Commission Delegated Regulation (EU) 2015/531 of 24 November 2014 supplementing Regulation (EU) No 508/2014 of the European Parliament and of the Council by identifying the costs eligible for support from the European Maritime and Fisheries Fund in order to improve hygiene, health, safety and working conditions of fishermen, protect and restore marine biodiversity and ecosystems, mitigate climate change and increase the energy efficiency of fishing vessels

COMMISSION DELEGATED REGULATION (EU) 2015/531

of 24 November 2014

supplementing Regulation (EU) No 508/2014 of the European Parliament and of the Council by identifying the costs eligible for support from the European Maritime and Fisheries Fund in order to improve hygiene, health, safety and working conditions of fishermen, protect and restore marine biodiversity and ecosystems, mitigate climate change and increase the energy efficiency of fishing vessels

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council[(1)], and in particular Articles 32(4), 40(4) and 41(10) thereof,

Whereas:

(1) In accordance with Regulation (EU) No 508/2014, the Commission is empowered to lay down specific rules on eligibility of costs relating to operations for the protection and restoration of marine biodiversity and ecosystems in the framework of sustainable fishing activities; on eligibility of costs for operations aimed at mitigating climate change and at improving energy efficiency of fishing vessels, and on eligibility of operations aimed at improving the hygiene, health, safety and working conditions for fishermen.

(2) All the provisions of this Regulation deal with aspects related to the eligibility of costs or operations, and two of them relate to operations involving investments on board vessels. Furthermore, all these measures have an impact on the form in which the fishing activity is carried out. Therefore, these provisions are closely linked. In order to ensure consistency between those provisions, and to facilitate a comprehensive view and a compact access to them by all Union residents, those provisions should be adopted within the same act.

(3) The fishing activity is still one of the most dangerous occupations in the Union, with a significant number of accidents occurring on small scale fishing vessels. Accordingly, Council Directives 93/103/EC[(2)] and 92/29/EEC[(3)] set out minimum requirements for health and safety applicable to work on board fishing vessels, which should be

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implemented into national legislation. Regulation (EU) No 508/2014 provides for financing of certain investments in order to improve hygiene, health, safety and working conditions for fishermen, provided that they go beyond the requirements set out in Union and national legislation. It is therefore necessary to specify which costs related to such specific investments including training on health and information campaigns, can be funded under Regulation (EU) No 508/2014.

(4) The purchase and installation on board vessels of equipment aimed at reducing the emission of pollutants or green-house gases and increasing energy efficiency of fishing vessels can make a contribution to climate change objectives. The efficient operation of vessels can also result in a significant reduction of energy consumption. Article 41(1)(a) of Regulation (EU) No 508/2014 provides for the financing of investments in equipment or on board aimed at reducing the emission of pollutants or greenhouse gases and increasing the energy efficiency of fishing vessels, as well as investments in fishing gear provided that they do not undermine the selectivity of that fishing gear and energy efficiency audits and schemes. It is therefore necessary to further specify the costs that can be funded under the EMFF to promote those objectives.

(5) Costs relating to operations contributing to the protection and restoration of marine biodiversity and ecosystems and compensation regimes in the framework of sustainable fishing activities should also be specified. These operations should encompass the basic principles underlying Green Infrastructure, as defined in the Commission Communication[(4)] on Green Infrastructure[(5)], which can make a significant contribution to the effective implementation of policies that seek to achieve their objectives in whole or in part through nature-based solutions.

(6) Eligible costs relating to operations referred to in Article 32, Article 40(1) and Article 41(1)(a) of Regulation (EU) No 508/2014 have to comply with the conditions defined in its Article 11 which provides that operations increasing the fishing capacity of the vessel or equipment increasing the ability of a vessel to find the fish are ineligible for support under the EMFF. In order to preserve the incentive effect of the investments eligible under this regulation, costs relating to scheduled or preventive maintenance of any part of equipment which keep a device in working order should be excluded from funding under the EMFF.

(7) As the period of eligibility for operations to be funded under the EMFF started on 1 January 2014, in order to allow for the prompt application of the measures provided for in this Regulation, in particular with regard to eligibility of costs, and to allow Member States to prepare and implement their operational programme under the EMFF, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

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CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation identifies:

(a) the types of operations eligible for support from the EMFF in order to improve hygiene, health, safety and working conditions for fishermen;

(b) the costs eligible for support from the EMFF in order to protect and restore marine biodiversity and ecosystems and compensation regimes in the framework of sustainable fishing activities;

(c) the costs eligible for support from the EMFF in order to improve the energy efficiency of fishing vessels and the mitigate the effects of climate change.

CHAPTER II

COMMON PROVISIONS

Article 2

Excluded costs

1 Scheduled or preventive maintenance costs of any part of equipment which keep a device in working order shall not be eligible for support under the EMFF on the basis of this Regulation.

2 Only those costs necessary for and directly related to the installation of items as provided for under this Regulation shall be eligible for support under the EMFF.

CHAPTER III

COSTS RELATING TO THE IMPROVEMENT OF HYGIENE, HEALTH, SAFETY AND WORKING CONDITIONS FOR FISHERMEN

Article 3

Eligible operations on safety

For operations that are aimed at improving safety for fishermen on board fishing vessels in accordance with Article 32 of Regulation (EU) No 508/2014, the purchase and, if applicable, the installation of the following items are eligible for support under the EMFF:

(a) life-rafts;

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(b) hydrostatic release units for life-rafts;

(c) personal locator beacons such as Emergency Position Indicating Radio Beacon ('EPIRB') devices, which may be integrated into lifejackets and working clothes of fishermen;

(d) Personal Flotation Devices ('PFD'), in particular immersion or survival suits, life buoys and jackets;

(e) distress flares;

(f) line throwing appliances;

(g) man-overboard ('MOB') recovery systems;

(h) fire-fighting apparatus, such as fire extinguishers, fire blankets, fire and smoke detectors, breathing apparatus;

(i) fire protection doors;

(j) fuel tank shut-off valves;

(k) gas detectors and gas alarm systems;

(l) bilge pumps and alarms;

(m) equipment for radio and satellite communications;

(n) watertight hatches and doors;

(o) guards on machinery, such as winches or net drums;

(p) gangways and access ladders;

(q) search, deck or emergency lighting;

(r) safety release mechanisms for cases where fishing gear catches an underwater obstruction;

(s) safety cameras and monitors;

(t) equipment and elements necessary to improve deck safety.

Article 4

Eligible operations on health

For operations or the provision of equipment that are aimed at the improvement of the health conditions for fishermen on board fishing vessels in accordance with Article 32 of Regulation (EU) No 508/2014, the following actions are eligible for funding:

(a) the purchase and installation of first aid kits;

(b) the purchase of medicines and devices for urgent treatment on board;

(c) the provision of telemedicine including e-technologies, equipment and medical imagery applied to distance consultation from the vessels;

(d) the provision of guides and manuals to improve health on-board;

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(e) information campaigns to improve health on-board.

Article 5

Eligible operations on hygiene

For operations or the provision of equipment that are aimed at the improvement of hygiene conditions for fishermen on board fishing vessels in accordance with Article 32 of Regulation (EU) No 508/2014, the purchase and, if applicable, the installation of the following items are eligible for support:

(a) sanitary facilities, such as toilet and washing facilities;

(b) kitchen facilities and equipment for food supplies storage;

(c) water purification devices for potable water;

(d) cleaning equipment to keep sanitary conditions on board;

(e) guides and manuals on the improvement of hygiene on board, including software tools.

Article 6

Eligible operations on working conditions

For operations or the provision of equipment that are aimed at the improvement of working conditions on board fishing vessels in accordance with Article 32 of Regulation (EU) No 508/2014, the purchase and, if applicable, the installation of the following items are eligible for support:

(a) deck railings;

(b) shelter deck structures and the modernisation of cabins with a view of providing protection from adverse weather conditions;

(c) items relating to the improvement of cabin safety and to the provision of common areas for the crew;

(d) equipment to reduce heavy manual lifting, excluding machines directly related to the fishing operations such as winches;

(e) anti-slipping paint and rubber mats;

(f) insulation equipment against noise, heat or cold, and equipment to improve ventilation;

(g) working clothes and safety equipment such as waterproof safety boots, eyes and breathing protection, protective gloves and helmets, or protective equipment against falls;

(h) emergency and safety warning signs;

(i) risk analysis and assessments to identify the risks for fishermen both in port or in navigation in order to take measures to prevent or reduce risks;

(j) guides and manuals on the improvement of working conditions on board.