



MARE Advisory Councils

Financial issues

MARE-E-1 and MARE-D-3

15 July, 2021

EMFAF – state of play

- The Regulation (EU) 2021/1139 establishing the European Maritime, Fisheries and Aquaculture Fund (EMFAF) was adopted on 7 July 2021 (entered into force on 14 July 2021)
- The EMFAF committee meets for the first time on 19 July 2021
- The procedure for the grant agreements' signature should start on 22 July 2021 once a written vote of the EMFAF committee on the EMFAF Annual Work Programme 2021 is completed.
- Retroactivity rule will be applied which means that the costs will be eligible from the beginning of the financial year of the ACs concerned.

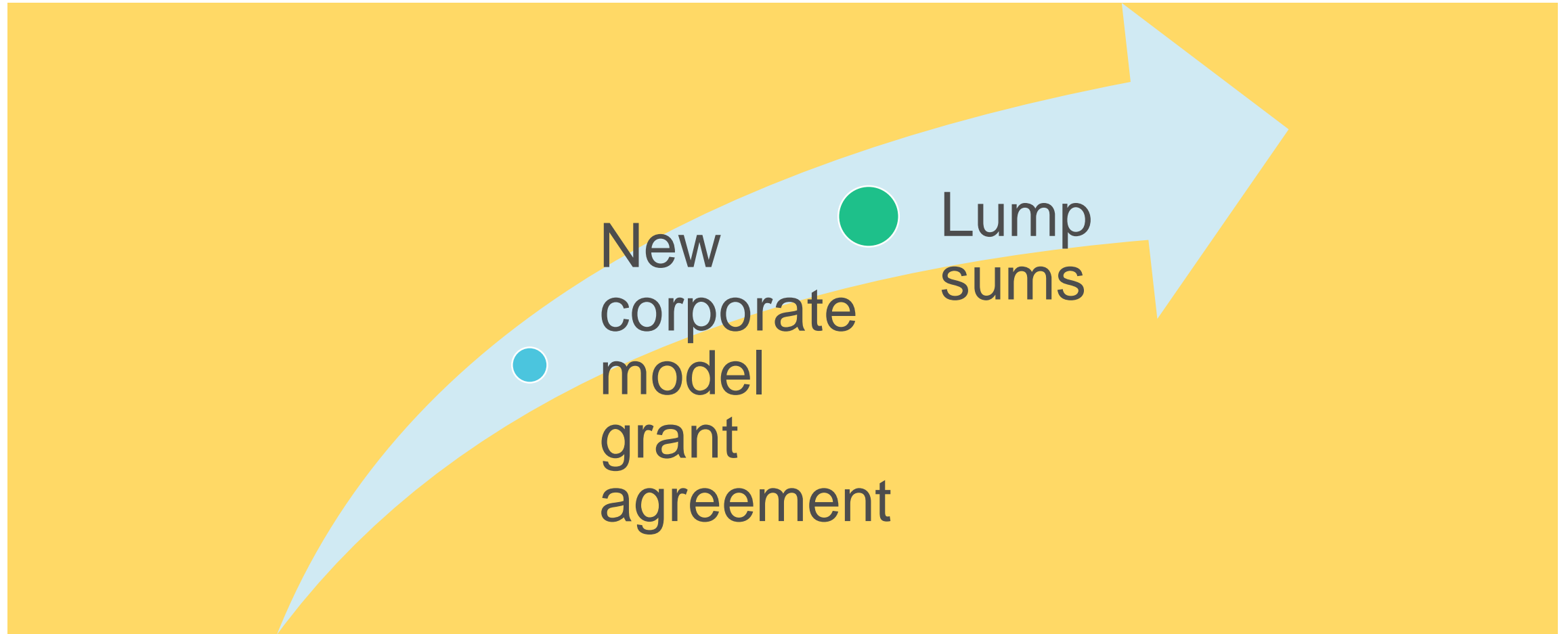
Signature of grant agreements (1)

Considering the current exceptional circumstance (COVID-19) and as a temporary measure, **the authorising officer can accept signed copies of contracts or grant agreements in pdf format by email provided that the contractor/beneficiary also sends (when the situation allows it) an electronically signed copy with qualified electronic signature or by post an identical copy of the contract/agreement with their blue ink signature.**

Signature of grant agreements (2)

- EC sends the grant agreement (GA) in pdf format ('sealed' with a qualified electronic seal - QES) by email, by ARES external transmission or by Areslook to the beneficiary,
- EC asks the beneficiary to sign the GA,
- If the beneficiary cannot sign with QES, they will have to print the GA, initial each page, sign by hand (blue-ink) and send it back by post,
- Once signed and registered, the EC sends the signed GA to the beneficiary by email or by Areslook, informing the beneficiary that the GA was signed by the Commission electronically, using a QES compliant with Regulation (EU) No 910/2014 (eIDAS Regulation).

The future developments



Lump sums

- To be applied to implementation periods starting as of 01/01/2022
- Different lump sums amount for each AC based on the entire cost linked to the AC's activities while taking into consideration the operational specificities (presented in the following slide)
- Lump sums will be linked to:
 - Set of basic requirements
 - Outputs set out by the AC in its AWP, as approved by DG MARE
- Finalised methodology will be presented in Autumn

Calculation method for determining the lump sums

- The amounts will remain very close to those announced in 2020, as we will use similar criteria, but adapted to the current state of play.
- Here are the criteria :
 - (i) the average amount spent between 2016 and 2019;
 - (ii) the number of members in each AC's General Assembly;
 - (iii) the distance between the AC members and the AC headquarters;
 - (iv) the number of languages interpreted and the number of languages translated.
- The lump sums will be aligned as well on the respective AWP of each AC.

AOB: question on award of contracts and public procurement rules

- Article 6.6. of the Guidelines for the ACs:

“If the implementation of an action requires the partner to procure goods, works or services, it must award the contract to the tender offering best value for money or, as appropriate, to the tender offering the lowest price. In doing so, it must avoid any conflict of interests.” (also part of Art II.10.1 FPA)

“The AC that is a “contracting authority” within the meaning of Directive 2014/24/EU must comply with the applicable national public procurement rules.”

- Definition of “contracting authorities” according to Article 2(1) Directive 2014/24/EU:

*“Contracting authorities’ means the **State, regional or local authorities, bodies governed by public law or associations formed by one or more such authorities or one or more such bodies governed by public law.**”*

*=> If the AC is not a “contracting authority” within the meaning of the Directive 2014/24/EU, the **Rules on procurement in Annex I of the Guidelines for the ACs and the FPA** apply.*

AOB: other questions

- Under the EMFAF is there any possibility for the ACs for multiannual way of budgeting and use of budget?
- How much time in advance we should make the ex-ante calculation of the expected costs?
- Should we also need to prove confirmation of other funds (e.g. Member States)?
- Will there be a revision of the guidelines and Excel sheet?
- Intervals of Commission audits following introduction of lump sums: will the ACs be given a timeline of when these will occur?

Thank you



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