3.4. SUPPLEMENTARY INFORMATION SHEET ONAID FOR PERMANENT CESSATION OF FISHING ACTIVITIES

*This form must be used by Member States for the notification of any State aid for the permanent cessation of fishing activities, as described in Section 3.4 of Chapter 3 of Part II of the Guidelines for State aid in the fishery and aquaculture sector[[1]](#footnote-1) ('the Guidelines').*

1. Please confirm that the measure prescribes that the Union fishing vessels in respect of which aid is granted will not be transferred or reflagged outside the Union during at least five years from the final payment of the aid.

yes  no

1.1. If the answer is ‘yes’, please identify the relevant provision(s) in the legal basis.

…………………………………………………………………………………….

*If the measure only entails the scrapping of fishing vessels, this question does not apply.*

2. Please confirm that the cessation is foreseen as a tool of an action plan referred to in Article 22(4) of Regulation (EU) No 1380/2013.

yes  no

*If the measure pursues considerations of an economic nature or other considerations related to conservation of marine biological resources pursuant to point (277) of the Guidelines, this question does not apply. Equally, if the measure concerns inland fishing, this question does not apply.*

3. Please confirm that the permanent cessation of fishing activities will be achieved through:

(a)  scrapping of the fishing vessel;

(b)  decommissioning and retrofitting of fishing vessels for activities other than commercial fishing;

(c)  both, i.e., the permanent cessation will be achieved through scrapping and decommissioning and retrofitting the fishing vessel

3.1. Please identify the provision(s) of the legal basis that reflect your selection.

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4. Please confirm that the measure prescribes that fishing vessels must be registered as active and have carried out fishing activities for at least 90 days per year during the last two calendar years preceding the date of submission of the aid application.

yes  no

4.1. If the answer is ‘yes’, please identify the relevant provision(s) in the legal basis.

……………………………………………………………………………………….

4.2. If the fishing activity in question is of a nature that it cannot be carried out throughout the whole calendar year, the minimum requirement of fishing activity, as set out in point (275)(c) of the Guidelines, may be reduced so long as the ratio between the number of days of activity and the number of fishable days is the same as the ratio between the number of days of activity and the number of calendar days per year for beneficiary undertakings which fish throughout the year.

4.2.1. In such a case, please describe in detail the nature of the fishing activity concerned by the measure, explain how the minimum requirement of fishing activity was calculated and identify the relevant provision(s) in the legal basis.

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4.3. If the measure concerns inland fishing and fishing vessels are active in the catch of multiple species for which different numbers of fishable days are allowed in inland waters, the number of fishable days to calculate the ratio, as set out in point (276) of the Guidelines, is the average of the number of fishable days allowed for the catches of that vessel. Please note, however, that the minimum number of days of fishing activities resulting from such an adjustment must in no case be below 30 days or above 90 days.

4.3.1. In such a case, please describe in detail the legal and/or administrative framework applicable to the inland fishing concerned, explain how the minimum requirement of fishing activity was calculated and identify the relevant provision(s) in the legal basis.

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5. Please confirm that the measure prescribes that equivalent fishing capacity will be permanently removed from the Union fishing fleet register, and that such capacity will not be replaced.

yes  no

5.1. If the measure concerns inland fishing, please confirm that the condition applies by reference to the relevant national fleet register, if available under national law, instead of the Union fleet register.

yes  no

5.2. If the answer to question 5 or 5.1 is ‘yes’, please identify the relevant provision(s) in the legal basis.

……………………………………………………………………………………….

6. Please confirm that the measure prescribes that the respective fishing licences and the fishing authorisations will be permanently withdrawn.

yes  no

6.1. If the answer is ‘yes’, please identify the relevant provision(s) in the legal basis.

………………………………………………………………………………………….

7. Please confirm that the measure prescribes that beneficiary undertakings do not register any fishing vessel within five years following the receipt of aid.

yes  no

7.1. If the measure concerns inland fishing, please confirm that the condition applies by reference to the relevant national fleet register, if available under national law, instead of the Union fleet register.

yes  no

7.2. If the answer to question 7 or 7.1 is ‘yes’, please identify the relevant provision(s) in the legal basis.

……………………………………………………………………………………….

8. If the measure pursues considerations of an economic nature or other considerations related to conservation of marine biological resources pursuant to point (277) of the Guidelines, or if the measure concerns inland fishing pursuant to point (280) thereof, please address the following:

8.1. Please explain in detail the circumstances justifying the permanent cessation, setting out for example the economic or environmental considerations pursued.

………………………………………………………………………………….

8.2. Please identify the objective of the measure:

* conservation measures supported by scientific evidence
* considerations of an economic nature

8.2.1. In case of conservation measures, please provide a summary of the scientific evidence supporting the measure.

…………………………………………………………………………………….

8.2.2. In case of considerations of an economic nature, please explain in detail the economic rationale of the permanent cessation (unless it is already described in response to question 8.1).

……………………………………………………………………………………….

8.3. With regard to inland fishing, please confirm that aid under the measure can only be granted to beneficiary undertakings operating exclusively in inland waters.

yes  no

8.3.1. If the answer is ‘yes’, please identify the relevant provision(s) in the legal basis.

…………………………………………………………………………………….

8.4. Please confirm that the measure prescribes that beneficiary undertakings commit not to increase their active fishing capacity from the time of the aid application until five years after the payment of the aid.

yes  no

8.4.1. If the answer is ‘yes’, please identify the relevant provision(s) in the legal basis.

………………………………………………………………………………….

8.5. Please confirm that the measure prescribes that beneficiary undertakings also commit not to use the aid to replace or modernise their engines, unless the conditions set out in Article 18 of Regulation (EU) 2021/1139 of the European Parliament and of the Council[[2]](#footnote-2) are fulfilled.

yes  no

8.5.1. If the answer is ‘yes’, please identify the relevant provision(s) in the legal basis.

…………………………………………………………………………………….

8.6. If one year prior to the notification, the notifying Member State granted any aid or implemented operations under the European Maritime Fisheries Fund (EMFF) or the European Maritime, Fisheries and Aquaculture Fund (EMFAF) leading to an increase of fishing capacity in a sea basin, or where it included such operations in the national EMFAF programme, please explain in detail to which extent aid for permanent cessation in that same sea basin is compatible with such an increase of fishing capacity and demonstrate the justification for and the indispensability of the aid.

*If the measure concerns inland fishing, this question does not apply.*

……………………………………………………………………………………….

9. Please confirm the beneficiaries of the aid:

(a)  owners of Union fishing vessels concerned by the permanent cessation

(b)  fishers who have worked on board a Union fishing vessel concerned by the permanent cessation for at least 90 days per year during the last two calendar years preceding the year of submission of the aid application

(c)  both, i.e., the categories of beneficiaries include (a) and (b)

9.1. Please identify the provision(s) of the legal basis that reflect your selection.

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9.2. Please explain how the minimum number of 90 days set out above for fishers was calculated, in case any adjustments were applicable to the respective fishing vessels, taking into account points (283)(276) and (281) of the Guidelines.

………………………………………………………………………………….

9.3. Please confirm that the measure prescribes that fishers cease all fishing activities for five years following the receipt of aid, and that – if a fisher returns to fishing activities within that period – sums unduly paid in respect of the aid will be recovered in an amount proportionate to the period during which that condition has not been fulfilled.

yes  no

9.3.1. If the answer is ‘yes’, please identify the relevant provision(s) in the legal basis.

……………………………………………………………………………….

10. Please describe in detail the control and enforcement mechanisms in place to guarantee compliance with the conditions attached to the permanent cessation, including to ensure that capacity is permanently withdrawn, and that the vessel or fishers concerned have ceased any fishing activities following the measure. Please note that, in the absence of a national fleet register applicable to inland waters, Member States must also demonstrate that such control and enforcement mechanisms ensure a management of capacity comparable to that applicable to sea fisheries.

…………………………………………………………………………………….

11. Please confirm that the eligible costs must be calculated at the level of the individual beneficiary.

yes  no

11.1. If the answer is ‘yes’, please identify the relevant provision(s) in the legal basis.

……………………………………………………………………………………….

12. Please confirm the eligible costs:

* in case of scrapping of fishing vessels:
* the costs of scrapping the fishing vessels
* compensation for the losses of value of the scrapped fishing vessels measured as its current selling value
* in case of decommissioning and retrofitting for activities other than commercial fishing: the investment costs related to converting the fishing vessel for the purposes of other economic activities
* costs related to the fishers, which can also include the obligatory social costs resulting from the implementation of the permanent cessation insofar as not covered by other national provisions in case of cessation of a business activity

12.1. Please identify the provision(s) of the legal basis that reflect your selection.

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12.2. Please describe in detail the eligible costs.

……………………………………………………………………………………….

12.3. Please confirm that the eligible costs must be reduced by any costs not incurred because of the permanent cessation of fishing activities which would otherwise have been incurred by the beneficiary undertaking.

yes  no

12.3.1. If the answer ‘yes’, please identify the relevant costs.

…………………………………………………………………………………….

12.3.2. If the answer is ‘yes’, please identify the relevant provision(s) in the legal basis.

…………………………………………………………………………………….

13. Please confirm that the measure prescribes that the maximum aid intensity does not exceed 100 % of the eligible costs.

yes  no

13.1. Please provide the maximum aid intensity(ies) applicable under the measure.

…………………………………………………………………………………….

13.2. Please identify the provision(s) of the legal basis setting out the maximum aid intensity(ies) under the measure.

…………………………………………………………………………………….

14. Please note that the Commission may accept other calculation methods provided that it is satisfied that they are based on objective criteria and do not result in overcompensation of any beneficiary undertaking.

If the notifying Member State intends to propose other calculation method, please provide the reasons as to why the method set out in the Guidelines is not appropriate in the case at hand and explain how the other calculation method addresses better the identified needs.

…………………………………………………………………………..

Please submit as an annex to the notification the other methodology proposed, together with a demonstration that it is based on objective criteria and do not result in overcompensation of any beneficiary.

OTHER INFORMATION

15. Please indicate any other information considered relevant to the assessment of the measure under this Section of the Guidelines.

……………………………………………………………………………………….

1. OJ C 107, 23.3.2023, p. 1. [↑](#footnote-ref-1)
2. Regulation (EU) 2021/1139 of the European Parliament and of the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004 (OJ L 247, 13.7.2021, p. 1). [↑](#footnote-ref-2)