment that limits and, where possible, eliminates the physical and biological impacts of fishing on the ecosystem or the sea bed;
  - d in equipment that protects gear and catches from mammals and birds protected by Council Directive 92/43/EEC or Directive 2009/147/EC of the European Parliament and of the Council<sup>(4)</sup>, provided that it does not undermine the selectivity of the fishing gear and that all appropriate measures are introduced to avoid physical damage to the predators.
- 2 By way of derogation from point (a) of Article 11, in the outermost regions the support referred to in paragraph 1 may be granted for anchored fish aggregating devices, provided that such devices contribute to sustainable and selective fishing.
- 3 Support shall not be granted more than once during the programming period for the same type of equipment on the same Union fishing vessel.
- 4 Support shall only be granted where the gear or other equipment referred to in paragraph 1 has a demonstrably better size-selection or a demonstrably lower impact on the ecosystem and on non-target species than the standard gear or other equipment permitted under Union law, or under relevant national law adopted in the context of regionalisation as provided for in Regulation (EU) No 1380/2013.
- 5 Support shall be granted to:
- a owners of Union fishing vessels which are registered as active vessels and which have carried out fishing activities at sea of at least 60 days during the two calendar years preceding the date of submission of the application for support;
  - b fishermen who own the gear to be replaced and who have worked on board of a Union fishing vessel for at least 60 days during the two calendar years preceding the date of submission of the application for support;
  - c organisations of fishermen recognised by the Member State.

### *Article 39*

#### **Innovation linked to the conservation of marine biological resources**

- 1 In order to contribute to the gradual elimination of discards and by-catches and to facilitate the transition to exploitation of living marine biological resources in accordance with Article 2(2) of Regulation (EU) No 1380/2013, and to reduce the impact of fishing on the marine environment and the impact of protected predators, the EMFF may support operations aimed at developing or introducing new technical or organisational knowledge that reduces the impact of fishing activities on the environment, including improved fishing techniques and gear selectivity, or aimed at achieving a more sustainable use of marine biological resources and coexistence with protected predators.
- 2 Operations financed under this Article shall be carried out by, or in collaboration with, a scientific or technical body recognised by the Member State which shall validate the results of such operations.
- 3 The results of operations financed under this Article shall be adequately publicised by the Member State in accordance with Article 119.

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4 Fishing vessels involved in projects financed under this Article shall not exceed 5 % of the number of vessels of the national fleet or 5 % of the national fleet tonnage in gross tonnage, calculated at the time of submission of the application. At the request of a Member State, in duly justified circumstances and on the basis of a recommendation by the Scientific, Technical and Economic Committee for Fisheries (STECF) established by Commission Decision 2005/629/EC<sup>(5)</sup>, the Commission may approve projects that exceed the limits set out in this paragraph.

5 Operations which do not qualify as fishing for scientific purposes in accordance with Article 33 of Regulation (EC) No 1224/2009 and which consist of testing new fishing gear or techniques shall be carried out within the limits of the fishing opportunities allocated to the Member State concerned.

6 The net revenue generated by the participation of the fishing vessel in the operation shall be deducted from the eligible expenditure of the operation in accordance with Article 65(8) of Regulation (EU) No 1303/2013.

7 For the purpose of paragraph 6, the term ‘net revenue’ means the income of fishermen from the first sale of the fish or shellfish caught during the introduction and testing of the new technical or organisational knowledge less the selling costs such as auction hall fees.

#### *Article 40*

### **Protection and restoration of marine biodiversity and ecosystems and compensation regimes in the framework of sustainable fishing activities**

1 In order to protect and restore marine biodiversity and ecosystems in the framework of sustainable fishing activities, with the participation, where relevant, of fishermen, the EMFF may support the following operations:

- a the collection of waste by fishermen from the sea such as the removal of lost fishing gear and marine litter;
- b the construction, installation or modernisation of static or movable facilities intended to protect and enhance marine fauna and flora, including their scientific preparation and evaluation;
- c contributions to a better management or conservation of marine biological resources;
- [<sup>X1</sup>d the preparation, including studies, drawing-up, monitoring and updating of protection and management plans for fishery-related activities relating to NATURA 2000 sites and spatial protection measures referred to in Directive 2008/56/EC and relating to other special habitats;]
- e the management, restoration and monitoring of NATURA 2000 sites in accordance with Directives 92/43/EEC and 2009/147/EC, in accordance with prioritised action frameworks established pursuant to Directive 92/43/EEC;
- f the management, restoration and monitoring of marine protected areas with a view to the implementation of the spatial protection measures referred to in Article 13(4) of Directive 2008/56/EC;
- g increasing environmental awareness, involving fishermen, with regard to the protection and restoration of marine biodiversity;
- h schemes for compensation for damage to catches caused by mammals and birds protected by Directives 92/43/EEC and 2009/147/EC;
- i the participation in other actions aimed at maintaining and enhancing biodiversity and ecosystem services, such as the restoration of specific marine and coastal habitats in support of sustainable fish stocks, including their scientific preparation and evaluation.

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2 Support under point (h) of paragraph 1 shall be subject to the formal recognition of such schemes by the competent authorities of the Member States. Member States shall also ensure that no overcompensation for damage occurs as a result of the combination of Union, national and private compensation schemes.

3 The operations referred to in this Article may be implemented by scientific or technical public law bodies, Advisory Councils, fishermen or organisations of fishermen which are recognised by the Member State, or by non-governmental organisations in partnership with organisations of fishermen or in partnership with FLAGs.

4 The Commission shall be empowered to adopt delegated acts, in accordance with Article 126, specifying the costs which are eligible for support under paragraph 1 of this Article.

#### **Editorial Information**

- X1** Substituted by [Corrigendum to 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 \(Official Journal of the European Union L 149 of 20 May 2014\)](#).

### *Article 41*

#### **Energy efficiency and mitigation of climate change**

1 In order to mitigate the effects of climate change and to improve the energy efficiency of fishing vessels, the EMFF may support:

- a investments in equipment or on board aimed at reducing the emission of pollutants or greenhouse gases and increasing the energy efficiency of fishing vessels. Investments in fishing gear are also eligible provided that they do not undermine the selectivity of that fishing gear;
- b energy efficiency audits and schemes;
- c studies to assess the contribution of alternative propulsion systems and hull designs to the energy efficiency of fishing vessels.

2 Support for the replacement or modernisation of main or ancillary engines may be granted only:

- a for vessels up to 12 metres in overall length, provided that the new or modernised engine does not have more power in kW than the current engine;
- b for vessels between 12 and 18 metres in overall length, provided that the power in kW of the new or modernised engine is at least 20 % lower than that of the current engine;
- c for vessels between 18 and 24 metres in overall length, provided that the power in kW of the new or modernised engine is at least 30 % lower than that of the current engine.

3 Support under paragraph 2 for the replacement or modernisation of main or ancillary engines may only be granted in respect of vessels belonging to a fleet segment for which the report on fishing capacity, referred to in Article 22(2) of Regulation (EU) No 1380/2013, has shown a balance with the fishing opportunities available to that segment.

4 Support under paragraph 2 of this Article shall only be granted for the replacement or modernisation of main or ancillary engines which have been officially certified in accordance

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with Article 40(2) of Regulation (EC) No 1224/2009. It shall only be paid after any required reduction of capacity in kW has been permanently removed from the Union fishing fleet register.

5 For fishing vessels not subject to a certification of engine power, support under paragraph 2 of this Article shall only be granted for the replacement or modernisation of main or ancillary engines in respect of which the consistency of engine power has been verified in accordance with Article 41 of Regulation (EC) No 1224/2009 and which have been physically inspected to ensure that the engine power does not exceed the engine power established in the fishing licenses.

6 The reduction of engine power referred to in points(b) and (c) of paragraph 2 may be achieved by a group of vessels for each category of vessel referred to in those points.

7 Without prejudice to Article 25(3), support from the EMFF under paragraph 2 of this Article shall not exceed the higher of the following two thresholds:

- a EUR 1 500 000; or
- b 3 % of the Union financial support allocated by the Member State to the Union priorities set out in Article 6(1), (2) and (5).

8 Applications made by operators from the small-scale coastal fishing sector shall be treated as a priority up to 60 % of the total support allocated for the replacement or modernisation of main or ancillary engines referred to in paragraph 2 over the entire programming period.

9 Support under paragraphs 1 and 2 shall only be granted to owners of fishing vessels and shall not be granted more than once for the same type of investment during the programming period for the same fishing vessel.

10 The Commission shall be empowered to adopt delegated acts, in accordance with Article 126, specifying the costs which are eligible for support under point (a) of paragraph 1 of this Article.

#### *Article 42*

##### **Added value, product quality and use of unwanted catches**

1 In order to improve the added value or quality of the fish caught, the EMFF may support:

- a investments that add value to fishery products, in particular by allowing fishermen to carry out the processing, marketing and direct sale of their own catches;
- b innovative investments on board that improve the quality of the fishery products.

2 The support referred to in point (b) of paragraph 1 shall be conditional on the use of selective gears to minimise unwanted catches and shall only be granted to owners of Union fishing vessels that have carried out a fishing activity at sea for at least 60 days during the two calendar years preceding the date of submission of the application for support.

#### *Article 43*

##### **Fishing ports, landing sites, auction halls and shelters**

1 For the purpose of increasing the quality, control and traceability of the products landed, increasing energy efficiency, contributing to environmental protection and improving safety and working conditions, the EMFF may support investments improving the infrastructure

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of fishing ports, auctions halls, landing sites and shelters, including investments in facilities for waste and marine litter collection.

2 In order to facilitate compliance with the obligation to land all catches in accordance with Article 15 of Regulation (EU) No 1380/2013 and Article 8(2)(b) of Regulation (EU) No 1379/2013, as well as to add value to under-used components of the catch, the EMFF may support investments in fishing ports, auction halls, landing sites and shelters.

3 In order to improve the safety of fishermen, the EMFF may support investments in the construction or modernisation of shelters.

4 Support shall not cover the construction of new ports, new landing sites or new auction halls.

#### Article 44

### **Inland fishing and inland aquatic fauna and flora**

1 In order to reduce the impact of inland fishing on the environment, to increase energy efficiency, to increase the value or quality of fish landed, or to improve health, safety, working conditions, human capital and training, the EMFF may support investments in the following:

- a the promotion of human capital, job creation and social dialogue as referred to in Article 29 and under the conditions set out in that Article;
- b on board or in individual equipment as referred to in Article 32 and under the conditions set out in that Article;
- c in equipment and types of operations as referred to in Articles 38 and 39 and under the conditions set out in those Articles;
- d the improvement of energy efficiency and the mitigation of the effects of climate change as referred to in Article 41 and under the conditions set out in that Article;
- e the improvement of the value or quality of the fish caught as referred to in Article 42 and under the conditions set out in that Article.
- f in fishing ports, shelters and landing sites as referred to in Article 43 and under the conditions set out in that Article;

[<sup>X12</sup> The EMFF may provide support for investments relating to business start-ups for young fishermen as referred to in Article 31 and under the same conditions as set out in that Article, except for the requirement under points (b) and (d) of paragraph 2 of that Article.]

3 The EMFF may provide support for the development and facilitation of innovation in accordance with Article 26, for the advisory services in accordance with Article 27 and for partnerships between scientists and fishermen in accordance with Article 28.

4 In order to promote diversification by inland fishermen, the EMFF may support the diversification of inland fishing activities to complementary activities under the conditions laid down in Article 30.

5 For the purposes of paragraph 1:

- a references made in Articles 30, 32, 38, 39, 41 and 42 to fishing vessels shall be understood as references to vessels operating exclusively in inland waters;
- b references made in Article 38 to the marine environment shall be understood as references to the environment in which the inland fishing vessel operates.

6 In order to protect and develop aquatic fauna and flora, the EMFF may support:

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- a the management, restoration and monitoring of NATURA 2000 sites which are affected by fishing activities, and the rehabilitation of inland waters in accordance with Directive 2000/60/EC of the European Parliament and of the Council<sup>(6)</sup>, including spawning grounds and migration routes for migratory species, without prejudice to point (e) of Article 40(1) of this Regulation and, where relevant, with the participation of inland fishermen;
  - b the construction, modernisation or installation of static or movable facilities intended to protect and enhance aquatic fauna and flora, including their scientific preparation, monitoring and evaluation.
- 7 Member States shall ensure that vessels receiving support under this Article continue to operate exclusively in inland waters.

#### **Editorial Information**

- X1** Substituted by [Corrigendum to 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 \(Official Journal of the European Union L 149 of 20 May 2014\).](#)

## *CHAPTER II*

### *Sustainable development of aquaculture*

#### *Article 45*

#### **Specific objectives**

Support under this Chapter shall contribute to the achievement of the specific objectives under the Union priority set out in Article 6(2).

#### *Article 46*

#### **General conditions**

- 1 Support under this Chapter shall be limited to aquaculture enterprises, unless otherwise stated in this Regulation.
- 2 For the purposes of this Article, entrepreneurs entering the sector shall provide a business plan and, where the amount of investments is more than EUR 50 000, a feasibility study including an environmental assessment of the operations. Support under this Chapter shall be granted only where it has been clearly demonstrated in an independent marketing report that good and sustainable market prospects exist for the product.
- 3 Where operations consist of investments in equipment or infrastructure ensuring compliance with future requirements relating to the environment, human or animal health, hygiene or animal welfare under Union law, support may be granted until the date on which such requirements become mandatory for the enterprises.
- 4 Support shall not be granted to the farming of genetically modified organisms.

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5 Support shall not be granted to aquaculture operations in marine protected areas, if it has been determined by the competent authority of the Member State, on the basis of an environmental impact assessment, that the operation would generate significant negative environmental impact that cannot be adequately mitigated.

#### *Article 47*

### **Innovation**

1 In order to stimulate innovation in aquaculture, the EMFF may support operations aiming at:

- a developing technical, scientific or organisational knowledge in aquaculture farms, which, in particular, reduces the impact on the environment, reduces dependence on fish meal and oil, fosters a sustainable use of resources in aquaculture, improves animal welfare or facilitates new sustainable production methods;
- b developing or introducing on the market new aquaculture species with good market potential, new or substantially improved products, new or improved processes, or new or improved management and organisation systems;
- c exploring the technical or economic feasibility of innovative products or processes.

2 Operations under this Article shall be carried out by, or in collaboration with, public or private scientific or technical bodies, recognised by the Member State, which shall validate the results of such operations.

3 The results of operations receiving support shall be adequately publicised by the Member State in accordance with Article 119.

#### *Article 48*

### **Productive investments in aquaculture**

1 The EMFF may support:

- a productive investments in aquaculture;
- b the diversification of aquaculture production and species cultured;
- c the modernisation of aquaculture units, including the improvement in working and safety conditions of aquaculture workers;
- d improvements and modernisation related to animal health and welfare, including the purchase of equipment aiming at protecting the farms from wild predators;
- e investments reducing the negative impact or enhancing the positive effects on the environment and increasing resource efficiency;
- f investments in enhancing the quality of, or in adding value to, aquaculture products;
- g the restoration of existing aquaculture ponds or lagoons through the removal of silt, or investments aimed at the prevention of silt deposits;
- h the diversification of the income of aquaculture enterprises through the development of complementary activities;
- i investments resulting in a substantial reduction in the impact of aquaculture enterprises on water usage and quality, in particular through reducing the amount of water or chemicals, antibiotics and other medicines used, or through improving the output water quality, including through the deployment of multi-trophic aquaculture systems;

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- j the promotion of closed aquaculture systems where aquaculture products are farmed in closed recirculation systems, thereby minimising water use;
- k investments increasing energy efficiency and promoting the conversion of aquaculture enterprises to renewable sources of energy.

2 Support under point (h) of paragraph 1 shall only be granted to aquaculture enterprises if the complementary activities relate to the core aquaculture business of the enterprise, including angling tourism, environmental services related to aquaculture or educational activities concerning aquaculture.

3 Support under paragraph 1 may be granted for the increase in production and/or modernisation of existing aquaculture enterprises, or for the construction of new ones, provided that the development is consistent with the multiannual national strategic plan for the development of aquaculture referred to in Article 34 of Regulation (EU) No 1380/2013.

#### *Article 49*

#### **Management, relief and advisory services for aquaculture farms**

1 In order to improve the overall performance and competitiveness of aquaculture farms, and to reduce the negative environmental impact of their operations, the EMFF may support:

- a the setting-up of management, relief and advisory services for aquaculture farms;
- b the purchase of farm advisory services of a technical, scientific, legal, environmental or economic nature.

2 Advisory services referred to in point (b) of paragraph 1 shall cover:

- a the management needs to enable aquaculture farms to comply with Union and national environmental legislation, as well as with maritime spatial planning requirements;
- [<sup>X</sup>b environmental impact assessment as referred to in Directive 2011/92/EU of the European Parliament and of the Council<sup>(7)</sup> and Directive 92/43/EEC;]
- c the management needs to enable aquaculture farms to comply with Union and national aquatic animal health and welfare or public health legislation;
- d health and safety standards based on Union and national legislation;
- e marketing and business strategies.

3 The advisory services referred to in point (b) of paragraph 1 shall be provided by scientific or technical bodies, as well as by entities providing legal or economic advice with the required competences as recognised by the Member State.

4 Support under point (a) of paragraph 1 shall only be granted to public law bodies or other entities selected by the Member State to set up the farm advisory services. Support under point (b) of paragraph 1 shall only be granted to aquaculture SMEs or aquaculture organisations, including aquaculture producer organisations and associations of aquaculture producer organisations.

5 Where the support does not exceed EUR 4 000, the beneficiary may be selected by means of an accelerated procedure.

6 Beneficiaries shall not receive support more than once per year for each category of advisory services referred to in paragraph 2.



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### *Article 50*

#### **Promotion of human capital and networking**

- 1 In order to promote human capital and networking in aquaculture, the EMFF may support:
- a professional training, lifelong learning, the dissemination of scientific and technical knowledge and innovative practices, the acquisition of new professional skills in aquaculture and with regard to the reduction of the environmental impact of aquaculture operations;
  - b the improvement of working conditions and the promotion of occupational safety;
  - c networking and exchange of experiences and best practices among aquaculture enterprises or professional organisations and other stakeholders, including scientific and technical bodies or those promoting equal opportunities between men and women.
- 2 Support referred to in point (a) of paragraph 1 shall not be granted to large aquaculture enterprises, unless they are engaged in knowledge-sharing with SMEs.
- 3 By way of derogation from Article 46, support under this Article shall also be granted to public or semi-public organisations and to other organisations recognised by the Member State.
- 4 Support under this Article shall also be granted to spouses of self-employed aquaculture farmers or, where and in so far as they are recognised by national law, to the life partners of self-employed aquaculture farmers, under the conditions laid down in point (b) of Article 2 of Directive 2010/41/EU.

### *Article 51*

#### **Increasing the potential of aquaculture sites**

- 1 In order to contribute to the development of the aquaculture sites and infrastructures, and to reduce the negative environmental impact of the operations, the EMFF may support:
- a the identification and mapping of the most suitable areas for developing aquaculture, taking into account, where applicable, spatial planning processes, and the identification and mapping of areas where aquaculture should be excluded in order to maintain the role of such areas in the functioning of the ecosystem;
  - b the improvement and development of support facilities and infrastructures required to increase the potential of aquaculture sites and to reduce the negative environmental impact of aquaculture, including investments in land consolidation, energy supply or water management;

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- c action taken and implemented by competent authorities under Article 9(1) of Directive 2009/147/EC or Article 16(1) of Directive 92/43/EEC, with the aim of preventing serious damage to aquaculture;
  - d action taken and implemented by competent authorities following the detection of increased mortalities or diseases as provided for in Article 10 of Council Directive 2006/88/EC<sup>(8)</sup>. Those actions may cover the adoption of shellfish action plans aimed at the protection, restoration and management, including support to shellfish producers for the maintenance, of natural shellfish banks and catchment areas.
- 2 Beneficiaries of support under this Article shall only be public law bodies or private bodies entrusted by the Member State with the tasks referred to in paragraph 1.

### *Article 52*

#### **Encouraging new aquaculture farmers practising sustainable aquaculture**

- 1 In order to foster entrepreneurship in aquaculture, the EMFF may support the setting-up of sustainable aquaculture enterprises by new aquaculture farmers.
- 2 Support under paragraph 1 shall be granted to aquaculture farmers entering the sector provided that they:
- a possess adequate professional skills and competence;
  - b set up for the first time an aquaculture micro or small enterprise, as managers of that enterprise; and
  - c submit a business plan for the development of their aquaculture activities.
- 3 In order to acquire adequate professional skills, aquaculture farmers entering the sector may benefit from support under point (a) of Article 50(1).

### *Article 53*

#### **Conversion to eco-management and audit schemes and organic aquaculture**

- 1 In order to promote the development of organic or energy-efficient aquaculture, the EMFF may support:
- a the conversion of conventional aquaculture production methods into organic aquaculture within the meaning of Council Regulation (EC) No 834/2007<sup>(9)</sup> and in accordance with Commission Regulation (EC) No 710/2009<sup>(10)</sup>;
  - b the participation in the Union eco-management and audit schemes (EMAS) established by Regulation (EC) No 761/2001 of the European Parliament and of the Council<sup>(11)</sup>.
- 2 Support shall only be granted to beneficiaries who commit themselves to participate in the EMAS for a minimum of three years or to comply with the requirements of organic production for a minimum of five years.
- 3 Support shall take the form of compensation for a maximum of three years during the period of the conversion of the enterprise to organic production, or during the preparation for participation in the EMAS. Member States shall calculate that compensation on the basis of:
- a the loss of revenue or additional costs incurred during the period of transition from conventional into organic production for operations eligible under point (a) of paragraph 1; or

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- b the additional costs resulting from the application and preparation of the participation in EMAS for operations eligible under point (b) of paragraph 1.

#### Article 54

### **Aquaculture providing environmental services**

1 In order to foster the development of aquaculture providing environmental services, the EMFF may support:

- a aquaculture methods compatible with specific environmental needs and subject to specific management requirements resulting from the designation of NATURA 2000 areas in accordance with Directives 92/43/EEC and 2009/147/EC;
- b participation, in terms of costs directly related thereto, in ex-situ conservation and reproduction of aquatic animals, within the framework of conservation and biodiversity restoration programmes developed by public authorities, or under their supervision;
- c aquaculture operations which include conservation and improvement of the environment and of biodiversity, and management of the landscape and traditional features of aquaculture zones.

2 Support under point (a) of paragraph 1 shall take the form of annual compensation for the additional costs incurred and/or income foregone as a result of management requirements in the areas concerned, related to the implementation of Directives 92/43/EEC or 2009/147/EC.

3 Support under point (c) of paragraph 1 shall be granted only to beneficiaries who commit themselves for a minimum period of five years to aqua-environmental requirements that go beyond the mere application of Union and national law. The environmental benefits of the operation shall be demonstrated by a prior assessment conducted by competent bodies designated by the Member State, unless the environmental benefits of that operation are already recognised.

4 Support under point (c) of paragraph 1 shall take the form of annual compensation for the additional costs incurred and/or income foregone.

5 The results of operations receiving support under this Article shall be adequately publicised by the Member State in accordance with Article 119.

#### Article 55

### **Public health measures**

1 The EMFF may support compensation to mollusc farmers for the temporary suspension of harvesting of farmed molluscs, where such suspension occurs exclusively for reasons of public health.

2 Support may only be granted where the suspension of harvesting due to the contamination of molluscs is the result of the proliferation of toxin-producing plankton or the presence of plankton containing biotoxins, and provided that:

- a the contamination lasts for more than four consecutive months; or
- b the loss, resulting from the suspension of the harvest, amounts to more than 25 % of the annual turnover of the business concerned, calculated on the basis of the average turnover of that business over the three calendar years preceding the year in which the harvest was suspended.

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For the purposes of point (b) of the first subparagraph, Member States may establish special calculation rules in respect of companies with less than three years of activity.

3 The duration for which compensation may be granted shall be a maximum of 12 months over the entire programming period. In duly justified cases, it may be extended once for a maximum of an additional 12 months up to a combined maximum of 24 months.

#### Article 56

### Animal health and welfare measures

1 In order to foster animal health and welfare in aquaculture enterprises, inter alia, in terms of prevention and bio-security, the EMFF may support:

- [<sup>X1</sup>a the costs of control and eradication of diseases in aquaculture in accordance with Regulation (EU) No 652/2014 of the European Parliament and of the Council<sup>(12)</sup>, including the operational costs necessary to fulfil the obligations in an eradication plan;]
- b the development of general and species-specific best practices or codes of conduct on bio-security or on animal health and animal welfare needs in aquaculture;
- c initiatives aimed at reducing the dependence of aquaculture on veterinary medicine;
- d veterinary or pharmaceutical studies and dissemination and exchange of information and best practices regarding veterinary diseases in aquaculture, with the aim of promoting an appropriate use of veterinary medicine;
- e the establishment and operation of health protection groups in the aquaculture sector as recognised by Member States;
- f compensation to mollusc farmers for the temporary suspension of their activities due to exceptional mass mortality, if the mortality rate exceeds 20 %, or if the loss resulting from the suspension of the activity amounts to more than 35 % of the annual turnover of the business concerned, calculated on the basis of the average turnover of that business over the three calendar years preceding the year in which the activities were suspended.

2 Support under point (d) of paragraph 1 shall not cover the purchase of veterinary medicines.

3 The results of the studies financed under point (d) of paragraph 1 shall be adequately reported and publicised by the Member State in accordance with Article 119.

4 Support may also be granted to public law bodies.

#### Editorial Information

- X1** Substituted by [Corrigendum to 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 \(Official Journal of the European Union L 149 of 20 May 2014\)](#).

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## Article 57

### **Aquaculture stock insurance**

1 In order to safeguard the income of aquaculture producers, the EMFF may contribute to an aquaculture stock insurance covering economic losses due to at least one of the following:

- a natural disasters;
- b adverse climatic events;
- c sudden water quality and quantity changes for which the operator is not responsible;
- d diseases in aquaculture, failure or destruction of production facilities for which the operator is not responsible.

2 The occurrence of the circumstances referred to in paragraph 1 in aquaculture shall be formally recognised as such by the Member State concerned.

3 Member States may, where appropriate, establish in advance criteria on the basis of which the formal recognition referred to in paragraph 2 shall be deemed to be granted.

4 Support shall only be granted for aquaculture stock insurance contracts which cover economic losses, as referred to in paragraph 1, exceeding 30 % of the average annual turnover of the aquaculture farmer, calculated on the basis of the average turnover of the aquaculture farmer over the three calendar years preceding the year in which the economic losses occurred.

## CHAPTER III

### ***Sustainable development of fisheries and aquaculture areas***

#### *Section 1*

#### ***Scope and objectives***

#### *Article 58*

#### **Scope**

The EMFF shall support the sustainable development of fisheries and aquaculture areas following a community-led local development approach as set out in Article 32 of Regulation (EU) No 1303/2013.

#### *Article 59*

#### **Specific objectives**

Support under this Chapter shall contribute to the achievement of the specific objectives under the Union priority set out in Article 6(4).

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## Section 2

### **Community-led local development strategies and fisheries local action groups**

#### Article 60

##### **Community-led local development strategies**

1 In order to contribute to the achievement of the objectives referred to in Article 59, community-led local development strategies shall:

- a maximise the participation of fishery and aquaculture sectors in the sustainable development of coastal and inland fisheries and aquaculture areas;
- b ensure that local communities fully exploit and benefit from the opportunities offered by maritime, coastal and inland water development and, in particular, help small and declining fishing ports to maximise their marine potential by developing a diversified infrastructure.

2 The strategies shall be coherent with the opportunities and needs identified in the relevant area and the Union priorities set out in Article 6. Strategies may range from those which focus on fisheries to broader strategies directed at the diversification of fisheries areas. The strategies shall go beyond a mere collection of operations or juxtaposition of sectoral measures.

#### Article 61

##### **Fisheries local action groups**

1 For the purposes of the EMFF, the local action groups referred to in Article 32(2)(b) of Regulation (EU) No 1303/2013 shall be designated as Fisheries local action groups (FLAGs).

2 The FLAGs shall propose a community-led local development strategy based on, at least, the elements set out in Article 60 of this Regulation and shall be responsible for its implementation.

3 The FLAGs shall:

- a broadly reflect the main focus of their strategy and the socioeconomic composition of the area through a balanced representation of the main stakeholders, including private sector, public sector and civil society;
- b ensure a significant representation of the fisheries and/or aquaculture sectors.

[<sup>X14</sup> If the community-led local development strategy is supported by other Funds in addition to the EMFF, the selection body of the FLAGs for the EMFF supported operations shall also fulfil the requirements set out in paragraph 3.]

5 FLAGs may also carry out additional tasks going beyond the minimum tasks provided for in Article 34(3) of Regulation (EU) No 1303/2013, where such tasks are delegated to them by the managing authority.

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Regulation (EU) No 1255/2011 of the European Parliament and of the Council (Official Journal of the European Union L 149 of 20 May 2014).

### Section 3

#### **Eligible operations**

##### Article 62

#### **Support from the EMFF for community-led local development**

1 The following operations are eligible for support under this Section in accordance with Article 35 of Regulation (EU) No 1303/2013:

- a preparatory support;
- b implementation of community-led local development strategies;
- c cooperation activities;
- d running costs and animation.

2 FLAGs may request the payment of an advance from the managing authority if such possibility is provided for in the operational programme. The amount of the advances shall not exceed 50 % of the public support related to the running costs and animation.

##### Article 63

#### **Implementation of community-led local development strategies**

1 Support for the implementation of community-led local development strategies may be granted for the following objectives:

- a adding value, creating jobs, attracting young people and promoting innovation at all stages of the supply chain of fishery and aquaculture products;
- b supporting diversification inside or outside commercial fisheries, lifelong learning and job creation in fisheries and aquaculture areas;
- c enhancing and capitalising on the environmental assets of the fisheries and aquaculture areas, including operations to mitigate climate change;
- d promoting social well-being and cultural heritage in fisheries and aquaculture areas, including fisheries, aquaculture and maritime cultural heritage;
- e strengthening the role of fisheries communities in local development and the governance of local fisheries resources and maritime activities.

2 The support referred to in paragraph 1 may include measures provided for in Chapters I, II and IV of this Title, with the exception of Articles 66 and 67, provided that there is a clear rationale for their management at local level. Where support is granted for operations corresponding to those measures, the relevant conditions and the scales of contribution per operation laid down in Chapters I, II and IV of this Title shall apply.

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## Article 64

### Cooperation activities

1 Support referred to in Article 35(1)(c) of Regulation (EU) No 1303/2013 may be granted to:

- a inter-territorial or transnational cooperation projects;
- b preparatory technical support for inter-territorial and transnational cooperation projects, on the condition that FLAGs can demonstrate that they are preparing the implementation of a project.

For the purposes of this Article, the term ‘inter-territorial cooperation’ means cooperation within a Member State, and the term ‘transnational cooperation’ means cooperation between territories in several Member States or cooperation between at least one territory of a Member State and one or more territories in third countries.

2 For the purposes of this Article, apart from other FLAGs, the partners of a FLAG under the EMFF may be a local public–private partnership that is implementing a community–led local development strategy within or outside the Union.

3 In cases where co–operation projects are not selected by the FLAGs, Member States shall establish an appropriate system for the purpose of facilitating cooperation projects. They shall make public the national or regional administrative procedures concerning the selection of transnational cooperation projects and a list of eligible costs at the latest two years after the date of approval of their operational programme.

4 Administrative decisions concerning cooperation projects shall take place no later than four months after the date of submission of the project.

5 Member States shall communicate to the Commission the approved transnational cooperation projects in accordance with Article 110.

## CHAPTER IV

### Marketing and processing related measures

## Article 65

### Specific objectives

Support under this Chapter shall contribute to the achievement of the specific objectives under the Union priority set out in Article 6(5).

## Article 66

### Production and marketing plans

1 The EMFF shall support the preparation and implementation of production and marketing plans referred to in Article 28 of Regulation (EU) No 1379/2013.



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2 Expenditure related to production and marketing plans shall be eligible for support from the EMFF only after approval by the competent authorities in the Member State of the annual report referred to in Article 28(5) of Regulation (EU) No 1379/2013.

3 Support granted per producer organisation per year under this Article shall not exceed 3 % of the average annual value of the production placed on the market by that producer organisation during the preceding three calendar years. For any newly recognised producer organisation, that support shall not exceed 3 % of the average annual value of the production placed on the market by the members of that organisation during the preceding three calendar years.

4 The Member State concerned may grant an advance of 50 % of the financial support after approval of the production and marketing plan in accordance with Article 28(3) of Regulation (EU) No 1379/2013.

5 The support referred to in paragraph 1 shall only be granted to producer organisations and associations of producers organisations.

#### *Article 67*

#### **Storage aid**

1 The EMFF may support compensation to recognised producer organisations and associations of producers organisations which store fishery products listed in Annex II to Regulation (EU) No 1379/2013, provided that those products are stored in accordance with Articles 30 and 31 of that Regulation and subject to the following conditions:

- a the amount of the storage aid does not exceed the amount of the technical and financial costs of the actions required for the stabilisation and storage of the products in question;
- b the quantities eligible for storage aid do not exceed 15 % of the annual quantities of the products concerned put up for sale by the producer organisation;
- c the financial support per year does not exceed 2 % of the average annual value of the production placed on the market by the members of the producer organisation in the period 2009-2011.

For the purposes of point (c) of the first subparagraph, where a member of the producer organisation did not have any production placed on the market in the period 2009 to 2011, the average annual value of production placed on the market in the first three years of production of that member shall be taken into account.

2 The support referred to in paragraph 1 shall end by 31 December 2018.

3 The support referred to in paragraph 1 shall only be granted once the products are released for human consumption.

4 Member States shall fix the amount of the technical and financial costs applicable in their territories as follows:

- a technical costs shall be calculated each year on the basis of direct costs relating to the actions required in order to stabilise and store the products in question;
- b financial costs shall be calculated each year using the interest rate set annually in each Member State;

These technical and financial costs shall be made publicly available.

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5 Member States shall carry out controls to ensure that the products benefiting from storage aid fulfil the conditions laid down in this Article. For the purposes of such controls, beneficiaries of storage aid shall keep stock records for each category of products entered into storage and later reintroduced onto the market for human consumption.

### Article 68

#### Marketing measures

1 The EMFF may support marketing measures for fishery and aquaculture products which are aimed at:

- a creating producer organisations, associations of producer organisations or inter-branch organisations to be recognised in accordance with Section II of Chapter II of Regulation (EU) No 1379/2013;
- b finding new markets and improving the conditions for the placing on the market of fishery and aquaculture products, including:
  - (i) species with marketing potential;
  - (ii) unwanted catches landed from commercial stocks in accordance with technical measures, Article 15 of Regulation (EU) No 1380/2013 and Article 8(2)(b) of Regulation (EU) No 1379/2013;
  - (iii) fishery and aquaculture products obtained using methods with low impact on the environment, or organic aquaculture products within the meaning of Regulation (EC) No 834/2007;
- c promoting the quality and the value added by facilitating:
  - (i) the application for registration of a given product and the adaptation of concerned operators to the relevant compliance and certification requirements in accordance with Regulation (EU) No 1151/2012 of the European Parliament and of the Council<sup>(13)</sup>;
  - (ii) the certification and the promotion of sustainable fishery and aquaculture products, including products from small-scale coastal fishing, and of environmentally-friendly processing methods;
  - (iii) the direct marketing of fishery products by small-scale coastal fishermen or by on-foot fishermen;
  - (iv) the presentation and packaging of products;
- d contributing to the transparency of production and the markets and conducting market surveys and studies on the Union's dependence on imports;
- e contributing to the traceability of fishery or aquaculture products and, where relevant, the development of a Union-wide ecolabel for fishery and aquaculture products as referred to in Regulation (EU) No 1379/2013;
- f drawing up standard contracts for SMEs, which are compatible with Union law;
- g conducting regional, national or transnational communication and promotional campaigns, to raise public awareness of sustainable fishery and aquaculture products.

2 The operations referred to in paragraph 1 may include the production, processing and marketing activities along the supply chain.

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The operations referred to in point (g) of paragraph 1 shall not be aimed at commercial brands.

#### *Article 69*

### **Processing of fishery and aquaculture products**

- 1 The EMFF may support investments in the processing of fishery and aquaculture products that:
  - a contribute to energy saving or reducing the impact on the environment, including waste treatment;
  - b improve safety, hygiene, health and working conditions;
  - c support the processing of catches of commercial fish that cannot be destined for human consumption;
  - d relate to the processing of by-products resulting from main processing activities;
  - e relate to the processing of organic aquaculture products pursuant to Articles 6 and 7 of Regulation (EC) No 834/2007;
  - f lead to new or improved products, new or improved processes, or new or improved management and organisation systems.
- 2 As regards enterprises other than SMEs, the support referred to in paragraph 1 shall only be granted through the financial instruments provided for in Title IV of Part Two of Regulation (EU) No 1303/2013.

#### *CHAPTER V*

### ***Compensation for additional costs in outermost regions for fishery and aquaculture products***

#### *Article 70*

### **Compensation regime**

- 1 The EMFF may support the compensation of additional costs incurred by operators in the fishing, farming, processing and marketing of certain fishery and aquaculture products from the outermost regions referred to in Article 349 TFEU.
- 2 Each Member State concerned shall determine, for the regions referred to in paragraph 1, the list of fishery and aquaculture products and the quantity of those products eligible for compensation.
- 3 When establishing the list and the quantities referred to in paragraph 2, Member States shall take into account all relevant factors, in particular the need to ensure that the compensation is fully compatible with the CFP rules.
- 4 The compensation shall not be granted for fishery and aquaculture products:
  - a caught by third country vessels, with the exception of fishing vessels which fly the flag of Venezuela and operate in Union waters;
  - b caught by Union fishing vessels that are not registered in a port of one of the regions referred to in paragraph 1;
  - c imported from third countries.

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5 Point (b) of paragraph 4 shall not apply if the existing capacity of the processing industry in the outermost region concerned exceeds the quantity of raw material supplied in accordance with the compensation plan of the region concerned.

- 6 The following operators shall be eligible for compensation:
- a natural or legal persons using means of production to obtain fishery or aquaculture products with a view to placing them on the market;
  - b the owners or operators of vessels that are registered in the ports of the regions referred to in paragraph 1 and that are operating in those regions, or associations of such owners or operators;
  - c the operators in the processing and marketing sector or associations of such operators.

#### *Article 71*

### **Calculation of the compensation**

The compensation shall be paid to the operators referred to in Article 70(6) carrying out activities in the regions referred to in Article 70(1) and shall take into account:

- (a) for each fishery or aquaculture product or category of products, the additional costs resulting from the specific handicaps of the regions concerned; and
- (b) any other type of public intervention affecting the level of additional costs.

#### *Article 72*

### **Compensation plan**

1 The Member States concerned shall submit to the Commission a compensation plan for each region referred to in Article 70(1). That plan shall include the list, and quantities of fishery and aquaculture products and the type of operators referred to in Article 70, the level of compensation referred to in Article 71 and the managing authority referred to in Article 97. The Commission shall adopt implementing acts setting out its decision whether to approve such compensation plans.

2 Member States may amend the content of the compensation plan referred to in paragraph 1. Member States shall submit such amendments to the Commission. The Commission shall adopt implementing acts setting out its decision whether to approve those amendments.

3 The Commission shall adopt implementing acts defining the structure of the compensation plan. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 127(3).

4 The Commission shall be empowered to adopt delegated acts, in accordance with Article 126, laying down the criteria for the calculation of the additional costs resulting from the specific handicaps of the regions concerned.

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### Article 73

#### **State aid for implementing compensation plans**

Member States may grant additional financing for the implementation of the compensation plans referred to in Article 72. In such cases, Member States shall notify the Commission of the State aid which the Commission may approve in accordance with this Regulation as part of those plans. State aid thus notified shall be regarded as notified within the meaning of the first sentence of Article 108(3) TFEU.

### CHAPTER VI

#### ***Accompanying measures for the CFP under shared management***

### Article 74

#### **Geographical scope**

By way of derogation from Article 2, this Chapter shall also apply to operations carried out outside the territory of the Union.

### Article 75

#### **Specific objectives**

Support under this Chapter shall contribute to achieving the specific objectives under the Union priority set out in Article 6(3).

### Article 76

#### **Control and enforcement**

1 The EMFF may support the implementation of a Union control, inspection and enforcement system as provided for in Article 36 of Regulation (EU) No 1380/2013 and further specified in Regulation (EC) No 1224/2009.

- 2 In particular, the following types of operations shall be eligible:
- a the purchase, installation and development of technology, including computer hardware and software, vessel detection systems (VDS), closed-circuit television (CCTV) systems and IT networks enabling the gathering, administration, validation, analysis, risk management, presentation (by means of the websites related to control) and exchange of, and the development of sampling methods for, data related to fisheries, as well as interconnection to cross-sectoral data exchange systems;
  - b the development, purchase and installation of the components, including computer hardware and software, that are necessary to ensure data transmission from actors involved in fishing and the marketing of fishery products to the relevant Member State and Union authorities, including the necessary components for electronic recording and reporting systems (ERS), vessel monitoring systems (VMS) and automatic identification systems (AIS) used for control purposes;

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- c the development, purchase and installation of the components, including computer hardware and software, which are necessary to ensure the traceability of fishery and aquaculture products, as referred to in Article 58 of Regulation (EC) No 1224/2009;
- d the implementation of programmes for exchanging data between Member States and for analysing them;
- e the modernisation and purchase of patrol vessels, aircrafts and helicopters, provided that they are used for fisheries control for at least 60 % of the total period of use per year;
- f the purchase of other control means, including devices to enable the measurement of engine power and weighing equipment;
- g the development of innovative control and monitoring systems and the implementation of pilot projects related to fisheries control, including fish DNA analysis or the development of websites related to control;
- h training and exchange programmes, including between Member States, of personnel responsible for the monitoring, control and surveillance of fisheries activities;
- i cost/benefit analyses and assessments of audits performed and expenditure incurred by competent authorities in carrying out monitoring, control and surveillance;
- j initiatives, including seminars and media tools, aimed at enhancing awareness, among both fishermen and other players such as inspectors, public prosecutors and judges, as well as among the general public, of the need to fight illegal, unreported and unregulated fishing and of the implementation of the CFP rules;
- k operational costs incurred in carrying out more stringent control for stocks subject to specific control and inspection programmes established in accordance with Article 95 of Regulation (EC) No 1224/2009 and subject to control coordination in accordance with Article 15 of Council Regulation (EC) No 768/2005<sup>(14)</sup>;
- l programmes linked to the implementation of an action plan established in accordance with Article 102(4) of Regulation (EC) No 1224/2009, including any operational costs incurred.

[<sup>X13</sup> The operations listed in points (h) to (l) of paragraph 2 shall only be eligible for support if they relate to control activities carried out by a public authority.

4 In the case of the operations listed in points (d) and (h) of paragraph 2, the Member States concerned shall designate the managing authorities responsible for the operation.]

#### **Editorial Information**

- X1** Substituted by [Corrigendum to 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 \(Official Journal of the European Union L 149 of 20 May 2014\).](#)

### *Article 77*

#### **Data collection**

1 The EMFF shall support the collection, management and use of data, as provided for in Article 25(1) and (2) of Regulation (EU) No 1380/2013 and further specified in Regulation (EC) No 199/2008.

2 In particular, the following types of operations shall be eligible:

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- a the collection, management and use of data for the purpose of scientific analysis and implementation of the CFP;
- b national, transnational and subnational multiannual sampling programmes, provided that they relate to stocks covered by the CFP;
- c at-sea monitoring of commercial and recreational fisheries, including monitoring of by-catch of marine organisms such as marine mammals and birds;
- d research surveys at sea;
- e the participation of representatives of Member States and regional authorities in regional coordination meetings, meetings of regional fisheries management organisations of which the Union is a contracting party or an observer, or meetings of international bodies responsible for providing scientific advice;
- f the improvement of data collection and data management systems and the implementation of pilot studies to improve existing data collection and data management systems.

## CHAPTER VII

### ***Technical assistance at the initiative of Member States***

#### *Article 78*

### **Technical assistance at the initiative of Member States**

- 1 The EMFF may support, at the initiative of a Member State, and subject to a ceiling of 6 % of the total amount of the operational programme:
  - a the measures of technical assistance referred to in Article 59(1) of Regulation (EU) No 1303/2013;
  - b the establishment of national networks aiming at disseminating information, capacity building, exchanging best practices and supporting cooperation between the FLAGs in the territory of the Member State.
- 2 In duly justified circumstances, the threshold referred to in paragraph 1 may exceptionally be exceeded.

## CHAPTER VIII

### ***The IMP measures financed under shared management***

#### *Article 79*

### **Specific objectives**

- 1 Support under this Chapter shall contribute to the achievement of the specific objectives under the Union priority set out in Article 6(6), including:
  - a the Integrated maritime surveillance (IMS) and, in particular, the Common information sharing environment (CISE) for the surveillance of the Union maritime domain;
  - b the promotion of the protection of the marine environment, in particular its biodiversity and marine protected areas such as Natura 2000 sites, without prejudice to Article 37 of this Regulation, and the sustainable use of marine and coastal resources, and the further

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definition of the boundaries of the sustainability of human activities that have an impact on the marine environment, in particular in the framework of Directive 2008/56/EC.

2 Amendments of the operational programme with regard to the measures referred to in paragraph 1 shall not result in an increase of the total financial allocation referred to in Article 13(7).

#### *Article 80*

### **Eligible operations**

1 The EMFF may support operations in accordance with the objectives set out in Article 79, such as operations that:

- a contribute to achieving the objectives of the IMS and, in particular, those of the CISE;
- b protect the marine environment, in particular its biodiversity and marine protected areas such as Natura 2000 sites, in accordance with the obligations established in Directives 92/43/EEC and 2009/147/EC;
- c improve the knowledge on the state of the marine environment, with a view to establishing the monitoring programmes and the programmes of measures provided for in Directive 2008/56/EC, in accordance with the obligations established in that Directive.

2 The salary costs of personnel of national administrations shall not be considered to be eligible operating costs.



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- (1) Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC (OJ L 180, 15.7.2010, p. 1).
- (2) Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409, 30.12.2006, p. 11).
- (3) <sup>[F]</sup>Regulation (EU) 2019/1022 of the European Parliament and of the Council of 20 June 2019 establishing a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea and amending Regulation (EU) No 508/2014 (OJ L 172, 26.6.2019, p. 1).]
- (4) Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7).
- (5) Commission Decision 2005/629/EC of 26 August 2005 establishing a Scientific, Technical and Economic Committee for Fisheries (OJ L 225, 31.8.2005, p. 18).
- (6) Directive 60/2000/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).
- (7) <sup>[X]</sup>Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1).]
- (8) Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals (OJ L 328, 24.11.2006, p. 14).
- (9) Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.7.2007, p. 1).
- (10) Commission Regulation (EC) No 710/2009 of 5 August 2009 amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007, as regards laying down detailed rules on organic aquaculture animal and seaweed production (OJ L 204, 6.8.2009, p. 15).
- (11) Regulation (EC) No 761/2001 of the European Parliament and of the Council of 19 March 2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) (OJ L 114, 24.4.2001, p. 1).
- (12) <sup>[X]</sup>Regulation (EU) No 652/2014 of the European Parliament and of the Council of 15 May 2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material, amending Council Directives 98/56/EC, 2000/29/EC and 2008/90/EC, Regulations (EC) No 178/2002, (EC) No 882/2004 and (EC) No 396/2005 of the European Parliament and of the Council, Directive 2009/128/EC of the European Parliament and of the Council and Regulation (EC) No 1107/2009 of the European Parliament and of the Council and repealing Council Decisions 66/399/EEC, 76/894/EEC and 2009/470/EC (OJ L 189, 27.6.2014, p. 1).]
- (13) Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).
- (14) Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy (OJ L 128, 21.5.2005, p. 1).

#### Editorial Information

- X1** Substituted by [Corrigendum to 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 \(Official Journal of the European Union L 149 of 20 May 2014\)](#).

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#### **Textual Amendments**

- F1** Substituted by [Regulation \(EU\) 2019/1022 of the European Parliament and of the Council of 20 June 2019 establishing a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea and amending Regulation \(EU\) No 508/2014.](#)

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