3.5. SUPPLEMENTARY INFORMATION SHEET ON AID FOR TEMPORARY CESSATION OF FISHING ACTIVITIES

*This form must be used by Member States for the notification of any State aid for the for temporary cessation of fishing activities, as described in Section 3.5 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.

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2. Please identify the case for which aid for temporary cessation of fishing activities is granted:

(a)  conservation measures, as referred to in Article 7(1), points (a), (b), (c), (i) and (j), of Regulation (EU) No 1380/2013 of the European Parliament and of the Council[[2]](#footnote-2) or, where applicable to the Union, equivalent conservation measures adopted by regional fisheries management organisations, provided that a reduction of fishing effort is needed, based on scientific advice, in order to achieve the objectives of the CFP, a set out in Article 2(2) and Article 2(5), point (a), of Regulation (EU) No 1380/2013

(b)  Commission measures in case of a serious threat to marine biological resources, as referred to in Article 12 of Regulation (EU) No 1380/2013

(c)  Member State emergency measures pursuant to Article 13 of Regulation (EU) No 1380/2013

(d)  the interruption, due to reasons of force majeure, of the application of a sustainable fisheries partnership agreement or protocol thereto

(e)  environmental incidents or health crises, as formally recognised by the competent authorities of the relevant Member State.

2.1. Please provide a detailed description of the measures, incidents or crises in question and, if applicable, identify the relevant provision(s) in the legal basis formally recognising those events.

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*If the measure concerns inland fishing, this question does not apply, see instead question 5.2.*

3. Please confirm that the measure prescribes that aid may only be granted where the fishing activities of the vessel or fisher concerned are stopped during at least 30 days in a given calendar year.

yes  no

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

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4. Please confirm the beneficiaries of the aid:

(a)  owners or operators of Union fishing vessels which are registered as active and which have carried out fishing activities for at least 120 days during the last two calendar years preceding the year of submission of the aid application

(b)  with regard to inland fishing: owners or operators of fishing vessels which are registered in the national fleet register (if applicable under national law) as active and which have carried out fishing activities for at least 120 days during the last two calendar years preceding the year of submission of the aid application

(c)  fishers who have worked on board a Union fishing vessel concerned by the temporary cessation for at least 120 days during the last two calendar years preceding the year of submission of the aid application

(d)  fishers on foot who have carried out fishing activities for at least 120 days during the last two calendar years preceding the year of submission of the aid application

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

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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 (295) of the Guidelines, may be reduced as 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 or fishers 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 (296) of the Guidelines, is the average of the number of fishable days allowed for the catches of that vessel or fisher. Please note, however, that the minimum number of days of fishing activities resulting from such an adjustment must in no case be below 40 days or above 120 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. If the measure concerns inland fishing, please address the following:

5.1. Please confirm that aid under the measure can only be granted to beneficiary undertakings operating exclusively in inland waters.

yes  no

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

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5.2. Please identify the objective of the measure:

(a)  conservation measures supported by scientific evidence

(b)  environmental incidents or health crises, as formally recognised by the competent authorities of the relevant Member State

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

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5.2.2. In case of incidents or crises, please provide a detailed description of the incidents or crises in question and identify the relevant provision(s) in the legal basis formally recognising those events.

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6. Please confirm that aid may be granted for a maximum duration of 12 months per vessel or per fisher during the programming period under the European Maritime, Fisheries and Aquaculture Fund, irrespective of the source of funding, whether nationally financed or co-financed pursuant to Article 21 of Regulation (EU) 2021/1139 of the European Parliament and of the Council[[3]](#footnote-3).

yes  no

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

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6.2. Please confirm that the notifying Member States will comply with the reporting obligation set out in point (346) of the Guidelines.

yes  no

7. Please confirm that the measure prescribes that all fishing activities carried out by the vessels or fishers concerned must be effectively suspended during the period concerned by the temporary cessation of fishing activities.

yes  no

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

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8. Please describe in detail the control and enforcement mechanisms in place to guarantee compliance with the conditions attached to the temporary cessation, including to ensure that the vessel or fisher concerned has ceased any fishing activities during the period concerned by the measure.

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9. Please confirm the eligible costs:

(a)  loss of income due to the temporary cessation of fishing activities

(b)  other costs related to the maintenance, upkeep and preservation of unutilised assets during temporary cessation of fishing activities

(c)  both, i.e., the eligible costs 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 confirm that the eligible costs must be calculated at the level of the individual beneficiary.

yes  no

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

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9.3. Please confirm that the loss of income must be calculated pursuant to point (304) of the Guidelines, that is by subtracting: (a) the result of multiplying the quantity of the fishery products produced in the year of the temporary cessation of fishing activities, by the average selling price obtained during that year, from (b)the result of multiplying the average annual quantity of fishery products produced in the three-year period preceding the temporary cessation of fishing activities, or a three-year average based on the five-year period preceding the temporary cessation of fishing activities, excluding the highest and lowest entry, by the average selling price obtained.

yes  no

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

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9.4. Please confirm that costs related to the maintenance, upkeep and preservation of unutilised assets during temporary cessation of fishing activities must be calculated based on an average of the costs incurred over the three-year period preceding the temporary cessation of fishing activities, or on a three-year average over the five-year period preceding the temporary cessation of fishing activities, excluding the highest and lowest entry.

yes  no

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

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9.5. Please explain whether the eligible costs may include other costs incurred by the beneficiary undertaking due to the temporary cessation of fishing activities.

yes  no

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

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

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

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

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

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9.7. Please confirm that the measure prescribes that, where a vessel is used during the temporary cessation for activities other than commercial fishing, any income must be declared and deducted from the aid granted under this Section, and no aid must be granted for other costs related to the maintenance, upkeep and preservation of unutilised assets during temporary cessation of fishing activities.

yes  no

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

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10. 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 an 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.

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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.

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11. Please confirm whether the measure provides that, where an SME was set up less than three years from the date of the temporary cessation of fishing activities, the reference to the three or five-year periods in points (304)(b) and (305) of the Guidelines (questions 9.3 and 9.4 above) must be understood as referring to the quantity produced and sold, or costs incurred, by an average undertaking of the same size as the applicant, namely a micro enterprise, a small enterprise or a medium enterprise, respectively, in the national or regional sector affected by the temporary cessation of fishing activities.

yes  no

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

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12. Please confirm that the measure prescribes that the aid and any other payments, including payments under insurance policies, received for the purpose of temporary cessation of fishing activities must be limited to 100 % of the eligible costs

yes  no

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

……………………………………………………………………………………….

12.2. Please identify the provision(s) of the legal basis setting out the 100 % limit and the maximum aid intensity(ies) under the measure.

……………………………………………………………………………………….

OTHER INFORMATION

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

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1. OJ C 107, 23.3.2023, p. 1. [↑](#footnote-ref-1)
2. Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22). [↑](#footnote-ref-2)
3. 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-3)