

Working Group 1



MEDAC

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Co-founded by the
European Union

Legislative corner Notes on the new EMFAF Regulation

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EMFAF Approval process



- **June 2018: Commission proposal: COM (2018) 390 final**
 - April 2019: Parliament first-reading resolution
 - June 2019: Council negotiating position
- **November 2019→December 2020: Trilogues**
 - December 2020: provisional agreement (during the 7th trilogue)
 - June 2021: Council first reading position
 - July 2021: Parliament second reading (final)
- **July 13, 2021: Publication in the Official Journal of the European Union**

Regulation (EU) 2021/1139

During the procedure several changes have been made the initial proposal

A new philosophy for the EMFAF

Compared to the previous programming periods, finally, in the FEAMPA Regulation there is actually a significant change of mentality:

- **Simpler architecture**
- **Definition of specific objectives within each Priority, framed in the «Policy objectives» (→ Reg. 2021/1060, «CPR regulation)**
- **Definition of ineligible operations in order to avoid negative impacts for the conservation of fishery resources.**
- **Financial support and actions no longer based on a list of eligible/predefined measures, but within the specific objectives to be achieved, → freedom of movement is left to the MS**
- **flexibility for implementation**

Single Market, Innovation and Digital

149.5 (+ 11.5 from NGEU)

Cohesion, Resilience and Values

426.7 (+ 776.5 from NGEU)

Natural Resources and Environment

401 (+ 13.9 from NGEU)

Migration and Border Management

25.7

Security and Defence

14.9

Neighbourhood and the World

110.6

European Public Administration

82.5

Total: €2.018 trillion



Next Generation EU
806.9

Long-term budget
1 210.9



EMFAF (2021/27 and 26MS):
6.108 mln €

Heading 3: 400.996 mln €

Multiannual financial framework :
1.210.894 mln €

HEADING 3

NATURAL RESOURCES AND ENVIRONMENT
EUR 401.00 billion

European Agricultural Guarantee Fund
291.09

European Agricultural Fund for Rural Development
87.44 + 8.07 from NGEU

European Maritime, Fisheries and Aquaculture Fund
6.11

Programme for Environment and Climate Action (LIFE)
5.43

Just Transition Fund
8.45 + 10.87 from NGEU

Fonte: EC - The EU's 2021-2027 long-term Budget and Next Generation EU FACTS AND FIGURES

Reg. 2021/1060 (CPR): Policy Objectives...

a) a more competitive and smarter Europe

b) a greener, low-carbon transitioning towards a net zero carbon economy and resilient Europe by promoting clean and fair energy transition, green and blue investment, the circular economy, climate change mitigation and adaptation, risk prevention and management, and sustainable urban mobility

c) a more connected Europe by enhancing mobility

d) a more social and inclusive Europe implementing the European Pillar of Social Rights;

e) a Europe closer to citizens by fostering the sustainable and integrated development of all types of territories and local initiatives.

**Linked to
EMFAF Priorities**

...and EMFAF Priorities...

- (1) fostering sustainable fisheries and the restoration and conservation of aquatic biological resources;
- (2) fostering sustainable aquaculture activities, and processing and marketing of fishery and aquaculture products, thus contributing to food security in the Union;
- (3) enabling a sustainable blue economy in coastal, island and inland areas, and fostering the development of fishing and aquaculture communities;
- (4) strengthening international ocean governance and enabling seas and oceans to be safe, secure, clean and sustainably managed.

EMFAF shall contribute also to the achievement of the environmental and climate change mitigation and adaptation objectives of the Union.

Some ineligible operations or expenditure..

- Operations that increase the fishing capacity of a fishing vessel
- the acquisition of equipment that increases the ability of a fishing vessel to find fish
- the construction, acquisition or importation of fishing vessels
- the temporary or permanent cessation of fishing activities
- investments on board fishing vessels necessary to comply with the requirements under Union law
- the replacement or modernisation of a main or ancillary engine of a fishing vessel
- ...
- ...
- ...

...unless exceptions ...

With exceptions...

The EMFAF, by way of derogation from the inadmissibilities, allows and can support:

- First acquisition of a fishing vessel (art.17)
- Replacement or modernisation of a main or ancillary engine (art.18)
- Increase in the gross tonnage of a fishing vessel to improve safety, working conditions or energy efficiency (art 19)
- Permanent cessation of fishing activities (art.20)
- Temporary cessation of fishing activities (art.21)

The Union financial support from the EMFAF allocated per Member State to the total sum of the support referred to in Articles 17 to 21 shall not exceed the higher of the following thresholds:

(a) EUR 6.000.000; or

(b) 15% of the Union financial support allocated per MS

Inadmissibility of applications (art.11)

Application inadmissible for an **identified period of time**, if the operator :

- a) Has committed **serious infringements** → IUU or → Control regulation;
- b) Has been involved in the operation, management or ownership of a fishing vessel included in the Union **IUU** vessel list
- c) (Aquaculture) **environmental offences** - Articles 3 and 4 of Directive 2008/99/EC)

If any of these situations occurs throughout the period between submitting the application for support and **five years after** the final payment, **the support paid from EMFAF and related to that application shall be recovered** from the operator

Delegated act by EC concerning:

- (a) the identification of the **threshold triggering**, and the **period of time** of, the inadmissibility which shall be proportionate to the nature, gravity, duration and repetition of the serious infringements, offences or fraud committed, and shall be of at least one year's duration;
- (b) the **arrangements for recovering** the support
- (c) the relevant **starting or ending dates** of the periods of time referred





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