

POLICY NOTE

THE EUROPEAN MARITIME AND FISHERIES FUND (GRANTS) (SCOTLAND) REGULATIONS 2015

SSI 2015/359

The above instrument was made in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972. The instrument is subject to negative procedure.

Policy Objectives

The instrument supplements Regulation (EU) 508/2014 of the European Parliament and of the Council, which establishes the European Maritime and Fisheries Fund, and Regulation 1303/2013 (the Common Provisions Regulation) which lays down the detailed rules for the implementation of all European Structural and Investment Funds in a single Regulation. The new European Maritime and Fisheries Fund underpins the economic, environmental and social objectives of the new Common Fisheries Policy: for the sector, it eases the transition towards sustainable fishing and improves marketing and processing for both fishery and aquaculture products; supports data collection and management; delivers new means to control and enforcement; and finances wider Maritime Policy.

The European Maritime and Fisheries Fund (EMFF) is one element in a package of five funds, each with a different focus but all pursuing complementary goals on job creation, economic recovery and sustainable development, maximising effect and avoiding duplications.

The EMFF came into effect on 15 May 2014 and is due to run until the end of 2020. The EMFF takes over from the European Fisheries Fund (EFF) which had a more limited scope in the sea fisheries and aquaculture sectors, and which ran from 2007 to 2013. The EFF was supplemented by the European Fisheries Fund (Grants) (Scotland) Regulations 2007 (SSI 2007/307) which gave Scottish Ministers powers to consider applications for grants from the Fund, and to pay grants from the Fund. This instrument is required to give Scottish Ministers similar powers in relation to EMFF.

The purpose of this instrument is to allow Scottish Ministers to release public aid as required when assistance from the EMFF is granted. It gives Scottish Ministers powers to make payments by way of grants to projects which have been approved in accordance with the EU legislation. The instrument also sets out the procedure for application and provisions which allow Scottish Ministers to meet their obligations under the EU legislation to monitor and properly manage the use of monies paid from EMFF.

Consultation

The EMFF requires to be programmed at Member State level. Defra therefore launched a UK consultation on the EMFF proposals on the 25 January 2012. The consultees included all the major marine user sectors in Scotland, COSLA, Scottish Harbour Trusts, the Scottish fisheries products processing sector, marine science sector, Scottish charities and NGOs.

Overall respondents were positive about the European Commission's proposal with the majority supporting its contribution to achieving the objectives of the Europe 2020 strategy and in particular supporting the underlying principles of reforming the Common Fisheries Policy. There were some differences of view about the emphasis on various aspects of the proposals and how the objectives should be delivered. Concerns were also expressed about the flexibility and simplicity of the EMFF. These comments have been taken into account in the development of the delivery mechanisms.

Impact Assessments

The European Commission carried out an Impact Assessment and ex-ante evaluation of different options for the design of the financial support to the implementation of the Common Fisheries Policy and the Integrated Maritime Policy in the years 2014-2020. Accordingly, its scope includes the following financial instruments: (i) European Fisheries Fund, (ii) IMP financial regulation proposed by the Commission to support the IMP between 2011 and 2013, (iii) Community financial measures for the implementation of the CFP and in the area of the Law of the Sea 2007-2013 including data collection, control, the voluntary financial support provided to Regional Fisheries Management Organisations and governance, (iv) the budget lines concerned by the Common Organisation of the Markets for fisheries and aquaculture products.

Financial Effects

The instrument has financial impacts on the Scottish Government. In order to utilise the EMFF, Member States are obliged to make a contribution (e.g. from the Government, local government or other public body). Where no other source of public funding is available the Scottish Government will provide the contribution required in order to allow the investment to qualify for European assistance. No payments under the EMFF programme can be made until this SSI comes into force.

Scottish Government
Directorate General Enterprise Environment and Innovation
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