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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing the conditions for the implementation of the Union support to the Common Fisheries Policy, to the European Ocean Pact and of the Union's maritime and aquaculture policy as part of the National and Regional Partnership Fund set out in Regulation (EU) [NRP Fund] for the period from 2028 to 2034 - Partial general approach

I. BACKGROUND

1. On 16 July 2025, the Commission submitted to the Council and the European Parliament a proposal for a Regulation of the European Parliament and of the Council establishing the conditions for the implementation of the Union support to the Common Fisheries Policy, to the European Ocean Pact and of the Union's maritime and aquaculture policy as part of the National and Regional Partnership Fund set out in Regulation (EU) [...] [NRP Fund] for the period from 2028 to 2034.¹
2. The proposal is part of the multiannual financial framework (MFF) package for the period 2028-2034 and aims to set out the specific rules for Union support to the Common Fisheries Policy (CFP) and related areas. It complements the proposal for a Regulation of the European Parliament and of the Council establishing the European Fund for economic,

¹ ST 11757/25 + COR1 + COR2 REV1 + COR3.

social and territorial cohesion, agriculture and rural, fisheries and maritime, prosperity and security for the period 2028-2034 and amending Regulation (EU) 2023/955 and Regulation (EU, Euratom) 2024/2509 ('NRPP Regulation'), which sets out the rules for programming, implementation, governance and monitoring, as well as the financial framework for, amongst others, the interventions relating to the CFP and its related areas. The Council (General Affairs) reached a Partial General Approach on the NRPP Regulation on 16 June 2026².

3. The draft Regulation is based on Article 42, Article 43(2), Article 91(1), Article 100(2), Article 173(3), Article 175, Article 188, Article 192(1), Article 194(2), Article 195(2) and Article 349 of the Treaty on the Functioning of the European Union (TFEU) (ordinary legislative procedure).
4. The Council (Agriculture and Fisheries) held a policy debate on the proposal in its meeting on 22 September 2025³, dealt with the topic at its meeting on 17 November 2025 as part of two AOBs⁴, and received a progress report by the Danish Presidency in its meeting on 11-12 December 2025⁵. In the preparation of a Partial General Approach, the Cyprus Presidency presented six Presidency compromise proposals for discussion in the Working Party⁶ and two additional compromises for discussion at the Permanent Representative Committee⁷ on 17 and 19 June 2026. At the meeting of the Council (Agriculture and Fisheries) on 22 June 2026 and the meeting of the Permanent Representative Committee on 30 June, the CY Presidency informed delegations about the progress made on the file during its 6-month term⁸.
5. The European Economic and Social Committee delivered its opinion on the proposal on 21 January 2026⁹ and the European Committee of the Regions on 1 July 2026¹⁰.

² ST 10559/26.

³ ST 12707/25.

⁴ ST 15256/25 and ST 15326/25.

⁵ ST 16147/25.

⁶ ST 5495/26 + ST 5495/26 REV1 – REV5.

⁷ ST 10387/26 and ST 10387/1/26 REV1.

⁸ ST 10691/26 + COR 1.

⁹ ST 5012/26.

¹⁰ ST 13312/26.

6. In the European Parliament, the Committee on Fisheries (PECH) is the committee responsible for the file. Niclas Herbst (EPP) was appointed rapporteur.

II. KEY ISSUES

7. The IE Presidency continued work towards reaching a Partial General Approach and presented three new Presidency compromises for discussion at the level of the Working Party on Fisheries Policy on 16 July and 3, 7 and 17 September 2026. On 14 September 2026, the IE Presidency organised a technical meeting with national experts to address key open issues.
8. The Presidency compromise set out in the annex to this note includes a few additional modifications, following the discussion at the level of the Working Party on 17 September 2026. The presented compromise addresses Member States' key concerns as follows:
- numerous textual changes were introduced to ensure that the proposed regulation focuses on the support to the CFP, including aquaculture (in particular, recitals (1a) to (1c) and (3) as well as Articles 1 and 3);
 - references to the Ocean Pact and maritime policy were retained but reduced and language adjusted to stress the main focus on the CFP (in particular, changes and deletions in recitals (2), (4), (7) and Articles 1 and 3);
 - a specific Article on fisheries control and data collection was added as a mandatory provision (Article 2b), complemented by detailed recitals (recitals (11) and (12)), to ensure that those fields are allocated resources under the NRP Plans;
 - the reference to the balance between fishing capacity and fishing opportunities was deleted (Article 3(2));
 - provisions on State aid and the control system for the CFP were moved from the NRPP Regulation to the compromise text (Articles 3a and 3b), while the provision on aid intensity was removed as it had budgetary implications (Article 3(3))¹¹;
 - rules on the admissibility of applications in case of serious infringements were clarified (Article 3c(1)) and specific issues on serious infringements relating to reporting catches (Article 3c(1)(a)(i)) and the trigger of inadmissibility (Article 3c(5)(a) and (b)) were addressed;

¹¹ The provision currently forms part of the Negotiation Box (point 73 of ST 10058/26).

- detailed rules to ensure compliance of Union support with the WTO Agreement on Fisheries Subsidies adopted at the WTO's 12th Ministerial Conference in June 2022 were added (Articles 3c and 4);
 - concerning the recovery of funds in case of infringements, the relevant period was shortened from five to one year and the starting date for the period of recovery modified (Article 3c(4));
 - support for the transfer of ownership was made eligible in case of generational renewal or if it is provided through financial instruments (Article 4(3a));
 - conditions for Union support for investments in and aboard fishing vessels were added (Article 4a) including for the purchase of existing and new vessels, with detailed rules on support for fleet segments that are not in balance (Article 4a(5) and (7)), larger vessels (Article 4a(8)), as well as pilot projects (Article 4a(10)).
9. The Presidency is of the view that the compromise text set out in the Annex to this note addresses the concerns of Member States as much as possible, considering the limited scope of the draft regulation, its relationship with the NRPP Regulation, and the proposed overall structure of EU funds under the next multiannual financial framework. The Presidency also considers that it strikes a good balance between Member States' diverging views on some elements. The Presidency also aimed to ensure consistency with the NRPP Regulation.
10. Since the proposed Regulation is part of the package of proposals linked to the MFF, all the provisions in the initial Commission proposal with budgetary implications or which correspond to the elements that form part of horizontal negotiations on the MFF have been bracketed and are therefore excluded from the partial mandate pending further progress on the MFF. These provisions appear between square brackets in the text. The Presidency will address recitals at a later stage in the process.

II. CONCLUSION

11. Against this background, the Permanent Representatives Committee is invited to confirm the compromise text set out in the Annex to this note and to recommend that the Council (Agriculture and Fisheries) reach a partial general approach on the Regulation at its meeting on 28 to 29 September 2026.

2025/0235 (COD)

Proposal for a

REGULATION (EU) .../...**OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL****of ...**

establishing the conditions for the implementation of the Union support to the Common Fisheries Policy and Aquaculture as well as, ~~to the European Ocean Pact and of the Union's maritime and aquaculture policy and the European Ocean Pact~~ as part of the National and Regional Partnership Fund set out in Regulation (EU) .../... [NRP Fund] for the period from 2028 to 2034

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 42, Article 43(2), Article 91(1), Article 100(2), Article 173(3), Articles 175 **and**, ~~Article~~ 188, Article 192(1), Article 194(2), Article 195(2) and Article 349 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹²,

Having regard to the opinion of the Committee of the Regions¹³,

Acting in accordance with the ordinary legislative procedure¹⁴,

¹² OJ C , , p. .

¹³ OJ C , , p. .

¹⁴ **Position of the European Parliament of ... (not yet published in the Official Journal) and ... decision of the Council of ...**

Whereas:

- (1) ~~[This Union support will be provided under the National and Regional Partnership Fund, in accordance with the rules governing that Fund and set out in [Regulation (EU) [NRP Fund]].]~~
- (1a) This Regulation establishes the specific conditions for the implementation of the Union support to the Common Fisheries Policy (CFP), including aquaculture, for the period from 2028 to 2034.**
- (1b) The CFP is set out in Regulation (EU) No 1380/2013 of the European Parliament and of the Council¹⁵. It aims to ensure that fishing and aquaculture activities are environmentally sustainable in the long term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies.**
- (1c) The Union support implemented in accordance with this Regulation should contribute to the achievement of the objectives of the CFP as set out in Article 2 of Regulation (EU) No 1380/2013 and support their effective implementation through targeted interventions.**
- (2) ~~The Union support shall also contribute to the activities as set out in the European Ocean Pact and contribute to the Union's objective of the sustainability of our ocean, and climate neutrality target, the sustainability, competitiveness and resilience of the European Union fisheries and aquaculture sector, the sustainability, resilience and competitiveness of the European blue economy, the resilience of coastal and island communities, as well as outermost regions, and the enhancement of ocean governance and ocean observation, including through Copernicus, the Union's Earth Observation programme and its marine-related services. The Union support should also contribute to achieving the Union's objectives in relation to ocean sustainability, including the achievement and maintenance of good environmental status of marine waters in accordance with the Marine Strategy Framework Directive¹⁶, and climate neutrality; the sustainability, competitiveness and resilience of the Union fishery and aquaculture sector; the sustainability, resilience and competitiveness of the European blue economy; the resilience of coastal and island communities, as well as outermost regions, and the enhancement of ocean governance and ocean observation, including through Copernicus, the Union's Earth Observation programme and its marine-related services. Such support may also contribute to achieving relevant objectives of the European Ocean Pact.~~
- (3) ~~The National and Regional Partnership **NRP** Fund should contribute to achieving the environmental, economic, social and employment objectives of the Common Fisheries Policy (CFP), as set out in Article 2 of Regulation (EU) No 1380/2013 of the European Parliament~~

¹⁵ **Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22, ELI: <http://data.europa.eu/eli/reg/2013/1380/oj>).**

¹⁶ **Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19, ELI: <http://data.europa.eu/eli/dir/2008/56/oj>).**

and of the Council¹⁷. Such support should ensure that fishing **and aquaculture** activities are sustainable in the long term and are managed in a way that is consistent with the objectives as set out in Article 2 of the CFP-Regulation **(EU) No 1380/2013**.

- (4) ~~The initiatives set out under the European Ocean Pact need to be supported and promoted with investments and funding from private and public sources. An integrated approach to funding and ocean-relevant policies will cover a broad range of elements such as: the conservation of marine biological resources as one of the five EU-exclusive competences, the conservation and restoration of marine biodiversity, the management of and innovation in fisheries and aquaculture activities aiming at the sustainability and resilience of these sectors, the activities on implementing the CFP, generational renewal, ocean knowledge and observation, maritime security, food security, developing and scaling up a competitive and sustainable blue economy, including but not limited to offshore and ocean energy, biotech and desalination, safeguarding underwater and coastal cultural heritage, supporting other blue economy sectors and industries to become climate neutral, deploy smart and zero-emission solutions, building on science and the Ocean Research and Innovation Strategy as well as support to maritime spatial planning and maritime regional cooperation at sea basin level as well as the sustainable, resilient territorial development of coastal communities, islands and outermost regions.~~
- (5) Small-scale coastal fishing is carried out by marine and inland fishing vessels of an overall length of less than 12 metres and not using towed fishing gear, and by fishers on foot, including shellfish gatherers. ~~That sector~~ **Vessels used in small-scale coastal fishing** represents nearly 75 % of all fishing vessels registered in the Union and **Small-scale coastal fishing also represents** nearly half of all employment in the fisheries sector, and **it** is an important part of the economic fabric of coastal areas. Operators from small-scale coastal fisheries are particularly dependent on healthy fish stocks for their main source of income. Therefore, the particular needs of small-scale coastal fishing, and the contribution to **the** environmental, economic and social sustainability of fishing operations, ~~as defined set out in the CFP-Regulation (EU) No 1380/2013~~ should be addressed in the National and Regional Partnership (NRP) Plans **(the 'NRP Plans')**, as set out in Article 22 of **Regulation (EU) .../...** [NRP Regulation].
- (6) ~~With the aim of encouraging sustainable fishing practice, the Member States should aim to give operators from small-scale coastal fisheries preferential treatment, through a maximum 100 % aid intensity rate.~~
- (7) ~~Member States should take into account in their NRP Plan the activities set out in the European Ocean Pact for the conservation and restoration of marine biological resources, the restoration of marine biodiversity, the management of and innovation in sustainable fisheries and aquaculture activities, building on innovative solutions produced by research and science, maritime security, the development of a competitive and sustainable blue economy, protecting and empowering coastal communities and islands and the promotion of maritime regional cooperation at sea basin level.~~
- (8) It should be possible to support actions related to fisheries, aquaculture **the fishery and aquaculture sector** and **the** blue economy that contribute to the achievement of the

¹⁷ — Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22, ELI: <http://data.europa.eu/eli/reg/2013/1380/oj>).

environmental and climate change mitigation and adaptation objectives of the Union, including the energy transition for all sectors.

- (9) The Common Market Organisation (CMO) for fishery and aquaculture products, as established by Regulation (EU) No 1379/2013¹⁸, is a key pillar of the ~~Common Fisheries Policy~~ **CFP** and plays a vital role in ensuring the stability and transparency of ~~the EU~~ **Union** fishery and aquaculture markets. ~~To this end, Member States~~ **should** ~~shall take into account in their NRP Plan~~ **for that purpose** support, ~~and particularly~~ **notably** for the establishment and strengthening of ~~the P~~ **producer Organisations**, **take into account in their NRP Plans**, the implementation and enforcement of marketing standards, the collection and dissemination of market data at the national level.
- (10) The ~~Common Fisheries Policy~~ **CFP** is based on science-based decision making and the fulfilment of adequate controls and ~~no~~ **zero** tolerance for illegal, unreported and unregulated (**IUU**) fishing. **The Union support should be available** ~~Member States for~~ **should be supporting** ~~to the implementation of the E~~ **relevant Union law** ~~corresponding legislation and for ensuring that relevant activities in these areas are planned and carried out.~~
- (11) Effective implementation of the CFP requires a robust Union system for control, inspection and enforcement, as established by Regulation (EC) No 1224/2009 of the European Parliament and of the Council¹⁹ (the ‘Union control system’). The Union control system is essential to ensure compliance with Union rules, to safeguard a level playing field for operators, and to contribute to the sustainable management of fish stocks. The Union support should therefore contribute to strengthening the capacity of the Union control system, including the appropriate means of control, coordination and enforcement, as well as the development and use of information technologies, digital solutions and innovation, including for data exchange, monitoring, reporting and the improved effectiveness of control activities, within the Union fisheries control system. In this context, specific control and inspection programmes also play a key role in addressing particular fisheries or fishing areas presenting special risks and in ensuring coordinated and targeted control action.**
- (12) Reliable, timely and high-quality data are a cornerstone of science-based fisheries management and of the effective implementation of the CFP. The collection, management and use of data are essential for the provision of scientific advice, stock assessment, the monitoring of policy objectives and the fulfilment of Union and international obligations. The relevant Union framework for the collection, management and use of data in the fisheries sector was established by Regulation (EU) 2017/1004 of the European Parliament and of the Council²⁰. The Union support should therefore**

¹⁸ Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1, ELI: <http://data.europa.eu/eli/reg/2013/1379/oj>).

¹⁹ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343 22.12.2009, p. 1, ELI: <http://data.europa.eu/eli/reg/2009/1224/oj>).

²⁰ Regulation (EU) 2017/1004 of the European Parliament and of the Council of 17 May 2017 on the establishment of a Union framework for the collection, management and use of data in the fisheries sector

contribute to the effective implementation of that framework and to improving the availability, quality, interoperability and use of fisheries data, including through appropriate tools, digital solutions and innovation.

- (13) The Union's fishing fleet faces significant challenges relating to conditions aboard vessels, the economic viability and competitiveness of capture fisheries and on-board processing operations, energy transition, the environmental impact of fishing activities and generational renewal. As a large proportion of Union fishing vessels is more than 30 years old, investments on board fishing vessels, replacement or first acquisition of fishing vessels are necessary to ensure the long-term sustainability and resilience of the sector. Union support should prioritise decarbonisation, improvements in energy and resource efficiency, fleet renewal, and enhanced health and safety. Support for investments in fishing vessels should be consistent with the objectives of Regulation (EU) No 1380/2013, including the need to achieve a stable and enduring balance between fishing capacity and fishing opportunities.
- (14) The World Trade Organization (WTO) Agreement on Fisheries Subsidies, as set out in the Protocol amending the Marrakesh Agreement establishing the World Trade Organization Agreement on Fisheries Subsidies²¹, was approved on behalf of the Union by Council Decision (EU) 2023/1116²² and entered into force on 15 September 2025. Therefore, rules ensuring Union compliance with that Agreement should be set out.
- (15) In order to ensure a level playing field among Member States and the effectiveness, proportionality and dissuasive effect of inadmissibility of operations and recoveries of the Union support, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the identification of the threshold triggering, and the starting and ending dates and period of time of, the inadmissibility and the arrangements for recovering the support granted, taking into account the nature, gravity, duration and repetition of the serious infringements or offences by the beneficiary concerned and the importance of support to the economic activity of that beneficiary. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (16) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States but can rather, by reason of their scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle

and support for scientific advice regarding the common fisheries policy and repealing Council Regulation (EC) No 199/2008 (OJ L 157, 20.6.2017, p. 1, ELI: <http://data.europa.eu/eli/reg/2017/1004/oj>).

²¹ OJ L 148, 8.6.2023, p. 3, ELI: <http://data.europa.eu/eli/prot/2023/1116/oj>.

²² Council Decision (EU) 2023/1116 of 25 May 2023 on the conclusion, on behalf of the European Union, of the Protocol amending the Marrakesh Agreement establishing the World Trade Organization, as regards the Agreement on fisheries subsidies (OJ L 148, 8.6.2023, p. 1, ELI: <http://data.europa.eu/eli/dec/2023/1116/oj>).

of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

1. [This Regulation lays down specific conditions for the implementation of the Union support in accordance with the general objectives laid down in Article 2 of Regulation XX [NRP Fund], and in particular point (d) thereof.] The Union support shall contribute to **the implementation of the Common Fisheries Policy (CFP), including aquaculture and the Common Market Organisation (CMO).**

It may also contribute to the activities as **of the maritime policy and** the European Ocean Pact ~~and to the implementation of the Common Fisheries Policy.~~

[This Union support shall be provided under the National and Regional Partnership Fund, including the EU Facility in accordance with the rules governing that Fund and set out in Regulation (EU) [...] [National and Regional Partnership Fund].]

Article 2

Support to the Common Fisheries Policy, to the European Ocean Pact and of the Union's maritime and aquaculture policy

- ~~1. Support to the Common Fisheries Policy, to the European Ocean Pact and of the Union's maritime and aquaculture policy shall support the general objectives set out in Article 2 (d) of [the NRP regulation].~~

Article 2a

Definitions

1. **For the purposes of this Regulation, the definitions referred to in Article 4 of Regulation (EU) .../... [NRP Regulation], Article 4 of Regulation (EU) No 1380/2013,**

Article 5 of Regulation (EU) No 1379/2013, Article 2 of Regulation (EC) No 1005/2008²³ and Article 4 of Regulation (EC) No 1224/2009 apply.

2. For the purposes of this Regulation the following definition shall apply:

- (a) ‘affirmative determination’ means the final finding by a Regional Fisheries Management Organisation or Arrangement (RFMO/A) or a coastal WTO Member other than a Member State that a vessel or operator has engaged in illegal, unreported or unregulated (IUU) fishing or fishing related activities in support of IUU fishing.

Article 2b

Support for fisheries control and data collection

1. Under their respective National and Regional Partnership Plans (the ‘NRP Plans’), Member States shall allocate resources to supporting the implementation of the Union control system and the collection, management and use of fisheries and aquaculture data necessary for the implementation of the CFP.
2. Such support shall contribute, in particular, to:
 - (a) ensuring effective compliance with the rules of the CFP, including monitoring, control and enforcement activities, capacity building and training;
 - (b) the implementation of Regulation (EC) No 1224/2009;
 - (c) preventing, deterring and eliminating IUU fishing in accordance with Regulation (EC) No 1005/2008;
 - (d) the implementation of the Union framework for the collection, management and use of data in the fisheries sector in accordance with Regulation (EU) 2017/1004;
 - (e) improving the quality, availability and timeliness of data for fisheries management, including for stock assessment, scientific advice and evidence-based decision-making.

²³ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1, ELI: <http://data.europa.eu/eli/reg/2008/1005/oj>).

Support ~~to~~for the Common Fisheries Policy, including to the European Ocean Pact and of the Union's maritime and aquaculture policy

1. Member States shall take into account in their **respective** NRP Plans the specific needs of fisheries, **including inland fisheries**, aquaculture and, **processing and marketing of fishery and aquaculture products**, coastal communities and in particular **those** of small-scale coastal fishing in line with Article 22-(2b), **points (g)(i) and (iii), Article 22(2b), point (h)(i), and Article 35b(1), points (a) to (h) and (i), of Regulation (EU) .../... [the NRP Rregulation]**.
2. Member States shall take into account in their **respective** NRP Plans the contribution to environmental, economic and social sustainability of fishing **and aquaculture** operations **in accordance with Article 2 of Regulation (EU) 1380/2013**, and ~~the balance between the fishing capacity of the fleets and the available fishing opportunities as reported annually by Member States in accordance with Article 22(2) of Regulation (EU) No 1380/2013.~~
3. ~~Member States shall set out in their NRP Plan the maximum aid intensity rates for the different categories of operations supported under the NRP Plan. For operations related to small-scale coastal fishing, Member States may grant a maximum 100 % aid intensity rate.~~
- 3a. **The Union support to aquaculture shall be consistent with the multiannual national strategic plans for the development of aquaculture referred to in Article 34(2) of Regulation (EU) No 1380/2013.**
4. ~~An application for support submitted by an applicant shall be inadmissible for at least the time as defined in the delegated act as referred to in Article XX of Regulation XX [NRP Fund] (Control system for farm stewardship and common fisheries policy) if it has been determined by the competent authority that the applicant concerned:~~
 - (a) ~~has committed serious infringements under Article 42 of Council Regulation (EC) No 1005/2008⁽³⁰⁾ or Article 90 of Regulation (EC) No 1224/2009 or under other legislation adopted by the European Parliament and the Council within the framework of the CFP;~~
 - (b) ~~has been involved in the operation, management or ownership of a fishing vessel included in the Union IUU vessel list as set out in Article 40(3) of Regulation (EC) No 1005/2008, or of a vessel flying the flag of countries identified as non-cooperating third countries as set out in Article 33 of that Regulation; or~~
 - (c) ~~has committed any of the environmental offences set out in Articles 3 and 4 of Directive 2008/99/EC of the European Parliament and of the Council⁽³¹⁾, where the application for support is submitted for the aquaculture specific interventions.~~

For the purposes of the verification referred to in the first subparagraph (a) of this paragraph, a Member State shall provide, on request from another Member State, the information contained in its national register of infringements referred to in Article 93 of Regulation (EC) No 1224/2009.

Article 3a

State aid

1. Save as otherwise provided for in this Article, Articles 107, 108 and 109 of the Treaty on the Functioning of the European Union (TFEU) shall apply to aid granted by Member States to undertakings in the fishery and aquaculture sector.
2. Articles 107, 108 and 109 TFEU shall not apply to payments to undertakings in the fishery and aquaculture sector made by Member States pursuant to and in compliance with this Regulation and Regulation (EU) .../... [NRP Regulation] and falling within the scope of Article 42 TFEU.
3. In respect of the fishery and aquaculture products covered by Annex I to the TFEU, to which Articles 107, 108 and 109 thereof apply, the Commission may authorise, in accordance with Article 108 TFEU, operating aid in the sectors producing, processing and marketing those products in the outermost regions referred to in Article 349 TFEU, with a view to alleviating the specific constraints in those regions as a result of their isolation, insularity, small size or extreme remoteness.
4. Member States may grant additional financing for the implementation of interventions in outermost regions pursuant to this Regulation and Regulation (EU) .../...[NRP Regulation]. In such cases, Member States shall notify the additional financing to the Commission and the Commission may approve it in accordance with Regulation (EU) .../...[NRP Regulation] as part of their NRP Plans. Such aid notified shall be regarded as notified within the meaning of the first sentence of Article 108(3) TFEU.

Article 3b

Control system for the Common Fisheries Policy

1. Member States shall make use of their control and enforcement systems in the fishery and aquaculture sector to ensure that beneficiaries of the support comply with the requirements set out in this Regulation and in Article 62(1) of Regulation (EU) .../... [NRP Regulation].
2. The managing authority shall be notified by the competent authority, where relevant at least once a year, of cases of non-compliance where enforceable decisions in that respect have been made under the systems referred to in paragraph 1. That notification shall include an assessment and grading of the severity, extent, permanence or reoccurrence and intentionality of the non-compliance concerned.

3. By way of derogation from paragraph 2, no annual notification shall be required where the managing authority has direct access to the relevant data.

Article 3c

Admissibility of applications and recovery of the Union support

1. An application for support submitted by an applicant shall be inadmissible for at least a specified period of time, if:

- (a) it has been determined by the competent authority that the applicant concerned:

(i) has committed serious infringements under Article 90 of Regulation (EC) No 1224/2009, with the exception of the serious infringements concerning the activities listed in Article 90(3), point (c), thereof;

(ii) has been involved in the operation, management or ownership of a vessel flying the flag of countries identified as non-cooperating third countries as set out in Article 33 of Regulation (EC) No 1005/2008; or

(iii) has committed any of the environmental offences set out in Articles 3 and 4 of Directive 2008/99/EC of the European Parliament and of the Council²⁴, where the application for support is submitted for the aquaculture specific interventions; or

- (b) an RFMO/A or a coastal WTO Member other than a Member State, for activities in areas under its jurisdiction, has made an affirmative determination that a vessel concerned by the application or operator applicant concerned has been engaged in IUU fishing or fishing related activities in support of IUU fishing, provided that the affirmative determination was based on relevant factual information and the coastal WTO Member has provided to the flag Member State and, if known, the subsidising Member State, the following

(i) timely notification, through appropriate channels, that a vessel or operator has been temporarily detained pending further investigation for engagement in, or that the coastal state has initiated an investigation for, IUU fishing, including

²⁴ Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (OJ L 328, 6.12.2008, p. 28, ELI: <http://data.europa.eu/eli/dir/2008/99/oj>).

reference to any relevant factual information, applicable laws, regulations, administrative procedures, or other relevant measures;

(ii) an opportunity to exchange relevant information prior to an affirmative determination, so as to allow such information to be taken under consideration in the affirmative determination; and

(iii) notification of the affirmative determination, and of any sanctions applied, including, where applicable, their duration.

Detailed rules on the empowerment of the Commission on the application of paragraph 1 shall be set out in accordance with paragraph 5, points (a) and (b), of this Article and Article 4c.

2. For the purposes of the verification whether an applicant has committed a serious infringement referred to in paragraph 1, point (a)(i), of this Article, a Member State concerned shall provide, on request from another Member State, the information contained in its national register of infringements referred to in Article 93 of Regulation (EC) No 1224/2009.
3. The Member State concerned shall inform the Commission by electronic means of affirmative determinations by coastal WTO Members regarding vessels flying its flag and meeting the criteria set out in paragraph 1, point (b), within 10 working days of receipt of the affirmative determination.
4. Where a beneficiary has committed one of the actions referred to in paragraph 1, points (a)(i) to (iii), or was the subject of an affirmative determination referred to in paragraph 1, points (b)(i) to (iii), in the period between submitting the application for the Union support and one year after the date of the national funding decision, the Union support paid to the beneficiary and related to that application shall be recovered proportionately to the nature, gravity, duration and repetition of the serious infringements or offences committed.

This paragraph does not apply in case of Union support of compensatory nature, including support for the temporary cessation or permanent cessation of fishing activities, and where the objectives of such support have been achieved in accordance with the applicable conditions.

5. The Commission is empowered to adopt delegated acts in accordance with Article 4c concerning:
 - (a) the identification of the period of inadmissibility and the starting and ending dates of the inadmissibility referred to in paragraphs 1 and 4 of this Article, which shall be proportionate to the nature, gravity and repetition of the offences by the beneficiary concerned, as regards the application of paragraph (1), point (a)(ii) and (b);

- (b) the identification of the threshold triggering, and the starting and ending dates and period of time of the inadmissibility referred to in paragraphs 1 and 4 of this Article, which shall be proportionate to the nature, gravity, duration and repetition of the serious infringements or offences by the beneficiary concerned and the importance of support to the economic activity of that beneficiary, as regards the application of paragraph 1, point (a)(i) and (iii);
- (c) the arrangements for recovering the support granted pursuant to paragraph 4 of this Article, which shall be proportionate to the nature, gravity, duration and repetition of the serious infringements or offences by the beneficiary concerned and the importance of support to the economic activity of that beneficiary.

Article 4

Rules for providing support

1. Union ~~Support shall be granted only provided that it complies with~~ to fishing fleet or operators that does not comply with the WTO agreement on fisheries subsidies and with the objectives of the CFP and with the provisions laid down in this Regulation, including the provisions on compliance with the WTO Agreement on Fisheries Subsidies²⁵, as referred to in Article 43(2) TEFEU, and Article 2 of the CFP Regulation shall not be supported.
- 1a. The Union support shall not be provided in respect of marine fishing and fishing-related activities outside of the jurisdiction of a coastal State and outside the competence of a relevant RFMO/A.
2. ~~Beneficiaries shall be required to continue to comply with the CFP and not to commit any of the infringements and offences listed in Article 3 (4) points (a) to (c) within 5 years.~~
3. The transfer or reflagging of fishing vessels to third countries, including through the creation of joint ventures with partners of third countries, shall not be eligible for support. ~~and the transfer of ownership of a business are not eligible to receive support.~~
- 3a. The transfer of ownership of a business is not eligible to receive support, except where the support aims at generational renewal or, without prejudice to Article 71 of Regulation (EU) .../... [NRP Regulation], is provided through financial instruments.

²⁵ Protocol amending the Marrakesh Agreement establishing the World Trade Organization Agreement on Fisheries Subsidies (OJ L 148, 8.6.2023, p. 3, ELI: <http://data.europa.eu/eli/prot/2023/1116/oj>).

4. Deep sea mining shall not be supported.

Article 4a

Specific rules for providing support for investments in fishing vessels and on board fishing vessels

1. Union support for investments in fishing vessels may be granted for investments:
 - (a) on board existing fishing vessels; and
 - (b) related to the purchase of an existing or new fishing vessel, including the construction of a new vessel.
2. Union support for investments in fishing vessels shall comply with the provisions laid down in Regulation (EU) No 1380/2013.
3. Union support for investments in fishing vessels may be granted where such operations aim to contribute to one or more of the following objectives:
 - (a) improve health, safety, hygiene, working conditions or living conditions on board;
 - (b) improve resource efficiency and enhance food production, thereby contributing to increased profitability and competitiveness of fishing capture or processing operations on board, including through improvements in the quality of fishery products;
 - (c) reduce greenhouse gas emissions, improve energy efficiency or support the energy transition of the sector;
 - (d) reduce the environmental impact of fishing activities, including through increasing selectivity;
 - (e) facilitate the entry of new fishers into the sector, including through generational renewal.
4. Union support under this Article may only be granted in respect of vessels belonging to a fleet segment for which the latest report referred to in Article 22(2) of Regulation (EU) No 1380/2013 has shown that segment to be in balance.

The assessment shall be based on the latest available report at the moment of the national funding decision.

5. By way of derogation from paragraph 4, Union support for investments on board existing fishing vessels may be granted in respect of vessels belonging to a fleet segment for which the latest report as referred to in Article 22(2) of Regulation (EU) No 1380/2013 has shown that the segment is not in balance, provided that:

(a) the Member State concerned determines that the operation meets at least one of the objectives referred to in paragraph 3, points (a), (b), (c), (d);

(b) for investments whose objectives include either or both of the objectives referred to in paragraph 3, points (b) or (c), the Member State concerned determines that the viability of the investment does not rely upon an increase in the level of fishing by the vessel concerned compared to a recent representative period.

(c) for investments whose objectives include one or more of the objectives as referred to in paragraph 3, points (b), (c), (d), and where the biological indicators in the report referred to in Article 22(2) of Regulation (EU) No 1380/2013 show that the segment is not in balance, the Member State concerned demonstrates that measures are implemented to rebuild stocks concerned in the relevant fisheries to a biologically sustainable level.

6. Union support for the purchase of an existing or new fishing vessel, including the construction of a new vessel, may only be granted if it aims to contribute to the objectives set out in paragraph 3, points (a), (c), (d) or (e).

7. By way of derogation from paragraph 4, Union support for the purchase of an existing or new fishing vessel may be granted in respect of a vessel belonging to a fleet segment for which the latest report as referred to in Article 22(2) of Regulation (EU) No 1380/2013 has shown that the segment is not in balance, provided that the Member State concerned:

(a) where the biological indicators in the report referred to in Article 22(2) of Regulation (EU) No 1380/2013 show that the segment is not in balance, demonstrates that measures are implemented to rebuild stocks concerned in the relevant fisheries to a biologically sustainable level; and

(b) has submitted an Action Plan in accordance with Article 22(4) of Regulation (EU) No 1380/2013.

Where support under this paragraph leads to an increase in fishing capacity, the entry of new fishing capacity into the fleet shall be compensated by the prior withdrawal without public aid of the same amount of fishing capacity from the fleet.

8. Without prejudice to Article 71 of Regulation (EU) .../... [NRP Regulation], support for the purchase of an existing or new fishing vessel above 30 metres length overall may only be granted through financial instruments, except where the registered owner of the vessel is a small and medium-sized enterprise (SME).
9. Support under this Article may be granted to inland fisheries and in that case paragraphs (4) to (7) do not apply.
10. Union support may be granted for innovation, pilot and research projects which contribute to the implementation of the CFP or the energy transition of fishing vessels. For the purposes of this paragraph, such projects shall mean projects regarding the testing of innovative technological and operational solutions using one or more fishing vessels. Member States shall ensure appropriate scientific or technical monitoring.

Article 4c

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 3c(5) shall be conferred on the Commission from ... [date of entry into force of this Regulation] until ... [end of the 2028-2034 period].
3. The delegation of power referred to in Article 3c(5) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the powers specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 3c(5) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the

Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Article 5

Entry into force and application

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

It shall apply from the date of application of Regulation (EU) .../... **[NRP Regulation]** establishing the National and Regional Partnership Fund for the period 2028-2034.

Article 4(1a) shall apply until the date of the termination of the WTO Agreement on Fisheries Subsidies, as published in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in **all** ~~the~~ Member States ~~in accordance with the Treaties~~.

Done at Brussels,

For the European Parliament

For the Council

The President

The President
