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Directorate-General for Competition
Unit H.6

Finnish written comments on revised state aid rules for the for the fishery and aquaculture sector

Dear DG Comp H6 team,

please find in annex the written contribution by Finland on the revised state aid rules for fisheries and aquaculture (RE: HT.5822).

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Annex Written contribution by Finland RE: HT.5822

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Annex

Finnish written contribution on the revision of state aid rules for the fisheries and aquaculture sector

Finland appreciates the opportunity to comment on the proposal. The update is necessary and can for the most part be supported. This document outlines the Finnish position on the proposal in more detail.

Finland supports many of the proposed additions to the sectoral state aid rules. All efforts toward reducing the administrative burden associated with the notification, implementation and reporting of state aid programs, where they can be introduced without undermining competitive balance, are particularly welcomed. Overall, the total scope of the revision, however, could have been more ambitious and forward-looking.

Fisheries and aquaculture guidelines

Finland supports the addition of emerging diseases under measure 1.3, but points out, that the detailed conditions set out for responding to emerging diseases are administratively cumbersome and unnecessarily complex. The additional conditions carry a real risk, that Member States are not able to make use of this new provision in practice. For example, there is no insurance against animal diseases available on the market for fisheries and aquaculture in Finland. Finland proposes that the conditions should be uniform for both emerging and listed diseases, or at the very least, remove point 178(b) as a condition.

Financial instruments have long been promoted under the structural funds as a way to efficiently support measures for the sector. Finland would like to see the guidelines also recognize this through the extended use of financial instruments, especially for measures where direct grants would lead to excessive competitive effects. In those situations, like for example for fleet renewal and for start-up aid for new fisheries undertakings, instead of no aid, a measure utilizing loans, guarantees, repayable advances and the like could be useful. That would limit the negative effects while still providing tools to achieve our objectives. Finland remains open to exchanging further ideas bilaterally on how this could be done under the guidelines.

FIBER

Moving article 45 from FIBER under the scope of the GBER can in principle be supported. Finland notes that this requires a corresponding change to article 1 of the GBER, that is still to be introduced. Finland also takes note of the commitment expressed by the Commission to ensure that this move is completed smoothly and that no gaps are formed from this change from one instrument to another.

Finland recommends that the Commission add articles for aid for SMEs participating in community-led local development ('CLLD') projects also under FIBER, as is proposed under the draft ABER articles 50 and 51. Much of the CLLD projects fall under article 42 TFEU, and thus are also covered by article 10 of the EMFAF Regulation (EU 2021/1139). However, local development strategies can vary from strategies focusing on fisheries and aquaculture to wider strategies focusing on diversification of local communities. To account for this, clear, simple and uniform rules between sectors would be beneficial.

Under article 1(3)(d), Finland proposes adding an exception to cover eradication measures under article 39(1)(b)(i). A similar exception is already included under the guidelines, as well as under ABER and the agricultural guidelines.

Similarly, under article 6(4) on incentive effect, Finland proposes including eradication measures under article 39 to the list of exceptions. A corresponding exception is included under the fisheries guidelines, as well as under ABER and agricultural guidelines.

Under article 39(1)(b)(i), reference is made to article 5 of Regulation 2016/429. Finland proposes adding reference also to article 6 (Emerging diseases) of said Regulation. This would be in line with the

phrasing in ABER, which only refers to the entirety of the Regulation 2016/429, and through that, also includes emerging diseases.

Technical comments:

In article 34(1)(b)(iv), reference is made to article 10 of the rescinded directive 2006/88. Finland understands that reference should instead be made to Commission Delegated Regulation 2020/689, Part II, Chapter 1.

Fisheries *De minimis*

Finland supports adjusting the national ceiling according to updated reference values. In addition, Finland also encourages the Commission to consider substantially raising the *de minimis* ceiling for individual undertakings from 30 000 euros per 3 years. This would serve the current crisis related to increased cost for raw material, energy and fuels. This would also help to reduce the negative effects of future crises without unnecessary delays.

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