

EXPLANATORY MEMORANDUM TO
THE GRANTS FOR FISHING AND AQUACULTURE INDUSTRIES
REGULATIONS 2007

2007 No. 3284

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 These Regulations provide powers to the Secretary of State to make payments of grant to applicants from the fishing and aquaculture industries under the European Fisheries Fund (EFF) (Council Regulation (EC) 1198/2006), covering the period from 2007 to 2013. The EFF provides grants for the sustainable development of the fisheries sector. The payments will come from National money, and will be in addition to EU funds provided by the EFF. The regulations set out what is required in the application process, and also make provision for inspections of projects given grant aid; create offences for making a false or misleading statement in order to obtain a payment; obstructing an authorised person; and failing to give assistance to an authorised person.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 These regulations implement the European Fisheries Fund (Council Regulation (EC) 1198/2006), which allows Member States to make grant payments to the fishing and aquaculture industries during the 2007 to 2013 programming period.

5. Territorial Extent and Application

5.1 This instrument applies to England. Scotland, Northern Ireland and Wales are making separate legislation to implement the EFF.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 These Regulations provide for payments to be made to successful projects under the European Fisheries Fund (Council Regulation 1198/2007) during the 2007-13 programming period. They succeed the Fisheries and Aquaculture Structures (Grants) (England) Regulations 2001 (S.I. 2001/1117, as amended), which covered the 2000 to 2006 programming period which will continue to apply to commitments entered into during that period.

7.2 Under the EFF Regulation, Member States have to submit Operational Programmes to the European Commission, detailing the measures they wish to fund under the

Programme. Each Programme is co-financed from the Community budget, and this element of the financing is only guaranteed when the Commission has approved the Programme.

7.3 Commitments under the EFF are entered into voluntarily but subject to specific conditions for the payment of grant. Member States are required to adopt appropriate legislative and administrative procedures to protect against breaches of conditions set out in the EFF Regulation..

7.4 Once approved (see 7.6 below), the EFF in England will be delivered on behalf of the Secretary of State by the Marine and Fisheries Agency.

7.5 Where appropriate, therefore, these Regulations provide inspection and enforcement powers to the delivery body as well as to the Secretary of State.

7.6 Approval of the England programme by the European Commission will be delayed beyond mid 2008, due to problems in obtaining agreement of the UK budget allocation.

7.7 To a large extent, these Regulations replicate the powers contained in S.I. 2000/1117.

7.8. The Regulations have not, therefore, been put out for formal public consultation. However, the objectives, priorities and intended beneficiaries of the 2007 to 2013 EFF in England, as set out in the National Strategic Plan, were consulted on in early 2006, and there will be a further consultation on the draft Operational Programme document (accompanied by an environmental report and a full Impact Assessment on the programme) early in 2008.

8. Impact

8.1 An Impact Assessment is not attached to this memorandum, but one will be attached to the draft operational programme when that is consulted upon in early 2008.

8.2 There will be no significant impact on the public sector from these regulations. There are requirements in the regulations for applicants to complete application forms, and to provide any information requested, but these are not onerous. The inspection and enforcement powers in these Regulations are broadly similar to those in the corresponding Regulations for the 2000-2006 programme (see paragraph 7.1 above).

9. Contact

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