



Brussels, 2.2.2015
C(2015) 398 final

COMMISSION DELEGATED REGULATION (EU) No .../..

of 2.2.2015

**supplementing Regulation (EU) No 508/2014 of the European Parliament and of the
Council on the European Maritime and Fisheries Fund as regards transitional
provisions**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

With the entry into force of the European Maritime and Fisheries Fund in May 2014, transitional rules are needed to clarify a number of reporting deadlines set in the European Fisheries Fund and which need to be adjusted to both simplify reporting obligations and ensure that the reports are able to reflect the full picture.

An empowerment to define transitional provisions in a delegated act is foreseen in article 129 (1) of Regulation (EU) No 508/2014. This relates to transitional rules which are not covered by Regulation (EU) No 508/2014.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Consultations have been carried out in line with paragraph 4 of the Common Understanding on delegated acts between the European Parliament, the Council and the European Commission.

All parts of the act have been discussed at expert group meetings involving experts from all Member States. The European Parliament and the Council were duly notified of the dates of the meetings, agendas and relevant documents to enable requests to attend the meetings. The proposed content of the delegated act was discussed in the expert group meeting on 20 October 2014.

The meetings allowed for a full presentation of the Commission's draft provisions and a thorough exchange of views on all aspects of the draft. The procedure consisted of clarifying the Commission's approach, hearing experts' views and further refining the draft text accordingly. This allowed rules to be clarified and specified in response to experts' comments. In all cases, the experts were also able to submit written comments following the meeting. The questions and comments informed the drafting of the rules concerned.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Transitional rules will have to be established to adjust the deadlines of the ex-post evaluation of the European Fisheries Fund, to be carried out by the Commission, and the submission of the latest annual implementation report to fully reflect the overall amount of commitments and expenditure. This Regulation therefore supplements Regulation (EU) No 508/2014 with the non-essential elements corresponding to the transitional rules establishing the conditions under which support approved by the Commission on the basis of Regulation (EC) No 1198/2006 may be integrated into support provided for under Regulation (EU) No 508/2014, including for technical assistance and for the ex-post evaluations.

4. BUDGETARY IMPLICATIONS

This regulation has no budgetary implications.

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council¹, and in particular Article 129 (1),

Whereas:

- (1) Article 129 of Regulation (EU) No 508/2014 provides for the possibility to establish the conditions under which support approved by the Commission under Regulations (EC) No 861/2006, (EC) No 1198/2006, (EC) No 791/2007 and (EU) No 1255/2011 may be integrated into support provided for under Regulation (EU) No 508/2014, including for technical assistance and for the ex-post evaluations.
- (2) Provisions for the transition from support under Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund (EFF)², to support under Regulation (EU) No 508/2014 should be adopted. The ex post evaluation of the programmes funded under the EFF will provide key information to support the strategic report for the coming programming period, as referred to in Article 53 (2) of Regulation (EU) No 1303/2013³. This information will also feed into the impact assessment which will help prepare the new regulatory framework for the ESI Funds in the post 2020 period.
- (3) In light of the above, this Regulation should adjust the dates for the completion of the ex post evaluation of the programmes to take account of the fact that the deadline set in Article 50(3) of Regulation (EC) No 1198/2006 is not compatible with a comprehensive ex-post evaluation exercise, since it will not be possible for an evaluator to examine the impact of the programmes in relation to the objectives when commitments and payments are still ongoing. Indeed, in accordance with Article 55(1) of Regulation (EC) No 1198/2006, the period of eligibility of expenditure under the

¹ OJ L 149, 20.5.2014, p. 1.

² OJ L 223, 15.8.2006, p. 1

³ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

EFF lasts until 31 December 2015, and therefore payments by and to beneficiaries in accordance with Article 55(1) and Article 55(7) of that Regulation can be made until that date. Furthermore, the last application for payment can be sent by the Member States to the Commission until 31 March 2017, in accordance with Article 86(1)(a) of Regulation (EC) No 1198/2006.

- (4) This Regulation should also clarify that it is not necessary for Member States to provide to the Commission the annual report referred to in Article 67 of Regulation (EC) No 1198/2006 by 30 June 2016 since the information contained in that report will not arrive in time for its inclusion in the ex-post evaluation report referred to in Article 50(3) of Regulation (EC) No 1198/2006. Once sent to the Commission by Member States in June 2016, that report will need to be approved before being examined and integrated in the ex-post evaluation by 31 December 2016. Furthermore, that information will be included in the final report referred to in that Article,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation shall apply to the ex post evaluation of operational programmes and to the annual report to be sent by Member States as provided for in Regulation (EC) No 1198/2006.

Article 2

Ex post evaluation

The ex post evaluation referred to in Article 50(3) of Regulation (EC) No 1198/2006 shall be completed by the Commission by 31 December 2016.

Article 3

Annual implementation report

In the year 2016 the Member States shall not be required to send the annual report on the implementation of the operational programme provided for in Article 67(1) of Regulation (EC) No 1198/2006.

Article 4

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 2.2.2015

For the Commission
The President
Jean-Claude JUNCKER