

Review of the State aid instruments applicable to the fishery and aquaculture sector

Fields marked with * are mandatory.

Introduction

State aid control in the fishery and aquaculture sector is regulated by a specific framework of rules: *De minimis* Regulation[1], Block Exemption Regulation[2] and Guidelines for the examination of State aid to the fishery and aquaculture sector[3].

The Commission has embarked on the exercise of the review of this State aid framework, in order to ensure consistency of the regulations and the guidelines with the future rules governing the European Maritime and Fisheries Fund ('post-2020 EMFF regulation', currently negotiated by the co-legislators). The review will also ensure that any potential for simplification and for increased legal certainty is taken into account when designing future State aid rules. The revised framework will apply from 2021 to 2027.

The purpose of this public consultation is to collect evidence and views from a broad range of stakeholders in order to assess the relevance, effectiveness, efficiency, coherence, and EU added value of the State aid rules for the current and the future period as well as other potential impacts of the reviewed rules.

The current public consultation covers all the three State aid instruments. The consultation questionnaire is structured into three sections: Section I addresses evaluation of the existing State aid framework and Section II - the impact assessment on the future State aid framework applicable to the fishery and aquaculture sector. As the subject of State aid is very technical, the complexity of questions displayed will depend on the level of experience and knowledge that the respondent will indicate at the start of the questionnaire. Finally, Section III which includes specialised questions is only addressed to public authorities dealing with State aid.

[1] Commission Regulation (EU) No 717/2014 of 27 June 2014 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid in the fishery and aquaculture sector.

[2] Commission Regulation (EU) No 1388/2014 of 16 December 2014 declaring certain categories of aid to undertakings active in the production, processing and marketing of fishery and aquaculture products compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union.

[3] Communication from the Commission - Guidelines for the examination of State aid to the fishery and aquaculture sector (2015/C 217 /01), as amended.

About you

* Language of my contribution

- Bulgarian
- Croatian

- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- Gaelic
- German
- Greek
- Hungarian
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

* Please indicate the stakeholder category to which you belong:

- Public authority responsible for granting State aid in an EU Member State
- Beneficiary of aid in the fishery and aquaculture sector
- Producer organisation
- NGO or other civil society organisation
- Academia, think-tank, consultancy or other expert organisation
- General public
- Other

* If 'Other', please specify.

*** How would you define your experience/knowledge in State aid matters?**

Please note that if you identify yourself as having some or a lot of experience /knowledge in State aid, you will be asked to reply to more complex questions.

- I have no experience/knowledge
- I have some experience/knowledge
- I have a lot of experience/knowledge

*** First name**

*** Surname**

*** Email (this won't be published)**

*** Scope**

- International
- Local
- National
- Regional

*** Organisation name**

255 character(s) maximum

*** Organisation size**

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

*Country of origin

Please add your country of origin, or that of your organisation.

- Afghanistan
- Åland Islands
- Albania
- Algeria
- American Samoa
- Andorra
- Angola
- Anguilla
- Antarctica
- Antigua and Barbuda
- Argentina
- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Djibouti
- Dominica
- Dominican Republic
- Ecuador
- Egypt
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Ethiopia
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- North Macedonia
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Libya
- Liechtenstein
- Lithuania
- Luxembourg
- Macau
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar /Burma
- Namibia
- Nauru
- Saint Pierre and Miquelon
- Saint Vincent and the Grenadines
- Samoa
- San Marino
- São Tomé and Príncipe
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Swaziland
- Sweden
- Switzerland

- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria

- Burkina Faso
- Burundi
- Cambodia

- Cameroon
- Canada
- Cape Verde
- Cayman Islands

- Central African Republic
- Chad
- Chile

- China

- Christmas Island
- Clipperton
- Cocos (Keeling) Islands

- Colombia
- Comoros

- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba

- Curaçao
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- North Korea
- Northern Mariana Islands
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Saint Barthélemy
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara

- Cyprus
- Latvia
- Saint Helena Ascension and Tristan da Cunha
- Yemen
- Czech Republic
- Lebanon
- Saint Kitts and Nevis
- Zambia
- Democratic Republic of the Congo
- Lesotho
- Saint Lucia
- Zimbabwe
- Denmark
- Liberia
- Saint Martin

*** Publication privacy settings**

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

- Anonymous**
Only your type of respondent, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.
- Public**
Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

* I agree with the [personal data protection provisions](#)

SECTION I - EVALUATION - CURRENT RULES

I.1. From your perspective, how important are the objectives pursued by the granting of State aid?

Please rate from 1 to 4, 1 being 'unimportant', 2 – 'of little importance', 3 – 'important', and 4 – 'very important'.

	1	2	3	4	I don't know
* Environmental sustainability of fishing and aquaculture activities	<input type="radio"/>				
* Economic viability of enterprises in the fisheries and aquaculture sector	<input type="radio"/>				
* Contribution to social and employment benefits	<input type="radio"/>				
* Contribution to the availability of food supplies	<input type="radio"/>				
* A level playing field for enterprises	<input type="radio"/>				
* Biodiversity	<input type="radio"/>				
* Animal welfare	<input type="radio"/>				

* Climate change mitigation and adaptation	<input type="radio"/>				
* Protection of public and animal health	<input type="radio"/>				
Other	<input type="radio"/>				

* I.1.a. If 'Other', please specify.

1000 character(s) maximum

I.2. How well have the current State aid rules achieved the following objectives?

Please rate from 1 to 4, 1 being 'not at all', 2- 'to some extent', 3 – 'to a large extent', 4 - 'fully'.

	1	2	3	4	I don't know
* Useful spending of taxpayers' money	<input type="radio"/>				
* Addressing market failures, achieving other material improvements	<input type="radio"/>				
* A level playing field for enterprises	<input type="radio"/>				
* Transparency and legal certainty, consistent and coherent handling of State aid cases	<input type="radio"/>				
* Consistency and coherence with the Common Fisheries Policy objectives	<input type="radio"/>				
* Reduction of administrative burden for public authorities and aid beneficiaries	<input type="radio"/>				
* Climate change mitigation and adaptation	<input type="radio"/>				
* Animal welfare	<input type="radio"/>				
* Protection of public and animal health	<input type="radio"/>				
Other	<input type="radio"/>				

* I.2.a. If 'Other', please specify.

1000 character(s) maximum

I.3. Do you consider that granting of aid under the following types of aid measures has distorted trade between Member States by giving some companies unfair advantage over others?

	Yes	No	I don't know
* Aid to make good the damage caused by natural disasters and exceptional occurrences	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Aid to make good the damages caused by adverse climatic events	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Aid for the cost of prevention, control and eradication of animal diseases in aquaculture	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Aid to make good damage caused by protected animals	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other types of aid measures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

* I.3.a. If your answer includes 'Yes', please explain and give examples (e.g., did the aid crowd out investments of competitors or attract activity away from neighbouring countries?)

3000 character(s) maximum

I.4. Do you consider that granting of aid under the following types of aid measures has led to any unexpected or unintended results?

	Yes	No	I don't know
* Aid to make good the damage caused by natural disasters and exceptional occurrences	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Aid to make good the damages caused by adverse climatic events	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Aid for the cost of prevention, control and eradication of animal diseases in aquaculture	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Aid to make good damage caused by protected animals	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other types of aid measures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

* I.4.a. If your answer includes 'Yes', please explain and give examples.

3000 character(s) maximum

*** I.5. Do you consider that aid under EUR 30,000 (current *de minimis* threshold) is indeed unlikely to distort competition and trade in the EU?**

- Yes
- No
- I don't know

*** I.5.a. Please explain.**

3000 character(s) maximum

I.6. Based on your experience, are the current State aid rules coherent with other EU policies and legislation?

Please rate from 1 to 4, 1 being 'not at all', 2- 'to some extent', 3 – 'to a large extent', 4 – 'fully'.

	1	2	3	4	I don't know
* Horizontal State aid instruments	<input type="radio"/>				
* Common Fisheries Policy and European Maritime and Fisheries Fund	<input type="radio"/>				
* EU Cohesion Policy	<input type="radio"/>				
* EU Environmental Protection Policy	<input type="radio"/>				
* EU 2030 Climate and Energy Framework	<input type="radio"/>				
* EU Veterinary and Public Health Policy	<input type="radio"/>				
* EU Research and Development Policy	<input type="radio"/>				
* EU Policy on Small and Medium Enterprises (SMEs)	<input type="radio"/>				

*** I.7. Have you experienced any particular difficulties in complying with the current State aid rules on aid for the fishery and aquaculture sector?**

- Yes
- No
- I don't know

*** I.7.a. Please explain.**

3000 character(s) maximum

I.8. Do you consider that the administrative burden resulting from the application of State aid rules is reasonable?

Please rate from 1 to 4, 1 being 'not at all', 2 - 'to some extent', 3 – 'to a large extent', 4 – 'fully'.

	1	2	3	4	I don't know
* For the public authorities	<input type="radio"/>				
* For the beneficiaries	<input type="radio"/>				

* I.8.a. Please explain.

3000 character(s) maximum

I.9. Do you agree that a common framework of rules on State aid in the fishery and aquaculture sector helps to contribute to Union’s policies more efficiently, in particular by:

	Strongly disagree	Disagree	Agree	Strongly agree	I don't know
* Allowing the direct implementation of certain aid measures without prior approval by the Commission	<input type="radio"/>				
* Increasing legal certainty, consistency, coherence, and reducing length of State aid control	<input type="radio"/>				
Maintaining a level playing field for companies in the internal market	<input type="radio"/>				
Other	<input type="radio"/>				

* I.9.a. If 'Other', please specify.

1000 character(s) maximum

SECTION II - IMPACT ASSESSMENT - FUTURE RULES

II.1. Based on your experience, please rank the problems that State aid rules should address.

Please rate from 1 to 4, 1 being 'unimportant', 2 – 'of little importance', 3 – 'important', and 4 - 'very important'.

	1	2	3	4	I don't know
* Environmental sustainability of fishing and aquaculture activities	<input type="radio"/>				
* Competitiveness, resilience and economic viability of enterprises	<input type="radio"/>				
* Social and employment challenges	<input type="radio"/>				
* Societal demands on food and health	<input type="radio"/>				
* Avoidance of harmful impacts on environment	<input type="radio"/>				
* Biodiversity loss	<input type="radio"/>				
* Reduction of greenhouse gas emissions	<input type="radio"/>				
* Adverse climatic events	<input type="radio"/>				
* Animal diseases	<input type="radio"/>				
* Damage caused by wild animals	<input type="radio"/>				
* Protection of public and animal health	<input type="radio"/>				
* Administrative costs and burdens	<input type="radio"/>				
* Useful spending of taxpayers' money	<input type="radio"/>				
Other	<input type="radio"/>				

* II.1.a. If 'Other', please specify.

1000 character(s) maximum

II.2. To limit undue distortive effects of aid on the internal market, how important are the following elements in the State aid rules?

Please rate from 1 to 4, 1 being 'unimportant', 2 – 'of little importance', 3 – 'important', and 4 - 'very important'.

	1	2	3	4	I don't know
* Detailed description of types of aid measures	<input type="radio"/>				
* Detailed description of eligible costs	<input type="radio"/>				
* Limitation of eligible costs	<input type="radio"/>				
* Maximum aid intensities/maximum aid amounts	<input type="radio"/>				

* The form of the aid (e.g. loans or guarantees instead of direct grants)	<input type="radio"/>				
* Stricter conditions for granting aid to large enterprises as opposed to SMEs	<input type="radio"/>				
* Stricter conditions for granting investment aid to enterprises active in processing and marketing of fisheries and aquaculture products, as opposed to undertakings active in fishing/primary production	<input type="radio"/>				
Other	<input type="radio"/>				

*** II.2.a. If 'Other', please specify.**

1000 character(s) maximum

II.3. To what extent could the following measures simplify State aid rules, while still limiting the distortions of competition and trade to a minimum?

Please rate from 1 to 4, 1 being 'not at all', 2 – 'very little', 3 – 'to some extent', and 4 - 'to a large extent'.

	1	2	3	4	I don't know
* Clearer rules and definitions	<input type="radio"/>				
* Higher notification thresholds under the Block Exemption Regulation	<input type="radio"/>				
* Extension of the scope of the Block Exemption Regulation to new types of aid measures	<input type="radio"/>				

*** II.4. Do you have any suggestions for simplification?**

- Yes
- No

*** II.4.a. If your answer is 'Yes', please explain.**

3000 character(s) maximum

II.5. What are your views on the possible design of the future State aid rules for the fishery and aquaculture sector?

	More detailed	Less detailed	The same as today	I don't know

* Types of aid measures in the legal instruments should be:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Eligibility conditions (e.g. beneficiaries, requirements to be fulfilled, etc.) should be:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Eligible costs should be:	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

*** II.6. Based on your experience, is there a type of aid measure not covered by the current Block Exemption Regulation that should be included in a revised regulation?**

- Yes
- No
- I don't know

* II.6.a. If your answer is 'Yes', please provide detailed information on the type of measure and the reasons as to why it should be exempted from the notification requirement

3000 character(s) maximum

*** II.7. Based on your experience, is there a type of aid measure in the current Block Exemption Regulation that did not function well and should be amended?**

- Yes
- No
- I don't know

* II.7.a. If your answer is 'Yes', please provide detailed information on the type of measure and the reasons as to why it should be amended.

3000 character(s) maximum

*** II.8. Based on your experience, is there a type of aid measure not covered by the current Fishery State aid Guidelines that should be included in the revised guidelines?**

- Yes
- No
- I don't know

* II.8.a. If your answer is 'Yes', please provide detailed information on the type of measure and the reasons as to why it should be covered by the Fishery State aid Guidelines.

3000 character(s) maximum

II.9. Do you agree with the following statements?

	Strongly disagree	Disagree	Agree	Strongly agree	I don't know
* The scope for granting aid to prevent, control and eradicate animal diseases and to make good damage should be extended to emerging diseases.	<input type="radio"/>				
* Compensation for damage caused by animal diseases should cover loss of value of products also where those products are not destroyed.	<input type="radio"/>				
* Compensation for damage caused by protected animals should cover indirect costs for damage (such as treatments costs and additional labour costs).	<input type="radio"/>				
* Compensation for damage caused by protected animals should cover indirect income losses (such as reduced production capacity).	<input type="radio"/>				

SECTION III - QUESTIONS FOR PUBLIC AUTHORITIES ONLY

*** III.1. Based on your experience, is the national cap of *de minimis* aid (representing 2.5% of the annual fisheries turnover) adequate? In particular, does it allow the implementation of objectives of *de minimis* aid, while limiting distortion of competition and trade?**

- Yes
- No
- I don't know

*** III.1.a. Please explain.**

3000 character(s) maximum

*** III.2. Is there a central register for *de minimis* aid set up in your Member State?**

- Yes
- No

*** III.2.a. If your answer is 'No', what other means to you use to ensure proper monitoring of *de minimis* aid and, in particular, to obtain an overview of *de minimis* aid granted?**

5000 character(s) maximum

*** III.3. Based on your experience, are the provisions on transparency (in the Fishery State aid Guidelines), and on the reporting and monitoring (in the *De minimis* Regulation and the Block Exemption Regulation) clear and adequate?**

- Yes
- No
- I don't know

*** III.3.a. If your answer is 'No', please explain.**

3000 character(s) maximum

III.4. How burdensome are the following procedures?

Please rate from 1 to 4, 1 being 'not burdensome at all', 2- 'a little burdensome', 3 - 'burdensome', and 4 - 'very burdensome'.

	1	2	3	4	I don't know
* Granting <i>de minimis</i> aid and observing the individual ceiling and national cap	<input type="radio"/>				
* Submitting an information sheet under the Block Exemption Regulation	<input type="radio"/>				
* Notifying State aid to the Commission on the basis of the Fishery State aid Guidelines and obtaining the Commission's approval on the plan to grant/alter aid	<input type="radio"/>				

III.5. If possible, please provide estimates of the administrative costs for these procedures, in working hours/in EUR/in full time employment.

III.5.1. *De minimis*

III.5.1.a. Average number of working hours per *de minimis* procedure in relation to one undertaking:

 Hours

III.5.1.b. Average cost per *de minimis* procedure in relation to one undertaking:

 EUR

III.5.1.c. Average number of working days for a full time employee per *de minimis* procedure in relation to one undertaking:

 Days

III.5.2. Block exemption

III.5.2.a. Average number of working hours per submission of information sheet under the Block Exemption Regulation:

 Hours

III.5.2.b. Average cost per submission of information sheet under the Block Exemption Regulation:

 EUR

III.5.2.c. Average number of working days for a full time employee per submission of information sheet under the Block Exemption Regulation:

 Days

III.5.3. Notification

III.5.3.a. Average number of working hours per notification:

 Hours

III.5.3.b. Average cost in EUR per notification:

 EUR

III.5.3.c. Average number of working days for a full time employee per notification:

 Days

*** III.6. Have you ever used *de minimis* aid because certain costs/activities /objectives did not fit within the scope of any aid category of the current State aid rules although they were not explicitly ineligible under those rules?**

- Yes
- No
- I don't know

*** III.6.a. If your answer is 'Yes', please explain and give concrete examples.**

3000 character(s) maximum

*** III.7. Have you ever used *de minimis* aid although the same costs/activities /objectives were eligible for aid under the Block Exemption Regulation?**

- Yes
- No
- I don't know

*** III.7.a. If your answer is 'Yes', please explain and give concrete examples.**

3000 character(s) maximum

*** III.8. Have you carried out any assessment (overall or on a case-by-case basis) of the impact of the aid granted?**

- Yes
- No
- I don't know

*** III.8.a. If your answer is 'Yes', please explain and summarise its main results.**

3000 character(s) maximum

FINAL COMMENTS AND DOCUMENT UPLOAD

You can provide any comments other than those covered by the previous questions.

3000 character(s) maximum

You may attach supporting documents for your replies to the questions above.

The maximum file size is 1 MB

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

*** Please indicate whether the Commission services may contact you for further details on the information submitted, if required.**

- Yes
- No