



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
MARE.C2/KVE/bd Ares(2019)

EMFF Managing Authority
Ministry of Agriculture, Nature and Food Quality
Bezuidenhoutseweg 73
2500 EK Den Haag

To be sent via SFC2014

**Subject: Partial interruption of the payment deadline for an interim payment claim
EMFF 2014-2020 Operational Programme (CCI N° 2014NL14MFOP001)**

Reference: NL EMFF interim payment request Ares (2018) 6595681 of 20 December 2018)

Dear [REDACTED],

On 20 December 2018, the Netherlands submitted via SFC 2014 an interim payment claim for expenditure incurred during the implementation of the above-mentioned programme. This concerns an EU contribution from the European Maritime and Fisheries Fund (EMFF) of EUR 16,210,025.77.

As you know, on 6 April 2018, the Commission services opened a pre-contentious procedure (EU Pilot 9298/18) after receiving a complaint alleging failure to comply with EU law on the use of electric fishing by the Netherlands¹.

The first reply from the Netherlands and the documents provided did not allow the Commission to reach a conclusion and it was thus necessary to ask the Netherlands for further information². Given the substantial amount of data and information requested, the Netherlands asked for an extension of the deadline, which was accepted. The reply was received in mid-November³. Based on the information provided, the Commission services concluded that the

¹ DG MARE letter to the Netherlands of 6/04/2018 (Ares(2018)1849274)

² DG MARE letter to the Netherlands of 10/08/2018 (Ares(2018)4204144)

³ Letter from the Dutch authorities of 12/11/2018 (Ares(2018)6360706)

Netherlands have granted authorisations for fishing with electric current without respecting the conditions set by the Council Regulation (EC) No 850/1998⁴.

A share of EUR 1,317,822.54 from the above-mentioned Dutch payment claim falls under Union Priority 1 where two measures, i.e. articles 28 and 39 were likely used, at least partially, to finance pulse-fishing vessels. At the moment, the Commission has no assurance that the support paid to the beneficiaries under these two measures was spent exclusively on eligible operations given the number of pulse licences issued by the Member State.

In light of the above, on the basis of Articles 6 and 83(1)(b) of the CPR as well as Article 116(4) of the Financial Regulation, as authorising officer by delegation, I have decided to interrupt the payment deadline provided for in Article 135(5) of the CPR for the EMFF expenditure related to Union Priority 1 included in the payment application submitted on 20 December 2018, for a maximum period of six months.


The Commission services will therefore only proceed with the payment in respect of certified expenditure of EUR 14,892,203.23 (EU contribution), and will withhold the payment relating to the certified expenditure incurred in implementing operations under Union Priority 1 totalling EUR 1,317,822.54 (EU contribution) until assurance is provided by the Member State on the eligibility of the declared expenditure related to pulse fishing.

The deadline for any future interim payments claimed under Union Priority 1 of the EMFF programme for the Netherlands will be interrupted on the same grounds, pending the analysis of the elements you will provide.

The Commission reserves the right to initiate, where appropriate, a suspension procedure pursuant to Article 142 of Regulation (EC) No 1303/2013, in the course of which your authorities will have the opportunity to react on the shortcomings identified by the Commission.

Yours sincerely,

João AGUIAR MACHADO

Cc:  Permanent Representation of the Netherlands to the European Union

⁴ DG MARE letter to the Netherlands of 11/01/2019 (Ares(2019)167406)