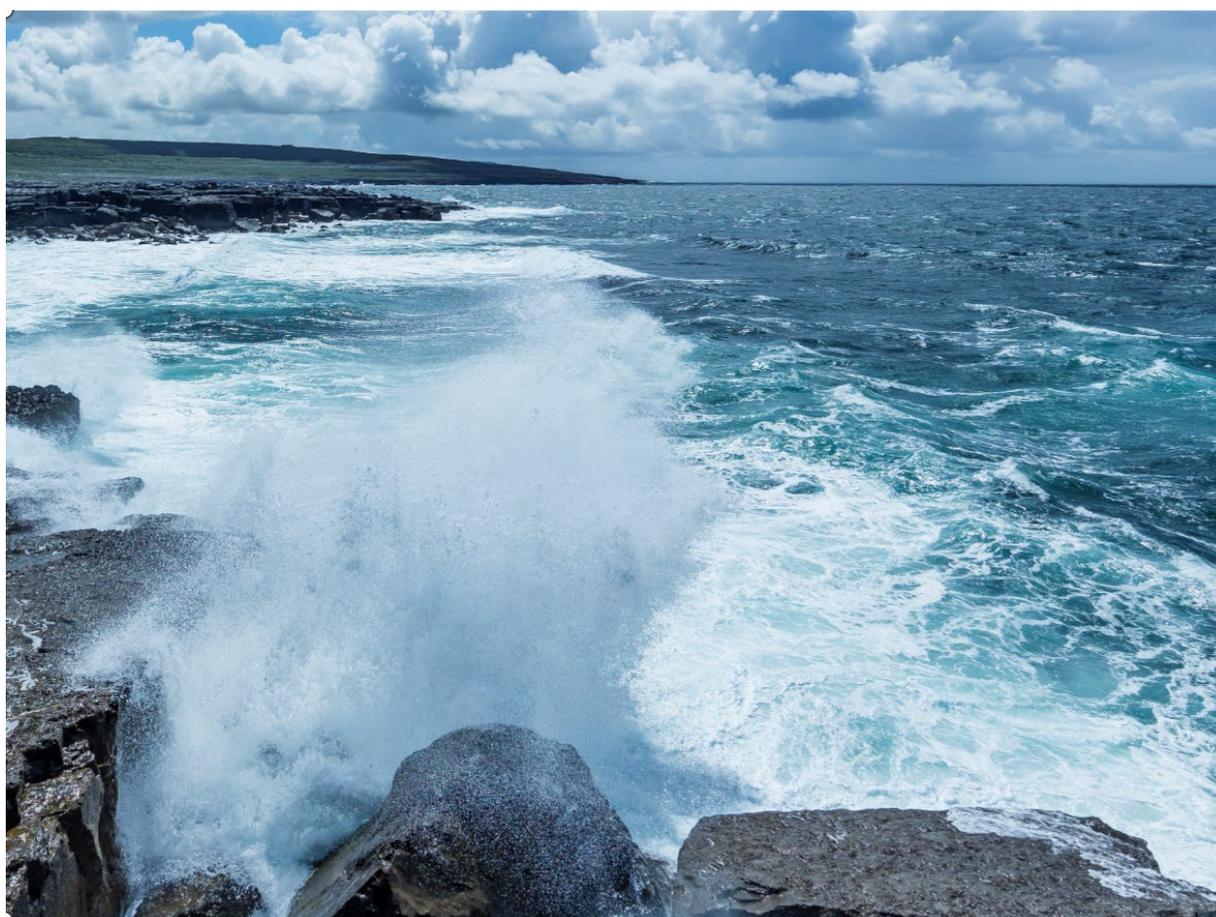


EMFF Operational Programme 2014-2020  
Fisheries Development Measure

# Sustainable Fisheries Scheme

**PART B - FLEET IMPROVEMENT PROJECTS**  
(Revised July 2021)



## INTRODUCTION

The 2013 reform of the EU Common Fisheries Policy includes a fundamental commitment to sustainable fisheries within the European Union. At the centre of the new policy, for example, is the *landing obligation* whereby all catches of species subject to catch limits must be brought and retained on board, recorded, landed and counted against our national quota. This will become fully operational by 2019. The single biggest adjustment in European fisheries policy since the introduction of quotas over 30 years ago, the *discard ban* or *landing obligation* will require significant change for the sector including increased mesh size and other technical measures designed to reduce unwanted bycatch and the capture of undersize fish and shellfish (in particular, prawns). The landing obligation came into force in January 2015 for pelagic fisheries and will extend to demersal fisheries in 2016 with all commercial fisheries due to be included by 2019. The principal objective of the policy is to encourage new practices that lead to reduced catches of juvenile and/or over quota species with the ultimate aim of improved fisheries sustainability.

This scheme is designed to assist all those directly involved delivering sustainable fisheries including those involved or soon to be involved in implementing the landing obligation. This includes fishermen, organisations of fishermen, fishermen's co-operatives, and processors. Particular attention is paid to the promotion of operations which integrate producing, processing and marketing activities of the supply chain, or which consist of innovative processes or methods. This scheme will also support the processing of unwanted catches. Finally, the scheme will assist those in the wider seafood sector, including those not directly affected by the landing obligation, to achieve the goals of the Common Fisheries Policy. It will do this by:

- Facilitating the transition to a sustainable exploitation of living marine biological resources<sup>1</sup>;
- Reducing the impact of fishing on the marine environment (Union Priority 1, Specific objective 1);
- Improving the added value and quality of unwanted catches landed from commercial stocks in accordance with technical measures and/or using methods with low impact on the environment<sup>2</sup>;
- Improving the hygiene, health and working conditions of fishermen operating such vessels;
- Increasing the quality, control and traceability of the products landed;
- Enhancing the competitiveness and viability of fisheries enterprises, including of small scale coastal fleet, and the improvement of safety or working conditions (Union Priority 1, Specific objective 4);
- Providing support to strengthen technological development and innovation, including increasing energy efficiency, and knowledge transfer. (Union Priority 1, Specific objective 5);
- Improving market organisation for fishery products. (Union Priority 5, Specific objective 1);
- Encouraging investment in the processing and marketing Sectors. (Union Priority 5, Specific objective 2).

Applicants should note that projects supported under this scheme are expected to:

- A. Facilitate the transition to exploitation of living marine biological resources consistent with the aims of the Common Fisheries Policy<sup>3</sup>, and,
- B. Contribute to the gradual elimination of discards and bycatch, or,
- C. Develop or introduce new technical knowledge that reduces the impact of fishing activities on the environment, including improved fishing techniques and gear selectivity, or,
- D. Aim to achieve a more sustainable use of marine biological resources including coexistence with protected predators.

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<sup>1</sup> In accordance with Article 2(2) of Regulation (EU) No 1380/2013

<sup>2</sup> Article 15 of Regulation (EU) No 1380/2013 and Article 8(2)(b) of Regulation (EU) No 1379/2013

<sup>3</sup> In accordance with Article 2(2) of Regulation (EU) No 1380/2013

## SUSTAINABLE FISHERIES SCHEME PART B: FLEET IMPROVEMENT PROJECTS.

**Fleet Improvement Projects** provide grant aid to the owners of commercial fishing vessels for the purchase of capital equipment. In every case the equipment must:

- Improve hygiene, health or working conditions, *and/or*,
- Improve the quality of fishery products or adds value to fishery products, *and/or*,
- Eliminate discards or deal with unwanted catches, *and/or*,
- Improve size or species selectivity, *and/or*,
- Reduce the impact of fishing gear on the ecosystem including the seabed or on non-target species, *and/or*,
- Protect gear and catches from certain mammals and birds.

The scheme is restricted to the owners of commercial fishing vessels which must be registered on the Irish Fishing Boat Register at the time of grant payment.

The basic grant aid rate for Fleet Improvement Projects is 40%, increasing to 50% where the applicant (vessel owner) is part of an approved Change Management Plan.

These rates increase to 60% - 70% in the case of vessels used solely in *Small Scale Coastal Fisheries*.

The scheme does not apply to the following:

- (a) Operations increasing the fishing capacity of a vessel or equipment increasing the ability of a vessel to find fish;
- (b) Construction of new fishing vessels or the importation of fishing vessels;
- (c) Exploratory fishing.

While more than one application may be made in respect of a vessel under the terms of this scheme, under no circumstances will grant aid be provided to replace any given item grant aided within the previous three years.

**A grant aid cap of €150,000 per vessel over the Programme period will be applied to the project applications approved after the close of business on 25th June 2018. Where a vessel has already exceeded this amount they will be capped at their existing approvals.**

### SMALL SCALE COASTAL FISHERIES - Definition

Small scale coastal fishing means fishing carried out by fishing vessels of an overall length of less than 12 metres and not using towed fishing gear as listed in Table 3 of Annex I to Commission Regulation (EC) No 26/2004.

#### **B1 Hygiene, health and working conditions and on-board waste management (Article 32)**

Investments on board that improve hygiene, health and working conditions provided that those investments go beyond the requirements under Union or national law.

Applicants should note that:

- Where the operation consists of an investment in individual equipment, the support will not be granted more than once during the programming period for the same type of equipment and for the same beneficiary.
- Terms and conditions will be adjusted, where necessary, to comply with any delegated act adopted by the European Commission identifying or amending the types of operations eligible.

#### **B2 Investments on board that Add value to fishery products (Article 42.1a)**

Investments on-board that add value to fishery products, by allowing fishermen to carry out the processing of these catches.

#### **B3 Investments on board that improve quality (Article 42.1b)**

Innovative investments on board that improve the quality of fishery products. Support is conditional on the use of approved selective gears that minimise unwanted catches.

- Selective gears or other equipment shall have a demonstrably better size-selection or a demonstrably lower impact on the ecosystem and on non-target species than the standard gear or other equipment permitted under Union law.
- Support will only be granted to the owners of Irish registered fishing vessels that have carried out a fishing activity at sea for at least 60 days during the two calendar years preceding the date of submission of the application for support.

#### **B4 Environmentally Friendly Fishing Gear & the Protection of Marine Biodiversity (Article 38 and 40(1)a & c)**

Investments on board in equipment that has (i) demonstrably better size-selection, or (ii) demonstrably lower impact on the ecosystem or on non-target species, than the standard gear or other equipment permitted under Union law or under relevant national law adopted in the context of regionalisation and that:

- a) Improve size or species selectivity of fishing gear.
- b) Eliminate discards by avoiding and reducing unwanted catches of commercial stocks, or that deals with unwanted catches to be landed in accordance with Article 15 of Regulation (EU) No 1380/2013.
- c) Limits and, where possible, eliminates the physical and biological impacts of fishing on the ecosystem or the sea bed.
- d) Protects gear and catches from certain mammals and birds protected by Council Directive 92/43/EEC or Directive 2009/147/EC. Aid is granted provided that it does not undermine the selectivity of the fishing gear and that all appropriate measures are introduced to avoid physical damage to the predators.
  - Support for the same type of equipment will not be granted more than once during the programming period on the same fishing vessel;
  - Support shall only be granted where the gear or other equipment has a demonstrably better size-selection or a demonstrably lower impact on the ecosystem and on non-target species than the standard gear or other equipment permitted under Union law, or under relevant national law adopted in the context of regionalisation as provided for in Regulation (EU) No 1380/2013;
  - Support shall be granted to (a) owners of Irish fishing vessels which have carried out fishing activities at sea of at least 60 days during the two calendar years preceding the date of submission of the application for support.

#### **B5 Promotion of Energy Efficiency and the Mitigation of Climate Change (Article 41.1)**

Investments on board in equipment that reduce the emissions of pollutants or greenhouse gases and increase the energy efficiency of fishing vessels. Investments in energy efficient fishing gears are also eligible provided that they do not undermine the selectivity of that fishing gear.

#### **B6 Engine Replacement (Article 41(2)a.1)**

Investments for the replacement or modernisation of the main or ancillary engines of fishing vessels.

Before commencing work on engine replacement the applicant must contact and inform the Licencing Authority for Sea Fishing Boats (hereafter referred to as the Licencing Authority) of their intention to do so in writing. Failure to do so may result in your grant payment being deemed ineligible. BIM will not process grant claims or payments that involve engine replacement projects until confirmation has been received by BIM from the Licencing Authority that the changes made are legally compliant.

#### **B7 Traceability (Article 76.2.c)**

Investments on board for components, including computer hardware and software, which are necessary to ensure the traceability of fishery and aquaculture products, as referred to in Article 58 of Regulation (EC) No 1224/2009 (article 76(2)(c).)

## LEVELS OF GRANT AID INTENSITY

Part	Article	Vessel Owner (Other than SSCF)	Small Scale Coastal Fleet <sup>1</sup>
<b>B1</b> Hygiene, health and working conditions & waste management	32	40%	60%
<b>B2</b> Adding value (on board)	42.1a		
<b>B3</b> Investments on board that improve quality	42.1b		
<b>B4</b> Environmentally Friendly Fishing Gear & Protecting marine biodiversity	38.1a / 41.1.a & c		70%
<b>B5</b> <b>Energy Efficiency</b>	41.1		60%
<b>B6</b> <b>Engine Replacement</b>	41.2.a.1	30% <sup>2</sup>	30%
<b>B7</b> <b>Traceability (on board)</b>	76.2c	50%	80%

<sup>1</sup> Owners of vessels < 12m overall length (LOA) and which do not fish with towed gears.

<sup>2</sup> Only available to owners of vessels up to 12m overall length (LOA). Outboard engines are not eligible under this scheme.

## LIST OF ELIGIBLE ITEMS UNDER PART B

<b>B1: HYGIENE, HEALTH AND WORKING CONDITIONS (Article 32) &amp; ON BOARD WASTE MANAGEMENT (Article 40(1)b)</b>
Sanitary facilities such as toilet and washing facilities.
Kitchen facilities and equipment for food supplies storage.
Cleaning equipment to keep sanitary conditions on board (eg. power hoses, fish washing facilities, ice holding, disinfection units, PPE etc).
Guides and manuals on the improvement of hygiene on board, including software tools, (eg. electronic HACCP systems).
Improved cabin safety and the provision of common areas for the crew.
Equipment to reduce heavy manual lifting (excludes fishing operations, winches).
Insulation equipment against noise, heat or cold, and equipment to improve ventilation.
Equipment for the collection and storage of litter.
Guides and manuals on the improvement of working conditions on board.

**B2: ADDING VALUE TO FISHERY PRODUCTS (Article 42.1a)**

Gutting Machines

On board grading equipment

Live storage equipment and containers.

**B3: INVESTMENTS ON BOARD THAT IMPROVE QUALITY (A 42.1b)**

Fish handling systems and conveyors

Ice making machines and Ice holding facilities

Freezing and refrigeration equipment

On board packaging and storage equipment

Insulated storage containers and covers

Temperature monitoring system including calibrated temperature gauges and probes

Other innovative investments that can improve fish quality (please specify)

**\*In line with article 42.1 (b) of the EMFF, grant aid on items selected from table B3 is conditional the applicant using 'selective' fishing gear (Complete for B3 accordingly) and shall only be granted to owners of Union fishing vessels that have carried out a fishing activity at sea for at least 60 days during the two calendar years preceding the date of submission of the grant application (complete form B1 or B2 accordingly)**

**B4: ENVIRONMENTALLY FRIENDLY FISHING GEAR & THE PROTECTION OF MARINE BIODIVERSITY (Article 38 AND 40(1) a&c)**Size selective or species selective fishing gear (e.g square mesh panels, selective codends, sorting grids <sup>(1)(2)</sup>)Gear modifications that limit damage to the seabed <sup>(1)(2)</sup>Lost gear retrieval equipment (eg. creepers) <sup>(1)</sup>Devices which reduce fisheries interactions with protected species such as whales dolphins and seals <sup>(1)</sup>

(1) Fishing vessels must have carried out a fishing activity at sea for at least 60 days during the two calendar years preceding the date of submission of the application for support.

(2) Capped at a maximum of €40,000 eligible expenditure per project. Applicants must provide drawings / net plans / specifications from a net maker / gear supplier of the proposed gear improvement.

**B5: Promotion of energy efficiency and the mitigation of climate change (Article 41(1))**

Fuel/energy monitoring systems

Fuel Management systems (e.g. fuel nozzles, triggers, purifiers, water monitoring and management, oil sampling and spill kits etc.)

Energy Saving Technologies and Procedures (e.g. energy audits, catalysers, solar panels etc.)

Conversion from towed gear to alternative gears (e.g. longlining, handlining, jigging)

Towed gear modifications to reduce fuel consumption (e.g. fuel efficient trawls, fuel efficient warps, fuel efficient trawl doors)<sup>1</sup>Towed gear monitoring equipment<sup>2</sup>

(1) Capped at a maximum of €40,000 eligible expenditure. Applicants must provide drawings/net plans/specifications from a net maker/gear supplier of the existing gear and the proposed gear improvement. Pelagic trawls are not eligible for funding.

(2) Trawleye (or equivalent type sensors) and catch sensors are not eligible for funding

**B6: Engine Replacement for vessels less than 12 metres LOA (Article 41(2)a):**Make and Model of Engine<sup>1,3</sup>Registered kW of Engine<sup>2</sup>Year of Manufacture of Engine<sup>1,3</sup>Cost of New Engine (excluding VAT)<sup>1,3</sup>

Cost of New Gearbox (excluding VAT)

Cost of Installation (excluding VAT)

(1) Outboard engines or secondhand inboard engines are not eligible under the Scheme

(2) New engines must not exceed the current registered kW of the vessel

(3) engines must be purchased new and fitted as a unit. Secondhand/reconditioned units are not eligible

**B7: Traceability: Hardware and software necessary to ensure the traceability of fishery and aquaculture products EMFF Article (76 (2) (C)**

Motion Compensating Scales with recording function

Labelling Equipment

Traceability Software

## MAKING AN APPLICATION

To apply, please log onto BIM Flexi-Grants Portal and complete the relevant application form.

- Carefully review the terms and conditions;
- Ensure you have completed the Annual Fisheries Economic Survey [www.bim.ie/dcf/](http://www.bim.ie/dcf/)
- Check you have included all the required documentation.

Projects will normally be approved within 8 weeks from the time you apply but may take longer should additional, supporting material be required.

## INFORMATION AND PUBLICITY

The contribution of the Irish exchequer and EMFF 2014-2020, will be acknowledged in all brochures, promotional material, press releases, publicity activity, advertisements, signage, applications forms, annual reports, letters of offer, etc., by use of appropriate logo and text references.

The Managing Authority and BIM will ensure compliance with Annex V of Commission Regulation 508/2014 specifying certain requirements concerning the provision of information on the Operational Programme and the co-funding provided by the Union.

## GENERAL TERMS AND CONDITIONS

In addition to the special requirements listed in the descriptions of the interventions possible under this scheme (See section *Description of Intervention*), the following apply in every case.

- 1) To qualify for grant aid the following terms and conditions must be met in all cases. Applications that fail to meet these criteria will be deemed ineligible and will not be considered further.

- The Managing Authority for the scheme is the Department of Agriculture, Food and the Marine;
- The Implementing Authority (Intermediate Body) for this scheme is Bord Iascaigh Mhara.

- 2) The date for eligibility for funding under the scheme is **1st January 2016**, or the date of the letter of acknowledgement of receipt of application, whichever is the later, or with the exception of applications made under Part C 5 Certification & Responsible Fishing Schemes, the date for eligible expenditure is 1st January 2015.

If any of the work or expenditure incurred to which the investment relates, commenced prior to the dates as outlined above, then that portion of the investment shall be rendered ineligible for grant aid.

- 3) Funding for all projects under this scheme is subject to monies being available to BIM on a yearly basis throughout the Estimates process and the Board is not obliged to approve or pay grants beyond the budget that has been allocated to a project in a given year.
- 4) The timing of payments of grants is subject to the availability and demand for funds in the Programme and this may vary from time to time. Consequently, the Beneficiary should expect to raise adequate bridging finance for the grant pending its receipt.
- 5) The investment shall be carried out as specified in the application, the published documentation of the scheme, the letter of offer and these terms and conditions. If it should become necessary to modify any element of the project, affecting:
  - the legal status of the Beneficiary;
  - or the objectives of the project or its technical characteristics or the profitability;
  - or location of the project;
  - or the timescale for its implementation;
  - the omission or substitution of any of the approved work or equipment,then prior written approval must be obtained before any modifications can qualify for grant assistance.
- 6) Please note that approval is issued on the understanding that no grant aid has been paid, or will be paid by any other State agency towards the cost of the equipment or completed work included in a project.
- 7) Only applications submitted on the official application form will be considered for grant approval.

- Commission Delegated Regulation (EU) 2015/288 applies to this Scheme. BIM will examine applications to establish admissibility under that Regulation. Applications from operators which are inadmissible will be excluded from support under this Scheme for the inadmissibility period concerned.
- 8) Acknowledgement of an application does not constitute any form of entitlement to grant aid nor should the applicant constitute any assistance given by officers of BIM as an indication that grant aid will become available.
  - 9) The commencement date of a project is the date shown in the letter of acknowledgement, issued by BIM, following receipt of an official application form.
  - 10) Offers of grant aid automatically expire on the date shown in the letter of approval or otherwise advertised by the Intermediate Body.  
No minimum level of expenditure applies to this measure however a maximum level may apply in respect of individual items and the application as a whole.
  - 11) The implementing authority reserves the right to alter or amend the conditions of a scheme or to suspend a scheme or to substitute a scheme for a different scheme.
  - 12) The Beneficiary of grant aid should be aware that the grant awards may be made public by the Agency or Government Department.
  - 13) The Beneficiary shall indemnify and keep indemnified BIM against all costs, loss damage and expenses sustained by them and against any claims that may be brought by any partner, employee, agent, sub-contractor or any kind or other party arising out of a project whether by reason or on account of breach, default, neglect, non-performance or non-observance by the Beneficiary or the partners of any of them of the terms and conditions of the scheme and/or BIM Agreement or otherwise.
  - 14) The Beneficiary shall obtain and comply with the conditions of all necessary statutory authorisations, consents, permissions and licences required under existing EU and national legislation and shall submit evidence of having received same.
  - 15) The grant approval is made and grant paid in accordance with relevant regulations and operating procedures.
  - 16) Compliance with Government Regulations on tax clearance procedures is mandatory. These regulations require the tax compliance of the Beneficiary of the grant, as well as contractors and subcontractors engaged on the project.
    - A current Tax Clearance Certificate from the Revenue Commissioners in your name, valid at the time of payment of the grant, will be required for grants on excess of €10,000 or a combination of grants exceeding €10,000 within any 12-month period;
    - In the case of grant aid less than €10,000 within any 12-month period, the grantee will be required to complete a tax compliance declaration.
  - 17) Both the lead applicant and any project partner must comply with the provisions of the Data Collection Regulation at the time of grant payment.
    - In the case of grant aid of €10,000 or more within any 12 month period, the grantee is required to produce a completed economic assessment form (available from BIM) certified by their accountant;
    - In the case of grant aid less than €10,000 within any 12-month period, the grantee is required to complete an economic assessment declaration.
  - 18) The applicant will, if required, demonstrate to the satisfaction of the implementing authority its legal identity.
  - 19) The applicant will, if required, demonstrate financial viability (at an organisation or individual level as appropriate).
  - 20) The applicant will, if required, provide evidence that they are able to manage and carry out the project in a satisfactory manner.
  - 21) The applicant is encouraged to provide detailed information on the cost-effectiveness and value for money of the project proposed. Applicants should note that the cost effectiveness and value for money will be assessed in every case during the selection process.
  - 22) Unless otherwise agreed in advance, products which become commercially important solely as a result of EU/Exchequer funded project remain the property of BIM until such time as an agreement is reached with the grantee and other interested parties.
  - 23) How BIM will use your information:

- Information including PPSNs and other tax numbers used in the processing of this grant application will also be used in the processing of BIM's end of year returns and disclosed to Revenue as set out in the Code of Practice for the Governance of State Bodies (Department of Finance 2009).

24) Freedom of Information:

- BIM will not release any information received as part of this application except as maybe required by law, including the Freedom of Information Act, 1997. In the event of an FOI request, the client will be given reasonable advance notice in order to contest such disclosure.

### In-eligible costs

- 25) Expenditure incurred prior to an acknowledgement of receipt of an application by BIM, pursuant to each public call for projects, shall be deemed ineligible.
- 26) VAT is not eligible for grant aid unless the grantee can show that he/she is unable to recover it.
- 27) Cash payments are not eligible for grant aid.
- 28) The Beneficiary's own labour costs are not eligible for grant assistance.
- 29) Costs associated with the second-hand equipment.
- 30) Costs associated with direct employment.
- 31) Cost of Housing.
- 32) Service and maintenance contracts.
- 33) Second-hand buildings, plant, machinery, equipment, boats, etc. and any associated installation costs.
- 34) Work carried out directly or indirectly by the applicant or by a company, in which the applicant has an interest, will not be eligible for grant aid.
- 35) Repairs and maintenance work as well as the replacement of existing equipment and machinery, except where the replacement involves the purchase of equipment and machinery of another type which is therefore different either in terms of the technology employed or its absolute or hourly capacity. The purchase of new equipment must represent an improvement for the beneficiary and in this context new machinery with a lower capacity is not excluded, provided the new equipment is better suited to the beneficiary's needs.
- 36) Provisional work not directly linked to the implementation of a project except where it makes possible a reduction in overall project cost.
- 37) Landscaping, other embellishment works, except those specifically required as a condition of planning and recreational equipment costs.
- 38) Goods purchased under leasing agreements.
- 39) The purchase of material which is normally written off within a year.
- 40) Goods purchased under Hire Purchase agreements.
- 41) Purchase of vehicles for passenger transport is ineligible as are vehicles required for market distribution.
- 42) Consultancy costs not directly related to the planning, preparation and execution of the project, including costs of management consultancy.
- 43) Where a proposal includes any action with the potential to impact a Natura 2000 site special procedures may apply. In these cases the Independent Expert Evaluation Committee will assess the project's strategy for carrying out the project consistent with NATURA legislation.

## PROCUREMENT

44) Procurement policy and practice (for goods or services supplied as part of this project) must in line with the public sector procurement Directive 2014/24/EU (22 February 2014) and conform to certain core principles and National Guidelines. In every case procurement must be:

- Accountable;
- Competitive;
- Non-discriminatory and provide for equality of treatment;
- Fair and transparent;
- Conducted with probity and integrity.

45) The following thresholds apply in relation to works and related services contracts (including recruitment of project personnel) awarded by the Grantee in the context of this project:

### Procurement Requirements for Grant Aid for EMFF Co-funded Schemes

Table 1.

		Complexity ----->		
		Category 1	Category 2	Category 3
Spend Type	Eligible Expenditure	Public (BIM) Projects	Private Project (0% to 50% Grant Aid)	Private Project (>50% Grant Aid)
Supplies & Services	<€5,000	1 Quote	1 Quote	2 Quotes
	€5,000 to €24,999	3 Quotes	3 Quotes	3 Quotes
	25,000 to €209,000	Government E-tender	3 Quotes	Government E-tender
	≥ €209,000	Government E-tender AND EU OJEU	3 Quotes	Government E-tender AND EU OJEU
Works	<€50,000	Government E-tender	3Quotes	5 Quotes or Government E-Tender
	€50,000 to €5,225,000	Government E-tender	3 Quotes	Government E-tender
	≥ €5,225,000	Government E-tender AND EU OJEU	3 Quotes	Government E-tender AND EU OJEU

46) The following regulations should also be adhered to:

- DIRECTIVE 2014/24/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 February 2014;
- National Public Procurement Guidelines;
- Circular 10/14.

47) The investment must be carried out as specified in the published documentation of the scheme, the letter of offer and these Terms & Conditions. If it should become necessary to modify any element of the project, which would affect any of the following:

- the legal status of the Grantee;
- the objectives of the project or its technical characteristics;
- the location of the project;
- the timescale for its implementation;
- the omission or substitution of any of the approved work or equipment,

then, prior written approval must be obtained from BIM before any such modifications can qualify for grant assistance.

48) Buildings, Plant, Machinery and Equipment.

- Contracts for construction of buildings and the supply of plant, machinery and equipment shall be entered into on a competitive basis consistent with Public Procurement Rules;
- Only buildings, plant, machinery and equipment purchased NEW shall be regarded as qualifying for grant aid unless specified in letter of offer;

- Plans and specifications shall be furnished to BIM before the commencement of buildings works and the Company will have due regard to any points raised by BIM in connection therewith;
- The beneficiary will make satisfactory provision, while building works are under construction, for having them insured against loss or damage through fire, explosion, storm or flood and a copy of the insurance certificate to be sent to BIM for examination;
- The beneficiary must produce proof that any third party contractors engaged by him must have a current tax clearance certificate.

49) The beneficiary will keep any building, plant, machinery and equipment in connection with which the grant is made, insured against loss or damage through fire, storm or flood and the BIM's interest will be noted on the policy of insurance. If there be such damage or loss, the entire insurance compensation received by the grantee shall be used to restore the property so damaged or lost, unless agreed with BIM. The beneficiary will make arrangements with its underwriters that BIM will be informed of any failure to renew the policy of insurance.

### **Publicity and Reporting Requirements:**

- 50) The contribution of the Irish Exchequer and EMFF 2014-2020, will be acknowledged in all brochures, promotional material, press releases, publicity activity, advertisements, signage, reports, letters, etc by use of appropriate logo and text reference.
- 51) Beneficiaries are advised that acceptance of funding constitutes an acceptance to comply with section 2.2 of Annex XII of Commission Regulation 1303/2013 and with Articles 4 and 5 of Commission Implementing Regulation 821/2014.
- 52) Beneficiaries are advised that acceptance of funding constitutes an acceptance of inclusion in a list of operations which will be published in accordance with Article 119(2) of 508/2014.
- 53) Officers of BIM, the Department of Agriculture, Food and Marine, or the European Commission or their agents, must be allowed access to all reports, manuals and official documentation including financial and other records arising out of such an activity for the purpose of assessing the progress of the investment.
- 54) Progress on implementation of the investment will be monitored on an on-going basis and for this purpose progress reports and any other information relating to the project must be furnished promptly to BIM, whenever requested.
- 55) Access shall be allowed to the Beneficiary's premises at all reasonable times for the purposes of assessing the progress of the investment and examining the financial and other records relating to it.
- 56) Projects grant-aided under the European Maritime Fisheries Fund are deemed to be for the "public good" and as such it is intended that the results be widely disseminated within the seafood industry through appropriate means (including industry publications etc.). The Beneficiary shall be responsible for ensuring that the work carried out and any report, or other publications arising shall not infringe the intellectual property rights, including copyright, of any third party's rights. "This report does not necessarily reflect the views of BIM and in no way anticipates any future opinion of BIM" and shall acknowledge the assistance of the European Maritime Fisheries Fund, EU Structural and Investment Funds Programme 2014-2020 and BIM in the form of the relevant logos.

### **Making a Claim**

Payments of grants under this scheme will only be made when all the following general and any special conditions attributed to the project (letter of offer) have been fulfilled.

- The timing of payments of grants is subject to the availability of funds and this may vary from time to time. Consequently, the beneficiary should raise adequate funds for the grant pending its receipt.
  - During the course of processing the claim BIM may raise some queries with you or your accountant. It is in your interest to respond as quickly as possible.
- 57) Work on the project must be completed and a fully documented claim must be submitted by the date specified in the conditions of the letter of offer, failing which the approved grant may be de-committed.
- 58) The beneficiary must maintain a separate accounting system or an adequate accounting code for all transactions relating to the investment to be aided and must make this and all supporting documents available as and when required for examination by officers of Bord Iascaigh Mhara, the Department of Agriculture, Fisheries and Food or the EU Commission.
- 59) Applicants should note that in the event of approval they will be required to submit proof of payment such as copy paid cheques (retrieved from the bank) or bank statements, or copy bank drafts, or credit card statements, or inter-bank documentation.
- 60) Applicants should note that any outstanding charges, in respect of the lead applicant and any project partners due to BIM (Ice, Training Fees, etc.) must be discharged in full at the time of grant payment.

## Procedures and conditions to be met in claiming payment of grant aid

- 61) Detailed original invoices, made out to the beneficiary, must be submitted to BIM in respect of all claims. These should show the name and address of the supplier, date, description of goods and services rendered, VAT registration number and rate of VAT. Invoices should be prepared by an independent third party.
- 62) The applicant must also submit any documentation deemed necessary by BIM to process the claim.
- 63) Expenditure approved for grant aid must be vouched and certified by the beneficiary's auditors as having been incurred and payments made.  
The beneficiary will be required to supply an auditor's certificate from a registered auditor for payment claims for expenditure amounts specified in scheme brochure and/or the letter of offer. Audit fees are not eligible for grant assistance.
- 64) Claims will be paid approximately 8 weeks after receipt of all necessary documentation and provided any outstanding queries are resolved.
- 65) Exchequer/EU grants may be paid in a maximum of 2 instalments.
- 66) In accordance with Article 140 of the Common Provisions Regulation (EC) 1303/2013, final beneficiaries will ensure that all supporting documents regarding expenditure, verification checks, certification and audits on operations for which total eligible expenditure is less than €1,000,000.00 are kept available for the EU Commission and Court of Auditors for a period of three years from 31 December following the submission of the accounts in which the expenditure of the operation is included.  
In the case of operations over €1,000,000.00 all supporting documentation shall be kept for a 2-year period from 31 December following the submission of accounts in which the final expenditure of the completed operation is included.
- 67) The Beneficiary shall not dispose of equipment or buildings, in respect of which grant-aid has been paid, within a period of five years from the date of payment of the final aid instalment without prior written authorisation. The retention period may be scheme specific and relevant scheme brochure should also be referred to.
- 68) With regard to any capital items, the beneficiary agrees with BIM that within a 5-year period from the date of final grant aid payment that:
- should the beneficiary commit any breach of the terms of the agreement;
  - should there be a change in the basis of the undertaking which would obviate in whole or in part the purpose for which the grant was made;
  - should the beneficiary, without the prior consent of BIM, sell, transfer, alienate or otherwise dispose of the grant aided facilities;
  - if an order is made or an effective resolution is passed for the winding up of the company;
  - if a receiver is appointed over the property of the company;
  - if an execution is levied or served on any property of the company;
  - if there is a change of ownership or control of the company without the prior consent of BIM,
- then 'the beneficiary shall forfeit and repay to BIM so much of the said grant-in-aid in the proportion to which the unexpired portion of the term of 5 years bears to the full term of 5 years at the date of the happening or event giving rise to such repayment and such monies shall be recoverable by BIM from the beneficiary as a simple debt contract. Payment of sums to be reimbursed shall be made by the end of the second month following that of issuing the order of recovery and any delay in effecting repayment shall give rise to the charging of interest on account of late payments'.
- 69) Relevant BIM personnel will carry out a site inspection when a claim is submitted to ensure that the level of work carried out is in line with expenditure incurred.
- 70) If required, upon completion of work, a report must be issued and supplied to BIM containing details of the project and the outcome. Information contained in the report may be used and made available to the industry at large as BIM sees fit. If the Beneficiary does not wish to have this information made available to the industry for a specified period of time, then BIM should be immediately consulted with a view to arriving at a suitable arrangement.

## Revoking of a Grant

- 71) Grant aid may be revoked or repayment of the aid may be required or the amount reduced if any of the following should occur:
- The project/work is not completed by the date specified in Schedule 1 (the 'Final Date').
  - The grantee abandons the project or modifies the work without prior authorisation.

- The grant aid is not used for the purpose for which it was intended.
- The project financed by the aid is not properly carried out or irregularities in relation to the aid occur.
- An order is made, or an effective resolution is passed, for the winding up of the grantee's business.
- A Receiver is appointed over any of the property of the Beneficiary or a distress or execution is levied or served upon any of the property of the Beneficiary and is not paid off within 30 days.
- This offer of grant aid will be automatically revoked if you fail to submit to BIM by the date specified in the letter or offer, a claim for payment of the grant supported by all outstanding documentation.

## OTHER GENERAL INFORMATION

### LEGAL BASIS

The legal basis for the scheme is articles 26, 27, 28, 29, 32, 37, 38, 39, 40, 41, 42, 43, 68, 69, 76 of the European Maritime & Fisheries Fund, specifically Union Priority 1, Sustainable Development of Fisheries, and 5, Marketing and Processing.

The EMFF Certifying Body (CB) is the Finance Division, Dept of Agriculture, Food & the Marine.

The Managing Authority (MA) is the Marine Agencies & Programmes Division, Dept of Agriculture, Food and Marine.

The Intermediate Body (IB) is Bord Iascaigh Mhara (BIM).

### DEFINITIONS

- **BIM Service Project:** means a project undertaken directly by BIM on behalf of the sector as a whole and approved by the Managing Authority. Such projects may include project partners including other State Agencies, scientific bodies, and industry representative organisations / organisation of fishermen.
- **Collective:** See below
- **Change Management Plan:** means an approved plan setting out how parties to the Plan will seek to make changes to fishing gear or methods, handling, storage, delivery, or sale to reduce or eliminate catch of juvenile, depleted or choke stocks and to maximise quality and efficiency in handling and sales in order to promote sustainability and maximise returns for operators.
- **Producer Organisation (PO):** means an officially recognised body established by fishery producers in accordance with Regulation (EU) No 1379/2013 on the Common Organisation of the Markets in Fishery and Aquaculture Products (CMO Regulation).
- **Project Approvals Board (PAB):** means a project selection committee convened by the Managing Authority and comprised of representatives of the Managing Authority (chair), BIM, Marine Institute, Sea-Fisheries Protection Authority and Department of Agriculture, Food and the Marine.

### COLLECTIVES

- A. A 'collective' is a group undertaking a project that is of collective interest and where the benefits are demonstrably collective in nature. The following groups constitute collectives:
- (i) Fishermen's co-operatives;
  - (ii) Producer Organisations;
  - (iii) An organisation of fishermen recognised by the intermediate body;
  - (iv) One or more of (a) to (c) in partnership with another entity; or
  - (v) A grouping of two or more bodies recognised by the intermediate body as a collective acting on behalf of and in the collective interest of its members.
- B. In determining the grant aid available to a collective, Article 95 of the EMFF (Intensity of public aid) provides for public aid between 50% and 100% of the total eligible expenditure, where the operation is implemented under Chapter I (Sustainable development of fisheries) or IV (Marketing and processing related measures) of Title V of the EMFF and fulfils all of the following criteria:
- a. it is of collective interest;
  - b. it has a collective beneficiary;
  - c. it has innovative features, where appropriate, at local level.

In applying this article the following will be taken into account:

- C. When a Collective is the beneficiary of aid *towards the cost of any service or equipment*, then the service or equipment purchased must remain the property of the collective. By way of example, if several fishermen apply collectively for aid, but each pays for its own equipment (and becomes the owner), then that is not a collective beneficiary and the higher rate of aid intensity is not justified.
- D. The same logic will apply where operations are implemented by Producer Organisations or co-operatives on behalf of their members. If the final beneficiary is *de facto* the individual member, then this is not a collective beneficiary and the higher rate of aid intensity is not justified.
- E. BIM, the Intermediate Body, will ensure that collective actions are not used to unduly or inappropriately take advantage of the more favourable provisions in the EMFF available to collective beneficiaries. The Intermediate Body will, in particular, ensure that the beneficiary is the collective organisation itself and not its members.

By way of example, “grouping” the purchase of equipment (owned and used by members of a professional association or a cooperative) to get better commercial deals will not qualify as an action of collective interest as the members of the collective (who own the equipment) would *de facto* become the actual beneficiaries. That is, the final beneficiary is the individual member of the collective rather than the collective. Conversely, the purchase of equipment i) owned by the collective ii) to provide services to its members, could be in the collective interest of the latter in which case the higher rate of aid intensity may be justified.

## **OPERATIVE & COMMENCEMENT DATES FOR THE SCHEME**

The operative data of this scheme is 1st January 2016 with the exception of C5 *Certification & Responsible Fishing* for which the date is 1st January 2015.

The commencement date is the date of acknowledgement of receipt of an application.

Work undertaken or expenditure incurred prior to the *commencement date*, or, in the case of C5 *Certification & Responsible Fishing* the operative date shall be deemed ineligible for grant aid.

## **SMALL SCALE COASTAL FISHERIES**

Small scale coastal fishing means fishing carried out by fishing vessels of an overall length of less than 12 metres and not using towed fishing gear as listed in Table 3 of Annex I to Commission Regulation (EC) No 26/2004.

## **PROJECT APPROVAL**

Following evaluation by an Investment Committee, projects will be finally approved or rejected by a Project Approvals Board appointed for that purpose.

## **PROCEDURE FOR DEALING WITH APPEALS**

In every case, an applicant may appeal a decision by an Investment Committee or a Project Approvals Board to refuse grant aid. All appeals must be made in writing to the Intermediate Body who will refer the appeal to the Independent Appeals Officer appointed for this purpose.