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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

In Wales, these Regulations will apply to the operational programme established under Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund (“Regulation 508/2014”) and Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund. These Regulations provide that the Welsh Ministers may make payments for the purposes of Title V of Regulation 508/2014. These Regulations will regulate the programmes that are administered by the Welsh Ministers in relation to Wales.

These Regulations supplement the European Union legislation listed in the Schedule to the Regulations (“the EU legislation”). The provisions in the EU legislation are directly applicable and have direct effect in a member State. These Regulations provide a domestic legal framework for the operation of the EU legislation in Wales.

These Regulations provide the Welsh Ministers with the power to approve applications for the receipt of financial assistance (regulation 4) and to pay financial assistance (regulation 3) in connection with an approved operation. An “operation” means a project, contract, action or group of projects which is for any of the purposes specified in Title V of Regulation 508/2014 and is eligible for assistance from the European Maritime and Fisheries Fund. An “approved operation” means an operation which the Welsh Ministers have approved in writing for the receipt of financial assistance. The Regulations also set out the circumstances in which approval of an operation may be revoked and financial assistance paid to a beneficiary, in respect of that operation, may be withheld or recovered (regulation 11).

These Regulations provide powers of entry and inspection to authorised persons in relation to premises to which an approved operation relates or where it is believed that documents relating to an approved operation are to be found (regulations 8 and 9) (“authorised person” is defined in regulation 2). The Regulations also require beneficiaries of financial assistance to keep records relating to an approved operation for a certain period (regulation 10), to supply such information relating to the approved operation as the Welsh Ministers may require (regulation 6) and to assist an authorised person in the exercise of their powers under regulation 9. Evidence that expenditure has been properly incurred may be required before payments of financial assistance are made (regulation 7).

Regulation 12 allows the Welsh Ministers to demand interest on sums due to them. Regulation 13 provides that sums payable to the Welsh Ministers are recoverable as a debt.

These Regulations make it an offence (regulation 14) to knowingly or recklessly make false statements, intentionally obstruct an authorised person acting in the execution of these Regulations and to fail (without reasonable excuse) to keep relevant records for the required period under regulation 10.

Regulation 15 applies to offences committed by a body corporate, partnership or other unincorporated association. Regulation 16 requires a beneficiary to give an undertaking if the Welsh Ministers consider this appropriate.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been

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prepared as to the likely costs and benefits of complying with these Regulations in Wales. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff CF10 3NQ.

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