Commission Implementing Regulation (EU) No 984/2012 of 24 October 2012 amending Regulation (EC) No 391/2007 laying down detailed rules for the implementation of Council Regulation (EC) No 861/2006 as regards the expenditure incurred by Member States in implementing the monitoring and control systems applicable to the Common Fisheries Policy

COMMISSION IMPLEMENTING REGULATION (EU) No 984/2012

of 24 October 2012

amending Regulation (EC) No 391/2007 laying down detailed rules for the implementation of Council Regulation (EC) No 861/2006 as regards the expenditure incurred by Member States in implementing the monitoring and control systems applicable to the Common Fisheries Policy

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 861/2006 of 22 May 2006 establishing Community financial measures for the implementation of the common fisheries policy and in the area of the Law of the Sea[(1)], and in particular Article 8(2) thereof

Whereas:

(1) The Union has been financing Member States actions in the field of fisheries control and enforcement since 1990, in line with the objectives established in Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy[(2)].

(2) Regulation (EC) No 861/2006 provides, amongst other actions, for Union financial measures for expenditure on fisheries control, inspection and surveillance for the period 2007 to 2013. Commission Regulation (EC) No 391/2007[(3)] establishes detailed rules for the implementation of such measures.

(3) Regulation (EU) No 693/2011 of the European Parliament and of the Council[(4)] modified the date by which Member States have to notify their annual fisheries control programme to the Commission.

(4) For simplification purposes and being given the low cost of some investments, it is appropriate to accept projects below EUR 40 000 without requesting justification by Member States.

(5) Rules related to documents supporting pre-financing requests should be aligned with the related provisions set out in Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities[(5)]

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 984/2012. (See end of Document for details)*

(6) In view of the principle of sound financial management, Member States should have clear indications on the rules to be followed in order to benefit from Union financial assistance when incurring expenditure in the area of fisheries control and enforcement.

(7) Rules applicable to the Union financial contribution to national control programmes should be simplified and clarified.

(8) Investments in the area of control and enforcement may be carried out by the competent national authorities, by administrative bodies or by the private sector. The statement of expenditure should be adapted in this respect.

(9) Regulation (EC) No 391/2007 should therefore be amended accordingly.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 391/2007 is amended as follows:

(1) In Article 3, paragraph 1 is replaced by the following:

1. Member States wishing to receive a financial contribution for expenditure incurred in accordance with Article 8(a) of Regulation (EC) No 861/2006 shall notify to the Commission an annual fisheries control programme by 15 November of the year preceding the year of implementation concerned.

(2) In Article 5, point (c) is deleted.

(3) In Article 10, the title is replaced by “Pre-financing”

(4) In Article 10, paragraph 1, the word “advance” is replaced by “pre-financing”.

(5) In Article 10, paragraph 2 is replaced by the following:

2. The pre-financing shall be paid either on the basis of a contract concluded between the relevant administration and the supplier or on the basis of any supporting documents which make it possible to check the conformity of the actions financed with the terms of the projects referred to in paragraph 1.

(6) In Annex IV (a), point (iv) is replaced by the following:

(iv) Travel costs incurred by inspectors, public prosecutors, judges and fishermen attending the courses as well as by training staff.

(7) Annex V is amended as follows:

(a) point (h) is replaced by the following:

(h) Salary costs of personnel of national administrations and indemnities;

(b) the following point (i) is added:

(i) Grants.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 984/2012. (See end of Document for details)*

(8) Annex VI point (x) is replaced by the following:

(x) In case of training and seminars, information on the subject, the speaker, a list of participants and the date and place of the training shall be included.

(9) Annex VII is replaced by the text set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 24 October 2012.

For the Commission

The President

José Manuel BARROSO