

EXPLANATORY MEMORANDUM TO
The European Maritime and Fisheries Fund (Financial Assistance) Regulations
(Northern Ireland) 2015

SR No. 399

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under powers conferred by section 2(2) of, as read with paragraph 1A of Schedule 2 to, the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Statutory Rule provides the means to enable the Department to provide financial assistance to the Northern Ireland fishing industry for purposes specified under Title V of Regulation (EU) No. 508/2014, which established the European Maritime and Fisheries Fund (EMFF)
- 2.2. The Rule provides for support from the European Maritime and Fisheries Fund in respect of certain categories of investments, projects or actions in the fisheries and aquaculture sectors.
- 2.3. The Rule sets out the conditions for applying for assistance, how applications will be dealt with, the procedures for making payments, appeals, and powers to recover financial assistance if the rules of the EMFF have been broken.

3. Background

- 3.1. Regulation (EU) 508/2014 of the European Parliament and of the Council established the EMFF. The funding is provided primarily to support implementation of Common Fisheries Policy reform and support attainment of CFP objectives.
- 3.2. Each region of the UK is responsible for the administration and delivery of the funding allocated to them from the overall UK allocation.

4. Consultation

- 4.1. Consultation on the overall strategy for implementing the European Maritime and Fisheries Fund (EMFF) in the UK and the proposed measures that the fund would support was carried out by the UK Government, concluding in July 2014. The consultation covered England, Scotland, Northern Ireland and Wales.
- 4.2. There has been no formal consultation on the draft Regulations as they are technical in nature and provisions are similar to previous fisheries European grant schemes.

5. Equality Impact

- 5.1. In accordance with DARD's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of the proposed Regulations have been assessed. The Regulations have been screened out and the Department considers that the regulations will not result in any equality differentials amongst Section 75 groups.

6. Regulatory Impact

- 6.1. No Regulatory Impact Assessment has been carried out as the Rule is providing for a scheme of financial assistance. No additional regulatory burden is being imposed and the Regulations will revoke (with appropriate saving provisions) predecessor Regulations such as the European Fisheries Fund (Grants) Regulations (Northern Ireland) 2008 and the European Fisheries Fund (Grants) (Amendment) Regulations (Northern Ireland) 2008.
- 6.2. The Department is content that the proposed legislation meets DARD's commitment to Better Regulation and "gold plating" is not applicable.

7. Financial Implications

- 7.1. EU funding of €13.8m is available for the delivery of NI fisheries measures under Title V of the EMFF. This has to be match funded by national money at a rate of t 25% bringing the size of the potential public funding available to approximately €8m.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Rule provides the Department with the powers necessary to make payments to the fishing industry of funding allocated to DARD by the EU, and in accordance with the rules for such funding under the EMFF Regulation. They do not have any human rights implications, nor are they incompatible with EU law. The Regulations are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. The Rule sets out a scheme of financial assistance to allow the Department to make payments to the fishing industry in accordance with Regulation (EU) 508/2014.

10. Parity or Replicatory Measure

- 10.1. Similar legislation has been introduced in England (SI 2015/1711), and Scotland and Wales are also introducing similar legislation to ensure that all regions are capable of administering EMFF funding to their respective fishing industries from 2016.

11. Additional Information

- 11.1. Since consideration of the draft Rule by the Agriculture and Rural Development Committee in June 2015 there have been a number amendments. These have been of a technical nature and have not affected the underlying policy as considered by the Committee. The main changes are as follows.

- 11.2. Regulation 2 - definition of the Department and footnote (b) - Reference is made to UK SI 2015/1711 which designates the Department as the Intermediate Body for Northern Ireland in respect of the UK EMFF Operational Programme and to carry out certain functions of the UK Managing Authority in Northern Ireland.
- 11.3. Regulation 3 was deleted since the ambulatory reference to EU Regulation 508/2014 is incorporated in the definition of EMFF Regulation in regulation 2.
- 11.4. Regulation 7 provides for the Department to notify applicants of its decision to approve an application for financial assistance. If the Department proposes to reject an application, provision has been made for the Department to receive representations about the Department's proposed decision before a final decision is taken rather than to notify the final decision and take representations after the decision is notified.
- 11.5. Regulation 11 allows the Department to suspend or revoke approval of an application for financial assistance, or to vary a condition of approval. Provision has been made for the Department to receive representations about the Department's proposed decision before a final decision is taken rather than to notify the final decision and take representations afterwards.