



# Welsh Government European Maritime and Fisheries Fund – 2014-2020

## Support for investments on Board Fishing Vessels

### Guidance Notes

Crown copyright Digital ISBN 978 - 1 - 78964-648-1

## CONTENTS

	PARAGRAPH
Introduction	1
Strategic and Thematic Objectives	14
Who can apply	22
Eligible Activities	32
Ineligible Activities	51
Eligible Costs	56
Ineligible Costs	67
Maximum grant rate and maximum grant threshold	74
State Aid	101
Selecting successful projects	104
Key requirements	106
Indicators and Reporting	109
Cross Cutting Themes	135
How to apply	138
Conditions of Grant	145
Payment of Grant	147
Monitoring of Projects	154
End of EMFF Programme	158
Appeals Procedure	159
Complaints Procedure	161
Annex A – Eligible Investments and Items of Equipment under Measure I.20: Article 41.1.a	

## **INTRODUCTION**

1. These Guidance Notes explain the European Maritime and Fisheries Fund (EMFF) – Support for Investments on Board Fishing Vessels - and the kind of projects and investments that may qualify for grant aid. Please read them carefully. If you then consider your investment plans or project may qualify for grant and you want to apply for support, please read the “How to Apply Section” of this Guidance Note and the accompanying ‘How to Apply’ Guidance.
2. Grant aid is available under the EMFF programme 2014-2020. The programme shall contribute to the achievement of the following objectives:
  - promoting competitive, environmentally sustainable, economically viable and socially responsible fisheries
  - fostering the implementation of the Common Fisheries Policy (CFP)
  - promoting a balanced and inclusive territorial development of fisheries areas
  - fostering the development and implementation of the Union’s Integrated Maritime Policy (IMP) in a manner complementary to cohesion policy and to the CFP.
3. The pursuit of those objectives shall not result in an increase in fishing capacity of a vessel nor increase the ability of a vessel to find fish.
4. This guidance should be used for investments relating to:
  - diversifying the income of fishermen through the development of complementary activities
  - purchasing more selective gear and equipment to limit the impact of fishing on the marine environment and to support the adaptation of fishing to the protection of species
  - improving the energy efficiency of fishing vessels and of fishing activity.
5. EMFF is important to the fishing industry and coastal communities as it will help businesses adapt to the reformed CFP and support the long term sustainability of the sector and economic growth of the area.
6. The focus for Wales is to develop a vibrant, competitive and sustainable fishing sector, facilitating CFP implementation, exploiting the potential of aquaculture and encouraging partnerships between fishermen and scientific institutions.
7. It is the responsibility of the applicant to ensure that proposed projects or investments are technically viable, comply with all relevant health and safety legislation and any other project specific safety requirements.
8. It is the responsibility of the applicant to ensure that any equipment purchased with EMFF funding meets all necessary legal requirements. If equipment purchased subsequently becomes obsolete or illegal then this is at the applicant’s own risk;

there can be no refunds or claims against the scheme.

9. Where applicable, applicants must also demonstrate that a viable market has been identified for their product(s) and that the project would not proceed without the grant.
10. The Programme is discretionary and the amount of grant offered would relate to individual circumstances and would always be the **minimum amount necessary** to allow the project to go ahead.
11. The owner of a fishing vessel that receives support shall not transfer that vessel outside of the European Union during at least the five years following the date of actual payment of that support to the beneficiary. If a vessel is transferred within that timeframe, sums unduly paid in respect of the project shall be recovered by the Welsh Government, in an amount proportionate to the period during which the condition has not been fulfilled.
12. This is only an outline to the Programme and the way it is operated, the detailed rules for eligibility criteria may be subject to change.

### **SPECIFIC MEASURES**

13. This Guidance Note covers the following EMFF Measures:

- Measure I.6: Article 30 – Diversification and new forms of income
- Measure I.15: Article 38 – Limitation of the impact of fishing on the marine environment and adaptation of fishing to the protection of species
- Measure I.20: Article 41.1.a, b and c – Energy efficiency and mitigation of climate change – On board investments, energy efficiency audits and schemes, studies

### **STRATEGIC AND THEMATIC OBJECTIVES**

14. The EMFF aims to support sustainable development in the fishing and aquaculture sectors and conservation of the marine environment, alongside supporting growth and jobs in coastal communities, through:

- Promoting sustainable, resource efficient, innovative, competitive and knowledge based fisheries:  
Focus on innovation and added value, promoting environmentally sustainable, resource efficient, competitive fisheries which are more selective, produce less discards and do less damage to marine ecosystems
- Fostering sustainable, resource efficient, innovative, and competitive and knowledge based aquaculture:  
For an aquaculture sector that is environmentally sustainable, resource efficient and competitive; to help such businesses to become economically viable and competitive

- Fostering the implementation of the Common Fisheries Policy (CFP):  
To support the implementation of the CFP through the collection and management of data to improve scientific knowledge. This also supports the monitoring, control and enforcement of fisheries legislation
- Increasing employment and territorial cohesion:  
To increase employment and promote economic growth and social inclusion in communities dependent on fishing through community-led local development (CLLD)
- Fostering marketing and processing:  
To improve marketing and processing for fishery and aquaculture products
- Fostering the implementation of the Integrated Maritime Policy:  
To support a more coherent approach to maritime issues.

15. The main priorities for the EMFF in Wales include:

- facilitating CFP implementation, including the landing obligation
- exploiting the potential of aquaculture
- improving the safety of the fishing industry
- encouraging partnerships between fishermen and scientific institutions
- community-led local development
- increasing added-value of Welsh fish
- encouraging the use of Information Technology within the industry.

16. All projects supported through the European Structural and Investment (ESI) Funds including EMFF must make a contribution towards the achievement of one or more strategic policy objectives or thematic objectives. These may include programme level horizontal principles (Cross Cutting Themes). Projects may contribute to several such objectives and progress in achieving those must be reported on when each grant claim is submitted.

17. Article 24 of Regulation (EU) No 508/2014 explains that Sustainable Development of Fisheries activity under EMFF shall contribute to the achievement of the specific objectives under the Union Priority set out in Article 6(1) of the same Regulation.

18. Article 6(1)(a) is relevant to Article 38 as it stipulates “Promoting environmentally sustainable, resource-efficient, innovative, competitive and knowledge-based fisheries by pursuing the following specific objective – the reduction of the impact of fisheries on the marine environment, including the avoidance and reduction, as far as possible, of unwanted catches.”

19. Article 6(1)(d) is relevant to Article 30 as it stipulates “Promoting environmentally sustainable, resource-efficient, innovative, competitive and knowledge-based fisheries by pursuing the following specific objective – the enhancement of the competitiveness and viability of fisheries enterprises, including of small-scale coastal fleet, and the improvement of safety and working conditions.”

20. Article 6(1)(e) is relevant to Article 41.1.a, b and c as it stipulates “Promoting environmentally sustainable, resource-efficient, innovative, competitive and

knowledge-based fisheries by pursuing the following specific objective – the provision of support to strengthen technological development and innovation, including increasing energy efficiency, and knowledge transfer.”

21. In addition projects must address one or more of the Cross Cutting Themes (CCTs) included in the Operational Programme where it is appropriate to do so within the context of the activities expected to be delivered and the expected outputs or results. The CCTs are:

- Promotion of equality between men and women and non-discrimination
- Sustainable development.

## **WHO CAN APPLY**

### **Measure I.6: Article 30 – Diversification and new forms of income**

22. Support shall **only** be granted to fishermen who:

- submit a business plan for the development of their new activities and
- possess adequate professional skills; evidenced by having either a relevant and in-date professional qualification/certificate of competence in a field directly relating to the proposed diversification/profession, or a minimum of 2 years equivalent experience in the proposed diversification/profession.

23. Each beneficiary (fisherman in receipt of an EMFF grant) will **only** be eligible to receive support up to a maximum of £60,000. Please be aware that this figure is subject to fluctuations in the exchange rate.

### **Measure I.15: Article 38 – Limitation of the impact of fishing on the marine environment and adaptation of fishing to the protection of species**

24. Support shall **only** be granted to:

- owners of fishing vessels that are:
  - on the European Union (EU) fishing fleet register and which are administered by the Welsh Government from a port in Wales<sup>1</sup>; and
  - have carried out fishing activities at sea for at least 60 days during the two calendar years preceding the date of submission of the application for support.
- fishermen who:
  - own the gear to be replaced and
  - who have worked, for at least 60 days during the two calendar years preceding the date of submission of the application for support, on board a fishing vessel that is on the European Union (EU) fishing

---

<sup>1</sup> Vessels owned and operated outside of Wales should apply to their own country.

fleet register and which is administered by the Welsh Government from a port in Wales<sup>2</sup>.

- Organisations of fishers recognised by the Welsh Government.

25. Support shall not be granted more than once during the programming period for the same type of equipment on the same fishing vessel. The same type of equipment means the same or similar item doing the same job.

26. Documents considered as proof of vessels carrying out fishing activity at sea are:

- sales notes or buyers receipts
- Shellfish Licence Catch Returns (MSAR)
- Log Book Returns
- fishing vessels 10m and under – Finfish Returns

27. Documents considered as proof of ownership of gear by fishermen and as evidence that fishermen have worked on a fishing vessel for the required 60 days during the 2 calendar years preceding the date of submission of the application for support are:

- gear purchase receipts
- sales notes or buyers receipts
- Shellfish Licence Catch Returns (MSAR)
- Log Book Returns
- fishing vessels 10m and under – Finfish Returns

**Measure I.20: Article 41.1.a, b and c – Energy efficiency and mitigation of climate change – On board investments, energy efficiency audits and schemes, studies**

28. Support shall **only** be granted to owners of fishing vessels that are on the European Union (EU) fishing fleet register and which are administered by the Welsh Government from a port in Wales.<sup>3</sup>

29. Support shall not be granted more than once during the programming period for the same type of investment for the same fishing vessel. The same type of investment may mean, for example, the same or similar item doing the same job or catching the same species using the same method.

**All Measures**

30. Applications will not be accepted from organisations, businesses or individuals who have been convicted of fraud under either the European Fisheries Fund (EFF)

---

<sup>2</sup> Vessels owned and operated outside of Wales should apply to their own country.

<sup>3</sup> Vessels owned and operated outside of Wales should apply to their own country.

or the EMFF.

31. Applications will not be accepted from organisations, businesses or individuals who have been convicted of an offence that the Welsh Government or European Union (EU) consider to be a ‘serious infringement’ or fraud, in the 12 months before applying. Please see separate Guidance Notes on Serious Infringements and Fraud.

## **ELIGIBLE ACTIVITIES**

### **All Measures**

32. Please refer to the Introduction to this Guidance Note for key principles and eligibility requirements that apply to all Measures.

### **Measure I.6: Article 30 – Diversification and new forms of income**

33. Activities will support the need for diversification to address declining profitability and opportunity through funding for activities complementary to fishing.
34. Specifically, eligible activities will contribute to the diversification of the income of fishermen through the development of complementary activities which relate to the fisherman’s core fishing business, including:
- investments on board
  - angling tourism
  - restaurants
  - environmental services relates to fishing
  - educational activities concerning fishing.
35. Fishermen will submit, along with their application, a business plan for the development of the new activities. The maximum grant provided shall be 50% of the budget foreseen in the business plan for that project, up to a maximum of £60,000. Please be aware that this figure is subject to fluctuations in the exchange rate.
36. Specific requirements and restrictions apply governing which applicants are eligible to receive support; please refer to the ‘Who Can Apply’ section of this Guidance Note for details.

**Measure I.15: Article 38 – Limitation of the impact of fishing on the marine environment and adaptation of fishing to the protection of species**

37. Activities under this Measure will aim to reduce the impact of fishing on the marine environment, to foster the gradual elimination of discards and to facilitate the transition to a sustainable exploitation of living marine biological resources in accordance with the CFP.

38. Specifically, activities will support adaptation to CFP reform; focusing on ensuring the industry adjusts to the requirement to land all catches through providing funding to fishermen to purchase new selective gear.

39. Eligible activities are investments:

- in equipment improving size selectivity or species selectivity of fishing gear
- on board or in equipment that eliminates discards by avoiding and reducing unwanted catches of commercial stocks, or that deals with unwanted catches to be landed in accordance with the CFP
- in equipment that limits and, where possible, eliminates the physical and biological impacts of fishing on the ecosystem or the sea bed
- in equipment that protects gear and catches from mammals and birds protected by The Habitats Directive (Council Directive 92/43/EEC) or The Birds Directive (Directive 2009/147/EC of the European Parliament and the Council), provided that it does not undermine the selectivity of the fishing gear and that all appropriate measures are introduced to avoid physical damage to the predators.

Welsh Government may issue Supplementary Guidance on the scope of eligible activity under this Measure. Any provisions set out within such Supplementary Guidance will apply alongside the provisions set out within these Guidance Notes.

40. Support shall only be granted where the gear or equipment referred to in paragraph 39 has a demonstrably better size-selection or a demonstrably lower impact on the ecosystem and on non-target species than the standard gear or other equipment permitted under Union or relevant national law.

41. Support shall not be granted more than once during the programming period for the same type of equipment on the same fishing vessel. The same type of equipment means the same or similar item doing the same job.

42. Specific requirements and restrictions apply governing which applicants are eligible to receive support; please refer to the 'Who Can Apply' section of this Guidance Note for details.

**Measure I.20: Article 41.1.a, b and c – Energy efficiency and mitigation of climate change – On board investments, energy efficiency audits and schemes, studies**

43. Activities will support the need for reduced reliance on fossil fuels through providing funding for fishermen to purchase more energy efficient equipment and to engage in energy efficiency studies, audits and schemes.

For Article 41.1.a only:

44. Eligible activities are:

- investments in equipment or on board fishing vessels which are aimed at reducing the emission of pollutants or greenhouse gases and increasing the energy efficiency of those fishing vessels
- investments in fishing gear that contributes to energy efficiency are also eligible, provided that they do not undermine the size or species selectivity of that fishing gear.

45. Support will only be provided to fund gear that is highly selective in that fishery - gear needs to minimise the negative impact of fishing on the ecosystem (including cetacean and seabird by-catch and seabed integrity).

46. These activities are covered by the specific provisions of Commission Delegated Regulation (EU) 2015/531 Articles 1 to 2 and 13 to 16 inclusive; eligible investments and items of equipment are further defined in Annex A.

For Article 41.1.b and c only:

47. Eligible activities are:

- energy efficiency audits and schemes
- studies to assess the contribution of alternative propulsion systems and hull designs to the energy efficiency of fishing vessels.

For Article 41.1.a, b and c:

48. If a fishing vessel is proposing to switch to a different fishery, appropriate assurance will need to be provided that this would not be to the detriment of the new stock(s) and ecosystem.

49. Support shall not be granted more than once during the programming period for the same type of investment for the same fishing vessel. The same type of investment may mean, for example, the same or similar item doing the same job or catching the same species using the same method.

50. Specific requirements and restrictions apply governing which applicants are eligible to receive support; please refer to the 'Who Can Apply' section of this Guidance Note for details.

## **INELIGIBLE ACTIVITIES**

### **All Measures**

51. There are a number of investments that are not eligible for EMFF support:

- investments to increase the fishing effort, the capacity of a vessel or increase the ability of a vessel to find fish
- investments to increase the capacity of fish holds
- investments to build fishing vessels or import them
- investments to stop fishing activities temporarily or permanently (unless otherwise provided for in the EMFF regulations)
- investments to carry out exploratory fishing
- investments to transfer ownership of a business
- investments to support direct restocking unless explicitly provided for as a conservation measure by a European Union legal act or in the case of experimental restocking
- the purchase or construction of inland fishing vessels
- the construction of Lobster Hatcheries
- the farming of genetically modified organisms
- items and services that are statutory or mandatory requirements of law and byelaws
- scheduled or preventive maintenance costs of any piece of equipment which keeps a device in working order
- activities related to recreational sea or freshwater angling
- pulse trawling
- projects which breach National or EU legislative requirements
- standard industry obligations such as statutory management requirements
- any discrete or standalone activities or items for which a beneficiary already has or intends to receive EU funding other than EMFF
- investments that cause a vessel to become unstable or become dangerous to crew or others.

### **Measure I.6: Article 30 – Diversification and new forms of income**

52. In addition to the provisions in paragraph 51 above, the funding of the following activities is ineligible:

- any activity which is not complementary to the fisherman's core fishing business
- the preparation of business plans
- training / the development or acquisition of professional skills

- diversification impacting upon a fishery without appropriate assurance provided that this would not be to the detriment of the stock(s) and ecosystem.

**Measure I.15: Article 38 – Limitation of the impact of fishing on the marine environment and adaptation of fishing to the protection of species**

53. In addition to the provisions in paragraph 51 above, the funding of the following activities is ineligible:

- gear or equipment which does not have demonstrably better size-selection or demonstrably lower impact on the ecosystem and on non-target species than standard gear or other equipment (applications for fishing gear specifically for or with the sole or predominant aim of contributing to energy efficiency should be submitted under Measure I.20: Article 41.1.a, b and c)
- support, for the same fishing vessel, for the purchase of the same type of equipment as previously purchased with an EMFF grant (i.e. the same or similar item doing the same job).

**Measure I.20: Article 41.1.a, b and c – Energy efficiency and mitigation of climate change – On board investments, energy efficiency audits and schemes, studies**

54. In addition to the provisions in paragraph 51 above, the funding of the following activities is ineligible:

- the replacement or modernisation of main or ancillary engines
- support, for the same fishing vessel, for the same type of investment as previously funded with an EMFF grant (for example, the same or similar item doing the same job or catching the same species using the same method)
- costs relating to basic hull maintenance
- investments to improve the refrigeration, freezing, or insulation systems for vessels over 18 metres
- investments in fishing gear not contributing to energy efficiency
- investments in fishing gear that undermines the size or species selectivity of that gear
- investments in fishing gear with the sole or predominant aim of contributing to the reduction of discards or increased selectivity without demonstrable gains in energy efficiency (applications for this activity should be submitted under Measure I.15: Article 38. Measure I.20: Article 41.1.a, b and c provides support for fishing gear that contributes to energy efficiency).

55. For support from Article 41.1.a, only those investments and items of equipment which are listed in Annex A are eligible for support.

## **ELIGIBLE COSTS**

### **Measure I.6: Article 30 – Diversification and new forms of income**

56. Support under Measure I.6: Article 30 can, where this can be demonstrated to be directly necessary for and directly related to the delivery of the project, cover tangible assets, such as machinery and equipment; and intangible assets such as computer software, patent rights and licences and technical and consultancy fees;

- the purchase and installation of machinery and equipment up to the market value of the asset
- the acquisition or development of computer software and acquisitions of patents, licenses, copyrights, trademarks.

57. Support may, where this can be demonstrated to be directly necessary for and directly related to the delivery of the project and appropriate to the scale, nature and intention of the project, cover costs related to the purchase and/or to the improvement, refurbishment and/or adaptation of an existing building, **within the funding limits stipulated in paragraph 35.**

58. Consultant's and architect's fees, other technical design costs, site surveys and professional fees; planning application fees and costs; fees incurred for statutory permissions, licences and consents are also eligible even if they have been completed and paid for prior to approval provided they are essential for the delivery of the project.

59. Second hand equipment is eligible (for SMEs only) where the applicant can demonstrate the following:

- it complies with current health and safety legislation
- is fit for purpose
- has at least five years life expectancy remaining.

60. The purchase and/or hire, leasing or chartering of vehicles is only eligible if the vehicle in question has a direct contribution to the project and is not used by the beneficiary for any other purpose.

### **Measure I.15: Article 38 – Limitation of the impact of fishing on the marine environment and adaptation of fishing to the protection of species**

61. Support under Measure I.15: Article 38 can, where this can be demonstrated to be directly necessary for and directly related to the delivery of the project, cover tangible assets, such as machinery and equipment; and intangible assets such as computer software, patent rights and licences and technical and consultancy fees;

- the purchase and installation of machinery and equipment up to the market value of the asset

- the acquisition or development of computer software and acquisitions of patents, licenses, copyrights, trademarks

Consumables (items which are normally written off within a year) may be eligible costs, where these items are directly necessary for the delivery of the project.

62. Second hand equipment is eligible (for SMEs only) where the applicant can demonstrate the following:

- it complies with current health and safety legislation
- is fit for purpose
- has at least five years life expectancy remaining.

**Measure I.20: Article 41.1.a, b and c – Energy efficiency and mitigation of climate change – On board investments, energy efficiency audits and schemes, studies**

For Article 41.1.a only:

63. Support under Measure I.20: Article 41.1.a is **limited to the costs necessary for and directly related to the purchase and installation of the investments and items of equipment specified in Annex A**, in line with the provisions of Commission Delegated Regulation (EU) 2015/531 Articles 1 to 2 and 13 to 16 inclusive. **Any other cost is ineligible.**

For Article 41.1.b and c only:

64. Support under Measure I.20: Article 41.1. b and c can, where this can be demonstrated to be directly necessary for and directly related to the delivery of the project, cover tangible assets, such as machinery and equipment; and intangible assets such as computer software, patent rights and licences and technical and consultancy fees;

- the purchase and installation of machinery and equipment up to the market value of the asset
- the acquisition or development of computer software and acquisitions of patents, licenses, copyrights, trademarks
- consultant's fees, other technical and professional fees; fees incurred for statutory permissions, licences and consents; contractor costs for labour and use of equipment.

65. The purchase and/or hire, leasing or chartering of vehicles is only eligible under Measure I.20: Article 41.1. b and c if the vehicle in question has a **direct** contribution to the project and is not used by the beneficiary for any other purpose.

For Article 41.1.a, b and c:

66. Second hand equipment is eligible, under Measure I.20: Article 41.1.a, b and c, for SMEs only, where the applicant can demonstrate the following:

- it complies with current health and safety legislation
- is fit for purpose
- has at least five years life expectancy remaining.

**INELIGIBLE COSTS**

67. The following items are examples of other types of expenditure which are **not eligible** for EMFF grant aid. This is not a definitive list and all items of expenditure will be considered on a case by case basis. Please also refer to the Measure-specific list of ineligible costs below at paragraphs 70-73, which apply in addition to the following list:

- any costs that you could recover in part or in total by making a claim on an insurance policy or by seeking compensation or damages
- purchase of land
- purchase of buildings which have previously been used for the same purpose
- any physical works on site carried out before the authorised start of work date or other expenditure incurred before the project start date without prior written approval from the grantor (**any such work carried out renders the whole award liable to cancellation**)
- temporary works not **directly** related to the execution of the project
- the purchase of personal transport
- purchase of trading stock
- working capital
- reclaimable VAT
- preventative or scheduled maintenance costs for vessels and equipment and for existing buildings, plant or equipment, including vehicle maintenance costs
- operating costs
- costs associated with the completion of EMFF application forms, including the payment of consultants to provide support in the completion of the application forms
- own labour and equipment costs
- like for like replacement of existing machinery and equipment
- recreational equipment (though televisions, projectors etc. for educational or business purposes may be eligible)
- landscaping, ornamental work, and provision of leisure amenities

## European Maritime and Fisheries Fund – Support for Investments on Board Fishing Vessels Guidance Notes

- general office equipment and furniture except desks, chairs, telephone equipment, computer and other IT equipment, software and teleprinters, laboratory and lecture-room equipment essential for the delivery of the project
- attendance at trade fairs
- expenses of outside directors
- costs connected with a leasing contract such as the lessors margin, interest financing cost, overheads and insurance charges
- costs of arranging overdraft facilities, loans or other financial support instruments including any associated fees or other charges
- overheads allocated or apportioned at rates materially in excess of those used for any similar work carried out by the applicant
- notional expenditure
- payments for activity of a religious and/or political nature
- depreciation, amortisation and impairment of assets purchased with the help of a European grant
- contingent liabilities
- contingencies/provisions
- profit made by the applicant
- dividends
- interest charges (unless under an approved State Aid scheme)
- service charges arising on finance leases, hire purchase and credit arrangements
- costs resulting from the deferral of payments to creditors
- costs involved in winding up a company
- payments for unfair dismissal
- payments into private pension schemes
- payments for unfunded pensions
- compensation for loss of office
- compensation paid to third parties for expropriation, unharvested crops, etc.
- compensation for additional costs incurred and/or income foregone
- bad debts arising from loans to employees, proprietors, partners directors, guarantors, shareholders or a person connected with any of these
- payments for gifts and donations
- personal entertainments (including alcohol)
- costs associated with requirements arising from statutory enforcement action
- statutory fines and penalties
- statutory taxes (excluding irrecoverable VAT)
- criminal fines and damages

- legal expenses in respect of litigation.

68. Grant cannot be used for the purpose of the acquisition of capital assets that are not essential for the delivery of the proposed activity.

69. Costs related to the purchase of equipment (either new and / or second hand) are only eligible for grant aid if they comply with the specific eligibility requirements of the Measure and when the cost has been correctly defrayed by the claimant. Therefore the full costs of any equipment secured under a hire purchase or lease hire agreement or any other form of financial arrangement is not eligible for grant aid. In certain circumstances the capital element monthly payments may be eligible for a limited period but separate rules will apply.

#### **Measure I.6: Article 30 – Diversification and new forms of income**

70. In addition to the provisions in paragraphs 67-69 above, the following costs are specifically ineligible under Measure I.6: Article 30:

- revenue costs, including staff costs and training costs

#### **Measure I.15: Article 38 – Limitation of the impact of fishing on the marine environment and adaptation of fishing to the protection of species**

71. In addition to the provisions in paragraphs 67-69 above, the following costs are specifically ineligible under Measure I.15: Article 38:

- revenue costs, including staff costs and training costs (although consumables - items which are normally written off within a year - may be eligible costs, where these items are directly necessary for the delivery of the project)
- the construction or acquisition of immovable property, including the purchase of land and buildings
- the improvement, refurbishment and/or adaptation of an existing building
- the purchase and/or hire, leasing or chartering of vehicles.

#### **Measure I.20: Article 41.1.a, b and c – Energy efficiency and mitigation of climate change – On board investments, energy efficiency audits and schemes, studies**

##### For Article 41.1.a only

72. In addition to the provisions in paragraphs 67-69, support under Measure I.20: Article 41.1.a is limited to the costs necessary for and directly related to the purchase and installation of the investments and items of equipment specified in Annex A, in line with the provisions of Commission Delegated Regulation (EU) 2015/531 Articles 1 to 2 and 13 to 16 inclusive. **Any other cost is ineligible.**

For Article 41.1.b and c

73. In addition to the provisions in paragraphs 67-69 above, the following costs are specifically ineligible under Measure I.20: Article 41.1.b and c:

- the construction or acquisition of immovable property, including the purchase of land and buildings
- the improvement, refurbishment and/or adaptation of an existing building
- consumables (items which are normally written off within a year).

**MAXIMUM GRANT RATE AND MAXIMUM GRANT THRESHOLD**

74. The grant amount is made up from the total public sector contribution to the investment or project which includes; monies from the EU; co-finance to the EU funds from Welsh Government; monies from other government departments and agencies, non-departmental public bodies and local authorities; monies from governmental controlled bodies such as the Small Business Service and the National Lottery; and, monies from parafiscal taxes (levies).

75. If other EU or UK public funds are obtained to support the costs of a project they will be discounted against the EMFF grant.

**Measure I.6: Article 30 – Diversification and new forms of income**

76. The minimum grant threshold per individual project is **£2,400**.

77. The maximum grant threshold for each beneficiary (fisherman in receipt of an EMFF grant) is **£60,000**. Please be aware that this figure is subject to fluctuations in the exchange rate.

**Measure I.15: Article 38 – Limitation of the impact of fishing on the marine environment and adaptation of fishing to the protection of species**

78. The minimum grant threshold per individual investment project is **£2,400**.

79. At this stage, no maximum grant threshold has been set. However, the Programme is discretionary and the amount of grant offered would relate to individual circumstances and would always be the **minimum amount necessary** to allow the project to go ahead.

**Measure I.20: Article 41.1.a, b and c – Energy efficiency and mitigation of climate change – On board investments, energy efficiency audits and schemes, studies**

80. The minimum grant threshold per individual investment project is **£2,400**.

81. At this stage, no maximum grant threshold has been set. However, the Programme is discretionary and the amount of grant offered would relate to

individual circumstances and would always be the **minimum amount necessary** to allow the project to go ahead.

### Grant Rates

82. Grant rates are the maximum intensity of public aid for which a project can qualify. Therefore the beneficiary must secure the remainder of the funding from non-public funds. If other EU or UK public funds are obtained to support the costs of a project they will be discounted against the EMFF grant.

83. Unless specified otherwise within this section of the Guidance Note, the maximum grant rates for beneficiaries are as follows:

- The grant rate for small scale coastal fishermen or for a project which is related to the small scale coastal fisheries fleet is **80%**.<sup>4</sup>
- The maximum grant rate for organisations of fishers or other collective beneficiaries is **60%**.
- The maximum grant rate for SME private organisations who are not small scale coastal fishermen (for a project which is not related to the small scale coastal fisheries fleet) is **50%**.
- The maximum grant rate for large enterprises (non-SME private organisations) who are not small scale coastal fishermen (for a project which is not related to the small scale coastal fisheries fleet) is **30%**.

### **Measure I.6: Article 30 – Diversification and new forms of income**

84. In derogation from paragraph 83, the maximum grant rate shall be **50%** of the budget foreseen in the business plan for that project, up to a maximum of £60,000. Please be aware that this figure is subject to fluctuations in the exchange rate.

85. For a large enterprise (non-SME private organisation) which is not a small scale coastal fishermen (and delivering a project which is not related to the small scale coastal fisheries fleet) this maximum rate shall be reduced to **30%**.

### **All Measures**

86. Please refer to the Who Can Apply section of this Guidance Note to confirm your eligibility to apply.

---

<sup>4</sup> Small–Scale Coastal Fishing (SSCF) means fishing carried out by fishing vessels of an overall length of 11.99 metres or less and not using towed fishing gear as listed in Table 3 of Annex I to Commission Regulation (EC) No 26/2004.

Derogations:

87. Article 95 of EU Regulation No 508/2014 (the EMFF Regulation) specifies:

Member States may apply an intensity of public aid between 50% and 100% of the total eligible expenditure where:

(a) the operation (project) is implemented under Chapter I, II or IV of Title V and fulfils all of the following criteria:

- (i) it is of collective interest
- (ii) it has a collective beneficiary
- (iii) it has innovative features, where appropriate, at local level.

**88. The Welsh Government will appraise all applications for a higher level of public aid on a case-by-case basis. The final decision on the level of public aid for which a project may qualify is at the discretion of the Welsh Government.**

Collective Interest and Collective Beneficiary:

89. A 'collective beneficiary' is an organisation recognised as representing the interest of its members, of a group of stakeholders, or of the public at large. The beneficiary of the project should be the collective organisation itself and not its members.

90. 'Collective interest' is defined as actions undertaken by this organisation which are in the collective interest of its members, of a group of stakeholders or of the general public. Such actions should thus encompass more than the sum of the individual interests of the members of this collective beneficiary.

91. If a project has no direct financial benefit to either the applicant delivering the project or the beneficiary of the project and has both collective interest and a collective beneficiary (or beneficiaries) then it can be considered Collective.

92. If a project has a direct financial benefit to either the applicant delivering the project or the beneficiary of the project then it is considered Non-Collective.

93. In addition, to be eligible for the higher rate of public aid, a project must have innovative features.

94. Innovation can be defined in a number of different ways. For example:

- a **product innovation** is the introduction of a good or service that is new or significantly improved with respect to its characteristics or intended uses. This includes significant improvements in technical specifications, components and materials, incorporated software, user friendliness or other functional characteristics

- a **process innovation** is the implementation of a new or significantly improved production or delivery method. This includes significant changes in techniques, equipment and / or software
- a **marketing innovation** is the implementation of a new marketing method involving significant changes in product design or packaging, product placement, product promotion or pricing
- an **organisational innovation** is the implementation of a new organisational method in the organisation or firm's business practices, workplace organisation or external relations.

Source: Oslo Manual: Guidelines for Collecting and Interpreting Innovation Data; Third edition (a joint publication of OECD and Eurostat):

<http://ec.europa.eu/eurostat/documents/3859598/5889925/OSLO-EN.PDF>

95. **This list is not prescriptive or exhaustive. It is the responsibility of the applicant to make a robust and convincing case to demonstrate that your proposed project incorporates genuinely innovative features.**
96. Innovative features can be activities that are innovative to the sector or industry but can also be innovative to a business or organisation, but must be present. If the project is being delivered at a local level, the innovative features must be present at that local level.
97. The applicant is also expected to demonstrate that:
- the innovative features are relevant to the aims and eligible activities within the specified Measure and
  - the innovative features are relevant to achieving the aims of the project.
98. Where the proposed innovation relates to an organisation or business, the applicant may also be expected to demonstrate that this activity also represents a degree of innovation within the relevant sector or industry.
99. The value for money represented by the project as a whole, including any proposed innovative features, will be considered as part of the wider appraisal of the project by the Welsh Government.
100. **The Welsh Government will appraise all applications for a higher level of public aid on a case-by-case basis. The final decision on the level of public aid for which a project may qualify is at the discretion of the Welsh Government.**

## **STATE AID**

101. All projects must comply with all eligibility rules of the scheme and State Aid rules to be deemed eligible for funding.

102. Articles 107, 108 and 109 TFEU do not apply to grants provided under this scheme which are made pursuant to Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund, within the scope of Article 42 TFEU. However, projects must relate to the catching, production and / or processing of fisheries products. These are defined in:

- Annex I of the Treaty for the Functioning of the European Union (found in the Official Journal of the European Union under 2012/C 326/01) and
- Annex I & II of the Common Market Organisation Regulation EU 1379/2013.

103. If you feel that your project does not meet these criteria then you should contact the Welsh Government to discuss your project before making an application for funding.

## **SELECTING SUCCESSFUL PROJECTS**

104. To be selected, a project is expected, as appropriate, to demonstrate:

### **Fit with the EMFF Operational Programme:**

Specifically, a project is expected to demonstrate:

### **Strategic Fit:**

How the proposed project will support the aims of the Union Priority, Specific Objective and Measure by outlining:

### **All Measures**

- how the proposed project will contribute to promoting environmentally sustainable, resource efficient, innovative, competitive and knowledge-based fisheries.

**Specific Objective 1: Reduction of the impact of fisheries on the marine environment, including the avoidance and reduction, as far as possible, of unwanted catches**

**Measure I.15: Article 38 – Limitation of the impact of fishing on the marine environment and adaptation of fishing to the protection of species**

- how the proposed project will contribute towards Specific Objective 1 of the reduction of the impact of fisheries on the marine environment, including the avoidance and reduction, as far as possible, of unwanted catches
- how the proposed project will contribute towards the achievement of the aims and the eligible activities outlined within the Eligible Activities section of this Guidance Note.

**Specific Objective 4: Enhancement of the competitiveness and viability of fisheries enterprises, including of small-scale coastal fleet, and the improvement of safety and working conditions**

**Measure I.6: Article 30 – Diversification and new forms of income**

- how the proposed project will contribute towards Specific Objective 4 of the enhancement of the competitiveness and viability of fisheries enterprises, including of small-scale coastal fleet, and the improvement of safety and working conditions
- how the proposed project will contribute towards the achievement of the aims and the eligible activities outlined within the Eligible Activities section of this Guidance Note.

**Specific Objective 5: Provision of support to strengthen technological development and innovation including increasing energy efficiency, and knowledge transfer**

**Measure I.20: Article 41.1.a, b and c – Energy efficiency and mitigation of climate change – On board investments, energy efficiency audits and schemes, studies**

- how the proposed project will contribute towards Specific Objective 5 of the provision of support to strengthen technological development and innovation, including increasing energy efficiency, and knowledge transfer
- how the proposed project will contribute towards the achievement of the aims and the eligible activities outlined within the Eligible Activities section of this Guidance Note.

**Indicators & Outcomes:**

- how the project will contribute to the EMFF Result Indicators relevant to the selected Measure as set out in the Result Indicators section of this Guidance Note.

**Suitability of Intervention:**

- explaining the wider benefits or outcomes which you believe that the project may deliver, in addition to the primary outcomes by which it contributes to the aims of the Union Priority, Specific Objective and Measure (as outlined in the Strategic Fit section above)
- explaining whether your project will contribute to the wider aims and objectives of the EMFF Programme, as set out in the Strategic and Thematic Objectives section of this Guidance Note.

**Deliverability:**

A project is expected to demonstrate:

**Need for funding:**

- that the project cannot proceed now without support
- that the costs are not excessive for the nature of the activity involved
- that there is a market failure or funding gap, where applicable.

Please see the 'How to Apply' Guidance Notes for further details.

**Ability to deliver:**

- viability of the business
- legal compliance
- financial viability of project and sustainability, including exit strategy
- relevant support and commitment of key stakeholders
- project management, monitoring and evaluation arrangements.

Please see the 'How to Apply' Guidance Notes for further details.

105. The greater the importance and contribution that the project or investment can make to the appropriate strategic and thematic objectives the more likely it is to be recommended for selection.

## **KEY REQUIREMENTS**

106. That the project would not proceed in its current form at the current time without grant assistance.
107. That the amount of grant being asked for is the minimum gap funding necessary for the project to go ahead.
108. Applications must also demonstrate that the following have been addressed:
- outline planning permission has been obtained, where required
  - all other consents, licences and permissions have been granted, where required
  - for existing businesses the economic viability of the project and the business, through the provision of accounts for three consecutive years immediately preceding the date of the application and financial forecasts for the period of the project
  - new businesses will be required to supply full details about the background and experiences of the directors along with other evidence necessary to validate the business plan and project proposals
  - compliance with UK and EU Law on equal opportunities and projects should promote and encourage equal opportunities and combat social exclusion
  - compliance with minimum standards and legislative requirements regarding the environment, hygiene, animal welfare and health and safety standards
  - availability of the necessary technical skills and competences within the business.

## **INDICATORS AND REPORTING**

### **Indicators:**

109. The EMFF Operational Programme sets the output and result indicators against which projects will be expected to report.

### **Output Indicators:**

110. The Output Indicator records the number of projects to which a grant has been awarded. They are:

### **Measure I.6: Article 30 – Diversification and new forms of income**

- Number of projects on promotion of human capital and social dialogue, diversification and new forms of income, start-ups for fishermen and health/safety

**Measure I.15: Article 38 – Limitation of the impact of fishing on the marine environment and adaptation of fishing to the protection of species**

- Number of projects on conservation measures, reduction of the fishing impact on the marine environment and fishing adaptation to the protection of species

**Measure I.20: Article 41.1.a, b and c – Energy efficiency and mitigation of climate change – On board investments, energy efficiency audits and schemes, studies**

- Number of projects on energy efficiency, mitigation of climate change

**Result Indicators:**

111. The Result Indicators are designed to capture the benefits or effects which result from each project supported. The EMFF Operational Programme identifies a range of Result Indicators, which may be applicable to projects under each Measure covered by this Guidance Note.

112. Please refer to the ‘Evidencing Results Indicators’ section below for further information on the information to be provided to measure achievement against each selected Result Indicator.

113. Further guidance is awaited from the European Commission on the exact Result Indicators which will be applied to each Measure and the specific definitions and evidencing requirements for these indicators. Please note that this may result in amendments to the specific Results Indicators against which projects are expected to report achievement. The Welsh Government will issue further guidance once this information becomes available.

**Measure I.6: Article 30 – Diversification and new forms of income**

- Change in net profits (thousand euros)
- Employment maintained (FTE) in the fisheries sector or complementary activities

**Measure I.15: Article 38 – Limitation of the impact of fishing on the marine environment and adaptation of fishing to the protection of species**

- Change in unwanted catches (tonnes and %)
- Change in fuel efficiency of fish capture (in litres of fuel/tonnes landed catch)

**Measure I.20: Article 41.1.a, b and c – Energy efficiency and mitigation of**

**climate change – On board investments, energy efficiency audits and schemes, studies**

- Change in net profits (thousand euros)

**Evidencing Results Indicators**

114. The following information is based on the current draft guidance from the European Commission on the information to be provided by beneficiaries in order to measure and evidence achievement against their selected Result Indicators. This information may be subject to change when updated guidance is issued by the European Commission. The Welsh Government will issue further guidance once this information becomes available.

115. Change in net profits (thousand euros)

- annual Earnings Before Interest and Taxes before the project
- annual Earnings Before Interest and Taxes after the project.

116. Change in unwanted catches (tonnes and %)

- total catches of species subject to the landing obligation before the project
- total catches of species subject to the landing obligation after the project.

117. Change in fuel efficiency of fish capture (in litres of fuel/tonnes landed catch)

- annual fuel consumption before and after the project
- annual volume in live weight of landings before and after the project.

118. Employment maintained (FTE) in the fisheries sector or complementary activities

- number of persons in some form of already existing compensated employment
- annual working time per person.

**Implementation Data:**

119. In line with the requirements of Commission Implementing Regulation 1243/2014, projects will also be required to report the following information:

**Measure I.6: Article 30 – Diversification and new forms of income**

120. Indication of whether the project relates to:

- sea fishing
- inland fishing
- both.

121. Type of diversification:

- investments on board
- angling tourism
- restaurants
- environmental services
- educational activities.

122. Number of fishermen concerned.

123. If the project relates to the sea, Community Fleet Register number (CFR) of each vessel concerned with the project.

**Measure I.15: Article 38 – Limitation of the impact of fishing on the marine environment and adaptation of fishing to the protection of species**

124. Indication of whether the project relates to:

- sea fishing
- inland fishing
- both.

125. Type of investment:

- selectivity of gear
- reduce discards or deal with unwanted catches
- eliminating impacts on ecosystem and sea bed
- protecting gears and catches from mammals and birds.

126. Number of fishermen benefiting from the project.

127. If the project relates to the sea, Community Fleet Register number (CFR) of each vessel concerned with the project.

**Measure I.20: Article 41.1.a, b and c – Energy efficiency and mitigation of climate change – On board investments, energy efficiency audits and schemes, studies**

128. Indication of whether the project relates to:

- sea fishing
- inland fishing
- both.

129. Type of project:

- equipment on board
- fishing gear
- energy efficiency audits and schemes
- studies.

130. Number of fishermen benefiting from the project.

131. % decrease in fuel consumption.

132. % decrease in CO<sub>2</sub>, emissions if relevant.

133. For Article 41.1.a<sup>5</sup> only, if the project relates to the sea, Community Fleet Register number (CFR) of each vessel concerned with the project.

### **All Measures**

134. This information should be provided at two points during the project lifetime:

- anticipated targets / achievement is to be provided as part of the application
- actual achievement is to be reported at the completion of the project.

### **CROSS CUTTING THEMES**

135. The Regulations governing the European Programmes stipulate that all projects funded through the Common Strategic Framework must integrate the CCTs of Promotion of equality between men and women and non-discrimination and Sustainable development. These mandatory CCTs need to be integrated into the design and development of the European Structural and Investment Funds (ESIF) and the activity supported through the funds. This includes the EMFF.

136. The CCTs are intended to add value, raise awareness and understanding while ensuring maximum participation and mitigating adverse impacts. This should help projects move beyond compliance and develop systems which support best practice.

137. Further guidance is available at:

<http://gov.wales/funding/eu-funds/2014-2020/applying/cross-cutting-guidance/?lang=en>

---

<sup>5</sup> Investments in equipment or on board aimed at reducing the emission of pollutants or greenhouse gases and increasing the energy efficiency of fishing vessels.

## **HOW TO APPLY**

138. Applications for support can be made by completing the application form and submitting it via WEFO Online (please see separate guidance).
139. Once you have submitted your full application, the Welsh Government will send you an acknowledgement and notification that you may proceed at risk on your project. You will receive this notification within 15 working days of submitting your full application.
140. **You must not start work on your project until you have received this notification.**
141. Subject to the requirements of the Welsh Government's Code of Practice on Public Access to Information, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004: **all information given to the Welsh Government will be treated in strict confidence. You should be aware that if successful, the Welsh Government, the UK Government and the EC reserve the right to publish the name of your company, the amount of grant you were awarded and a summary of your project.**
142. You may use a consultant to prepare your application if you wish **but the application form must be signed by you and not by the consultant. It is your responsibility to ensure that the application is correctly completed and that the information provided in support of your project is accurate.**
143. When you submit your application form, the Welsh Government will acknowledge its receipt. If your project is ineligible, you will be told this as soon as possible. If your application is eligible, it will be subject to a technical and financial appraisal. When the appraisal is complete, support for your application will then be evaluated against the extent to which it meets national and regional objectives and priorities, as described above.
144. There are three possible outcomes:
- (a) Your project is not eligible for the grant. You will be told as soon as possible.
  - (b) Your project is eligible for consideration but is not approved for an award. You will be informed of the reasons why your application was not successful. You may apply again with the same project (amending the application if you wish) **but only if you have not started work.**
  - (c) Your project is eligible and is approved for an award. An approval letter will be issued to you setting out the terms and conditions of the award which you will be asked to sign as agreement that you accept the terms and conditions therein. The letter will also provide you with the authority to start work.

## **CONDITIONS OF GRANT**

145. The EMFF Fund is subject to a range of relevant legislation. Both the Welsh Government and the applicant and the end recipient of support must act in accordance with that legislation.
146. The offer of an EMFF Fund grant is made subject to terms and conditions, including but not limited to those set out below. **Failure to meet the terms and conditions of the award could result in the cancellation of your award and/or the recovery of sums already paid, or a reduction of the amount of grant payable.**

### **Conditions:**

1. Acceptance of the grant awarded must be made within fourteen (14) working days of the date on the approval letter.
2. The award is made on the basis of statements made by you or your representatives in the application form and subsequent correspondence.

### **The making of false or misleading statements is an offence.**

3. You must not begin any work on the project without first obtaining written authority to do so from Welsh Government.
4. You must meet any legal obligations imposed under EU and UK law, including hygiene legislation.
5. No alterations may be made to the project, including the location of the activity, without the written approval of Welsh Government.
6. No equipment and / or buildings purchased with grant aid must be disposed of, transferred or sold without the prior written consent of Welsh Government during the project delivery and for five years from the project end date. This includes indirect changes e.g. where a premises or vessel changes ownership or where the location of any funded items changes.
7. It is your responsibility as the original applicant to inform the new owners of the funding obligations attached to the item. The new owners will be required to take on the terms and conditions of the funding for the time remaining up to 5 years from the date the original offer of funding was accepted.
8. If the new owner of the item or items does not accept the terms and conditions of the funding attached, then it is deemed that the item has not fulfilled its obligations to the scheme and therefore recovery proceedings may be started and funding recovered from you as the original applicant.

9. You must not transfer a fishing vessel outside the EU for at least 5 years after the payment of EMFF funding to the applicant; if you do this you must give back all or part of the EMFF money you received. The exact amount you have to pay back depends on when you transferred the vessel.
10. The applicant is required to comply with the rules on eligible expenditure as detailed in the relevant Measure Guidance Note.
11. Claims must be submitted in the correct format and accompanied by all necessary documentation. If not, they will not be accepted and will be returned to the claimant.
12. Claims must be submitted in accordance with the agreed timetable. You cannot change the agreed timing and value of your claims without written agreement from Welsh Government.
13. Projects should be completed within the timetable agreed with Welsh Government. You cannot change this without written agreement from Welsh Government.
14. You must confirm that none of the items covered by the application are replacements under an insurance claim.
15. You must provide confirmation that no other public funding (whether from EU or UK sources) has been sought.
16. Any publicity given to the project must make reference to the part played by both the European Union and Welsh Government in funding it.
17. Records concerning the activity of the business and the delivery of the project, including all original invoices and other related documents such as competitive tenders or quotes, must be retained until the end of six years after the last payment of financial assistance made to you in relation to the project.
18. You must allow persons authorised by the Welsh Government, including the Auditor General for Wales, the Audit Commission and the European Court of Auditors to inspect the project. On request, you must provide them with information and / or access to original documentation in relation to the project.
19. The information provided in the application and any supporting documentation is subject to the requirements of the Welsh Government's Code of Practice on Public Access to Information, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

**You should be aware that if successful, Welsh Government and the EU reserve the right to publish the name of your business or company, the amount of grant you were awarded and a summary of your project.**

20. The information provided in the application and any supporting documentation is subject to the Privacy Notice available at <https://gov.wales/topics/environmentcountryside/marineandfisheries/european-maritime-fisheries-fund/?skip=1&lang=en>. The Privacy Notice explains the Welsh Government's processing and use of your personal data and your rights under the General Data Protection Regulation (GDPR).

## **PAYMENT OF GRANT**

### **Claims**

147. You may make interim claims during the period of your project. Guidance notes on how to claim will be issued when the award is confirmed and subsequently the claim is invited. Claims will only be paid when the Welsh Government is satisfied the relevant expenditure has taken place and that the work has been completed according to plan. Payment will be made by electronic transfer to your bank account.
148. Final claims for payment of grant should be submitted as soon as possible after the work on the project has been completed. All final claims must be received no later than 30 June 2023 in order for Welsh Government to be able to meet the payment. Failure to submit claims may result in the grant paid to date being recovered.
149. During the lifetime of the grant, when claims are submitted, they may be scrutinised to ensure expenditure is eligible and in line with that approved in the original application. During the project, the project sponsor may be visited and a detailed assessment of the project undertaken, this may include a review of all original supporting documentation. For capital investments, on completion of the physical works, the project may be visited and a detailed assessment of the project undertaken. The information that will be required at the visit could include but not be limited to; original invoices; serial/plant numbers; Building Regulations completion certificate (where appropriate); Health & Safety system including risk analysis; Fire Risk Assessment documents in accordance with the Regulatory Reform (Fire Safety) Order 2005; Cleaning Regime records; Pest control records and Quality Control records. The release of grant will be conditional upon adequate progress having been made.

### **Incorrect claims**

150. You have a responsibility to make sure that each claim submitted is arithmetically correct; that it is only for defrayed expenditure (the money has gone from bank account); that all the items and costs are eligible and that the claim is on time.
151. If the claim is incorrect then your claim will be reduced to the amount that is eligible and the grant to be paid will be calculated accordingly.

152. If you have any doubts about the eligibility of any expenditure you must check before you incur the costs.

### **Offences**

153. The European Maritime and Fisheries Fund (Grants) (Wales) Regulations 2016 No. 665 (W. 182) establishes criminal offences and penalties in relation to certain aspects of European Maritime and Fisheries Funding. Examples of offences include; knowingly or recklessly providing false or misleading information in relation to European Maritime and Fisheries Funding; obstructing an inspector or official; and refusing to provide information when requested to do so.

### **MONITORING OF PROJECTS**

154. It is a European Commission requirement that the progress of your project is monitored and its success evaluated following completion. You will be asked to provide regular updates on its progress and three months following completion, a final report on its performance, when the project will be evaluated against the objectives and targets set out in the approved application. If the project should fail to meet these targets and, on the basis of progress actually made, would not have qualified for grant aid under the scheme, action may be taken to recover the grant paid.

155. It will be a requirement of the grant award that equipment purchased with the aid of a EMFF grant and any buildings on which grant is paid, must be kept in situ, operational and in good repair, and used for the same purpose as set out in the original application, for five years from the project end date. This is to ensure the longevity of the project and, where applicable, to guarantee primary producers a lasting share of the project's benefits.

156. For capital investments, a further monitoring form may be required to be completed two years following completion and again five years following completion. Site visits will be made on a percentage of the capital investment projects approved within five years of the project end date to ensure the applicant still has and is still using the buildings and / or equipment purchased with the grant for the same purposes and that the business is performing as expected.

157. You must allow officials from Welsh Government and the European Commission, or their representatives, to inspect the project at any reasonable time within this five year period.

### **END OF EMFF PROGRAMME**

158. All claims must be submitted to the Welsh Government by no later than 30 June 2023. All project activity must be completed in time for accounts and records to be audited and claims to be prepared and submitted by this date.

### **APPEALS PROCEDURE**

159. If an application is rejected, the reasons for rejection will be explained. We will be prepared to discuss any modifications which might be needed to make the project acceptable.

160. If an application is still rejected an appeals procedure will be established which will take the form of an oral or written submission to persons appointed by and independent of the Welsh Ministers.

### **COMPLAINTS PROCEDURE**

161. If you consider that we have failed to follow the correct procedure in the handling of your request you may wish to make a complaint in accordance with Welsh Government's Complaints procedure which is available by post or via the website at:

<https://gov.wales/complain-about-welsh-government>

## **Annex A**

### **Eligible Investments and Items of Equipment under Measure I.20: Article 41.1.a. Energy efficiency and mitigation of climate change – On board investments / investments in fishing gear that contributes to energy efficiency**

In line with the provisions of Commission Delegated Regulation (EU) 2015/531, only the following investments and items of equipment are eligible under Measure I.20: Article 41.1.a.

Only those costs necessary for and directly related to the purchase and installation of items to be funded shall be eligible for support.

Scheduled or preventative maintenance costs of any part of equipment which keep a device in working order shall not be eligible for support.

Project / Investment type	Eligible Investments / Items of Equipment
For projects that are aimed at improving the hydrodynamics of the hull of the vessel:	Investments on stability mechanisms such as bilge keels and bulbous bows that contribute to improving sea-keeping and stability
	Costs related to the use of non-toxic antifouling such as copper coating in order to reduce friction
	Costs relative to the steering gear, such as steering gear control systems and multiple rudders to reduce rudder activity depending on weather and sea-state conditions
	Tank testing in order to provide a basis for improving hydrodynamics
For projects that are aimed at improving the propulsion system of the vessel, costs related to the purchase and, if necessary, the installation of the following items:	Energy efficient propellers including drive shafts
	Catalysers
	Energy efficient generators such as those using hydrogen, or natural gas
	Renewable energy propulsion elements such as sails, kites, windmills, turbines, or solar panels
	Bow thrusters
	Conversion of engines to run on biofuels
	Econometers, fuel management systems and monitoring systems
For investments in fishing gear and fishing equipment:	Change from towed gear to alternative gear
	Towed gear modifications
	Investments in towed gear monitoring equipment
For investments that are aimed at the reduction of electricity or thermal energy consumption:	Investments to improve the refrigeration, freezing, or insulation systems for vessels <u>under</u> 18 metres
	Investments to encourage the recycling of heat within the vessel involving the heat being recovered and reused for other auxiliary operations within the vessel