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**European Structural
and Investment Funds**



Llywodraeth Cymru
Welsh Government

Welsh Government – European Maritime and Fisheries Fund 2014-2020

Support for Investments on Board Fishing Vessels – Measure I.8 (Article 32: Health & Safety)

Guidance Notes

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INTRODUCTION

1. These Guidance Notes explain the European Maritime and Fisheries Fund (EMFF) – Support for Investments on Board Fishing Vessels – Measure 1.8 (Article 32: Health & Safety) - and the kind of projects that may qualify for grant aid. Please read them carefully. If you then consider your investment plans may qualify for grant and you want to apply for support, please read the “How to Apply Section” of this Guidance Note and the accompanying ‘How To Apply’ Guidance.
2. Grant aid is available under the EMFF programme 2014-2020. The programme shall contribute to the achievement of the following objectives:
 - promoting competitive, environmentally sustainable, economically viable and socially responsible fisheries
 - fostering the implementation of the Common Fisheries Policy (CFP)
 - promoting a balanced and inclusive territorial development of fisheries areas
 - fostering the development and implementation of the Union’s Integrated Maritime Policy (IMP) in a manner complementary to cohesion policy and to the CFP.
3. The pursuit of those objectives shall not result in an increase in fishing capacity of a vessel nor increase the ability of a vessel to find fish.
4. This guidance should be used for projects relating to investments on-board vessels and individual items of equipment in order to improve hygiene, health, safety and working conditions.
5. This scheme is covered by the specific provisions of Commission Delegated Regulation (EU) 2015/531 Articles 2 to 6 inclusive but the eligible activities are further defined in Annex A.
6. The EMFF will support investments on board provided these investments go beyond the requirements set out in Union or national law.
7. Where a project consists of an investment in individual equipment, the support shall not be granted more than once during the programming period for the same type of equipment and for the same beneficiary. The same type of equipment means the same or similar item doing the same job.
8. Where a project consists of an investment on board, support shall not be granted more than once during the programming period for the same type of investment and for the same fishing vessel.
9. EMFF is important to the fishing industry and coastal communities as it will help businesses adapt to the reformed CFP and support the long term sustainability of the sector and economic growth of the area.

10. The focus for Wales is to develop a vibrant, competitive and sustainable fishing sector, facilitating CFP implementation, exploiting the potential of aquaculture and encouraging partnerships between fishermen and scientific institutions.
11. It is the responsibility of the applicant to ensure that proposed projects or investments are technically viable, comply with all relevant health and safety legislation and any other project specific safety requirements.
12. It is the responsibility of the applicant to ensure that any equipment purchased with EMFF funding meets all necessary legal requirements. If equipment purchased subsequently becomes obsolete or illegal then this is at the applicant's own risk; there can be no refunds or claims against the scheme.
13. Where applicable, applicants must also demonstrate that a viable market has been identified for their product(s) and that the project would not proceed without the grant.
14. The Programme is discretionary and the amount of grant offered would relate to individual circumstances and would always be the **minimum amount necessary** to allow the project to go ahead.
15. The owner of a fishing vessel that receives support shall not transfer that vessel outside of the European Union during at least the five years following the date of actual payment of that support to the beneficiary. If a vessel is transferred within that timeframe, sums unduly paid in respect of the project shall be recovered by the Welsh Government, in an amount proportionate to the period during which the condition has not been fulfilled.
16. This is only an outline to the Programme and the way it is operated, the detailed rules for eligibility criteria may be subject to change.

STRATEGIC AND THEMATIC OBJECTIVES

17. The EMFF aims to support sustainable development in the fishing and aquaculture sectors and conservation of the marine environment, alongside supporting growth and jobs in coastal communities through:
 - Promoting sustainable, resource efficient, innovative, competitive and knowledge based fisheries:
Focus on innovation and added value, promoting environmentally sustainable, resource efficient, competitive fisheries which are more selective, produce less discards and do less damage to marine ecosystems
 - Fostering sustainable, resource efficient, innovative, and competitive and knowledge based aquaculture:
For an aquaculture sector that is environmentally sustainable, resource efficient and competitive; to help such businesses to become economically

viable and competitive

- Fostering the implementation of the Common Fisheries Policy (CFP):
To support the implementation of the CFP through the collection and management of data to improve scientific knowledge. This also supports the monitoring, control and enforcement of fisheries legislations
- Increasing employment and territorial cohesion:
To increase employment and promote economic growth and social inclusion in communities dependent on fishing through community-led local development (CLLD)
- Fostering marketing and processing:
To improve marketing and processing for fishery and aquaculture products
- Fostering the implementation of the Integrated Maritime Policy:
To support a more coherent approach to maritime issues.

18. The main priorities for the EMFF in Wales include:

- facilitating CFP implementation, including the landing obligation
- exploiting the potential of aquaculture
- improving the safety of the fishing industry
- encouraging partnerships between fishermen and scientific institutions
- community-led local development
- increasing added value of Welsh fish
- encouraging the use of Information Technology within the industry.

19. All projects supported through the European Structural and Investment (ESI) Funds including EMFF must make a contribution towards the achievement of one or more strategic policy objectives or thematic objectives. These may include programme level horizontal principles (Cross Cutting Themes (CCT)). Projects may contribute to several such objectives and progress in achieving those must be reported on when each grant claim is submitted.

20. Article 24 of Regulation (EU) No 508/2014 explains that Sustainable Development of Fisheries activity under EMFF shall contribute to the achievement of the specific objectives under the Union Priority set out in Article 6(1) of the same Regulation.

21. Article 6(1)(d) is relevant to Article 32 as it stipulates “Promoting environmentally sustainable, resource-efficient, innovative, competitive and knowledge-based fisheries by pursuing the following specific objectives – the enhancement of the competitiveness and viability of fisheries enterprises, including of small-scale coastal fleet, and the improvement of safety and working conditions.”

22. In addition projects must address one or more of the CCT included in the Operational Programme where it is appropriate to do so within the context of the

activities expected to be delivered and the expected outputs or results. The CCTs are:

- Promotion of equality between men and women and non-discrimination
- Sustainable development.

WHO CAN APPLY

23. Article 32 of Regulation (EU) No 508/2014 explains that support is to be granted to fishermen and / or owners of fishing vessels. Applications can therefore be submitted by:

- fishermen and / or owners of fishing vessels that are on the European Union (EU) fishing fleet register and which are administered by the Welsh Government from a port in Wales.¹

24. Support will be restricted to those beneficiaries who have been active in the industry in the preceding 2 years. Beneficiaries will be expected to provide a track record of fishing activity for a minimum of two months within the two years prior to the application date. In the case of new entrants to the fishery, beneficiaries must establish proof of fishing activity for a period directly prior to the application date. Documents considered as proof are:

- sales notes or buyers receipts
- Shellfish Licence Catch Returns (MSAR)
- Log Book Returns
- Fishing Vessels 10m and under – Finfish Returns.

25. Applications will not be accepted from organisations, businesses or individuals who have been convicted of fraud under either the European Fisheries Fund (EFF) or the EMFF.

26. Applications will not be accepted from organisations, businesses or individuals who have been convicted of an offence that the Welsh Government or EU consider to be a 'serious infringement' or fraud, in the 12 months before applying. Please see separate Guidance Notes on Serious Infringements and Fraud.

ELIGIBLE ACTIVITIES

27. Support under this scheme covers investments that are aimed at improving hygiene, health, safety and working conditions for fishermen on board fishing vessels, provided that they go beyond Union or national law.

28. These activities are covered by the specific provisions of Commission Delegated Regulation (EU) 2015/531 Articles 2 to 6 inclusive; eligible investments and items

¹ Vessels owned and operated outside of Wales should apply to their own country.

of equipment are further defined in Annex A.

INELIGIBLE ACTIVITIES

29. There are a number of investments that are not eligible:

- investments to increase the fishing effort, the capacity of a vessel or increase the ability of a vessel to find fish
- investments to increase the capacity of fish holds
- investments to build fishing vessels or import them
- investments to stop fishing activities temporarily or permanently (unless otherwise provided for in the EMFF regulations)
- investments to carry out exploratory fishing
- investments to transfer ownership of a business
- investments to support direct restocking unless explicitly provided for as a conservation measure by a European Union legal act or in the case of experimental restocking
- the purchase or construction of inland fishing vessels
- the construction of Lobster Hatcheries
- the farming of genetically modified organisms
- items and services that are statutory or mandatory requirements of law and byelaws
- scheduled or preventive maintenance costs of any piece of equipment which keeps a device in working order
- activities related to recreational sea or freshwater angling
- pulse trawling
- projects which breach National or EU legislative requirements
- standard industry obligations such as statutory management requirements any discrete or standalone activities or items for which a beneficiary already has or intends to receive EU funding other than EMFF
- investments that cause a vessel to become unstable or become dangerous to crew or others.

30. Only those investments and items of equipment which are listed in Annex A are eligible for support.

ELIGIBLE COSTS

31. Support is **limited to the costs necessary for and directly related to the purchase and installation of the investments and items of equipment specified in Annex A**, in line with the provisions of Commission Delegated Regulation (EU) 2015/531 Articles 2 to 6 inclusive. **Any other cost is ineligible.**

32. Support under this scheme can cover the purchase and installation of tangible assets such as: investments for alterations and / or new installations made on board registered fishing vessels, intangible assets such as computer software, patent rights, licences, technical and consultancy fees.

33. The purchase of machinery and equipment up to the market value of the asset.

34. Second hand equipment is eligible (for SMEs only) where the applicant can demonstrate the following:

- It complies with current health and safety legislation
- Is fit for purpose
- Has at least five years life expectancy remaining.

INELIGIBLE COSTS

35. Any investments or items of equipment that are not listed in Annex A.

36. The following items are examples of other types of expenditure which are **not eligible** for EMFF grant aid. This is not a definitive list and all items of expenditure will be considered on a case by case basis:

- any costs that you could recover in part or in total by making a claim on an insurance policy or by seeking compensation or damages
- purchase of land
- purchase of buildings which have previously been used for the same purpose
- any physical works on site carried out before the authorised start of work date or other expenditure incurred before the project start date without prior written approval from the grantor (**any such work carried out renders the whole award liable to cancellation**)
- temporary works not **directly** related to the execution of the project
- purchase of vehicles for external transportation (forklift trucks, or similar, used for internal transportation and handling are eligible for EMFF grant aid if they comply with the specific eligibility requirements of the Measure)
- purchase of trading stock
- working capital
- reclaimable VAT
- maintenance costs
- operating costs
- costs associated with the completion of EMFF application forms, including the payment of consultants to provide support in the completion of the application forms
- own labour and equipment costs
- like for like replacement of existing machinery and equipment
- consumables (items which are normally written off within a year)
- recreational equipment (though televisions, projectors etc. for educational or business purposes may be eligible)
- landscaping, ornamental work, and provision of leisure amenities

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- general office equipment and furniture except desks, chairs, telephone equipment, computer and other IT equipment, software and teleprinters, laboratory and lecture-room equipment essential for the delivery of the project
- revenue costs such as salaries for key staff; training for directors and key staff; attendance at trade fairs; expenses of outside directors
- costs connected with a leasing contract such as the lessors margin, interest financing cost, overheads and insurance charges
- costs of arranging overdraft facilities, loans or other financial support instruments including any associated fees or other charges
- overheads allocated or apportioned at rates materially in excess of those used for any similar work carried out by the applicant
- notional expenditure
- payments for activity of a political nature
- depreciation, amortisation and impairment of assets purchased with the help of a grant
- contingent liabilities
- contingencies/provisions
- profit made by the applicant
- dividends
- interest charges (unless under an approved State Aid scheme)
- service charges arising on finance leases, hire purchase and credit arrangements
- costs resulting from the deferral of payments to creditors
- costs involved in winding up a company
- payments for unfair dismissal
- payments into private pension schemes
- payments for unfunded pensions
- compensation for loss of office
- compensation paid to third parties for expropriation, unharvested crops, etc.
- bad debts arising from loans to employees, proprietors, partners, directors, guarantors, shareholders or a person connected with any of these
- payments for gifts and donations
- personal entertainments (including alcohol)
- costs associated with requirements arising from statutory enforcement action
- statutory fines and penalties
- statutory taxes (excluding irrecoverable VAT)
- criminal fines and damages
- legal expenses in respect of litigation.

37. Costs related to the purchase of equipment (either new and / or second hand) are only eligible for grant aid when the cost has been correctly defrayed by the claimant. Therefore the full costs of any equipment secured under a hire purchase or lease hire agreement or any other form of financial arrangement is not eligible for grant aid. In certain circumstances the capital element monthly payments may be eligible for a limited period but separate rules will apply.
38. Preventative or scheduled maintenance costs of vessels and equipment, including vehicles, are not eligible for funding and only those costs necessary for and directly related to the investments and / or installation of items as listed in Annex A are eligible.

MAXIMUM GRANT RATE AND MAXIMUM GRANT THRESHOLD

39. The grant amount is made up from the total public sector contribution to the investment project which includes: monies from the EU; co-finance to the EU funds from Welsh Government; monies from other government departments and agencies, non-departmental public bodies and local authorities; monies from governmental controlled bodies such as the Small Business Service and the National Lottery; monies from parafiscal taxes (levys).
40. If other EU or UK public funds are obtained to support the costs of a project they will be discounted against the EMFF grant.

Measure 1.8: Article 32 – Health and safety:

41. The minimum grant threshold per individual investment project is **£800.00**
42. The maximum grant threshold per individual investment project is **£80,000.00**

Grant Rates

43. Grant rates are the maximum intensity of public aid for which a project can qualify. Therefore the beneficiary must secure the remainder of the funding from non-public funds. If other EU or UK public funds are obtained to support the costs of a project they will be discounted against the EMFF grant.

44. The maximum grant rates for beneficiaries are as follows:

- The grant rate for small scale coastal fishermen or for a project which is related to the small scale coastal fisheries fleet is **80%**.²
- The maximum grant rate for organisations of fishers or other collective beneficiaries is **60%**.
- The maximum grant rate for SME private organisations who are not small scale coastal fishermen (for a project which is not related to the small scale coastal fisheries fleet) is **50%**.
- The maximum grant rate for large enterprises (non-SME private organisations) who are not small scale coastal fishermen (for a project which is not related to the small scale coastal fisheries fleet) is **30%**.

Derogations:

45. Article 95 of EU Regulation No 508/2014 (the EMFF Regulation) specifies:

Member States may apply an intensity of public aid between 50% and 100% of the total eligible expenditure where:

(a) the operation is implemented under Chapter I, II or IV of Title V and fulfils all of the following criteria:

- (i) it is of collective interest
- (ii) it has a collective beneficiary
- (iii) it has innovative features, where appropriate, at local level.

46. The Welsh Government will appraise all applications for a higher level of public aid on a case-by-case basis. The final decision on the level of public aid for which a project may qualify is at the discretion of the Welsh Government.

Collective Interest and Collective Beneficiary:

47. A 'collective beneficiary' is an organisation recognised as representing the interest of its members, of a group of stakeholders, or of the public at large. The beneficiary of the project should be the collective organisation itself and not its members.

48. 'Collective interest' is defined as actions undertaken by this organisation which are in the collective interest of its members, of a group of stakeholders or of the general public. Such actions should thus encompass more than the sum of the individual interests of the members of this collective beneficiary.

² Small-Scale Coastal Fishing (SSCF) means fishing carried out by fishing vessels of an overall length of 11.99 metres or less and not using towed fishing gear as listed in Table 3 of Annex I to Commission Regulation (EC) No 26/2004.

49. If a project has no direct financial benefit to either the applicant delivering the project or the beneficiary of the project and has both collective interest and a collective beneficiary (or beneficiaries) then it can be considered Collective.
50. If a project has a direct financial benefit to either the applicant delivering the project or the beneficiary of the project then it is considered Non-Collective.
51. In addition, to be eligible for the higher rate of public aid, a project must have innovative features.

52. Innovation can be defined in a number of different ways. For example:

- a **product innovation** is the introduction of a good or service that is new or significantly improved with respect to its characteristics or intended uses. This includes significant improvements in technical specifications, components and materials, incorporated software, user friendliness or other functional characteristics
- a **process innovation** is the implementation of a new or significantly improved production or delivery method. This includes significant changes in techniques, equipment and / or software
- a **marketing innovation** is the implementation of a new marketing method involving significant changes in product design or packaging, product placement, product promotion or pricing
- an **organisational innovation** is the implementation of a new organisational method in the organisation or firm's business practices, workplace organisation or external relations.

Source: Oslo Manual: Guidelines for Collecting and Interpreting Innovation Data; Third edition (a joint publication of OECD and Eurostat):

<http://ec.europa.eu/eurostat/documents/3859598/5889925/OSLO-EN.PDF>

53. **This list is not prescriptive or exhaustive. It is the responsibility of the applicant to make a robust and convincing case to demonstrate that your proposed project incorporates genuinely innovative features.**
54. Innovative features can be activities that are innovative to the sector or industry but can also be innovative to a business or organisation, but must be present. If the project is being delivered at a local level, the innovative features must be present at that local level.

55. The applicant is also expected to demonstrate that:

- the innovative features are relevant to the aims and eligible activities within the specified Measure
- the innovative features are relevant to achieving the aims of the project.

56. Where the proposed innovation relates to an organisation or business, the applicant may also be expected to demonstrate that this activity also represents a degree of innovation within the relevant sector or industry.

57. The value for money represented by the project as a whole, including any proposed innovative features, will be considered as part of the wider appraisal of the project by the Welsh Government.

58. The Welsh Government will appraise all applications for a higher level of public aid on a case-by-case basis. The final decision on the level of public aid for which a project may qualify is at the discretion of the Welsh Government.

STATE AID

59. All projects must comply with all eligibility rules of the scheme and State Aid rules to be deemed eligible for funding.

60. Articles 107, 108 and 109 TFEU do not apply to grants provided under this scheme which are made pursuant to Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund, within the scope of Article 42 TFEU. However, projects must relate to the catching, production and / or processing of fisheries products. These are defined in:

- Annex I of the Treaty for the Functioning of the European Union (found in the Official Journal of the European Union under 2012/C 326/01) and
- Annex I & II of the Common Market Organisation Regulation EU 1379/2013.

61. If you feel that your project does not meet these criteria then you should contact the Welsh Government to discuss your project before making an application for funding.

SELECTING SUCCESSFUL PROJECTS

62. To be selected, a project is expected, as appropriate, to demonstrate:

Fit with the EMFF Operational Programme:

Specifically, a project is expected to demonstrate:

Strategic Fit:

How the proposed project will support the aims of the Union Priority, Specific Objective and Measure by:

- stating what items or pieces of equipment you intend to purchase
- explaining the need for the items or pieces of equipment
- explaining how the items or pieces of equipment to be purchased will improve safety or working conditions
- do you already have a similar item or piece of equipment? If so, please explain how the new item or piece of equipment will improve on your existing equipment e.g. will it be more reliable than the existing equipment, what additional things will the new piece of equipment do that the existing piece of equipment doesn't?
- if you are proposing to deliver a collective project, please explain the specific target group for your project.

Indicators & Outcomes:

How the project will contribute to the EMFF Result Indicators of:

- change in the number of work-related injuries and accidents
- change in the % of work related injuries and accidents in relation to total fishers.

by setting out:

- the number of work-related injuries and accidents before the project
- how you anticipate that the item or equipment to be purchased by the project may help you to reduce the number or severity of work-related injuries and/or accidents; and/or reduce the risk of work-related injuries and / or accidents occurring.

Suitability of Intervention:

- explaining the wider benefits or outcomes which you believe that the project may deliver, in addition to improving health and safety and working conditions
- explaining whether your project will contribute to the wider aims and objectives of the EMFF Programme, as set out in the Strategic and Thematic Objectives section of this Guidance Notes.

Deliverability:

A project is expected to demonstrate:

Need for funding:

- That the project cannot proceed now without support
- That the costs are not excessive for the nature of the activity involved
- That there is a market failure or funding gap, where applicable.

Please see the 'How to Apply' Guidance Notes for further details.

Ability to deliver:

- Viability of the business
- Legal compliance
- Financial viability of project and sustainability, including exit strategy
- Relevant support and commitment of key stakeholders
- Project management, monitoring and evaluation arrangements.

Please see the 'How to Apply' Guidance Notes for further details.

63. The greater the importance and contribution that the project investment can make to the appropriate strategic and thematic objectives the more likely it is to be recommended for selection.

KEY REQUIREMENTS

64. That the project would not proceed in its current form at the current time without grant assistance.

65. That the amount of grant being asked for is the minimum gap funding necessary for the project to go ahead.

66. Applications must also demonstrate that the following have been addressed:

- outline planning permission has been obtained, where required
- all other consents, licences and permissions have been granted, where required
- for existing businesses the economic viability of the project and the business, through the provision of accounts for three consecutive years immediately preceding the date of the application and financial forecasts for the period of the project
- new businesses will be required to supply full details about the background and experiences of the directors along with other evidence necessary to validate the business plan and project proposals

- compliance with UK and EU Law on equal opportunities and projects should promote and encourage equal opportunities and combat social exclusion
- compliance with minimum standards and legislative requirements regarding the environment, hygiene, animal welfare and health and safety standards
- availability of the necessary technical skills and competences within the business.

INDICATORS AND REPORTING

Indicators:

67. The EMFF Operational Programme sets the output and result indicators against which projects under Measure 1.8 (Article 32: Health & Safety) will be expected to report.

68. The Output Indicator records the number of projects to which a grant has been awarded under Measure 1.8 (Article 32: Health & Safety):

- Number of projects on promotion of human capital and social dialogue, diversification and new forms of income, start-ups for fishermen and health/safety.

69. The Result Indicators are designed to capture the benefits or effects which result from each project supported under Measure 1.8 (Article 32: Health & Safety). The Result Indicators to which projects will be asked to contribute are:

- Change in the number of work-related injuries and accidents.
- Change in the % of work-related injuries and accidents in relation to total fishers.

70. In order to do this, individual beneficiaries should provide the following information:

- The number of work-related injuries and accidents before the project
- The number of work-related injuries and accidents after the project.

This information is to be provided for each fishermen and / or owner of a fishing vessel who receives support as a result of the project.

71. The Definitions of Common Indicators guidance for the EMFF 2014-2020 has not yet been finalised. The Welsh Government will provide specific guidance on these elements of the EMFF programme when the information becomes available.

Implementation Data:

72. In line with the requirements of Commission Implementing Regulation 1243/2014, projects under Measure 1.8 (Article 32: Health & Safety) will also be required to report the following information:

- Community Fleet Register number (CFR) of each fishing vessel concerned with the project
- Whether the project relates to sea or inland fishing or both
- The type of equipment concerned: investment on board or individual equipment and
- The number of fishermen concerned by the project.

73. This information should be provided at two points during the project lifetime:

- Anticipated targets / achievement is to be provided as part of the application and
- Actual achievement is to be reported at the completion of the project.

CROSS CUTTING THEMES

74. The Regulations governing the European Programmes stipulate that all projects funded through the Common Strategic Framework must integrate the CCTs of Promotion of equality between men and women and non-discrimination and Sustainable development. These mandatory CCTs need to be integrated into the design and development of the European Structural and Investment Funds (ESIF) and the activity supported through the funds. This includes the EMFF.

75. The CCTs are intended to add value, raise awareness and understanding while ensuring maximum participation and mitigating adverse impacts. This should help operations move beyond compliance and develop systems which support best practice.

76. Further guidance is available at:

<http://gov.wales/funding/eu-funds/2014-2020/applying/cross-cutting-guidance/?lang=en>

HOW TO APPLY

77. Applications for support under Measure 1.8 (Article 32) can be made by completing the application form and submitting it via WEFO Online (please see separate guidance).

78. Once you have submitted your full application, the Welsh Government will send you an acknowledgement and notification that you may proceed at risk on your project. You will receive this notification within 15 working days of submitting your full application.

79. **You must not start work on your project until you have received this notification.**
80. Subject to the requirements of the Welsh Government's Code of Practice on Public Access to Information, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004: **all information given to the Welsh Government will be treated in strict confidence. You should be aware that if successful, the Welsh Government, the UK Government and the EC reserve the right to publish the name of your company, the amount of grant you were awarded and a summary of your project.**
81. You may use a consultant to prepare your application if you wish **but the application form must be signed by you and not by the consultant. It is your responsibility to ensure that the application is correctly completed and that the information provided in support of your project is accurate.**
82. When you submit your application form, the Welsh Government will acknowledge its receipt. If your project is ineligible, you will be told this as soon as possible. If your application is eligible, it will be subject to a technical and financial appraisal. When the appraisal is complete, support for your application will then be evaluated against the extent to which it meets national and regional objectives and priorities, as described above.
83. There are three possible outcomes:
- (a) Your project is not eligible for the grant. You will be told as soon as possible.
 - (b) Your project is eligible for consideration but is not approved for an award. You will be informed of the reasons why your application was not successful. You may apply again with the same project (amending the application if you wish) **but only if you have not started work.**
 - (c) Your project is eligible and is approved for an award. An approval letter will be issued to you setting out the terms and conditions of the award which you will be asked to sign as agreement that you accept the terms and conditions therein. The letter will also provide you with the authority to start work.

CONDITIONS OF GRANT

84. The EMFF Fund is subject to a range of relevant legislation. Both the Welsh Government and the applicant and the end recipient of support must act in accordance with that legislation.
85. The offer of a EMFF Fund grant is made subject to terms and conditions, including but not limited to those set out below. **Failure to meet the terms and conditions of the award could result in the cancellation of your award and/or the recovery of sums already paid, or a reduction of the amount of grant**

payable.

Conditions:

1. Acceptance of the grant awarded must be made within fourteen (14) working days of the date on the approval letter.
2. The award is made on the basis of statements made by you or your representatives in the application form and subsequent correspondence.

The making of false or misleading statements is an offence.

3. You must not begin any work on the project without first obtaining written authority to do so from Welsh Government.
4. You must meet any legal obligations imposed under EU and UK law, including hygiene legislation.
5. No alterations may be made to the project, including the location of the activity, without the written approval of Welsh Government.
6. No equipment and / or buildings purchased with grant aid must be disposed of, transferred or sold without the prior written consent of Welsh Government during the project delivery and for five years from the project end date. This includes indirect changes e.g. where a premises or vessel changes ownership or where the location of any funded items changes.
7. It is your responsibility as the original applicant to inform the new owners of the funding obligations attached to the item. The new owners will be required to take on the terms and conditions of the funding for the time remaining up to 5 years from the date the original offer of funding was accepted.
8. If the new owner of the item or items does not accept the terms and conditions of the funding attached, then it is deemed that the item has not fulfilled its obligations to the scheme and therefore recovery proceedings may be started and funding recovered from you as the original applicant.
9. You must not transfer a fishing vessel outside the EU for at least 5 years after the payment of EMFF funding to the applicant; if you do this you must give back all or part of the EMFF money you received. The exact amount you have to pay back depends on when you transferred the vessel.
10. The applicant is required to comply with the rules on eligible expenditure as detailed in the relevant Measure Guidance Note.
11. Claims must be submitted in the correct format and accompanied by all necessary documentation. If not, they will not be accepted and will be

returned to the claimant.

12. Claims must be submitted in accordance with the agreed timetable. You cannot change the agreed timing and value of your claims without written agreement from Welsh Government.
13. Projects should be completed within the timetable agreed with Welsh Government. You cannot change this without written agreement from Welsh Government.
14. You must confirm that none of the items covered by the application are replacements under an insurance claim.
15. You must provide confirmation that no other public funding (whether from EU or UK sources) has been sought.
16. Any publicity given to the project must make reference to the part played by both the European Union and Welsh Government in funding it.
17. Records concerning the activity of the business and the delivery of the project, including all original invoices and other related documents such as competitive tenders or quotes, must be retained until the end of six years after the last payment of financial assistance made to you in relation to the project.
18. You must allow representatives of the Welsh Government, including the Auditor General for Wales, the Audit Commission and the European Court of Auditors to inspect the project. On request, you must provide them with information and / or access to original documentation in relation to the project.
19. The information provided in the application and any supporting documentation is subject to the requirements of the Welsh Government's Code of Practice on Public Access to Information, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

You should be aware that if successful, Welsh Government and the EU reserve the right to publish the name of your business or company, the amount of grant you were awarded and a summary of your project.

20. The information provided in the application and any supporting documentation is subject to the Privacy Notice available at <https://gov.wales/topics/environmentcountryside/marineandfisheries/european-maritime-fisheries-fund/?skip=1&lang=en>. The Privacy Notice explains the Welsh Government's processing and use of your personal data and your rights under the General Data Protection Regulation (GDPR).

PAYMENT OF GRANT

Claims

86. You may make interim claims during the period of your project. Guidance notes on how to claim will be issued when the award is confirmed and subsequently the claim is invited. Claims will only be paid when the Welsh Government is satisfied the relevant expenditure has taken place and that the work has been completed according to plan. Payment will be made by electronic transfer to your bank account.
87. Final claims for payment of grant should be submitted as soon as possible after the work on the project has been completed. All final claims must be received no later than 30 June 2023 in order for Welsh Government to be able to meet the payment. Failure to submit claims may result in the grant paid to date being recovered.
88. During the lifetime of the grant, when claims are submitted, they may be scrutinised to ensure expenditure is eligible and in line with that approved in the original application. On completion of the physical works, the project may be visited and a detailed assessment of the project undertaken. The information that will be required at the visit could include but not be limited to; original invoices; serial/plant numbers; Building Regulations completion certificate (where appropriate); Health & Safety system including risk analysis; Fire Risk Assessment documents in accordance with the Regulatory Reform (Fire Safety) Order 2005; Cleaning Regime records; Pest Control records and Quality Control records. The release of grant will be conditional upon adequate progress having been made.

Incorrect claims

89. You have a responsibility to make sure that each claim submitted is arithmetically correct; that it is only for defrayed expenditure (the money has gone from bank account); that all the items and costs are eligible and that the claim is on time.
90. If the claim is incorrect then your claim will be reduced to the amount that is eligible and the grant to be paid will be calculated accordingly.
91. If you have any doubts about the eligibility of any expenditure you must check **before you incur the costs.**

Offences

92. The European Maritime and Fisheries Fund (Grants) (Wales) Regulations 2016 No. 665 (W. 182) establishes criminal offences and penalties in relation to certain aspects of European Maritime and Fisheries Funding. Examples of offences include; knowingly or recklessly providing false or misleading information in relation to European Maritime and Fisheries Funding; obstructing an inspector or official; and refusing to provide information when requested to do so.

MONITORING OF PROJECTS

93. It is a European Commission requirement that the progress of your project is monitored and its success evaluated following completion. You will be asked to provide regular updates on its progress and three months following completion, a final report on its performance, when the project will be evaluated against the objectives and targets set out in the approved application. If the project should fail to meet these targets and, on the basis of progress actually made, would not have qualified for grant aid under the scheme, action may be taken to recover the grant paid.
94. It will be a requirement of the grant award that equipment purchased with the aid of a EMFF grant and any buildings on which grant is paid, must be kept in situ, operational and in good repair, and used for the same purpose as set out in the original application, for five years from the project end date. This is to ensure the longevity of the project and, where applicable, to guarantee primary producers a lasting share of the project's benefits.
95. A further monitoring form may be required to be completed two years following completion and again five years following completion. Site visits will be made on a percentage of the projects approved within five years of the project end date to ensure the applicant still has and is still using the buildings and / or equipment purchased with the grant for the same purposes and that the business is performing as expected.
96. You must allow officials from Welsh Government and the European Commission, or their representatives, to inspect the project at any reasonable time within this five year period.

END OF EMFF PROGRAMME

97. All claims must be submitted to the Welsh Government by no later than 30 June 2023. All project activity must be completed in time for accounts and records to be audited and claims to be prepared and submitted by this date.

APPEALS PROCEDURE

98. If an application is rejected, the reasons for rejection will be explained. We will be prepared to discuss any modifications which might be needed to make the project acceptable.
99. If an application is still rejected an appeals procedure will be established which will take the form of an oral or written submission to persons appointed by and independent of the Welsh Ministers.

COMPLAINTS PROCEDURE

100. If you consider that we have failed to follow the correct procedure in the handling of your request you may wish to make a complaint in accordance with Welsh Government's Complaints procedure which is available by post or via the website at:

http://gov.wales/contact_us/makeacomplaint/?lang=en

ANNEX A – ELIGIBLE INVESTMENTS AND ITEMS OF EQUIPMENT

The EMFF will support investments in order to improve hygiene, health, safety and working conditions for fishermen, provided that they go beyond those set out in Union or national law. Only those costs necessary for and directly related to the purchase and installation of items to be funded shall be eligible for support.

Item/Area	Eligible Costs
For projects that are aimed at improving safety for fishermen on board fishing vessels, the purchase and, if applicable, the installation, of items:	Life-rafts.
	Hydrostatic release units for life-rafts.
	Personal locator beacons such as Emergency Position Indicating Radio Beacon ('EPIRB') devices, which may be integrated into lifejackets and working clothes of fishermen.
	Personal Flotation Devices ('PFD'), in particular immersion or survival suits, life buoys and jackets.
	Distress flares.
	Line throwing appliances.
	Man-overboard ('MOB') recovery systems.
	Fire-fighting apparatus, such as fire extinguishers, fire blankets, fire and smoke detectors, breathing apparatus.
	Fire protection doors.
	Fuel tank shut-off valves.
	Gas detectors and gas alarm systems.
	Bilge pumps and alarms.
	Equipment for radio and satellite communications.
	Watertight hatches and doors.
	Guards on machinery, such as winches or net drums.
	Gangways and access ladders.
	For projects or the provision of equipment that are aimed at the improvement of the health conditions for fishermen on board fishing vessels:
Safety release mechanisms for cases where fishing gear catches an underwater obstruction.	
Safety cameras and monitors.	
Equipment and elements necessary to improve deck safety.	
The purchase and installation of first aid kits.	
For projects or the	The purchase of medicines and devices for urgent treatment on board.
The provision of telemedicine including e-technologies, equipment and medical imagery applied to distance consultation from the vessels.	
The provision of guides and manuals to improve health on-board.	
Information campaigns to improve health on-board.	
Sanitary facilities, such as toilet and washing facilities.	

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provision of equipment that are aimed at the improvement of hygiene conditions for fishermen on board fishing vessels, the purchase and, if applicable, the installation of items:	Kitchen facilities and equipment for food supplies storage.
	Water purification devices for potable water.
	Cleaning equipment to keep sanitary conditions on board.
	Guides and manuals on the improvement of hygiene on board, including software tools.
For projects or the provision of equipment that are aimed at the improvement of working conditions on board fishing vessels, the purchase and, if applicable, the installation, of items:	Deck railings.
	Shelter deck structures and the modernisation of cabins with a view of providing protection from adverse weather conditions.
	Items relating to the improvement of cabin safety and to the provision of common areas for the crew.
	Equipment to reduce heavy manual lifting, excluding machines directly related to the fishing operations such as winches.
	Anti-slipping paint and rubber mats.
	Insulation equipment against noise, heat or cold and equipment to improve ventilation.
	Working clothes and safety equipment such as waterproof safety boots, eyes and breathing protection, protective gloves and helmets, or protective equipment against falls.
	Emergency and safety warning signs.
	Risk analysis and assessments to identify the risks for fishermen both in port or in navigation in order to take measures to prevent or reduce risks.
	Guides and manuals on the improvement of working conditions on board.