



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

Fisheries Policy Atlantic, North Sea, Baltic and Outermost Regions

Brussels,
MARE.C.2/AK/AA

Mr Jim Pettipher
Court House Linton Ross on Wye
Herefordshire England
United Kingdom HR9 7RY

By registered letter with
acknowledgment of receipt

Subject: Your application for access to documents – Ref GestDem No 2019/7325

Dear Sir,

We refer to your e-mail dated 17/12/2019 in which you make a request for access to documents, registered on 18 December 2019 under the above-mentioned reference number.

We regret to inform you that the Commission does not hold any documents that would correspond to the description given in your application.

The European Maritime and Fisheries Fund (EMFF) Regulation (EU) No 508/2014 states that Member States having a significant small-scale coastal fishing segment should draft and attach to their operational programme an action plan for the development, competitiveness and sustainability of this sector.

The model for the presentation of the EMFF operational programmes to be submitted by the Member States is further described in the Commission Implementing Regulation (EU) no 771/2014.

According to this Implementing Regulation, the programme should include in section 4.2 a description of the action plan for the development, competitiveness and sustainability of small-scale coastal fishing (in accordance with Article 18(1)(i) of Regulation (EU) No 508/2014). The Implementing Regulation also provides for a list of attachments that Member States must submit together with their operational programme. As the list below (copied from the Implementing Regulation) shows, there is no requirement to include an action Plan for the development, competitiveness and sustainability of small-scale coastal fishing:

- List of partners consulted
- Report of ex ante evaluation with executive summary

- Report on Strategic Environmental Assessment (SEA)
- Summary description of the management and control system (the summary description should also include an explanation on how the principle of separation of the functions and functional independence has been ensured)
- Compensation plan for the outermost regions (*if applicable*)
- Maps showing the size and location of the fisheries and aquaculture sectors, the location of main fishing harbours and aquaculture sites, and the location of protected areas (ICZM, MPAs, Natura 2000).

In compliance with the legal requirements, the Irish authorities did provide the description of their small-scale coastal fisheries in section 4.2 of the EMFF operational programme.

The Irish authorities will be asked to delete the erroneous reference to “full action plan attached” at the occasion of the next amendment of their EMFF operational programme.

You may find more details regarding the EMFF operational programme by contacting the Irish EMFF Managing Authority. (<https://www.agriculture.gov.ie/emff/implementingbodies/>).

As specified in Article 2(3) of Regulation (EC) No 1049/2001, the right of access as defined in that regulation applies only to existing documents in the possession of the institution.

Given that no such documents, corresponding to the description given in your application, are held by the Commission, the Commission is not in a position to fulfil your request.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretariat-General of the Commission at the following address:

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours sincerely,

Bernhard FRIESS
Acting Director