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## Legal basis for granting state aid

To ensure that the principles of state aid are respected, Interreg V-A — Estonia–Latvia (hereinafter referred to as the ‘*Estonia-Latvia Programme*’ or the ‘*Programme*’) follows state aid rules. State aid will be granted by the Programme in accordance with the following legal acts:

- Commission Regulation (EU) No 651/2014<sup>1</sup>, so-called General Block Exemption Regulation (hereinafter also referred to as the ‘*GBER*’);
- Commission Regulation (EU) No 702/2014<sup>2</sup>, so-called Block Exemption Regulation applicable to the agriculture and forestry sector and for rural areas (hereinafter also referred to as the ‘*ABER*’);
- Commission Regulation (EU) No 1388/2014<sup>3</sup>, so-called Block Exemption Regulation applicable to the fishery and aquaculture sector (hereinafter also referred to as the ‘*FIBER*’) in accordance with Regulation (EU) No 508/2014<sup>4</sup>.

## Legal basis for granting *de minimis* aid

*De minimis* aid is aid, which due to its small volume does not distort competition within the European Union, it will be granted by the Programme in accordance with the following legal acts:

- Commission Regulation (EU) No 1407/2013<sup>5</sup> on *de minimis* aid;

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<sup>1</sup> Link to the Regulation: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014R0651>

<sup>2</sup> Link to the Regulation: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014R0702&qid=1458539091139>

<sup>3</sup> Link to the Regulation: <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1458539205471&uri=CELEX:32014R1388>

<sup>4</sup> Link to the Regulation: <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1458539305777&uri=CELEX:32014R0508>

<sup>5</sup> Link to the Regulation: <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1458539406943&uri=CELEX:32013R1407>

- Commission Regulation (EU) No 1408/2013<sup>6</sup> on *de minimis* aid in the agriculture sector;
- Commission Regulation (EC) No 717/2014<sup>7</sup> on *de minimis* aid in the fishery and aquaculture sector.

## **Date of granting state aid and *de minimis* aid**

The date of signing the subsidy contract is the date of granting the aid.

## **Restrictions for granting state aid and *de minimis* aid**

**The Programme grants certain types of state aid and *de minimis* aid with maximum co-financing rate 85%, as foreseen in the Cooperation Programme and explained in the Manual. Please see the table below.**

**ABER articles apply to small and medium-sized enterprises only, as large enterprises are not eligible to receive state aid under articles 14, 17, 21, 22 and 24 of the ABER.**

### **The Programme does not grant:**

- a) aid to **export-related activities** towards third countries or Member States, namely aid directly linked to the quantities exported, to the establishment and project of a distribution network or to other current expenditure linked to the export activity;  
**NB! The costs of participating in trade fairs, or of studies or consultancy services needed for the launch of a new or existing product on a new market in another EU Member State or a third country does not normally constitute export aid;**
- b) aid contingent upon **the use of domestic over imported goods**;
- c) aid granted to **undertakings in difficulty**;
- d) aid in favour of an **undertaking which is subject to an outstanding recovery order** following a previous Commission decision declaring an aid illegal and incompatible with the internal market;
- e) aid in the sectors of agriculture and forestry, as well as fishery and aquaculture, where the amount of aid is **fixed on the basis of price or quantity of products put on the market**;
- f) aid granted to projects which would have been ineligible for support under **Article 11 of Regulation (EU) No 508/2014** in the fishery and aquaculture sectors.

### **Also, the Programme does not grant aid in the following cases:**

- a) where the grant of aid is subject to the obligation for the beneficiary to have its headquarters in the relevant Member State or to be predominantly established in that Member State. However, the requirement to have an establishment or branch in the aid granting Member State at the moment of payment of the aid is allowed;
- b) where the grant of aid is subject to the obligation for the beneficiary to use nationally produced goods or national services;

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<sup>6</sup> Link to the Regulation: <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1458539481363&uri=CELEX:32013R1408>

<sup>7</sup> Link to the Regulation: <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1458539605730&uri=CELEX:32014R0717>

- c) where the possibility for the beneficiaries to exploit the research, development and innovation results in other Member States is restricted.

**Please see pages 6-10 for more detailed information about restrictions related to granting *de minimis* aid.**

## Overview of state aid and *de minimis* aid in the Programme

The extracts of the referred EU regulations on state aid are provided below the table.

Specific objective	State aid types	State aid in agricultural and forestry sectors	State aid for fishery and aquaculture sectors	<i>De minimis</i> aid
	ERDF co-financing rates			
1.1 Increased entrepreneurial cross-border cooperation in the programme area.	<p><b>GBER, Article 20:</b> aid for SMEs' cooperation costs linked to ETC projects.50% of the eligible costs</p> <p><b>GBER Article 31:</b> training aid: 70%.</p>	<b>ABER, Article 21:</b> 85% of eligible costs.	<b>FIBER, Articles 16 and 35,</b> 50-85% of eligible costs.	Aid in accordance with the above mentioned <i>de minimis</i> regulations will be granted at up to 85% ERDF co-financing rate.
1.2 More jointly-developed products and services in the programme area.	<p><b>GBER, Article 25:</b> aid for research and development projects, 50-80% for industrial research, 25-60% for experimental development; 50-70% for feasibility studies etc.</p> <p><b>GBER, Article 20:</b> aid for SMEs' cooperation costs linked to ETC projects, 50% of the eligible costs.</p> <p><b>GBER Article 31:</b> training aid: 70%.</p>	<b>ABER, Articles 14:</b> 85% of eligible costs, <b>17: 70%</b> of eligible costs, <b>22:</b> €1500 per advice, <b>24:</b> 85% of eligible costs.	<b>FIBER, Articles 13-17, 27-34, 36, 41-42,</b> 50-85% of eligible costs.	
2.1 More diversified and sustainable use of natural and cultural heritage.	<p><b>GBER, Article 53:</b> Aid for culture and heritage conservation, 70-80% of eligible costs; on the basis of analysis up to 85%.</p> <p><b>GBER, Article 20:</b> aid for SMEs' cooperation costs linked to ETC projects, 50% of the eligible costs.</p>	<b>ABER, Articles 14:</b> 85% of eligible costs, <b>17: 70%</b> of eligible costs.	<b>FIBER, Articles 14, 15, 22, 24, 25,</b> 50-85% of eligible costs.	

	<b>GBER Article 31:</b> training aid: 70%.			
2.2 Increased awareness of energy saving, sorting waste and re-use, and the more efficient management of common water resources.	<b>GBER Article 20:</b> aid for SMEs' co-operation costs linked to ETC projects.  50% of the eligible costs.  <b>GBER Article 31:</b> training aid: 70%.	<b>ABER, Articles 14:</b> 85% of eligible costs, <b>17:</b> 70% of eligible costs.	<b>FIBER, Articles 13-15, 22, 24-26, 28-32, 34, 42,</b> 50-85% of eligible costs.	
3.1 An improved network of small harbours with good levels of service.	<b>GBER, Article 55:</b> Aid for sport and multi-functional recreational infrastructures. For aid not exceeding EUR 1 million per undertaking, 80 % of eligible costs, or on the basis of analysis up to 85%.  <u>Networking:</u> <b>GBER Article 20:</b> aid for SMEs' cooperation costs linked to ETC projects 50%  <u>Preparation costs:</u> <i>de minimis</i> aid or different articles of GBER.	<b>ABER is not applicable.</b>	<b>FIBER is not applicable.</b>	
4.1 Improved conditions for accessing jobs across the border.	<b>GBER Article 31:</b> training aid: 70%.	<b>ABER, Article 21:</b> 85% of eligible costs.	<b>FIBER, Articles 16, 33,</b> 50-85% of eligible costs.	

## Cumulation of different types of aid

Project partners can receive aid from different sources at the same time. When *de minimis* aid covers the same eligible costs that are supported with state aid, the total aid from all sources may not exceed the maximum permitted aid intensity or aid amount for that particular partner as foreseen in the legal act, which is the basis of granting state aid to that specific partner.

For cumulation purposes, only aid given under the *de minimis* regulation during the previous two fiscal years and the current fiscal year, counts towards the ceiling.

More information about the cumulation of *de minimis* aid with *de minimis* aid can be found on pages 8-10.

## Granting *de minimis* aid

Recital (3) and Article 3 (2) of Regulation (EU) No 1407/2013 stipulate that ceilings for *de minimis* aid granted to a single undertaking apply “per Member State”. Amount of *de minimis* aid, which could be granted in the frames of Estonia-Latvia Programme, must be calculated taking into account *de minimis* aid that has been granted to the respective project partner in its country of origin already. **When the ceiling of *de minimis* aid has been reached in its Member State of origin, project partner cannot apply for additional *de minimis* aid within the threshold of the other Member State, participating in the programme.**

For example, when calculating new *de minimis* aid that is to be granted for Latvian enterprise or for other organisation, only *de minimis* aid, granted previously by Latvia shall be taken into account and the *de minimis* aid that is granted by the programme, will become a part of the *de minimis* aid granted by Latvia. Latvian partner cannot apply for *de minimis* aid that is granted by Estonia within the programme.

The same applies to Estonian partners: when calculating new *de minimis* aid that is to be granted for Estonian enterprise or for other organisation, only *de minimis* aid, granted previously by Estonia shall be taken into account and the *de minimis* aid that is granted by the programme, will become a part of *de minimis* aid granted by Estonia. Estonian partner cannot apply for *de minimis* aid that is granted by Latvia within the programme.

When granting aid to agricultural and forestry sectors, state aid in accordance with ABER will be preferred to granting *de minimis* aid in accordance with Regulation (EU) No 1408/2013.

**De minimis ceilings**

	<b>Most of the sectors, except primary producers of agricultural products and fisheries</b>	<b>Primary producers of agricultural products</b>	<b>Fisheries sector</b>
<b>Legal act</b>	(EU) No 1407/2013	(EU) No 1408/2013	(EU) No 717/2014
<b>Cap per partner</b>	€200 000	€15 000	€30 000
<b>Cap per MS</b>	N/A	The cumulative amount of <i>de minimis</i> aid granted per Member State to undertakings active in the primary production of agricultural products over any period of 3 fiscal years shall not exceed the national cap set out in the Annex to the Regulation (EU) No 1408/2013. <sup>8</sup>	The cumulative amount of <i>de minimis</i> aid granted per Member State to undertakings active in the fishery and aquaculture sector over any period of three fiscal years shall not exceed the national cap set out in the Annex to the Regulation (EU) No 717/2014. <sup>9</sup>

Aid of up to the *de minimis* ceilings, as shown in the table above is the maximum that can be granted to a project partner over any period of three fiscal years so that it will not be considered to be state aid.

**'Single undertaking'** includes, for the purposes of granting *de minimis* aid, all enterprises having at least one of the relationships with each other as stipulated respectively in Article 2(2) of Regulation (EU) No 1407/2013 or Regulation (EU) No 1408/2013 or Regulation (EU) No 717/2014.

The programme *grants de minimis* aid under all specific objectives based on three *de minimis* aid regulations.

### 1) De minimis aid (except for agriculture, fishery and aquaculture sector)

The aid is granted to undertakings in all sectors, with the exception of:

<sup>8</sup> Annex to the Regulation (EU) No 1408/2013: <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1458543614355&uri=CELEX:32013R1408>

<sup>9</sup> Annex to the Regulation (EU) No 717/2014: <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1458543809547&uri=CELEX:32014R0717>



(a) undertakings active in the fishery and aquaculture sector, as covered by Regulation (EU) No 1379/2013<sup>10</sup> of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in the 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).;

(b) aid granted to undertakings active in the primary production of agricultural products;

(c) aid granted to undertakings active in the sector of processing and marketing of agricultural products, in the following cases:

(i) where the amount of the aid is fixed on the basis of the price or quantity of such products purchased from primary producers or put on the market by the undertakings concerned;

(ii) where the aid is conditional on being partly or entirely passed on to primary producers;

(d) aid to export-related activities towards third countries or Member States, namely aid directly linked to the quantities exported, to the establishment and project of a distribution network or to other current expenditure linked to the export activity;

(e) aid contingent upon the use of domestic over imported goods.

*De minimis* aid granted in accordance with Regulation (EU) No 1407/2013 may be cumulated with *de minimis* aid granted in accordance with Commission Regulation (EU) No 360/2012<sup>11</sup> up to the ceiling laid down in that Regulation. It may be cumulated with *de minimis* aid granted in accordance with *de minimis* Regulation (EU) No 1408/2013 and *de minimis* Regulation (EU) No 717/2014 up to the relevant ceiling laid down in Article 3(2) of Regulation (EU) No 1407/2013.

Where an undertaking is active in the fishery and aquaculture sector, in the primary production of agricultural products or in the sector of processing and marketing of agricultural products and is also active in one or more of the sectors or has other activities falling within the scope of the Regulation 1407/2013, then Regulation 1407/2013 shall apply to aid granted in respect of the latter sectors or activities, provided that the Member State concerned ensures<sup>12</sup>, by appropriate means such as separation of activities or distinction of costs, that the activities in the sectors excluded from the scope of the Regulation 1407/2013 do not benefit from the *de minimis* aid granted in accordance with this Regulation.

## 2) De minimis aid in the agriculture sector

The aid is granted to undertakings active in the primary production of agricultural products, with the exception of:

(a) aid the amount of which is fixed on the basis of the price or quantity of products put on the market;

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<sup>10</sup> Link to the Regulation: <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1458573358098&uri=CELEX:32013R1379>

<sup>11</sup> Commission Regulation (EU) No 360/2012 of 25 April 2012 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid granted to undertakings providing services of general economic interest, link to the Regulation: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32012R0360&from=EN>

<sup>12</sup> Here and in the following sections: according to the legal framework it is the obligation of the respective Member State, the obligation is implemented in co-operation with the Joint Secretariat and the Managing Authority.

- (b) aid to export-related activities towards third countries or Member States, namely aid directly linked to the quantities exported, to the establishment and project of a distribution network or to other current expenditure linked to the export activity;
- (c) aid contingent upon the use of domestic over imported goods.

2. Where an undertaking is active in the primary production of agricultural products and is also active in one or more of the sectors or has other activities falling within the scope of Regulation (EU) No 1407/2013,

- a) Regulation (EU) No 1407/2013 shall apply to aid granted in respect of the latter sectors or activities, provided that the Member State concerned ensures, by appropriate means such as separation of activities or distinction of costs, that the primary production of agricultural products does not benefit from *de minimis* aid granted in accordance with Regulation (EU) No 1407/2013; and
- b) **when the separation of activities or the distinction of costs is ensured**, *de minimis* aid granted for activities in the sector of agricultural production in accordance with Regulation (EU) No 1408/2013 may be cumulated with *de minimis* aid granted in respect of other sector(s) or activities up to the relevant ceiling laid down in Article 3(2) of Regulation (EU) No 1407/2013.

3.

### **3) De minimis aid in the fishery and aquaculture sector**

The aid is granted to undertakings in the fishery and aquaculture sector, with the exception of:

- (a) aid the amount of which is fixed on the basis of price or quantity of products purchased or put on the market;
- (b) aid to export-related activities towards third countries or Member States, namely aid directly linked to the quantities exported, to the establishment and project of a distribution network or to other current expenditure linked to the export activity;
- (c) aid contingent upon the use of domestic over imported goods;
- (d) aid for the purchase of fishing vessels;
- (e) aid for the modernisation or replacement of main or ancillary engines of fishing vessels;
- (f) aid to projects increasing the fishing capacity of a vessel or equipment increasing the ability of a vessel to find fish;
- (g) aid for the construction of new fishing vessels or importation of fishing vessels;
- (h) aid to the temporary or permanent cessation of fishing activities unless specifically provided for in the Regulation (EU) No 508/2014;
- (i) aid to exploratory fishing;
- (j) aid to the transfer of ownership of a business;
- (k) aid to direct restocking, unless explicitly provided for as a conservation measure by a Union legal act or in the case of experimental restocking.

2. Where an undertaking is active in the fishery and aquaculture sector and is also active in one or more of the sectors or has other activities falling within the scope of Regulation (EU) No 1407/2013,

then Regulation (EU) No 1407/2013 shall apply to aid granted in respect of the latter sectors or activities, provided that the Member State concerned ensures, by appropriate means such as separation of activities or distinction of costs, that the activities in the fishery and aquaculture sector do not benefit from the *de minimis* aid granted in accordance with Regulation (EU) No 1407/2013; *de minimis* aid granted for activities in the fishery and aquaculture sector in accordance with Regulation (EU) No 717/2014 may be cumulated with *de minimis* aid granted in respect of other sector(s) or activities up to the relevant ceiling laid down in Article 3(2) of Regulation (EU) No 1407/2013.

3. Where an undertaking is active in the fishery and aquaculture sector as well as in the primary production of agricultural products falling within the scope of Regulation (EU) No 1408/2013, then Regulation (EU) No 717/2014 shall apply to aid granted in respect of the fishery and aquaculture sector provided that the Member State concerned ensures, by appropriate means such as separation of activities or distinction of costs, that the primary production of agricultural products does not benefit from *de minimis* aid granted in accordance with Regulation (EU) No 717/2014; *de minimis* aid granted in accordance with Regulation (EU) No 1408/2013 may be cumulated with *de minimis* aid in the fishery and aquaculture sector in accordance with Regulation (EU) No 717/2014 up to the ceiling laid down in Regulation (EU) No 717/2014

## **GBER (SO-CALLED GENERAL BLOCK EXEMPTION REGULATION: COMMISSION REGULATION (EU) NO 651/2014)**

### **Article 20. Aid for cooperation costs incurred by SMEs participating in European Territorial Cooperation projects**

**ERDF co-financing rate:** up to 50 % of the eligible costs.

1. Aid for cooperation costs incurred by SMEs participating in the European Territorial Cooperation projects covered by Regulation (EC) No 1299/2013 of the European Parliament and of the Council shall be compatible with the internal market within the meaning of Article 107(3) of the Treaty and shall be exempted from the notification requirement of Article 108(3) of the Treaty, provided the conditions laid down in this Article and in Chapter I of the Regulation (EU) No 651/2014 are fulfilled.
2. The eligible costs shall be the following:
  - (a) costs for organisational cooperation including the cost of staff and offices to the extent that it is linked to the cooperation project;
  - (b) costs of advisory and support services linked to cooperation and delivered by external consultants and service providers;
  - (c) travel expenses, costs of equipment and investment expenditure directly related to the project and depreciation of tools and equipment used directly for the project.
3. The services referred to in paragraph 2(b) shall not be a continuous or periodic activity nor relate to the undertaking's usual operating costs, such as routine tax consultancy services, regular legal services or routine advertising.
4. The aid intensity shall not exceed 50 % of the eligible costs.

### **Article 25. Aid for research and development projects**

**ERDF co-financing rate:**

- up to 80 % of the eligible costs for industrial research;
  - up to 60 % of the eligible costs for experimental development;
  - up to 70 % of the eligible costs for feasibility studies.
1. Aid for research and development projects shall be compatible with the internal market within the meaning of Article 107(3) of the Treaty and shall be exempted from the notification requirement of Article 108(3) of the Treaty provided that the conditions laid down in this Article and in Chapter I of the Regulation (EU) No 651/2014 are fulfilled.
  2. The aided part of the research and development project shall completely fall within one or more of the following categories:
    - (a) industrial research;

- (b) experimental development;
- (c) feasibility studies.

3. The eligible costs of research and development projects shall be allocated to a specific category of research and development and shall be the following:

- (a) personnel costs: researchers, technicians and other supporting staff to the extent employed on the project;
- (b) costs of instruments and equipment to the extent and for the period used for the project. Where such instruments and equipment are not used for their full life for the project, only the depreciation costs corresponding to the life of the project, as calculated on the basis of generally accepted accounting principles are considered as eligible.
- (c) Costs for of buildings and land, to the extent and for the duration period used for the project. With regard to buildings, only the depreciation costs corresponding to the life of the project, as calculated on the basis of generally accepted accounting principles are considered as eligible. For land, costs of commercial transfer or actually incurred capital costs are eligible.
- (d) costs of contractual research, knowledge and patents bought or licensed from outside sources at arm's length conditions, as well as costs of consultancy and equivalent services used exclusively for the project;
- (e) additional overheads and other operating expenses, including costs of materials, supplies and similar products, incurred directly as a result of the project;

4. The eligible costs for feasibility studies shall be the costs of the study.

5. The aid intensity for each beneficiary shall not exceed:

- (a) 50 % of the eligible costs for industrial research;
- (b) 25 % of the eligible costs for experimental development;
- (c) 50 % of the eligible costs for feasibility studies.

6. The aid intensities for industrial research and experimental development may be increased up to a maximum aid intensity of 80 % of the eligible costs as follows:

- (a) by 10 percentage points for medium-sized enterprises and by 20 percentage points for small enterprises;
- (b) by 15 percentage points if one of the following conditions is fulfilled:
  - (i) the project involves effective collaboration:
    - between undertakings among which at least one is an SME, or is carried out in at least two Member States, or in a Member State and in a Contracting Party of the EEA Agreement, and no single undertaking bears more than 70 % of the eligible costs, or
    - between an undertaking and one or more research and knowledge-dissemination organisations, where the latter bear at least 10 % of the eligible costs and have the right to publish their own research results;
  - (ii) the results of the project are widely disseminated through conferences, publication, open access repositories, or free or open source software.

7. The aid intensities for feasibility studies may be increased by 10 percentage points for medium-sized enterprises and by 20 percentage points for small enterprises;

### **Article 31. Training aid**

**ERDF co-financing rate:** up to 70%.

1. Training aid shall be compatible with the internal market within the meaning of Article 107(3) of the Treaty and shall be exempted from the notification requirement of Article 108(3) of the Treaty, provided that the conditions laid down in this Article and in Chapter I of the Regulation (EU) No 651/2014 are fulfilled.

2. Aid shall not be granted for training which undertakings carry out to comply with national mandatory standards on training.

3. The eligible costs shall be the following:

- (a) trainers' personnel costs, for the hours during which the trainers participate in the training;
- (b) trainers' and trainees' operating costs directly relating to the training project such as travel expenses, materials and supplies directly related to the project, depreciation of tools and equipment, to the extent that they are used exclusively for the training project. Accommodation costs are excluded except for the minimum necessary accommodation costs for trainees' who are workers with disabilities;
- (c) costs of advisory services linked to the training project;
- (d) trainees' personnel costs and general indirect costs (administrative costs, rent, overheads) for the hours during which the trainees participate in the training.

4. The aid intensity shall not exceed 50 % of the eligible costs. It may be increased, up to a maximum aid intensity of 70 % of the eligible costs, as follows:

- (a) by 10 percentage points if the training is given to workers with disabilities or disadvantaged workers;
- (b) by 10 percentage points if the aid is granted to medium-sized enterprises and by 20 percentage points if the aid is granted to small enterprises.

5. Where the aid is granted in the maritime transport sector, the aid intensity may be increased to 100 % of the eligible costs provided that the following conditions are met:

- (a) the trainees are not active members of the crew but are supernumerary on board; and
- (b) the training is carried out on board of ships entered in Union registers.

### **Article 53. Aid for culture and heritage conservation**

**ERDF co-financing rate:** up to 85%.

1. Aid for culture and heritage conservation shall be compatible with the internal market within the meaning of Article 107(3) of the Treaty and shall be exempted from the notification requirement of

Article 108(3) of the Treaty, provided the conditions laid down in this Article and in Chapter I of the Regulation (EU) No 651/2014 are fulfilled.

2. The aid shall be granted for the following cultural purposes and activities:

- (a) museums, archives, libraries, artistic and cultural centres or spaces, theatres, opera houses, concert halls, other live performance organisations, film heritage institutions and other similar artistic and cultural infrastructures, organisations and institutions;
- (b) tangible heritage including all forms of movable or immovable cultural heritage and archaeological sites, monuments, historical sites and buildings; natural heritage linked to cultural heritage or if formally recognized as cultural or natural heritage by the competent public authorities of a Member State;
- (c) intangible heritage in any form, including folklorist customs and crafts;
- (d) art or cultural events and performances, festivals, exhibitions and other similar cultural activities;
- (e) cultural and artistic education activities as well as promotion of the understanding of the importance of protection and promotion of the diversity of cultural expressions through educational and greater public awareness programs, including with the use of new technologies;
- (f) writing, editing, production, distribution, digitisation and publishing of music and literature, including translations.

3. The aid may take the form of:

- (a) investment aid, including aid for the construction or upgrade of culture infrastructure;
- (b) operating aid.

4. For investment aid, the eligible costs shall be the investment costs in tangible and intangible assets, including:

- (a) costs for the construction, upgrade, acquisition, conservation or improvement of infrastructure, if at least 80 % of either the time or the space capacity per year is used for cultural purposes;
- (b) costs for the acquisition, including leasing, transfer of possession or physical relocation of cultural heritage;
- (c) costs for safeguarding, preservation, restoration and rehabilitation of tangible and intangible cultural heritage, including extra costs for storage under appropriate conditions, special tools, materials and costs for documentation, research, digitalisation and publication;
- (d) costs for improving the accessibility of cultural heritage to the public, including costs for digitisation and other new technologies, costs to improve accessibility for persons with special needs (in particular, ramps and lifts for disabled persons, braille indications and hands-on exhibits in museums) and for promoting cultural diversity with respect to presentations, programmes and visitors;
- (e) costs for cultural projects and activities, cooperation and exchange programmes and grants including costs for selection procedures, costs for promotion and costs incurred directly as a result of the project;

5. For operating aid, the eligible costs shall be the following:

- (a) the cultural institution's or heritage site's costs linked to continuous or periodic activities including exhibitions, performances and events and similar cultural activities that occur in the ordinary course of business;
- (b) costs of cultural and artistic education activities as well as promotion of the understanding of the importance of protection and promotion of the diversity of cultural expressions through educational and greater public awareness programs, including with the use of new technologies;
- (c) costs of the improvement of public access to the cultural institution or heritage sites and activities including costs of digitisation and of use of new technologies as well as costs of improving accessibility for persons with disabilities;
- (d) operating costs directly relating to the cultural project or activity, such as rent or lease of real estate and cultural venues, travel expenses, materials and supplies directly related to the cultural project or activity, architectural structures for exhibitions and stage sets, loan, lease and depreciation of tools, software and equipment, costs for access rights to copyright works and other related intellectual property rights protected contents, costs for promotion and costs incurred directly as a result of the project or activity; depreciation charges and the costs of financing are only eligible if they have not been covered by investment aid;
- (e) costs for personnel working for the cultural institution or heritage site or for a project;
- (f) costs for advisory and support services provided by outside consultants and service providers, incurred directly as a result of the project.

6. For investment aid, the aid amount shall not exceed the difference between the eligible costs and the operating profit of the investment, but ERDF co-financing rate can be up to 85%. The operating profit shall be deducted from the eligible costs *ex ante*, on the basis of reasonable projections, or through a claw-back mechanism. The operator of the infrastructure is allowed to keep a reasonable profit over the relevant period.

7. For operating aid, the aid amount shall not exceed what is necessary to cover the operating losses and a reasonable profit over the relevant period, but ERDF co-financing rate can be up to 85%. This shall be ensured *ex ante*, on the basis of reasonable projections, or through a claw-back mechanism.

8. For aid not exceeding EUR 1 million, the maximum amount of aid may be set, alternatively to the method referred to in paragraphs 6 and 7, at 80 % of eligible costs.

9. For publishing of music and literature as defined in paragraph 2(f), the maximum aid amount shall not exceed either the difference between the eligible costs and the project's discounted revenues or 70 % of the eligible costs. The revenues shall be deducted from the eligible costs *ex ante* or through a clawback mechanism. The eligible costs shall be the costs for publishing of music and literature, including the authors' fees (copyright costs), translators' fees, editors' fees, other editorial costs (proofreading, correcting, reviewing), layout and pre-press costs and printing or e-publication costs.

10. Aid to press and magazines, whether they are published in print or electronically, shall not be eligible under this Article.



## **Article 55. Aid for sport and multifunctional recreational infrastructures**

**ERDF co-financing rate** may be counted in two ways:

- For aid not exceeding EUR 1 million, the maximum amount of aid may be set at 80 % of eligible costs.
- Aid amount shall not exceed the difference between the eligible costs and the operating profit of the investment, but; and ERDF co-financing rate can be up to will not exceed 85%. The operating profit shall be deducted from the eligible costs ex ante, on the basis of reasonable projections, or through a claw-back mechanism.

1. Aid for sport and multifunctional recreational infrastructures shall be compatible with the internal market within the meaning of Article 107(3) of the Treaty and shall be exempted from the notification requirement of Article 108(3) of the Treaty, provided that the conditions laid down in this Article and in Chapter I of the Regulation (EU) No 651/2014 are fulfilled.

2. Sport infrastructure shall not be used exclusively by a single professional sport user. Use of the sport infrastructure by other professional or non-professional sport users shall annually account for at least 20 % of time capacity. If the infrastructure is used by several users simultaneously, corresponding fractions of time capacity usage shall be calculated.

3. Multifunctional recreational infrastructure shall consist of recreational facilities with a multi-functional character offering, in particular, cultural and recreational services with the exception of leisure parks and hotel facilities.

4. Access to the sport or multifunctional recreational infrastructures shall be open to several users and be granted on a transparent and non-discriminatory basis. Undertakings which have financed at least 30 % of the investment costs of the infrastructure may be granted preferential access under more favourable conditions, provided those conditions are made publicly available.

5. If sport infrastructure is used by professional sport clubs, Member States shall ensure that the pricing conditions for its use are made publicly available.

6. Any concession or other entrustment to a third party to construct, upgrade and/or operate the sport or multifunctional recreational infrastructure shall be assigned on a open, transparent and non-discriminatory basis, having due regard to the applicable procurement rules.

7. The aid may take the form of:

- (a) investment aid, including aid for the construction or upgrade of sport and multifunctional recreational infrastructure;
- (b) operating aid for sport infrastructure;

8. For investment aid for sport and multifunctional recreational infrastructure the eligible costs shall be the investment costs in tangible and intangible assets.

9. For operating aid for sport infrastructure the eligible costs shall be the operating costs of the provision of services by the infrastructure. Those operating costs include costs such as personnel costs,

materials, contracted services, communications, energy, maintenance, rent, administration, etc., but exclude depreciation charges and the costs of financing if these have been covered by investment aid.

10. For investment aid for sport and multifunctional recreational infrastructure, the aid amount shall not exceed the difference between the eligible costs and the operating profit of the investment, but ERDF co-financing rate can be up to 85%. The operating profit shall be deducted from the eligible costs *ex ante*, on the basis of reasonable projections, or through a claw-back mechanism.

11. For operating aid for sport infrastructure, the aid amount shall not exceed the operating losses over the relevant period, but ERDF co-financing rate can be up to 85%. This shall be ensured *ex ante*, on the basis of reasonable projections, or through a claw-back mechanism.

12. For aid not exceeding EUR 1 million, the maximum amount of aid may be set, alternatively to the method referred to in paragraphs 10 and 11, at 80 % of eligible costs.

## **ABER (SO-CALLED BLOCK EXEMPTION REGULATION APPLICABLE TO THE AGRICULTURE AND FORESTRY SECTOR AND FOR RURAL AREAS: COMMISSION REGULATION (EU) NO 702/2014)**

**ABER articles apply to small and medium-sized enterprises only, as large enterprises are not eligible to receive state aid under articles 14, 17, 21, 22 and 24 of the ABER!**

### **Article 14. Aid for investments in tangible assets or intangible assets on agricultural holdings linked to primary agricultural production**

**ERDF co-financing rate:** maximum ERDF co-financing rate under this article is up to 85%.

1. Aid for investments in tangible assets or intangible assets on agricultural holdings linked to the primary agricultural production shall be compatible with the internal market within the meaning of Article 107(3)(c) of the Treaty and shall be exempted from the notification requirement of Article 108(3) thereof where it fulfils the conditions laid down in paragraphs 2 to 14 of this Article and in Chapter I of the Regulation (EU) No 702/2014.

2. The investment may be carried out by one or more beneficiaries or concern a tangible asset or intangible asset used by one or more beneficiaries.

3. The investment shall pursue at least one of the following objectives:

- (a) the improvement of the overall performance and sustainability of the agricultural holding, in particular through a reduction of production costs or the improvement and re-deployment of production;
- (b) the improvement of the natural environment, hygiene conditions or animal welfare standards, provided that the investment concerned goes beyond Union standards in force;
- (c) the creation and improvement of infrastructure related to the development, adaptation and modernisation of agriculture, including access to farm land, land consolidation and improvement, the supply and saving of energy and water;
- (d) the achievement of agri-environmental-climate objectives, including the biodiversity conservation status of species and habitat as well as enhancing the public amenity value of a Natura 2000 area or other high nature value systems, defined in the national or regional rural development programmes of Member States, as long as investments are non-productive;
- (e) the restoration of production potential damaged by natural disasters, adverse climatic events which can be assimilated to natural disasters, animal diseases and plant pests and the prevention of damages caused by those events.

4. The investment may be linked to the production at farm-level of biofuels or of energy from renewable sources, provided that such production does not exceed the average annual consumption of fuels or energy of the given farm.

Where the investment is made for the production of biofuels, the production capacity of the production facilities shall be no more than the equivalent to the annual average transport fuel consumption of the agricultural holding and the produced biofuel shall not be sold on the market.

Where the investment is made for the production of thermal energy and electricity from renewable sources on agricultural holdings, the production facilities shall serve only the beneficiary's own energy needs and their production capacity shall be no more than the equivalent to the combined average annual energy consumption of thermal energy and electricity on the agricultural holding, including the farm household. The selling of electricity into the grid shall only be allowed as far as the annual self-consumption limit is respected.

Where the investment is carried out by more beneficiaries with the purpose to serve their own biofuel and energy needs, the annual average consumption shall be accumulated to the amount equivalent to the average annual consumption of all beneficiaries.

The investments in renewable energy infrastructure that consume or produce energy shall comply with minimum standards for energy efficiency, where such standards exist at national level.

Investments in installations, the primary purpose of which is electricity production from biomass, shall not be eligible for aid unless a minimum percentage of heat energy, to be determined by the Member States, is utilised.

Member States shall establish thresholds for the maximum proportions of cereals and other starch rich crops, sugars and oil crops used for bioenergy production, including biofuels, for different types of installations. Aid to bioenergy investment projects shall be limited to bioenergy meeting the applicable sustainability criteria laid down in Union legislation, including in Article 17(2) to (6) of Directive 2009/28/EC.

5. The investment shall be in conformity with Union legislation and with the national laws of the Member State concerned on environmental protection. For investment requiring an environmental impact assessment under Directive 2011/92/EU the aid shall be subject to the condition that such assessment shall have been carried out and the development consent shall have been granted for the investment project concerned before the date of granting the individual aid.

6. The aid shall cover the following eligible costs:

- (a) the costs for the construction, acquisition, including leasing, or improvement of immovable property, with land only being eligible to an extent not exceeding 10 % of the total eligible costs of the project concerned;
- (b) the purchase or lease purchase of machinery and equipment up to the market value of the asset;
- (c) the general costs linked to the expenditure referred to in points (a) and (b), such as architect, engineer and consultation fees, fees relating to advice on environmental and economic sustainability, including feasibility studies; feasibility studies shall remain eligible expenditure even where, based on their results, no expenditure under points (a) and (b) is incurred;
- (d) the acquisition or development of computer software and the acquisition of patents, licences, copyrights and trademarks;
- (e) expenses for non-productive investments linked to the objectives referred to in paragraph 3(d);
- (f) in the case of irrigation, the costs for investments that fulfil the following conditions:
  - (i) a river basin management plan, as required by Article 13 of Directive 2000/60/EC of the European Parliament and of the Council <sup>(33)</sup>, must have been notified to the Commission for the entire area in which the investment is to take place, as well as in any other areas whose environment may be affected by the investment. The measures taking effect under the river basin management plan in accordance with Article 11 of that Directive and of relevance to

the agricultural sector must be specified in the relevant programme of measures. Water metering enabling measurement of water use at the level of the supported investment must be in place or must be put in place as part of the investment;

(ii) the investment must lead to a reduction of previous water use of at least 25 %;

However, as regards point (f) investments affecting bodies of ground- or surface water whose status has been identified as less than good in the relevant river basin management plan for reasons related to water quantity as well as investments resulting in a net increase of the irrigated area affecting a given body of ground- or surface water shall not be eligible for aid under this Article.

The conditions of point (f) (i) and (ii) above shall not apply to an investment in an existing installation which affects only energy efficiency or to an investment in the creation of a reservoir or to an investment in the use of recycled water which does not affect a body of ground- or surface water;

- (g) in the case of investments aimed at the restoration of agricultural production potential damaged by natural disasters, adverse climatic events which can be assimilated to natural disasters, animal diseases or plant pests the eligible costs may include the costs incurred for restoring the agricultural production potential up to the level it was at before the occurrence of those events;
- (h) in the case of investments aimed at the prevention of damages caused by natural disasters, adverse climatic events which can be assimilated to natural disasters, animal diseases or plant pests, the eligible costs may include the costs of specific preventive actions.

7. Costs, other than those referred to in paragraph 6(a) und (b) connected with leasing contracts, such as lessor's margin, interest refinancing costs, overheads and insurance charges shall not be considered to be eligible costs.

Working capital shall not be considered to be an eligible cost.

8. From 1 January 2017, in the case of irrigation, aid shall be paid only by Member States which ensure, in respect of the river basin district in which the investment takes place, a contribution of the different water uses to the recovery of the costs of water services by the agricultural sector consistent with Article 9(1) first indent of Directive 2000/60/EC having regard where appropriate, to the social, environmental and economic effects of the recovery as well as the geographic and climatic conditions of the region or regions affected.

9. Aid shall not be granted in respect of the following:

- (a) the purchase of production rights, payment entitlements and annual plants;
- (b) the planting of annual plants;
- (c) drainage works;
- (d) investments to comply with Union standards, with exception of aid granted to young farmers within 24 months from the date of their setting-up;
- (e) the purchase of animals, with exception of aid granted for investments pursuant to paragraph 3(e).

10. The aid shall not be limited to specific agricultural products and must therefore be available either to all sectors of the primary agricultural production or to the whole plant production sector or to the whole animal production sector. However, Member States may exclude certain products because of overcapacity in the internal market or a lack of market outlets.

11. The aid referred to in paragraph 1 shall not be granted in contravention of any prohibition or restriction laid down in Regulation (EU) No 1308/2013, even where such prohibitions and restrictions only refer to the Union support provided for in that regulation.

12. The aid intensity shall be limited to:

- (a) 50 % of the amount of the eligible costs in less developed regions and in all regions whose GDP per capita for the period from 1 January 2007 to 31 December 2013 was less than 75 % of the average of the EU-25 for the reference period but whose GDP per capita is above 75 % of the GDP average of the EU-27;
- (b) 40 % of the amount of the eligible costs in other regions.

13. The rates provided for in paragraph 12 may be increased by 20 percentage points, provided that the maximum aid intensity does not exceed 85 % for:

- (a) young farmers, or farmers who have set up during the five years preceding the date of application for aid;
- (b) collective investments, such as storage facilities which are used by a group of farmers or facilities to prepare the agricultural products before marketing, and integrated projects covering several measures provided for in Regulation (EU) No 1305/2013, including those linked to a merger of producer organisations;
- (c) investments in areas facing natural and other specific constraints;
- (d) projects supported in the framework of the European Innovation Partnership (EIP), such as an investment in a new stable, allowing the testing of a new practice of animal housing, which has been developed in an operational group composed of farmers, scientists, and animal welfare non-governmental organisation;
- (e) investments for the improvement of the natural environment, hygiene conditions or animal welfare standards, as referred to in paragraph 3(b); in this case the increased rate as provided for in this paragraph shall only apply to the additional costs necessary to obtain a level exceeding the Union standards in force and not leading to an increase in production capacity.

14. As regards non-productive investments referred to in paragraph 3(d) and investments for the restoration of production potential referred to in paragraph 3(e), the maximum aid intensity shall not exceed 85 %.

For investments in relation to preventive measures, referred to in paragraph 3(e), the maximum aid intensity shall not exceed 80 %. However, it may be increased to up to 85 % if the investment is carried out collectively by more than one beneficiary.

**Article 17. Aid for investments in connection with the processing of agricultural products and the marketing of agricultural products**

**ERDF co-financing rate:** maximum ERDF co-financing rate under this article is up to 70%.

1. Aid for investments in tangible assets or intangible assets in connection with the processing of agricultural products and the marketing of agricultural products shall be compatible with the internal market within the meaning of Article 107(3)(c) of the Treaty and shall be exempted from the notification requirement of Article 108(3) thereof where it fulfils the conditions laid down in paragraphs 2 to 10 of this Article and in Chapter I of the Regulation (EU) No 702/2014.

2. The investment shall concern the processing of agricultural products or the marketing of agricultural products.

3. Investments in connection with the production of food based biofuels shall not be eligible for aid under this Article.

4. The investment shall be in conformity with Union legislation and with the national laws of the Member State concerned on environmental protection. For investment requiring an environmental impact assessment under Directive 2011/92/EU the aid shall be subject to the condition that such assessment shall have been carried out and the development consent shall have been granted for the investment project concerned before the date of granting the individual aid.

5. The aid shall cover the following eligible costs:

- (a) the construction, acquisition, including leasing, or improvement of immovable property, with land only being eligible to an extent not exceeding 10 % of total eligible costs of the project concerned;
- (b) the purchase or lease purchase of machinery and equipment up to the market value of the asset;
- (c) general costs linked to expenditure referred to in points (a) and (b), such as architect, engineer and consultation fees, fees relating to advice on environmental and economic sustainability, including feasibility studies; feasibility studies shall remain eligible expenditure even where, based on their results, no expenditure under in points (a) and (b) is incurred;
- (d) acquisition or development of computer software and acquisitions of patents, licenses, copyrights, trademarks.

6. Costs, other than those referred to in paragraph 5(a) and (b), connected with leasing contracts, such as lessor's margin, interest refinancing costs, overheads and insurance charges shall not be considered to be eligible costs.

Working capital shall not be considered to be an eligible cost.

7. Aid shall not be granted in respect of investments to comply with Union standards in force.

8. Aid shall not be granted in contravention of any prohibition or restriction laid down in Regulation (EU) No 1308/2013, even where such prohibitions and restrictions only refer to Union support provided for in that Regulation.

9. The aid intensity shall not exceed:

- (a) 50 % of the amount of the eligible costs in less developed regions and in all regions whose GDP per capita for the 2007-2013 period was less than 75 % of the average of the EU-25 for the reference period but whose GDP per capita is above 75 % of the GDP average of the EU-27;
- (b) 40 % of the amount of the eligible costs in other regions.

10. The rates referred to in paragraph 9 may be increased by 20 percentage points, provided that the maximum aid intensity does not exceed 70 % for projects:

- (a) linked to a merger of producer organisations; or
- (b) supported in the framework of the EIP.

### **Article 21. Aid for knowledge transfer and information actions**

**ERDF co-financing rate:** the aid intensity shall be limited up to 85 % of the eligible costs. In case of demonstration projects the maximum aid amount shall be limited to EUR 100 000 over 3 fiscal years.

1. Aid for knowledge transfer and information actions shall be compatible with the internal market within the meaning of Article 107(3)(c) of the Treaty and shall be exempted from the notification requirement of Article 108(3) thereof where it fulfils the conditions laid down in paragraphs 2 to 8 of this Article and in Chapter I of the Regulation (EU) No 702/2014.

2. Aid shall cover vocational training and skills acquisition actions, including training courses, workshops and coaching, demonstration activities and information actions.

Aid may also cover short-term farm management exchange and farm visits.

Aid to demonstration activities may cover relevant investment costs.

3. The aid shall cover the following eligible costs:

- (a) the costs of organising the vocational training, skills acquisition actions, including training courses, workshops and coaching, demonstration activities or information actions;
- (b) the costs for travel, accommodation and per diem expenses of the participants;
- (c) the cost of the provision of replacement services during the absence of the participants;
- (d) in the case of demonstration projects in relation to investments:
  - (i) the construction, acquisition, including leasing, or improvement of immovable property, with land only being eligible to an extent not exceeding 10 % of total eligible costs of the project concerned;
  - (ii) the purchase or lease purchase of machinery and equipment up to the market value of the asset;
  - (iii) general costs linked to expenditure referred to in points (i) and (ii), such as architect, engineer and consultation fees, fees relating to advice on environmental and economic sustainability, including feasibility studies; feasibility studies shall remain eligible expenditure even where, based on their results, no expenditure under in points (i) and (ii) is incurred;



- (iv) the acquisition or development of computer software and the acquisitions of patents, licences, copyrights and trademarks.

4. The costs referred to in paragraph 3(d) shall only be eligible to the extent used for the demonstration project and for the duration period of the demonstration project.

Only the depreciation costs corresponding to the life of the demonstration project, as calculated on the basis of generally accepted accounting principles, shall be considered as eligible.

5. Aid referred to in paragraph 3(a) and (c) shall not involve direct payments to the beneficiaries.

The aid referred to in paragraph 3(a) and (c) shall be paid to the provider of the knowledge transfer and information actions.

6. Bodies providing knowledge transfer and information actions shall have the appropriate capacities in the form of staff qualifications and regular training to carry out those tasks.

The provision of the activities referred to in paragraph 2 may be undertaken by producer groups or other organisations, regardless of their size.

7. The aid shall be accessible to all those eligible undertakings in the area concerned, based on objectively defined conditions.

Where the provision of the activities referred to in paragraph 2 is undertaken by producer groups and organisations, membership of such groups or organisations shall not be a condition for access to those activities.

Any contribution of non-members towards the administrative costs of the producer group or organisation concerned shall be limited to the costs of providing the activities referred to in paragraph 2.

8. The aid intensity shall be limited to 85 % of the eligible costs.

In the case of demonstration projects referred to in paragraph 3(d) the maximum aid amount shall be limited to EUR 100 000 over 3 fiscal years.

## **Article 22. Aid for advisory services**

**ERDF co-financing for advisory services is up to 85%, state aid is granted up to €1 500 per advice.**

1. Aid for advisory services shall be compatible with the internal market within the meaning of Article 107(3)(c) of the Treaty and shall be exempted from the notification requirement of Article 108(3) thereof where it fulfils the conditions laid down in paragraphs 2 to 8 of this Article and in Chapter I of the Regulation (EU) No 702/2014.

2. The aid shall be designed to help undertakings active in the agricultural sector and young farmers benefit from the use of advisory services for the improvement of the economic and environmental performance as well as the climate friendliness and resilience of their undertaking or investment.

3. The advice shall be linked to at least one Union priority for rural development in accordance with Article 5 of Regulation (EU) No 1305/2013 and shall cover as a minimum one of the following elements:

- (a) obligations deriving from the statutory management requirements or standards for good agricultural and environmental conditions provided for in Chapter I of Title VI of Regulation (EU) No 1306/2013;
- (b) where applicable, the agricultural practices beneficial for the climate and the environment laid down in Chapter 3 of Title III of Regulation (EU) No 1307/2013 and the maintenance of the agricultural area referred to in Article 4(1)(c) of that Regulation;
- (c) measures aiming at modernisation, competitiveness building, sectoral integration, innovation, market orientation as well as the promotion of entrepreneurship;
- (d) requirements as defined by Member States for implementing Article 11(3) of Directive 2000/60/EC of the European Parliament and of the Council;
- (e) requirements as defined by Member States for implementing Article 55 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council <sup>(39)</sup>, and in particular the compliance with the general principles of integrated pest management as referred to in Article 14 of Directive 2009/128/EC of the European Parliament and of the Council <sup>(40)</sup>;
- (f) where relevant, occupational safety standards or safety standards linked to the farm;
- (g) specific advice for farmers setting up for the first time, including advice on economic and environmental sustainability.

4. Advice may also cover issues, other than those referred to in paragraph 3 of this Article, related to climate change mitigation and adaptation, biodiversity and protection of water as laid down in Annex I to Regulation (EU) No 1307/2013 or linked to the economic and environmental performance of the agricultural holding including competitiveness aspects. This may include advice for the development of short supply chains, organic farming and health aspects of animal husbandry.

5. The aid shall not involve direct payments to the beneficiaries. The aid shall be paid to the advisory service provider.

6. The bodies selected to provide the advisory service shall have the appropriate resources in the form of regularly trained and qualified staff and advisory experience and reliability with respect to the fields they advise in.

The provision of advisory service may be undertaken by producer groups or other organisations, regardless of their size.

When providing advice, the provider of the advisory service shall respect the non-disclosure obligations referred to in Article 13(2) of Regulation (EU) No 1306/2013.

7. The aid shall be accessible to all those eligible undertakings in the area concerned, based on objectively defined conditions.

Where the provision of advisory services is undertaken by producer groups and organisations, membership of such groups or organisations shall not be a condition for access to the service.

Any contribution of non-members towards the administrative costs of the group or organisation concerned shall be limited to the costs of providing the advisory service.

8. The amount of aid shall be limited to EUR 1 500 per advice, but ERDF co-financing rate can be up to 85%.

#### **Article 24. Aid for promotion measures in favour of agricultural products**

**ERDF co-financing rate:** up to 85 % of the eligible costs.

1. Aid for promotion measures in favour of agricultural products shall be compatible with the internal market within the meaning of Article 107(3)(c) of the Treaty and shall be exempted from the notification requirement of Article 108(3) thereof where it fulfils the conditions laid down in paragraphs 2 to 8 of this Article and in Chapter I of the Regulation (EU) No 702/2014.

2. The aid shall cover the costs for:

- (a) the organisation of and participation in competitions, trade fairs and exhibitions;
- (b) publications aimed at raising awareness of agricultural products among the wider public.

3. The publications referred to in paragraph 2(b) shall not refer to any particular undertaking, brand name or origin.

However that restriction shall not apply to reference to the origin of agricultural products covered by:

- (a) quality schemes as referred to in Article 20(2)(a), provided that the reference corresponds exactly to that protected by the Union;
- (b) quality schemes as referred to in Article 20(2)(b) and (c), provided that the reference is secondary in the message.

4. The aid shall cover the following eligible costs for the organisation of and participation in competitions, trade fairs and exhibitions referred to in paragraph 2(a):

- (a) participation fees;
- (b) travel costs and costs for the transportation of animals;
- (c) costs of publications and websites announcing the event;
- (d) the rent of exhibition premises and stands and costs of their installation and dismantling;
- (e) symbolic prizes up to a value of EUR 1 000 per prize and per winner of a competition.

5. The aid shall cover the following eligible cost for publications aimed at raising awareness of agricultural products among the wider public referred to in paragraph 2(b):

- (a) costs of publications in print- and electronic media, websites, and spots in electronic media, on radio or television, aimed at presenting factual information on beneficiaries from a given region or producing a given agricultural product, provided that the information is neutral and that all beneficiaries concerned have equal opportunities to be represented in the publication;
- (b) costs for the dissemination of scientific knowledge and factual information on:
  - (i) quality schemes as referred to in Article 20(2) open to agricultural products from other Member States and third countries;
  - (ii) generic agricultural products and their nutritional benefits and suggested uses for them.

6. The aid shall be granted:

(a) in kind; or

(b) on the basis of the reimbursement of the real costs incurred by the beneficiary.

Where the aid is granted in kind the aid shall not include direct payments to the beneficiaries but shall be paid to the provider of the promotion measures.

The provision of promotion measures may be undertaken by producer groups or other organisations, regardless of their size.

The aid for symbolic prizes referred to in paragraph 4(e) shall only be paid to the provider of the promotion measures if the prize has been actually awarded and upon presentation of a proof of the award.

7. Aid for promotion measures shall be accessible to all eligible undertakings in the area concerned, based on objectively defined conditions.

Where the promotion measure is undertaken by producer groups and organisations, participation shall not be subject to membership of these groups or organisations and any contribution in terms of administration fees for the group or organisation shall be limited to the cost of providing the promotion measures.

8. The aid intensity shall be limited to 85 % of the eligible costs.

## **FIBER (SO-CALLED BLOCK EXEMPTION REGULATION APPLICABLE TO THE FISHERY AND ACQUACULTURE SECTOR) COMMISSION REGULATION (EU) NO 1388/2014)**

### **Article 13. Aid for innovation**

**ERDF co-financing rate:** in accordance with Article 95<sup>13</sup> of Regulation (EU) No 508/2014 and the implementing acts adopted on the basis of Article 95(5) of that Regulation.

Aid for innovation in fisheries fulfilling the conditions laid down in Chapter I of the Regulation (EU) No 1388/2014 shall be compatible with the internal market within the meaning of Article 107(3)(c) of the Treaty and shall be exempted from the notification requirement of Article 108(3) thereof provided that:

- the aid fulfils the conditions of: Article 25(1) and (2) of Regulation (EU) No 508/2014
  1. The owner of a fishing vessel having received support under this Chapter shall not transfer that vessel outside the 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 time–frame, sums unduly paid in respect of the project shall be recovered in an amount proportionate to the period during which the condition set out in the first sentence of this paragraph has not been fulfilled.
  2. Operating costs shall not be eligible unless otherwise expressly provided for in this Chapter.

and Article 26 of Regulation (EU) No 508/2014:

1. In order to stimulate innovation in fisheries, the programme may support projects aimed at developing or introducing new or substantially improved products and equipment, new or improved processes and techniques, and new or improved management and organisation systems, including at the level of processing and marketing.
2. **Projects financed under this Article shall be carried out by, or in collaboration with, a scientific or technical body, recognised by the Member State or the Union. That scientific or technical body shall validate the results of such projects.**
3. The results of projects financed under this Article shall be adequately publicised.

### **Article 14. Aid for advisory services**

**ERDF co-financing rate:** in accordance with Article 95<sup>14</sup> of Regulation (EU) No 508/2014 and the implementing acts adopted on the basis of Article 95(5) of that Regulation.

Aid for advisory services fulfilling the conditions laid down in Chapter I of the Regulation (EU) No 1388/2014 shall be compatible with the internal market within the meaning of Article 107(3)(c) of the Treaty and shall be exempted from the notification requirement of Article 108(3) thereof provided that:

- the aid fulfils the conditions of Article 25 (1) and (2) of Regulation (EU) No 508/2014
  1. The owner of a fishing vessel having received support under this Chapter shall not transfer that vessel outside the 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 time–

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<sup>13</sup> Article 95 of the Regulation (EU) No 508/2014 can be found on page 48.

<sup>14</sup> Article 95 of the Regulation (EU) No 508/2014 can be found on page 48.

frame, sums unduly paid in respect of the project shall be recovered in an amount proportionate to the period during which the condition set out in the first sentence of this paragraph has not been fulfilled.

2. Operating costs shall not be eligible unless otherwise expressly provided for in this Chapter.

and Article 27 of Regulation (EU) No 508/2014:

1. In order to improve the overall performance and competitiveness of operators and to promote sustainable fisheries, the programme may support:
  - a. feasibility studies and advisory services that assess the viability of projects potentially eligible for support under this Chapter – **for using only under specific objective 1.2 and priority axis 2;**
  - b. the provision of professional advice on environmental sustainability, with a focus on limiting and, where possible, eliminating the negative impact of fishing activities on marine, terrestrial and freshwater ecosystems – **eligible only under priority axis 2;**
  - c. the provision of professional advice on business and marketing strategies – **eligible only under specific objective 1.2.**
2. The feasibility studies, advisory services and advice referred to in paragraph 1 shall be provided by scientific, academic, professional or technical bodies, or entities providing economic advice that have the required competences.
3. The support referred to in paragraph 1 shall be granted to operators, organisations of fishermen, including producer organisations, or public law bodies

#### **Article 15. Aid for partnership between scientists and fishermen**

**ERDF co-financing rate:** in accordance with Article 95 of Regulation (EU) No 508/2014 and the implementing acts adopted on the basis of Article 95(5) of that Regulation.

Aid for partnership between scientists and fishermen fulfilling the conditions laid down in Chapter I of the Regulation (EU) No 1388/2014 shall be compatible with the internal market within the meaning of Article 107(3)(c) of the Treaty and shall be exempted from the notification requirement of Article 108(3) thereof provided that:

- the aid fulfils the conditions of Article 25(1) and (2) of Regulation (EU) No 508/2014
  1. The owner of a fishing vessel having received support under this Chapter shall not transfer that vessel outside the 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 time-frame, sums unduly paid in respect of the project shall be recovered in an amount proportionate to the period during which the condition set out in the first sentence of this paragraph has not been fulfilled.
  2. Operating costs shall not be eligible unless otherwise expressly provided for in this Chapter.

and Article 28 of Regulation (EU) No 508/2014:

1. In order to foster the transfer of knowledge between scientists and fishermen, the programme may support:
  - a. the creation of networks, partnership agreements or associations between one or more independent scientific bodies and fishermen, or one or more organisations of fishermen, in which technical bodies may participate;

- b. the activities carried out in the framework of the networks, partnership agreements, or associations referred to in point (a).
2. The activities referred to in point (b) of paragraph 1 may cover data collection and management activities, studies, pilot projects, dissemination of knowledge and research results, seminars and best practices.
3. The support referred to in paragraph 1 may be granted to public law bodies, fishermen, organisations of fishermen, FLAGS and non-governmental organisations.

### **Article 16. Aid to promote human capital, job creation and social dialogue**

**ERDF co-financing rate:** in accordance with Article 95<sup>15</sup> of Regulation (EU) No 508/2014 and the implementing acts adopted on the basis of Article 95(5) of that Regulation.

Aid to promote human capital, job creation and social dialogue fulfilling the conditions laid down in Chapter I of the Regulation (EU) No 1388/2014 shall be compatible with the internal market within the meaning of Article 107(3)(c) of the Treaty and shall be exempted from the notification requirement of Article 108(3) thereof provided that:

- the aid fulfils the conditions of Article 25(1) and (2) of Regulation (EU) No 508/2014
  1. The owner of a fishing vessel having received support under this Chapter shall not transfer that vessel outside the 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 time–frame, sums unduly paid in respect of the project shall be recovered in an amount proportionate to the period during which the condition set out in the first sentence of this paragraph has not been fulfilled.
  2. Operating costs shall not be eligible unless otherwise expressly provided for in this Chapter.
- and Article 29 of Regulation (EU) No 508/2014:
  1. In order to promote human capital, job creation and social dialogue, the programme may support:
    - a) professional training, lifelong learning, joint projects, the dissemination of knowledge of an economic, technical, regulatory or scientific nature and of innovative practices, and the acquisition of new professional skills, in particular linked to the sustainable management of marine ecosystems, hygiene, health, safety, activities in the maritime sector, innovation and entrepreneurship;
  2. Under specific objective 4.1 the support referred to in point (a) of paragraph 1 may be granted, for a maximum period of two years, for the training of people under 30 years of age, who are recognised as unemployed by the Member State concerned ('trainees'). Such support shall be limited to training on board a small–scale coastal fishing vessel owned by a professional fisherman of at least 50 years of age, formalised by a contract between the trainee and the owner of the vessel that is recognised by the Member State concerned, including courses on sustainable fishing practices and the conservation of marine biological resources as defined in Regulation (EU) No 1380/2013. The trainee shall be accompanied on board by a professional fisherman of at least 50 years of age.
  3. Support under paragraph 3 shall be granted to professional fishermen to cover the trainee's salary and related charges, and shall be calculated in accordance with Article

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<sup>15</sup> Article 95 of the Regulation (EU) No 508/2014 can be found on page 48.

67(5) of Regulation (EU) No 1303/2013, taking into account the economic situation and living standards of the Member State concerned. That support shall not exceed a maximum amount of EUR 40 000 for each beneficiary during the programming period.

### **Article 17. Aid to facilitate diversification and new forms of income**

**ERDF co-financing rate:** in accordance with Article 95<sup>16</sup> of Regulation (EU) No 508/2014 and the implementing acts adopted on the basis of Article 95(5) of that Regulation.

Aid to facilitate diversification and new forms of income fulfilling the conditions laid down in Chapter I of the Regulation (EU) No 1388/2014 shall be compatible with the internal market within the meaning of Article 107(3)(c) of the Treaty and shall be exempted from the notification requirement of Article 108(3) thereof provided that:

- the aid fulfils the conditions of Article 25(1) and (2) of Regulation (EU) No 508/2014
  1. The owner of a fishing vessel having received support under this Chapter shall not transfer that vessel outside the 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 time–frame, sums unduly paid in respect of the project shall be recovered in an amount proportionate to the period during which the condition set out in the first sentence of this paragraph has not been fulfilled.
  2. Operating costs shall not be eligible unless otherwise expressly provided for in this Chapter.
- and Article 30 of Regulation (EU) No 508/2014:
  1. The programme may support investments contributing to the diversification of the income of fishermen through the development of complementary activities, including investments on board, angling tourism, restaurants, environmental services related to fishing and educational activities concerning fishing.
  2. The support under paragraph 1 shall be granted to fishermen who:
    - a) submit a business plan for the development of their new activities; and
    - b) possess adequate professional skills which may be acquired through projects financed under point (a) of Article 29(1).
  3. The support under paragraph 1 shall only be granted if the complementary activities relate to the fisherman’s core fishing business.
  4. The amount of support granted under paragraph 1 shall not exceed 50 % of the budget foreseen in the business plan for each project, and shall not exceed a maximum amount of EUR 75 000 for each beneficiary.

### **Article 22. Aid to support the design and implementation of conservation measures and regional cooperation**

**ERDF co-financing rate:** in accordance with Article 95<sup>17</sup> of Regulation (EU) No 508/2014 and the implementing acts adopted on the basis of Article 95(5) of that Regulation.

Aid to support the design and implementation of conservation measures and regional cooperation fulfilling the conditions laid down in Chapter I of the Regulation (EU) No 1388/2014 shall be compatible

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<sup>16</sup> Article 95 of the Regulation (EU) No 508/2014 can be found on page 48.

<sup>17</sup> Article 95 of the Regulation (EU) No 508/2014 can be found on page 48.



with the internal market within the meaning of Article 107(3)(c) of the Treaty and shall be exempted from the notification requirement of Article 108(3) thereof provided that:

- the aid fulfils the conditions of Article 25(1) and (2) of Regulation (EU) No 508/2014
  1. The owner of a fishing vessel having received support under this Chapter shall not transfer that vessel outside the 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 time–frame, sums unduly paid in respect of the project shall be recovered in an amount proportionate to the period during which the condition set out in the first sentence of this paragraph has not been fulfilled.
  2. Operating costs shall not be eligible unless otherwise expressly provided for in this Chapter.
- and Article 37 of Regulation (EU) No 508/2014:
  1. In order to ensure the efficient design and implementation of conservation measures under Articles 7, 8 and 11 of Regulation (EU) No 1380/2013 and regional cooperation under Article 18 of that Regulation, the programme may support:
    - a) the design, development and monitoring of technical and administrative means necessary for the development and implementation of conservation measures and regionalisation;
    - b) stakeholder participation and cooperation between Member States in designing and implementing conservation measures and regionalisation.
  2. The programme may support direct restocking under paragraph 1 only when it is provided for as a conservation measure in a Union legal act;

#### **Article 24. Aid to innovation linked to the conservation of marine biological resources**

**ERDF co-financing rate:** in accordance with Article 95<sup>18</sup> of Regulation (EU) No 508/2014 and the implementing acts adopted on the basis of Article 95(5) of that Regulation.

Aid to innovation linked to the conservation of marine biological resources fulfilling the conditions laid down in Chapter I of the Regulation (EU) No 1388/2014 shall be compatible with the internal market within the meaning of Article 107(3)(c) of the Treaty and shall be exempted from the notification requirement of Article 108(3) thereof provided that:

- the aid fulfils the conditions of Article 25(1) and (2) of Regulation (EU) No 508/2014
  1. The owner of a fishing vessel having received support under this Chapter shall not transfer that vessel outside the 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 time–frame, sums unduly paid in respect of the project shall be recovered in an amount proportionate to the period during which the condition set out in the first sentence of this paragraph has not been fulfilled.
  2. Operating costs shall not be eligible unless otherwise expressly provided for in this Chapter.
- and Article 39 of Regulation (EU) No 508/2014:
  1. In order to contribute to the gradual elimination of discards and by–catches and to facilitate the transition to exploitation of living marine biological resources in accordance with Article 2(2) of Regulation (EU) No 1380/2013, and to reduce the impact of fishing on

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<sup>18</sup> Article 95 of the Regulation (EU) No 508/2014 can be found on page 48.

the marine environment and the impact of protected predators, the programme may support projects aimed at developing or introducing new technical or organisational knowledge that reduces the impact of fishing activities on the environment, including improved fishing techniques and gear selectivity, or aimed at achieving a more sustainable use of marine biological resources and coexistence with protected predators.

2. Projects financed under this Article shall be carried out by, or in collaboration with, a scientific or technical body recognised by the Member State which shall validate the results of such projects.
3. The results of projects financed under this Article shall be adequately publicised by the Member State in accordance with Article 119.
4. Fishing vessels involved in projects financed under this Article shall not exceed 5 % of the number of vessels of the national fleet or 5 % of the national fleet tonnage in gross tonnage, calculated at the time of submission of the application. At the request of a Member State, in duly justified circumstances and on the basis of a recommendation by the Scientific, Technical and Economic Committee for Fisheries (STECF) established by Commission Decision 2005/629/EC (29), the Commission may approve projects that exceed the limits set out in this paragraph.
5. Projects which do not qualify as fishing for scientific purposes in accordance with Article 33 of Regulation (EC) No 1224/2009 and which consist of testing new fishing gear or techniques shall be carried out within the limits of the fishing opportunities allocated to the Member State concerned.
6. The net revenue generated by the participation of the fishing vessel in the project shall be deducted from the eligible expenditure of the project in accordance with Article 65(8) of Regulation (EU) No 1303/2013.
7. For the purpose of paragraph 6, the term 'net revenue' means the income of fishermen from the first sale of the fish or shellfish caught during the introduction and testing of the new technical or organisational knowledge less the selling costs such as auction hall fees.

#### **Article 25. Aid for the protection and restoration of marine biodiversity and ecosystems and compensation regimes in the framework of sustainable fishing activities**

**ERDF co-financing rate:** in accordance with Article 95<sup>19</sup> of Regulation (EU) No 508/2014 and the implementing acts adopted on the basis of Article 95(5) of that Regulation.

Aid for the protection and restoration of marine biodiversity and ecosystems and compensation regimes in the framework of sustainable fishing activities fulfilling the conditions laid down in Chapter I of the Regulation (EU) No 1388/2014 shall be compatible with the internal market within the meaning of Article 107(3)(c) of the Treaty and shall be exempted from the notification requirement of Article 108(3) thereof provided that:

- the aid fulfils the conditions of Article 25(1) and (2) of Regulation (EU) No 508/2014
  1. The owner of a fishing vessel having received support under this Chapter shall not transfer that vessel outside the 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 time-frame, sums unduly paid in respect of the project shall be recovered in an amount

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<sup>19</sup> Article 95 of the Regulation (EU) No 508/2014 can be found on page 48.

proportionate to the period during which the condition set out in the first sentence of this paragraph has not been fulfilled.

2. Operating costs shall not be eligible unless otherwise expressly provided for in this Chapter.
- and Article 40 of Regulation (EU) No 508/2014
1. In order to protect and restore marine biodiversity and ecosystems in the framework of sustainable fishing activities, with the participation, where relevant, of fishermen, the programme may support the following projects:
    - a. the collection of waste by fishermen from the sea such as the removal of lost fishing gear and marine litter;
    - b. the construction, installation or modernisation of static or movable facilities intended to protect and enhance marine fauna and flora, including their scientific preparation and evaluation;
    - c. contributions to a better management or conservation of marine biological resources;
    - d. the preparation, including studies, drawing-up, monitoring and updating of protection and management plans for fishery-related activities relating to NATURA 2000 sites and spatial protected areas referred to in Directive 2008/56/EC and relating to other special habitats;
    - e. the management, restoration and monitoring of NATURA 2000 sites in accordance with Directives 92/43/EEC and 2009/147/EC, in accordance with prioritised action frameworks established pursuant to Directive 92/43/EEC;
    - f. the management, restoration and monitoring of marine protected areas with a view to the implementation of the spatial protection measures referred to in Article 13(4) of Directive 2008/56/EC;
    - g. increasing environmental awareness, involving fishermen, with regard to the protection and restoration of marine biodiversity;
    - h. the participation in other actions aimed at maintaining and enhancing biodiversity and ecosystem services, such as the restoration of specific marine and coastal habitats in support of sustainable fish stocks, including their scientific preparation and evaluation.
  2. The projects referred to in this Article may be implemented by scientific or technical public law bodies, Advisory Councils, fishermen or organisations of fishermen which are recognised by the Member State, or by non-governmental organisations in partnership with organisations of fishermen or in partnership with FLAGS;
- and the delegated acts adopted on the basis of this Article.

### **Article 26. Aid to improve energy efficiency and to mitigate the effects of climate change**

**ERDF co-financing rate:** in accordance with Article 95<sup>20</sup> of Regulation (EU) No 508/2014 and the implementing acts adopted on the basis of Article 95(5) of that Regulation.

Aid to improve energy efficiency and to mitigate the effects of climate change, with the exception of aid to replace or modernise engines, fulfilling the conditions laid down in Chapter I of the Regulation (EU) No 1388/2014 shall be compatible with the internal market within the meaning of Article 107(3)(c)

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<sup>20</sup> Article 95 of the Regulation (EU) No 508/2014 can be found on page 48.

of the Treaty and shall be exempted from the notification requirement of Article 108(3) thereof provided that:

- the aid fulfils the conditions of Article 25(1) and (2) of Regulation (EU) No 508/2014
    1. The owner of a fishing vessel having received support under this Chapter shall not transfer that vessel outside the 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 time–frame, sums unduly paid in respect of the project shall be recovered in an amount proportionate to the period during which the condition set out in the first sentence of this paragraph has not been fulfilled.
    2. Operating costs shall not be eligible unless otherwise expressly provided for in this Chapter.
  - and Article 41(1) of Regulation (EU) No 508/2014
    1. In order to mitigate the effects of climate change and to improve the energy efficiency of fishing vessels, the programme may support:
      - a. investments in equipment or on board aimed at reducing the emission of pollutants or greenhouse gases and increasing the energy efficiency of fishing vessels. Investments in fishing gear are also eligible provided that they do not undermine the selectivity of that fishing gear;
      - b. energy efficiency audits and schemes;
      - c. studies to assess the contribution of alternative propulsion systems and hull designs to the energy efficiency of fishing vessels.
    2. Support under paragraph 1 shall only be granted to owners of fishing vessels and shall not be granted more than once for the same type of investment during the programming period for the same fishing vessel.
- and the delegated acts adopted on the basis of this Article; and

### **Article 27. Aid to added value, product quality and use of unwanted catches**

**ERDF co-financing rate:** in accordance with Article 95<sup>21</sup> of Regulation (EU) No 508/2014 and the implementing acts adopted on the basis of Article 95(5) of that Regulation.

Aid to added value, product quality and use of unwanted catches fulfilling the conditions laid down in Chapter I of the Regulation (EU) No 1388/2014 shall be compatible with the internal market within the meaning of Article 107(3)(c) of the Treaty and shall be exempted from the notification requirement of Article 108(3) thereof provided that:

- the aid fulfils the conditions of Article 25(1) and (2) of Regulation (EU) No 508/2014
  1. The owner of a fishing vessel having received support under this Chapter shall not transfer that vessel outside the 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 time–frame, sums unduly paid in respect of the project shall be recovered in an amount proportionate to the period during which the condition set out in the first sentence of this paragraph has not been fulfilled.
  2. Operating costs shall not be eligible unless otherwise expressly provided for in this Chapter.
- and Article 42 of Regulation (EU) No 508/2014:

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<sup>21</sup> Article 95 of the Regulation (EU) No 508/2014 can be found on page 48.

1. In order to improve the added value or quality of the fish caught, the /programme/ may support:
  - a) investments that add value to fishery products, in particular by allowing fishermen to carry out the processing, marketing and direct sale of their own catches;
  - b) innovative investments on board that improve the quality of the fishery products.
2. The support referred to in point (b) of paragraph 1 shall be conditional on the use of selective gears to minimise unwanted catches and shall only be granted to owners of Union fishing vessels that have carried out a fishing activity at sea for at least 60 days during the two calendar years preceding the date of submission of the application for support.

### **Article 28. Aid to fishing ports, landing sites, auction halls and shelters**

**ERDF co-financing rate:** in accordance with Article 95<sup>22</sup> of Regulation (EU) No 508/2014 and the implementing acts adopted on the basis of Article 95(5) of that Regulation.

Aid to fishing ports, landing sites, auction halls and shelters fulfilling the conditions laid down in Chapter I of the Regulation (EU) No 1388/2014 shall be compatible with the internal market within the meaning of Article 107(3)(c) of the Treaty and shall be exempted from the notification requirement of Article 108(3) thereof provided that:

- the aid fulfils the conditions of Article 25(1) and (2) of Regulation (EU) No 508/2014
  1. The owner of a fishing vessel having received support under this Chapter shall not transfer that vessel outside the 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 time–frame, sums unduly paid in respect of the project shall be recovered in an amount proportionate to the period during which the condition set out in the first sentence of this paragraph has not been fulfilled.
  2. Operating costs shall not be eligible unless otherwise expressly provided for in this Chapter.
- and Article 43 of Regulation (EU) No 508/2014:
  1. For the purpose of increasing the quality, control and traceability of the products landed, increasing energy efficiency, contributing to environmental protection and improving safety and working conditions, the programme may support investments improving the infrastructure of fishing ports, auctions halls, landing sites and shelters, including investments in facilities for waste and marine litter collection.
  2. In order to facilitate compliance with the obligation to land all catches in accordance with Article 15 of Regulation (EU) No 1380/2013 and Article 8(2)(b) of Regulation (EU) No 1379/2013, as well as to add value to under-used components of the catch, the Programme may support investments in fishing ports, auction halls, landing sites and shelters.
  3. In order to improve the safety of fishermen, the Programme may support investments in the construction or modernisation of shelters.
  4. Support shall not cover the construction of new ports, new landing sites or new auction halls.

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<sup>22</sup> Article 95 of the Regulation (EU) No 508/2014 can be found on page 48.

### **Article 29. Aid to inland fishing and inland aquatic fauna and flora**

**ERDF co-financing rate:** in accordance with Article 95<sup>23</sup> of Regulation (EU) No 508/2014 and the implementing acts adopted on the basis of Article 95(5) of that Regulation.

Aid to inland fishing and inland aquatic fauna and flora fulfilling the conditions laid down in Chapter I of the Regulation (EU) No 1388/2014 shall be compatible with the internal market within the meaning of Article 107(3)(c) of the Treaty and shall be exempted from the notification requirement of Article 108(3) thereof provided that:

- the aid fulfils the conditions of Article 25(1) and (2) of Regulation (EU) No 508/2014
  1. The owner of a fishing vessel having received support under this Chapter shall not transfer that vessel outside the 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 time–frame, sums unduly paid in respect of the project shall be recovered in an amount proportionate to the period during which the condition set out in the first sentence of this paragraph has not been fulfilled.
  2. Operating costs shall not be eligible unless otherwise expressly provided for in this Chapter.
- and Article 44 of Regulation (EU) No 508/2014 (except point 2):
  1. In order to reduce the impact of inland fishing on the environment, to increase energy efficiency, to increase the value or quality of fish landed, or to improve health, safety, working conditions, human capital and training, the programme may support investments in the following:
    - a) the promotion of human capital, job creation and social dialogue as referred to in Article 29 and under the conditions set out in that Article;
    - b) on board or in individual equipment as referred to in Article 32 and under the conditions set out in that Article;
    - c) in equipment and types of projects as referred to in Articles 38 and 39 and under the conditions set out in those Articles;
    - d) the improvement of energy efficiency and the mitigation of the effects of climate change as referred to in Article 41 and under the conditions set out in that Article;
    - e) the improvement of the value or quality of the fish caught as referred to in Article 42 and under the conditions set out in that Article.
    - f) in fishing ports, shelters and landing sites as referred to in Article 43 and under the conditions set out in that Article;
  2. The Programme may provide support for the development and facilitation of innovation in accordance with Article 26, for the advisory services in accordance with Article 27 and for partnerships between scientists and fishermen in accordance with Article 28.
  3. In order to promote diversification by inland fishermen, the Programme may support the diversification of inland fishing activities to complementary activities under the conditions laid down in Article 30.
  4. For the purposes of paragraph 1:
    - a) references made in Articles 30, 32, 38, 39, 41 and 42 to fishing vessels shall be understood as references to vessels operating exclusively in inland waters;

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<sup>23</sup> Article 95 of the Regulation (EU) No 508/2014 can be found on page 48.

- b) references made in Article 38 to the marine environment shall be understood as references to the environment in which the inland fishing vessel operates.
- 5. In order to protect and develop aquatic fauna and flora, the programme may support:
  - a) the management, restoration and monitoring of NATURA 2000 sites which are affected by fishing activities, and the rehabilitation of inland waters in accordance with Directive 2000/60/EC of the European Parliament and of the Council (30), including spawning grounds and migration routes for migratory species, without prejudice to point (e) of Article 40(1) of this Regulation and, where relevant, with the participation of inland fishermen;
  - b) the construction, modernisation or installation of static or movable facilities intended to protect and enhance aquatic fauna and flora, including their scientific preparation, monitoring and evaluation.
- 6. Member States shall ensure that vessels receiving support under this Article continue to operate exclusively in inland waters.

### **Article 30. Aid for innovation in aquaculture**

**ERDF co-financing rate:** in accordance with Article 95<sup>24</sup> of Regulation (EU) No 508/2014 and the implementing acts adopted on the basis of Article 95(5) of that Regulation.

Aid for innovation in aquaculture fulfilling the conditions laid down in Chapter I of the Regulation (EU) No 1388/2014 shall be compatible with the internal market within the meaning of Article 107(3)(c) of the Treaty and shall be exempted from the notification requirement of Article 108(3) thereof provided that:

- the aid fulfils the conditions of Article 46 of Regulation (EU) No 508/2014:
  - 1. Support shall be limited to aquaculture enterprises, unless otherwise stated in this Regulation.
  - 2. For the purposes of this Article, entrepreneurs entering the sector shall provide a business plan and, where the amount of investments is more than EUR 50 000, a feasibility study including an environmental assessment of the projects. Support under this Chapter shall be granted only where it has been clearly demonstrated in an independent marketing report that good and sustainable market prospects exist for the product.
  - 3. Where projects consist of investments in equipment or infrastructure ensuring compliance with future requirements relating to the environment, human or animal health, hygiene or animal welfare under Union law, support may be granted until the date on which such requirements become mandatory for the enterprises.
  - 4. Support shall not be granted to the farming of genetically modified organisms.
  - 5. Support shall not be granted to aquaculture projects in marine protected areas, if it has been determined by the competent authority of the Member State, on the basis of an environmental impact assessment, that the project would generate significant negative environmental impact that cannot be adequately mitigated.
- and Article 47 of Regulation (EU) No 508/2014:
  - 1. In order to stimulate innovation in aquaculture, the programme may support projects aiming at:

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<sup>24</sup> Article 95 of the Regulation (EU) No 508/2014 can be found on page 48.

- a) developing technical, scientific or organisational knowledge in aquaculture farms, which, in particular, reduces the impact on the environment, reduces dependence on fish meal and oil, fosters a sustainable use of resources in aquaculture, improves animal welfare or facilitates new sustainable production methods;
  - b) developing or introducing on the market new aquaculture species with good market potential, new or substantially improved products, new or improved processes, or new or improved management and organisation systems;
  - c) exploring the technical or economic feasibility of innovative products or processes.
2. Projects under this Article shall be carried out by, or in collaboration with, public or private scientific or technical bodies, recognised by the Member State, which shall validate the results of such projects.
  3. The results of projects receiving support shall be adequately publicised by the Member State in accordance with Article 119.

### **Article 31. Aid to productive investments in aquaculture**

**ERDF co-financing rate:** in accordance with Article 95<sup>25</sup> of Regulation (EU) No 508/2014 and the implementing acts adopted on the basis of Article 95(5) of that Regulation.

Aid to productive investments in aquaculture fulfilling the conditions laid down in Chapter I of the Regulation (EU) No 1388/2014 shall be compatible with the internal market within the meaning of Article 107(3)(c) of the Treaty and shall be exempted from the notification requirement of Article 108(3) thereof provided that:

- the aid fulfils the conditions of Article 46 of Regulation (EU) No 508/2014:
  1. Support shall be limited to aquaculture enterprises, unless otherwise stated in this Regulation.
  2. For the purposes of this Article, entrepreneurs entering the sector shall provide a business plan and, where the amount of investments is more than EUR 50 000, a feasibility study including an environmental assessment of the projects. Support under this Chapter shall be granted only where it has been clearly demonstrated in an independent marketing report that good and sustainable market prospects exist for the product.
  3. Where projects consist of investments in equipment or infrastructure ensuring compliance with future requirements relating to the environment, human or animal health, hygiene or animal welfare under Union law, support may be granted until the date on which such requirements become mandatory for the enterprises.
  4. Support shall not be granted to the farming of genetically modified organisms.
  5. Support shall not be granted to aquaculture projects in marine protected areas, if it has been determined by the competent authority of the Member State, on the basis of an environmental impact assessment, that the project would generate significant negative environmental impact that cannot be adequately mitigated.
- and 48 of Regulation (EU) No 508/2014:
  1. The programme may support:
    - a) productive investments in aquaculture;
    - b) the diversification of aquaculture production and species cultured;

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<sup>25</sup> Article 95 of the Regulation (EU) No 508/2014 can be found on page 48.



- c) the modernisation of aquaculture units, including the improvement in working and safety conditions of aquaculture workers;
  - d) improvements and modernisation related to animal health and welfare, including the purchase of equipment aiming at protecting the farms from wild predators;
  - e) investments reducing the negative impact or enhancing the positive effects on the environment and increasing resource efficiency;
  - f) investments in enhancing the quality of, or in adding value to, aquaculture products;
  - g) the restoration of existing aquaculture ponds or lagoons through the removal of silt, or investments aimed at the prevention of silt deposits;
  - h) the diversification of the income of aquaculture enterprises through the development of complementary activities;
  - i) investments resulting in a substantial reduction in the impact of aquaculture enterprises on water usage and quality, in particular through reducing the amount of water or chemicals, antibiotics and other medicines used, or through improving the output water quality, including through the deployment of multi-trophic aquaculture systems;
  - j) the promotion of closed aquaculture systems where aquaculture products are farmed in closed recirculation systems, thereby minimising water use;
  - k) investments increasing energy efficiency and promoting the conversion of aquaculture enterprises to renewable sources of energy.
2. Support under point (h) of paragraph 1 shall only be granted to aquaculture enterprises if the complementary activities relate to the core aquaculture business of the enterprise, including angling tourism, environmental services related to aquaculture or educational activities concerning aquaculture.
  3. Support under paragraph 1 may be granted for the increase in production and/or modernisation of existing aquaculture enterprises, or for the construction of new ones, provided that the development is consistent with the multiannual national strategic plan for the development of aquaculture referred to in Article 34 of Regulation (EU) No 1380/2013.

### **Article 32. Aid to management, relief and advisory services for aquaculture farms**

**ERDF co-financing rate:** in accordance with Article 95<sup>26</sup> of Regulation (EU) No 508/2014 and the implementing acts adopted on the basis of Article 95(5) of that Regulation.

Aid to management, relief and advisory services for aquaculture farms fulfilling the conditions laid down in Chapter I of the Regulation (EU) No 1388/2014 shall be compatible with the internal market within the meaning of Article 107(3)(c) of the Treaty and shall be exempted from the notification requirement of Article 108(3) thereof provided that:

- the aid fulfils the conditions of Article 46 of Regulation (EU) No 508/2014:
  1. Support shall be limited to aquaculture enterprises, unless otherwise stated in this Regulation.
  2. For the purposes of this Article, entrepreneurs entering the sector shall provide a business plan and, where the amount of investments is more than EUR 50 000, a feasibility study

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<sup>26</sup> Article 95 of the Regulation (EU) No 508/2014 can be found on page 48.

including an environmental assessment of the projects. Support under this Chapter shall be granted only where it has been clearly demonstrated in an independent marketing report that good and sustainable market prospects exist for the product.

3. Where projects consist of investments in equipment or infrastructure ensuring compliance with future requirements relating to the environment, human or animal health, hygiene or animal welfare under Union law, support may be granted until the date on which such requirements become mandatory for the enterprises.
  4. Support shall not be granted to the farming of genetically modified organisms.
  5. Support shall not be granted to aquaculture projects in marine protected areas, if it has been determined by the competent authority of the Member State, on the basis of an environmental impact assessment, that the project would generate significant negative environmental impact that cannot be adequately mitigated.
- and 49 of Regulation (EU) No 508/2014:
1. In order to improve the overall performance and competitiveness of aquaculture farms, and to reduce the negative environmental impact of their projects, the programme may support:
    - a) the setting-up of management, relief and advisory services for aquaculture farms;
    - b) the purchase of farm advisory services of a technical, scientific, legal, environmental or economic nature.
  2. Advisory services referred to in point (b) of paragraph 1 shall cover:
    - a) the management needs to enable aquaculture farms to comply with Union and national environmental legislation, as well as with maritime spatial planning requirements;
    - b) environmental impact assessment as referred to in Directive 2001/42/EC of the European Parliament and of the Council (31) and Directive 92/43/EEC;
    - c) the management needs to enable aquaculture farms to comply with Union and national aquatic animal health and welfare or public health legislation;
    - d) health and safety standards based on Union and national legislation;
    - e) marketing and business strategies.
  3. The advisory services referred to in point (b) of paragraph 1 shall be provided by scientific or technical bodies, as well as by entities providing legal or economic advice with the required competences as recognised by the Member State.
  4. Support under point (a) of paragraph 1 shall only be granted to public law bodies or other entities selected by the Member State to set up the farm advisory services. Support under point (b) of paragraph 1 shall only be granted to aquaculture SMEs or aquaculture organisations, including aquaculture producer organisations and associations of aquaculture producer organisations.
  5. Beneficiaries shall not receive support more than once per year for each category of advisory services referred to in paragraph 2.

### **Article 33. Aid to promote human capital and networking in aquaculture**

**ERDF co-financing rate:** in accordance with Article 95<sup>27</sup> of Regulation (EU) No 508/2014 and the implementing acts adopted on the basis of Article 95(5) of that Regulation.

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<sup>27</sup> Article 95 of the Regulation (EU) No 508/2014 can be found on page 48.

Aid to promote human capital and networking in aquaculture fulfilling the conditions laid down in Chapter I of the Regulation (EU) No 1388/2014 shall be compatible with the internal market within the meaning of Article 107(3)(c) of the Treaty and shall be exempted from the notification requirement of Article 108(3) thereof provided that:

- the aid fulfils the conditions of Article 46 of Regulation (EU) No 508/2014:
  1. Support shall be limited to aquaculture enterprises, unless otherwise stated in this Regulation.
  2. For the purposes of this Article, entrepreneurs entering the sector shall provide a business plan and, where the amount of investments is more than EUR 50 000, a feasibility study including an environmental assessment of the projects. Support under this Chapter shall be granted only where it has been clearly demonstrated in an independent marketing report that good and sustainable market prospects exist for the product.
  3. Where projects consist of investments in equipment or infrastructure ensuring compliance with future requirements relating to the environment, human or animal health, hygiene or animal welfare under Union law, support may be granted until the date on which such requirements become mandatory for the enterprises.
  4. Support shall not be granted to the farming of genetically modified organisms.
  5. Support shall not be granted to aquaculture projects in marine protected areas, if it has been determined by the competent authority of the Member State, on the basis of an environmental impact assessment, that the project would generate significant negative environmental impact that cannot be adequately mitigated.
- and 50 of Regulation (EU) No 508/2014:
  1. In order to promote human capital and networking in aquaculture, the programme may support:
    - a) professional training, lifelong learning, the dissemination of scientific and technical knowledge and innovative practices, the acquisition of new professional skills in aquaculture and with regard to the reduction of the environmental impact of aquaculture projects;
    - b) the improvement of working conditions and the promotion of occupational safety;
    - c) networking and exchange of experiences and best practices among aquaculture enterprises or professional organisations and other stakeholders, including scientific and technical bodies or those promoting equal opportunities between men and women.
  2. Support referred to in point (a) of paragraph 1 shall not be granted to large aquaculture enterprises, unless they are engaged in knowledge-sharing with SMEs.
  3. By way of derogation from Article 46, support under this Article shall also be granted to public or semi-public organisations and to other organisations recognised by the Member State.
  4. Support under this Article shall also be granted to spouses of self-employed aquaculture farmers or, where and in so far as they are recognised by national law, to the life partners of self-employed aquaculture farmers, under the conditions laid down in point (b) of Article 2 of Directive 2010/41/EU.

### **Article 34. Aid to increase the potential of aquaculture sites**

**ERDF co-financing rate:** in accordance with Article 95<sup>28</sup> of Regulation (EU) No 508/2014 and the implementing acts adopted on the basis of Article 95(5) of that Regulation.

Aid to increase the potential of aquaculture sites fulfilling the conditions laid down in Chapter I of the Regulation (EU) No 1388/2014 shall be compatible with the internal market within the meaning of Article 107(3)(c) of the Treaty and shall be exempted from the notification requirement of Article 108(3) thereof provided that:

- the aid fulfils the conditions of Article 46 of Regulation (EU) No 508/2014:
  1. Support shall be limited to aquaculture enterprises, unless otherwise stated in this Regulation.
  2. For the purposes of this Article, entrepreneurs entering the sector shall provide a business plan and, where the amount of investments is more than EUR 50 000, a feasibility study including an environmental assessment of the projects. Support under this Chapter shall be granted only where it has been clearly demonstrated in an independent marketing report that good and sustainable market prospects exist for the product.
  3. Where projects consist of investments in equipment or infrastructure ensuring compliance with future requirements relating to the environment, human or animal health, hygiene or animal welfare under Union law, support may be granted until the date on which such requirements become mandatory for the enterprises.
  4. Support shall not be granted to the farming of genetically modified organisms.
  5. Support shall not be granted to aquaculture projects in marine protected areas, if it has been determined by the competent authority of the Member State, on the basis of an environmental impact assessment, that the project would generate significant negative environmental impact that cannot be adequately mitigated.
- and 51 of Regulation (EU) No 508/2014:
  1. In order to contribute to the development of the aquaculture sites and infrastructures, and to reduce the negative environmental impact of the projects, the programme may support:
    - a) the identification and mapping of the most suitable areas for developing aquaculture, taking into account, where applicable, spatial planning processes, and the identification and mapping of areas where aquaculture should be excluded in order to maintain the role of such areas in the functioning of the ecosystem;
    - b) the improvement and development of support facilities and infrastructures required to increase the potential of aquaculture sites and to reduce the negative environmental impact of aquaculture, including investments in land consolidation, energy supply or water management;
    - c) action taken and implemented by competent authorities under Article 9(1) of Directive 2009/147/EC or Article 16(1) of Directive 92/43/EEC, with the aim of preventing serious damage to aquaculture;
    - d) action taken and implemented by competent authorities following the detection of increased mortalities or diseases as provided for in Article 10 of Council Directive 2006/88/EC (32). Those actions may cover the adoption of shellfish

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<sup>28</sup> Article 95 of the Regulation (EU) No 508/2014 can be found on page 48.

action plans aimed at the protection, restoration and management, including support to shellfish producers for the maintenance, of natural shellfish banks and catchment areas.

2. Beneficiaries of support under this Article shall only be public law bodies or private bodies entrusted by the Member State with the tasks referred to in paragraph 1.

### **Article 35. Aid to encourage new aquaculture farmers practising sustainable aquaculture**

**ERDF co-financing rate:** in accordance with Article 95<sup>29</sup> of Regulation (EU) No 508/2014 and the implementing acts adopted on the basis of Article 95(5) of that Regulation.

Aid to encourage new aquaculture farmers practising sustainable aquaculture fulfilling the conditions laid down in Chapter I of the Regulation (EU) No 1388/2014 shall be compatible with the internal market within the meaning of Article 107(3)(c) of the Treaty and shall be exempted from the notification requirement of Article 108(3) thereof provided that:

- the aid fulfils the conditions of Article 46 of Regulation (EU) No 508/2014:
  1. Support shall be limited to aquaculture enterprises, unless otherwise stated in this Regulation.
  2. For the purposes of this Article, entrepreneurs entering the sector shall provide a business plan and, where the amount of investments is more than EUR 50 000, a feasibility study including an environmental assessment of the projects. Support under this Chapter shall be granted only where it has been clearly demonstrated in an independent marketing report that good and sustainable market prospects exist for the product.
  3. Where projects consist of investments in equipment or infrastructure ensuring compliance with future requirements relating to the environment, human or animal health, hygiene or animal welfare under Union law, support may be granted until the date on which such requirements become mandatory for the enterprises.
  4. Support shall not be granted to the farming of genetically modified organisms.
  5. Support shall not be granted to aquaculture projects in marine protected areas, if it has been determined by the competent authority of the Member State, on the basis of an environmental impact assessment, that the project would generate significant negative environmental impact that cannot be adequately mitigated.
- and 52 of Regulation (EU) No 508/2014:
  1. In order to foster entrepreneurship in aquaculture, the programme may support the setting-up of sustainable aquaculture enterprises by new aquaculture farmers.
  2. Support under paragraph 1 shall be granted to aquaculture farmers entering the sector provided that they:
    - a) possess adequate professional skills and competence;
    - b) set up for the first time an aquaculture micro or small enterprise, as managers of that enterprise; and
    - c) submit a business plan for the development of their aquaculture activities.
  3. In order to acquire adequate professional skills, aquaculture farmers entering the sector may benefit from support under point (a) of Article 50(1).

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<sup>29</sup> Article 95 of the Regulation (EU) No 508/2014 can be found on page 48.

### **Article 36. Aid for the conversion to eco-management and audit schemes and organic aquaculture**

**ERDF co-financing rate:** in accordance with Article 95<sup>30</sup> of Regulation (EU) No 508/2014 and the implementing acts adopted on the basis of Article 95(5) of that Regulation.

Aid for the conversion to eco-management and audit schemes and organic aquaculture fulfilling the conditions laid down in Chapter I of the Regulation (EU) No 1388/2014 shall be compatible with the internal market within the meaning of Article 107(3)(c) of the Treaty and shall be exempted from the notification requirement of Article 108(3) thereof provided that:

- the aid fulfils the conditions of Article 46 of Regulation (EU) No 508/2014:
  1. Support shall be limited to aquaculture enterprises, unless otherwise stated in this Regulation.
  2. For the purposes of this Article, entrepreneurs entering the sector shall provide a business plan and, where the amount of investments is more than EUR 50 000, a feasibility study including an environmental assessment of the projects. Support under this Chapter shall be granted only where it has been clearly demonstrated in an independent marketing report that good and sustainable market prospects exist for the product.
  3. Where projects consist of investments in equipment or infrastructure ensuring compliance with future requirements relating to the environment, human or animal health, hygiene or animal welfare under Union law, support may be granted until the date on which such requirements become mandatory for the enterprises.
  4. Support shall not be granted to the farming of genetically modified organisms.
  5. Support shall not be granted to aquaculture projects in marine protected areas, if it has been determined by the competent authority of the Member State, on the basis of an environmental impact assessment, that the project would generate significant negative environmental impact that cannot be adequately mitigated.
- and 53 of Regulation (EU) No 508/2014 with a restriction in Article 53(3)(a), as follows:
  1. In order to promote the development of organic or energy-efficient aquaculture, the programme may support:
    - a) the conversion of conventional aquaculture production methods into organic aquaculture within the meaning of Council Regulation (EC) No 834/2007 (33) and in accordance with Commission Regulation (EC) No 710/2009 (34);
    - b) the participation in the Union eco-management and audit schemes (EMAS) established by Regulation (EC) No 761/2001 of the European Parliament and of the Council (35).
  2. Support shall only be granted to beneficiaries who commit themselves to participate in the EMAS for a minimum of three years or to comply with the requirements of organic production for a minimum of five years.
  3. Support shall take the form of compensation for a maximum of three years during the period of the conversion of the enterprise to organic production, or during the preparation for participation in the EMAS. Member States shall calculate that compensation on the basis of:
    - a) additional costs incurred during the period of transition from conventional into organic production for projects eligible under point (a) of paragraph 1; or

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<sup>30</sup> Article 95 of the Regulation (EU) No 508/2014 can be found on page 48.

- b) the additional costs resulting from the application and preparation of the participation in EMAS for projects eligible under point (b) of paragraph 1.

#### **Article 41. Aid for marketing measures**

**ERDF co-financing rate:** in accordance with Article 95<sup>31</sup> of Regulation (EU) No 508/2014 and the implementing acts adopted on the basis of Article 95(5) of that Regulation.

Aid for marketing measures fulfilling the conditions laid down in Chapter I of the Regulation (EU) No 1388/2014 shall be compatible with the internal market within the meaning of Article 107(3)(c) of the Treaty and shall be exempted from the notification requirement of Article 108(3) thereof provided that:

- the aid fulfils the conditions of Article 68 of Regulation (EU) No 508/2014:
  - 1. The programme may support marketing measures for fishery and aquaculture products which are aimed at:
    - a) creating producer organisations, associations of producer organisations or inter-branch organisations to be recognised in accordance with Section II of Chapter II of Regulation (EU) No 1379/2013;
    - b) finding new markets and improving the conditions for the placing on the market of fishery and aquaculture products, including:
      - i. species with marketing potential;
      - ii. unwanted catches landed from commercial stocks in accordance with technical measures, Article 15 of Regulation (EU) No 1380/2013 and Article 8(2)(b) of Regulation (EU) No 1379/2013;
      - iii. fishery and aquaculture products obtained using methods with low impact on the environment, or organic aquaculture products within the meaning of Regulation (EC) No 834/2007;
    - c) promoting the quality and the value added by facilitating:
      - i. the application for registration of a given product and the adaptation of concerned operators to the relevant compliance and certification requirements in accordance with Regulation (EU) No 1151/2012 of the European Parliament and of the Council (37);
      - ii. the certification and the promotion of sustainable fishery and aquaculture products, including products from small-scale coastal fishing, and of environmentally-friendly processing methods;
      - iii. the direct marketing of fishery products by small-scale coastal fishermen or by on-foot fishermen;
      - iv. the presentation and packaging of products;
    - d) contributing to the transparency of production and the markets and conducting market surveys and studies on the Union's dependence on imports;
    - e) contributing to the traceability of fishery or aquaculture products and, where relevant, the development of a Union-wide ecolabel for fishery and aquaculture products as referred to in Regulation (EU) No 1379/2013;
    - f) drawing up standard contracts for SMEs, which are compatible with Union law;

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<sup>31</sup> Article 95 of the Regulation (EU) No 508/2014 can be found on page 48.

- g) conducting regional, national or transnational communication and promotional campaigns, to raise public awareness of sustainable fishery and aquaculture products.
2. The projects referred to in paragraph 1 may include the production, processing and marketing activities along the supply chain.
- The projects referred to in point (g) of paragraph 1 shall not be aimed at commercial brands.

#### **Article 42. Aid for the processing of fishery and aquaculture products**

**ERDF co-financing rate:** in accordance with Article 95<sup>32</sup> of Regulation (EU) No 508/2014 and the implementing acts adopted on the basis of Article 95(5) of that Regulation.

Aid for the processing of fishery and aquaculture products fulfilling the conditions laid down in Chapter I of the Regulation (EU) No 1388/2014 shall be compatible with the internal market within the meaning of Article 107(3)(c) of the Treaty and shall be exempted from the notification requirement of Article 108(3) thereof provided that:

- the aid fulfils the conditions of Article 69 of Regulation (EU) No 508/2014:
  - 1. The programme may support investments in the processing of fishery and aquaculture products that:
    - a) contribute to energy saving or reducing the impact on the environment, including waste treatment;
    - b) improve safety, hygiene, health and working conditions;
    - c) support the processing of catches of commercial fish that cannot be destined for human consumption;
    - d) relate to the processing of by-products resulting from main processing activities;
    - e) relate to the processing of organic aquaculture products pursuant to Articles 6 and 7 of Regulation (EC) No 834/2007;
    - f) lead to new or improved products, new or improved processes, or new or improved management and organisation systems.
  - 2. As regards enterprises other than SMEs, the support referred to in paragraph 1 shall only be granted through the financial instruments provided for in Title IV of Part Two of Regulation (EU) No 1303/2013.

#### **Article 95. Intensity of public aid**

**ERDF co-financing rates in the fields of fisheries and aquaculture:**

1. In accordance with Article 95 of the Regulation (EU) No 508/2014, the **Programme grants state aid in the fields of fisheries and aquaculture with maximum ERDF co-financing rate 50 %**.
2. In accordance with Article 95 **the Programme may apply up to 85%** co-financing rate to state aid in the sectors of fisheries and aquaculture, where:
  - a) the beneficiary is a public law body or an undertaking entrusted with the project of services of general economic interest as referred to in Article 106(2) TFEU, where the aid is granted for the project of such services;

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<sup>32</sup> Article 95 of the Regulation (EU) No 508/2014 can be found on page 48.



- b) the project is related to the data collection referred to in Article 77;
  - c) the project is related to support under Article 33 or 34.
3. Also, in accordance with Article 95 the Programme may apply ERDF co-financing rate **between 50% and 85 %** of the total eligible expenditure where:
- a) the project 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;
  - b) the project is implemented under Chapter III of Title V, fulfils one of the criteria referred to in points (a)(i), (ii) or (iii) of this paragraph and provides public access to its results.
4. **In accordance with Annex I of the Regulation (EU) No 508/2014 certain types of operations can have higher ERDF co-financing percentage, but please notice that the Programme does not grant ERDF contribution over 85%.**