

Issuer:	Riigikogu
Type:	Act
In force from:	01.07.2023
In force until:	In force
Translation published:	04.10.2023

Fisheries Market Organisation Act

Passed 09.11.2022
RT I, 23.11.2022, 1
Entry into force 01.01.2023

Amended by the following acts

Passed	Published	Entry into force
22.02.2023	RT I, 11.03.2023, 5	21.03.2023, implemented retroactively as of 1 January 2023
20.06.2023	RT I, 30.06.2023, 1	01.07.2023; words "Ministry of Rural Affairs" replaced with words "Ministry of Regional Affairs and Agriculture" throughout the Act on the basis of subsection 7 of § 105.19 of the Government of the Republic Act.

Chapter 1 General Provisions

§ 1. Scope of regulation of Act

(1) This Act provides measures for fisheries market organisation, grounds and procedure for their implementation, grounds for and extent of exercise of state enforcement and administrative supervision and liability for violations of this Act.

(2) The provisions of the Administrative Procedure Act apply to administrative procedures prescribed in the European Union legislation and this Act and the legislation established on the basis of thereof, taking account of the special rules of the European Union legislation and this Act.

§ 2. Measures for fisheries market organisation and grounds for their implementation and competent authority

(1) For the purposes of this Act, measures for fisheries market organisation are:

1) aid co-financed under the European Maritime and Fisheries Fund (hereinafter *EMFF*) established by Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European 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 (OJ L 149, 20.05.2014, pp 1–66) (hereinafter *EMFF support*);

(2) aid co-financed by the European Maritime, Fisheries and Aquaculture Fund (hereinafter *EMFAF*) established by Regulation (EU) 2021/1139 of the European Parliament and of the Council establishing the European Maritime, Fisheries and Aquaculture Fund (hereinafter *EMFAF*) and amending Regulation (EU) 2017/1004 (OJ L 247, 13.07.2021, pp 1–49) (hereinafter *EMFAF support*);

3) market organisation measures implemented on the grounds and in accordance with the rules provided in Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in 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, pp 1–21);

4) state aid to fisheries and *de minimis* aid to fisheries provided in accordance with the relevant European Union legislation or guidelines;

5) other aid to fisheries.

(2) The Government of the Republic or the minister in charge of the policy sector may, within the scope of their competence, establish a regulation to implement measures for fisheries market organisation in any matters, the right to decide of which is vested with a Member State in accordance with the European Union legislation specified in subsection 1 of this section or legislation established on the basis of this legislation.

(3) In order to implement measures for fisheries market organisation, the Government of the Republic may, within the limits of its competence, issue a directive and the minister in charge of the policy sector may, within the limits of their competence, issue a directive in any matters, the right to decide on which is vested with a Member State in accordance with the European Union legislation specified in subsection 1 of this section or legislation established on the basis this legislation.

(4) The Government of the Republic may, within the limits of its competence, decide by an order and the minister in charge of the policy sector may, within the limits of their competence, decide by a directive on any matters intended to achieve the objectives of the Common Fisheries Policy of the European Union related to implementation of the measures for fisheries market organisation.

(5) In implementation of measures for fisheries market organisation, the competent authority is the Ministry of Regional Affairs and Agriculture, unless otherwise provided in this Act.

(6) Compliance with the requirements concerning measures for fisheries market organisation is verified by the Agricultural Registries and Information Board (hereinafter *ARIB*) or, in the case provided in this Act, by another person or authority.

(7) The Ministry of Regional Affairs and Agriculture, the Agricultural and Food Board, the Environmental Board and a state foundation established to support rural entrepreneurship (hereinafter *foundation*) verify compliance with the requirements concerning organisation of the fisheries market and the accuracy of the data submitted in applications, payment applications and other procedural documents in the case and to the extent provided in the relevant regulation established by the minister in charge of the policy sector or in the case and to the extent provided in the administrative contract.

§ 3. Fisheries council

(1) In order to make proposals on matters concerning implementation of measures for fisheries market organisation and discuss topics in the field of production and processing, an advisory fisheries council is formed by a directive of the minister in charge of the policy sector, inviting representatives of other relevant government authorities and non-profit organisations to participate in it.

(2) The minister in charge of the policy sector notifies, where necessary, the Government of the Republic of the proposals and conclusions of the fisheries council.

(3) The minister in charge of the policy sector establishes by a directive the rules of procedure of the fisheries council.

§ 4. Competence of fisheries council

The fisheries council:

- 1) analyses the results of economic activities of the fisheries sector and the situation on the fisheries market;
- 2) makes proposals for implementation of measures required to develop the production of fisheries and aquaculture products;
- 3) makes recommendations concerning production of fishery and aquaculture products and the preferred direction of development during the following year and, on the basis thereof, on the need for specific types of support and amounts of support to be provided to the fisheries sector and the need for any other aid;
- 4) makes proposals for improvement of grant and use of support;
- 5) makes other proposals relating to development of fisheries and production and processing of fishery and aquaculture products;
- 6) assesses legislation in the field of fisheries which is deliberated in the European Union committees and work groups.

§ 5. Determination of support provided during each calendar year and resources prescribed for support

(1) The types of measures and, where necessary, activities supported from the EMFF for each calendar year, on the basis of the actions and operations of the operational programme specified in Article 17(1) of Regulation (EU) No 508/2014 of the European Parliament and of the Council (hereinafter *EMFF Operational Programme*), and the allocation of resources prescribed for the EMFF support for each calendar year, by measures and, where necessary, by activities, are decided by a directive of the minister in charge of the policy sector.

(2) The types of measures and, where necessary, of the activities supported from the EMFAF for each calendar year, on the basis of the actions and operations of the programme specified in Article 8(1) of Regulation (EU) No 2021/1139 of the European Parliament and of the Council (hereinafter *EMFAF operational programme*), and the distribution of resources for EMFAF support for each calendar year by measures and, where necessary, by activities or application calls are decided by a directive of the minister in charge of the policy sector.

(3) The minister in charge of the policy sector decides by a directive the following with respect to granted state aid to fisheries, *de minimis* aid to fisheries and other aid to fisheries:

- 1) the types for each calendar year, on the basis of the budgetary resources prescribed in the state budget for granting state aid to fisheries, *de minimis* aid to fisheries and other aid to fisheries;
- 2) the distribution, for each calendar year, of the budgetary resources prescribed for granting the state aid to fisheries, *de minimis* aid to fisheries and other types of aid to fisheries broken down by types of aid.

(4) The right to apply for the EMFF support and the EMFAF support (hereinafter jointly *fund support*), state aid to fisheries, *de minimis* aid to fisheries and other aid to fisheries does not arise where the implementation of the relevant measure in a calendar year is not prescribed by a directive on the basis of this section.

§ 6. Marking of support object

The minister in charge of the policy sector may establish by a regulation, where necessary, additional conditions for marking of objects of fund support and conditions and rules for reference to the European Union contribution.

§ 7. Submission of application and delivery of decision

(1) In the case of implementation of an measure for fisheries market organisation, an application, payment application and other procedural document are submitted electronically or in writing on paper to the ARIB or, in the case provided in this Act, to another person or authority.

(2) The minister in charge of the policy sector may establish by a regulation the submission of applications, payment applications and other procedural documents only through the e-service environment or by any other electronic means.

(3) An application for the EMFAF support, a payment application and any other procedural documents are submitted only through the e-service environment, except in the case provided in Article 69(8) of Regulation (EU) 2021/1060 of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (OJ L 231, 30.06.2021, pp 159–706).

(4) The application specified in Article 69(8) of Regulation (EU) No 2021/1060 of the European Parliament and of the Council is submitted to the ARIB.

(5) In the case of a technical error in the operation of the e-service environment that prevents the submission of applications, the deadline for submitting applications, applications for payment and any other procedural documents is extended by the number of working days spent on elimination of the technical error of the e-service environment. Where the technical error is remedied within less than one working day, the deadline for submitting applications, applications for payment and any other procedural documents is extended by one working day.

(6) In the case of failure to submit an application for the fund support within the time limit, the time limit is not reinstated, unless otherwise provided in European Union legislation.

(7) A decision or other procedural document relating to the implementation of an measure for fisheries market organisation is deemed to have been delivered electronically to a person not specified in clauses 3 and 4 of subsection 2 of § 27 of the Administrative Procedure Act provided a decision, an extract from the decision or other procedural document or a notice about making said documents available in an e-service environment has been sent to the e-mail address disclosed by that person.

§ 8. Settlement of dispute concerning fund support

(1) In the case of disputes relating to the fund support, challenge proceedings have to be undertaken on the conditions and in accordance with the rules provided in the Administrative Procedure Act before filing an appeal with an administrative court.

(2) A challenge is adjudicated within 30 calendar days as of acceptance of the challenge. The time limit for the adjudication of an appeal may be extended by up to 30 calendar days where this is necessary due to the complexity of the individual case or multiplicity of disputes submitted at the same time, informing the person filing the challenge thereof.

§ 9. Data processing

(1) A holder of information is required to classify the data concerning persons participating in measures for fisheries market organisation, their applications and other procedural documents and results of inspections as information intended for internal use, unless otherwise provided in European Union legislation or this Act.

(2) In addition to the person specified in subsection 3 of § 38 of the Public Information Act, a person who performs public duties on the basis of an Act, an administrative act or an administrative contract, and an expert involved in the procedure has the right to access the information specified in subsection 1 of this section.

(3) In the case of provision of the EMFF support, the ARIB discloses the data specified in Annex V.1 of Regulation (EU) No 508/2014 of the European Parliament and of the Council on its website after making the decision to approve an application.

(4) In the case of provision of the EMFAF support, the ARIB makes the information specified in Article 49(3) of Regulation (EU) 2021/1060 of the European Parliament and of the Council available on its website after making the decision to approve an application.

(5) In the case of a measure specified in clause 1 of subsection 1 of § 2 of this Act, the data prescribed in the legislation established on the basis of Article 125(8) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, pp 320–469) and Articles 97(2) and 107(2) of Regulation (EU) No 508/2014 of the European Parliament and of the Council on the applicant and the application and the support received is entered in the register of agricultural support and agricultural parcels.

(6) In the case of a measure specified in clause 2 of subsection 1 of § 2 of this Act, the data on operations specified in Article 72(1)(e) of Regulation (EU) 2021/1060 of the European Parliament and of the Council and the data prescribed in the legislation established on the basis of Article 46(4) of Regulation (EU) 2021/1139 of the European Parliament and of the Council on the applicant and the application and the received support are entered in the register of agricultural support and agricultural parcels.

(7) In the case of a measure specified in clause 5 of subsection 1 of § 2 of this Act, the data on other aid to fisheries are entered in the register of agricultural support and agricultural parcels.

(8) The ARIB ensures compliance with the obligation to record and store electronically the data provided in Article 72(1)(e) of Regulation (EU) 2021/1060 of the European Parliament and of the Council.

Chapter 2 Marketing Standards and Consumer Information

§ 10. Marketing standards

Fishery products must be in compliance with the marketing standards established by Council Regulation (EC) No 2406/96 laying down common marketing standards for certain fishery products (OJ L 334, 23.12.1996, pp 1–15). These fishery products may be made available on the market in accordance with the requirements provided in Article 34(1) and (2) of Regulation (EU) No 1379/2013 of the European Parliament and of the Council.

§ 11. Consumer information

(1) In order to inform consumers, fishery and aquaculture products are labelled in accordance with the requirements laid down in Article 35 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council.

(2) The minister in charge of the policy sector establishes the list of commercial designations specified in Article 37 of Council Regulation (EC) No 1379/2013.

(3) Small quantities of products specified in Article 35(4) of Regulation (EU) No 1379/2013 of the European Parliament and of the Council that are sold directly to consumers from fishing vessels and that are not subject to the requirements specified in subsection 1 of this section are provided in Article 58(8) of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, pp 1–50).

Chapter 3

Producer Organisations

§ 12. Recognised producer organisation

In order to achieve the objectives provided in Article 7 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council, the Ministry of Regional Affairs and Agriculture may recognise a producer organisation in the fisheries or aquaculture sector.

§ 13. Requirements for recognition of producer organisation

(1) A commercial association may be recognised as a producer organisation where the economic activities of the commercial association and its members are related to the production of economically important species, the commercial association has at least five members from one or more states engaged in the production of fishery or aquaculture products and the commercial association complies with the requirements provided in Article 14(1) of Regulation (EU) No 1379/2013.

(2) The list of economically important species specified in subsection 1 of this section is established by a regulation of the minister in charge of the policy sector.

(3) Economic activities for the purposes of Article 14(1)(b) of Regulation (EU) No 1379/2013 of the European Parliament and of the Council is deemed to be adequate where at least one of the following conditions is met:

- 1) in the case of production of *Sprattus sprattus* (sprat) and *Clupea harengus membras* (Baltic herring), the commercial association and its members have landed at least 15 per cent of the total catch of sprat and Baltic herring in Estonia in the calendar year preceding the year of application;
- 2) in the case of production of other fishery products, the commercial association and its members have landed at least 40 per cent of the total catch of the relevant species in Estonia in the calendar year preceding the year of application;
- 3) in the case of production of aquaculture products, the commercial association and its members have produced and marketed at least 40 per cent of the total production of the relevant species in Estonia in the calendar year preceding the year of application.

§ 14. Recognition of producer organisation

(1) A commercial association applying for recognition as a producer organisation submits an application to the Ministry of Regional Affairs and Agriculture together with the following documents:

- 1) the articles of association of the commercial association and the list of its members;
- 2) the decision of the general meeting made for the purpose of applying for recognition as a producer organisation, which has been voted in favour by all members of the association or their representatives;
- 3) the internal rules ensuring the internal functioning of the association in accordance with Article 17 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council;
- 4) in the case of production of aquaculture products, data on the quantities marketed by the association and its members in the year preceding the year of application, broken down by species.

(2) The Ministry of Regional Affairs and Agriculture makes a decision to recognise or deny the recognition as a producer organisation within three months as of receiving a conforming application and the documents attached thereto.

(3) The Ministry of Regional Affairs and Agriculture makes a decision to deny the recognition as a producer organisation where the association knowingly made false statements or where the association does not meet the requirements for recognition as a producer organisation.

(4) A producer organisation is granted recognition for an unspecified term.

(5) The Ministry of Regional Affairs and Agriculture may revoke a decision to recognise a producer organisation where the producer organisation fails to comply with or violates the requirements of this Act, or where it terminates its activities or submits a written application to that effect or made knowingly false statements.

(6) An association recognized as a producer organisation immediately notifies the Ministry of Regional Affairs and Agriculture when a member of the association ceases to be a member or a new member becomes a member.

§ 15. Production and marketing plans of producer organisations

(1) A producer organisation submits to the Ministry of Regional Affairs and Agriculture for approval a production and marketing plan specified in Article 28(1) of Regulation (EU) No 1379/2013 of the European

Parliament and of the Council and its proposed amendments by a decision of the general meeting where all members of the commercial association participated or were represented.

(2) A production and marketing plan is submitted within the time limit laid down in Article 2 of Commission Implementing Regulation (EU) No 1418/2013 concerning production and marketing plans in accordance with Regulation (EU) No 1379/2013 of the European Parliament and of the Council on the common organisation of the markets in fishery and aquaculture products (OJ L 353, 28.12.2013, pp 40–42).

(3) A production and marketing plan contains the information provided in Article 28(2) of Regulation (EU) No 1379/2013 of the European Parliament and of the Council.

(4) A production and marketing plan and its proposed amendments are reviewed by the Ministry of Regional Affairs and Agriculture, which decides whether or not to approve them on the grounds and in accordance with the rules provided in Commission Implementing Regulation (EU) No 1418/2013.

(5) A producer organisation submits to the Ministry of Regional Affairs and Agriculture for approval the annual report on the production and marketing plan adopted by the general meeting where all members of the association participated or were represented, within two months as of the beginning of the calendar year following the calendar year of implementation of the plan. The annual report on the production and marketing plan is reviewed by the Ministry of Regional Affairs and Agriculture, which decides within four months as of the beginning of the calendar year whether or not to approve it.

(6) For the purpose of verifying the requirement provided in clause 4 of subsection 1 of § 14 of this Act, the Statistical Office makes available to the Ministry of Regional Affairs and Agriculture the quantities of marketed production, broken down by species, submitted by aquaculture undertakings. The Ministry of Regional Affairs and Agriculture ensures the confidentiality of the data submitted.

§ 16. Association of producer organisations

(1) Two or more producer organisations recognised in one or more Member States may form an association of producer organisations.

(2) The provisions of this Act applicable to the rules for recognition of producer organisations, except for subsection 3 of § 13 of this Act, also apply to the association of producer organisations, unless otherwise provided in this Act or the European Union legislation.

(3) An association of producer organisations must comply with the requirements provided in Article 10(1) of Regulation (EU) No 1379/2013 of the European Parliament and of the Council.

§ 17. Inter-branch producer organisation

The minister in charge of the policy sector may establish, by a regulation, specific requirements for recognition of an inter-branch producer organisation as specified in Article 11 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council, the rules for application for recognition and processing of the application, and the requirements to be met by the application and the list of data to be provided with the application.

Chapter 4

Support from European Maritime and Fisheries Fund

§ 18. EMFF Operational Programme

(1) The EMFF Operational Programme specified in Article 17(1) of Regulation (EU) No 508/2014 of the European Parliament and of the Council is drawn up by the Ministry of Regional Affairs and Agriculture.

(2) A draft EMFF Operational Programme is approved by an order of the Government of the Republic.

§ 19. Authorities managing provision of EMFF support

(1) The duties of the managing authority, certifying authority and audit authority specified in Article 123 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council are performed by the Ministry of Regional Affairs and Agriculture in the case of the EMFF Operational Programme, unless otherwise provided by this Act or legislation established on the basis of this Act.

(2) The ARIB and the Agriculture and Food Board perform, as intermediate bodies, the duties of the managing authority and certifying authority which performance was imposed on them by this Act or a directive of the minister in charge of the policy sector.

(3) The minister in charge of the policy sector decides by a directive the administration and organisation of work between the authorities managing provision of the EMFF supports.

§ 20. Monitoring committee

A monitoring committee specified in Article 47(1) of Regulation No (EU) No 1303/2013 of the European Parliament and of the Council is formed and its rules of procedure are determined by a directive of the minister in charge of the policy sector.

§ 21. Conditions of EMFF measure

(1) The conditions and rules for provision and use of the EMFF support broken down by measures or activities (hereinafter *conditions of the EMFF measure*) are established by a regulation of the minister in charge of the policy sector in accordance with the provisions of the EMFF Operational Programme.

(2) The conditions of the EMFF measure provide:

- 1) the activity supported;
- 2) the types of eligible or non-eligible expenditure and, where necessary, other conditions of eligibility of expenditure;
- 3) the form of support;
- 4) the requirements for applicants for support;
- 5) the requirements for applications for support, including supporting documents to be submitted together with the application;
- 6) where necessary, the maximum amount of support;
- 7) where necessary, the minimum rate of self-financing;
- 8) the requirements for procurements organised relating to implementation of supported activities by the applicants to whom the requirements provided in the Public Procurement Act do not apply;
- 9) the method, conditions and rules for demonstrating reasonableness of expenditure;
- 10) the conditions and rules for processing applications for support, including, in the case of evaluation of applications, the criteria and rules for evaluation of applications, opportunities for giving preference to an application in the case of equal applications and the basis for approval of an application in accordance with subsection the provisions of subsection 4 of § 32 of the Act;
- 11) the conditions and rules for payment of support, including requirements for payment applications and conditions and rules for submission of payment applications and supporting documents;
- 12) where necessary, the grounds and rules for reduction of support;
- 13) the obligations of a beneficiary;
- 14) where necessary, the conditions for implementation of supported activities;
- 15) the conditions and rules for submission of reports relating to the use of support.

(3) The conditions of the EMFF measure may specify or restrict the conditions provided in the EMFF Operational Programme.

§ 22. Open application for EMFF support

In the case of open application for the EMFF support, all persons who comply with the requirements provided in the relevant European Union legislation, this Act and legislation established on the basis of this Act may apply for support.

§ 23. Limited application for EMFF support

(1) In the case of limited application for the EMFF support, a person or an executive authority of the state or local government authorities specified in a plan for use of support approved by the minister in charge of the policy sector may apply for support. Limited application for support may be prescribed in the case of significant public interest.

(2) In the case of limited application for the EMFF support, the minister in charge of the policy sector establishes the conditions of the EMFF measure, in addition to as provided in subsection 2 of § 21 of this Act, the conditions and rules for drawing up of a plan for the use of support, including the operations supported on the basis of the plan and the conditions and rules for election of the person or executive authority of the state or self-governing agency eligible to apply for support on the basis of the plan.

(3) The minister in charge of the policy sector approves by a directive the plan for the use of the support which prescribes:

- 1) the person or executive authority of the state or self-governing agency eligible to apply for support on the basis of the plan;
- 2) the name, objective and time limit of implementation of the operation supported on the basis of the plan;
- 3) estimated cost of the operation supported on the basis of the plan, maximum amount of support and minimum rate of self-financing.

§ 24. Storage aid

(1) Storage aid may be provided for implementation of operations specified in Article 67 of Regulation (EU) No 508/2014 of the European Parliament and of the Council.

(2) In the case of storage aid, the minister in charge of the policy sector establishes in the conditions of the EMFF measure, in addition to as provided in subsection 2 of § 21 of this Act, the rules for submission and communication of data concerning storage of fishery products.

§ 25. EMFF financial instrument

(1) The EMFF support may be provided through financial instruments specified in Article 37 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council.

(2) The Ministry of Regional Affairs and Agriculture may enter into an administrative contract in accordance with the rules provided in the Administrative Co-operation Act for implementation of financial instruments with a foundation which founder rights are exercised by the Ministry of Regional Affairs and Agriculture.

(3) By an administrative contract specified in subsection 2 of this section, the conditions specified in Annex IV of Regulation (EU) No 1303/2013 of the European Parliament and of the Council are agreed upon among other things in order to ensure proper implementation of the financial instrument and the right to charge a contract fee.

(4) The EMFF support is paid to a financial instrument on the basis of an administrative contract specified in subsection 2 of this section. The amount of the resources provided as the EMFF support to a financial instrument is decided by a directive of the minister in charge of the policy sector.

(5) The provisions of §§ 29–35 of this Act do not apply to the provision of the EMFF support through a financial instrument.

(6) The support provided to a financial instrument or the resources repaid to it or gains, profit or other earnings generated by it for the purposes of Article 44 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council (hereinafter jointly *repaid resources*) are used in the same financial instrument or any other financial instrument in accordance with Article 43(2) and Article 44 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council until 31 December 2023.

(7) The minister in charge of the policy sector decides by a directive as of 1 January 2024 until 31 December 2031 the field of use of the repaid resources, the objectives and results thereof and the authority responsible for the use of the resources in accordance with Article 45 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council.

§ 26. Local initiative group and local development strategy

(1) Community-led local development specified in Article 32 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council is implemented on the basis of a local development strategy (hereinafter *EMFF local development strategy*) approved by the Ministry of Regional Affairs and Agriculture.

(2) The local development strategy is developed by a non-profit association which complies with the requirements established for local initiative groups in Chapter II of Title III of Part Two of Regulation (EU) No 1303/2013 of the European Parliament and of the Council and which articles of association specify sustainable development of fisheries areas as their objective and which complies with the requirements established for fisheries' local initiative groups (hereinafter *local initiative group*) in accordance with Article 33(1) of the same Regulation, Regulation (EU) No 508/2014 of the European Parliament and of the Council and the EMFF Operational Programme.

(3) The requirements for local initiative groups, including requirements for the articles of association, membership, management, period and area of operation of local initiative groups are established by a regulation of the minister in charge of the policy sector.

(4) A person may participate in the general meeting of a local initiative group and vote as a representative of up to five members.

(5) The Ministry of Regional Affairs and Agriculture makes a decision on approving the EMFF local development strategy where the strategy complies with the requirements established for it and the minimum requirements of the evaluation criteria and it was drawn up by a local initiative group which is in compliance with the requirements provided in subsections 2 and 3 of this section.

(6) The Ministry of Regional Affairs and Agriculture makes a decision on refusal to approve the EMFF local development strategy where at least one of the following circumstances is established in the course of verification of conformity of the strategy:

- 1) the local initiative group does not meet the requirements established for it;
- 2) the local development strategy does not meet the requirements established for it;
- 3) the local development strategy does not meet the minimum requirements for evaluation criteria;

- 4) several local development strategies have been submitted concerning the territory of the local initiative group and the given strategy was not the best-ranked strategy;
- 5) false statements were knowingly made in the local development strategy.

(7) The requirements for the EMFF local development strategy, including more specific requirements for the strategy elements specified in Article 33(1) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council, more specific rules for submission, evaluation and approval of local development strategies, and criteria for evaluation of local development strategies are established by a regulation of the minister in charge of the policy sector.

§ 27. Implementation of EMFF local development strategy

(1) An approved EMFF local development strategy is implemented by a local initiative group that submitted it and they draw up an implementation plan of the EMFF local development strategy (hereinafter *implementation plan of the EMFF strategy*) for every calendar year. The implementation plan of the EMFF strategy is approved by the ARIB.

(2) The requirements for the implementation plan of the EMFF strategy, including its content requirements, and the rules for adoption, submission and approval of the strategy's operational programme are established by a regulation of the minister in charge of the policy sector.

(3) The ARIB verifies compliance of a local initiative group with the requirements provided in the relevant European Union legislation and this Act and legislation established on the basis of this Act.

(4) The ARIB makes a decision to approve the implementation plan of the EMFF strategy where the implementation plan of the strategy complies with the requirements provided by the regulation established on the basis of subsection 2 of this section.

(5) The ARIB makes a decision to refuse to approve the implementation plan of the EMFF strategy where it is established in the course of verification of conformity with the requirements that the implementation plan of the strategy does not comply with the requirements provided in the regulation established on the basis of subsection 2 of this section.

(6) Upon implementation of the EMFF local development strategy, a local initiative group performs the duties provided in Article 34(3) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council, including:

- 1) receives applications for project support;
- 2) verifies compliance of an applicant, application for project support and supported activities with the EMFF local development strategy and the implementation plan of the strategy;
- 3) evaluates the applications for project support on the basis of the evaluation criteria;
- 4) makes a proposal to the ARIB for ranking applications;
- 5) makes a proposal to the ARIB to grant or deny applications and the amount of financing specified in the applications and communicates the applications to the ARIB.

(7) Upon failure to submit all the data and documents required for performance of the duties provided in subsection 6 of this section together with the application for project support, the local initiative group requests the submission of the required data and documents.

(8) Upon failure to submit the data or documents required on the basis of subsection 7 of this section, the local initiative group refuses to evaluate the application for project support and communicates it to the ARIB with the comment that it was impossible to evaluate the application. The ARIB, without designating a term for elimination of deficiencies, will not review the application.

(9) The EMFF support may be applied for during a calendar year for implementation of the operations specified in Articles 35(1)(b) and (c) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council the supporting of which during the relevant year was prescribed by a local initiative group in the implementation plan of the EMFF strategy. The EMFF support may be applied for to the extent of the resources prescribed for supporting relevant operations in the implementation plan of the EMFF strategy.

§ 28. Technical assistance and measures similar to technical assistance

(1) Technical assistance support may be provided for implementation of operations specified in Article 78(1) of Regulation (EU) No 508/2014 of the European Parliament and of the Council.

(2) Support may be provided for implementation of operations specified in Article 76, 77 and 79 of Regulation (EU) No 508/2014 of the European Parliament and of the Council (hereinafter *actions similar to technical assistance*).

(3) In the case of technical assistance and measures similar to technical assistance, the minister in charge of the policy sector establishes the following in the conditions of the EMFF measure, in addition to the provisions of subsection 2 of § 21 of this Act:

- 1) the person, executive authority of the state or self-governing agency eligible to apply for the EMFF support;
- 2) the authority which verifies conformity of the application for the EMFF support and makes the decision to grant or deny the application and to pay or deny the support.

§ 29. Requirements for applicant for EMFF support and application

(1) For the purposes of this Act, an applicant for the EMFF support is a natural person, legal person, executive authority of the state or self-governing agency that has submitted an application for the EMFF support.

(2) An application for the EMFF support must comply with the following requirements:

- 1) the applicant has the capacity specified in Article 125(3)(d) of Regulation (EU) No 1303/2013 for implementation of the operation;
- 2) when applying for state aid or *de minimis* aid, the applicant is not a firm in difficulty, provided such a requirement arises from the relevant European Union legislation;
- 3) the applicant has previously refunded the amounts received from state budget resources, resources of the European Union or resources of foreign aid which were subject to refunding;
- 4) the applicant does not receive money from the state budget resources, resources of the European Union or resources of foreign aid to compensate for such expenditure;
- 5) no liquidation or bankruptcy proceedings have been initiated with respect to the applicant or a person exercising a dominant influence over the applicant;
- 6) for the purposes of the Taxation Act, the permanent establishment of a resident applicant or non-resident applicant is or will be in Estonia after the implementation of the operation;
- (7) an applicant who is an operator for the purposes of Article 2(2) of Commission Delegated Regulation (EU) 2015/288 supplementing Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund with regard to the period of time and the dates for the inadmissibility of applications (OJ L 51, 24.02.2015, pp 1–6) must comply with the requirements provided in that Regulation;
- 8) an applicant who engages in commercial fishing on inland waters and who is not an operator for the purposes of Article 2(2) of the Commission Delegated Regulation (EU) 2015/288, does not have a penalty in force for committing an offence provided in subsection 2 or 3 of § 75 or § 85 of the Fisheries Act or § 279 of the Penal Code, which is considered a serious violation of a fishing requirement for the purposes of subsection 1 of § 71 of the Fisheries Act;
- 9) an applicant who engages in commercial fishing on inland waters and who is not an operator for the purposes of Article 2(2) of the Commission Delegated Regulation (EU) 2015/288, does not have more than one penalty in force for committing an offence provided in § 77 or 81 of the Fisheries Act, which is considered a serious violation of a fishing requirement for the purposes of subsection 1 of § 71;
- 10) an applicant who engages in commercial fishing on inland waters and who is not an operator for the purposes of Article 2(2) of Commission Delegated Regulation (EU) 2015/288 must comply with the requirements specified in Article 5 of specified Regulation;
- 11) an applicant has not committed an offence provided in subsection 2 or 4 of § 280, subsection 1 or 2 of § 344, subsection 1 or 2 of § 345 or § 361 of the Penal Code, in the case of which the application for the EMFF support is not conforming for the term of 24 months after the entry into force of the judgment of conviction;
- 12) an applicant or a person exercising a dominant influence over the applicant does not have a criminal record for committing an offence provided in § 209, 210, 211, 212, 213, 294, 296, 298, 298¹ or 300¹ of the Penal Code.

(3) The conditions of the EMFF measure may establish the following requirements for an applicant for the EMFF support:

- 1) the applicant has the qualification, experience and legal presumptions required for implementation of the operation;
- 2) the applicant or the person exercising a dominant influence over the applicant does not have a criminal record for committing an offence against the environment;
- 3) the applicant has complied with a compliance notice issued for violation of environmental, safety and hygiene requirements during the 12 months immediately preceding the month in which the application was submitted;
- 4) a requirement concerning the legal form of the applicant and holding shares;
- 5) a requirement concerning the time the applicant has operated in the relevant field;
- 6) the applicant must demonstrate that they are able to cover the fixed costs of the further use of the assets acquired, built or renovated with the support during the period of targeted use.

(4) An application for the EMFF support must comply with the following requirements:

- 1) the application contains the data required in the conditions of the EMFF measure and the required documents are appended to it;
- 2) the support is applied for the supported activity provided in the conditions of the EMFF measure;
- 3) the amount of the support applied for does not exceed the maximum amount of support provided in the conditions of the EMFF measure;
- 4) the data presented in the application are complete and accurate.

(5) An applicant for the EMFF support is required to:

- 1) permit monitoring of conformity of the application and the applicant to the requirements, including conduct of on-the-spot inspection;
- 2) notify the authority conducting the proceedings immediately of changes any in the data presented in the application for the support or of any circumstances which have become evident and may affect the making of the decision on the application;
- 3) at the request of the authority conducting the proceedings, certify the existence of self-financing or other resources or documents prescribed in the conditions of the EMFF measure;
- 4) submit relevant information together with the application where the applicant applies for support for an operation at the same time from several measures or other state budget resources, resources of the European Union or resources of foreign aid;
- 5) demonstrate reasonableness of expenditure in the manner provided in the conditions of the EMFF measure;
- 6) at the request of the authority conducting proceedings of the application, submit additional information necessary to prove the circumstances required for the decision to provide support.

§ 30. Verification of conformity of applications for EMFF support

- (1) An application for the EMFF support is deemed to conform to the requirements, provided the applicant, application and the supported activity comply with the requirements provided in the relevant European Union legislation and this Act and legislation established on the basis of this Act.
- (2) The ARIB verifies conformity of applications for the EMFF support, unless otherwise provided by this section.
- (3) In the case of actions provided in Articles 67 and 76–79 of Regulation (EU) No 508/2014 of the European Parliament and of the Council, the Ministry of Regional Affairs and Agriculture verifies conformity of an application for the EMFF support where this is provided in the conditions of the EMFF measure.
- (4) In the case of storage aid, the Agriculture and Food Board verifies compliance of the products stored with the requirements provided in Article 67 of Regulation (EU) No 508/2014 of the European Parliament and of the Council.
- (5) Conformity of applications for the EMFF support is verified on the basis of the submitted application and other documents and the documents and databases certifying the information presented therein and in the course of on-the-spot inspections. Conformity of applications may also be verified at a third party relating to the applicant who is in possession of the data or documents relating to receipt of this support.

§ 31. Evaluation of application for EMFF support

- (1) Conforming applications for the EMFF support are evaluated by the Ministry of Regional Affairs and Agriculture, the ARIB or a local initiative group in accordance with the rules and evaluation criteria provided in the conditions of the EMFF measure. Where applications for the EMFF support are evaluated by a local initiative group, the ranking of applications is done by the ARIB, taking into account the proposal for ranking submitted by evaluators.
- (2) The conditions of the EMFF measure may prescribe that no applications for the EMFF support are evaluated where all conforming applications can be granted within the limits of the resources prescribed for funding of the measure or activities.
- (3) The conditions of the EMFF measure may prescribe that in the case of measures provided in Articles 66, 67 and 76–79 of Regulation (EU) No 508/2014 of the European Parliament and of the Council, no applications for the EMFF support are evaluated.
- (4) The conditions of the EMFF measure may prescribe that applications for the EMFF support are evaluated prior to determination of their conformity. In this case, conformity of at least such applications which are subject to granting according to their ranking is verified after the ranking.
- (5) It is prohibited to disclose the name of the person involved in the evaluation of applications for the EMFF support and the evaluation made by that person in such a way that the name and the evaluation can be associated.

§ 32. Approving and denying of application for EMFF support

- (1) The decision to approve an application for the EMFF support (hereinafter jointly *decision to grant application for the EMFF support*) in full or in part or to deny an application is taken by the ARIB, unless otherwise provided by this section.

(2) In the case of an measure provided in Articles 67 and 76–79 of Regulation of the (EU) No 508/2014 of the European Parliament and of the Council, the decision to grant or deny an application is made by the Ministry of Regional Affairs and Agriculture, provided this is provided in the conditions of the EMFF measure.

(3) A decision to approve or deny an application for the EMFF support is taken within 90 working days as of the date on which the application is to be submitted, unless a shorter term is provided in the conditions of the EMFF measure.

(4) In the case of evaluation of applications for the EMFF support, in accordance with the conditions of the EMFF measure the following is approved within the limits of the resources prescribed for support:

- 1) an application in the first place in the ranking of applications established on the basis of the evaluation results;
- 2) the best applications in the ranking established on the basis of the evaluation results; or
- 3) all applications meeting the minimum criteria for evaluation, with a proportional reduction, where necessary, of the amount of the support for each applicant.

(5) Where the conditions of the EMFF measure do not provide for evaluation of applications for the EMFF support in accordance with subsections 2 and 3 of § 31 of this Act, conforming applications are granted within the limits of the resources prescribed for funding of the measure or activities.

(6) In the case of measures provided in Articles 66, 67 and 76–79 of Regulation (EU) No 508/2014 of the European Parliament and of the Council, conforming applications are granted within the limits of the resources prescribed for provision of support by reducing the amount of support proportionally per each applicant, where necessary.

(7) The conditions of the EMFF measure may prescribe that, where the grant of an application for the EMFF support in full is not justified due to any non-eligible costs included in the application, the amount of the support may be reduced provided that the objectives of the operation are attained. Where the applicant does not agree with the reduction of the amount of support, a decision to deny the application is made. The reduction of the amount of the support does not affect the ranking of applications where the ranking is established before the reduction of the amount of support.

(8) Where a conforming application for the EMFF support which is selected on the basis of the evaluation results and ranked, where necessary, cannot be granted in full because the amount of support applied for exceeds the balance of the resources prescribed for funding of the measure or activities of the same year, a decision to deny the application is made, unless the conditions of the EMFF measure provide otherwise.

(9) A decision to deny an application for the EMFF support is made where at least one of the following circumstances occurs:

- 1) the applicant for support, the application or the proposed operation does not meet at least one of the requirements that have been established for the applicant, the application or the supported activity;
- 2) the applicant for support does not comply with the obligations provided in subsection 5 of § 29 of this Act;
- 3) false statements on the basis of which the approving or denying of support or its amount is decided were knowingly made in the application or during the processing of the application;
- 4) it is impossible to approve a conforming application in accordance with subsection 4, 7 or 8 of this section.

§ 33. Beneficiary of EMFF support and their obligations

(1) For the purposes of this Act, a beneficiary of the EMFF support is a natural person, legal person, executive authority of the state or self-governing agency whose application for the EMFF support is approved.

(2) Expenditures incurred with the EMFF support must be incurred in an appropriate and reasonable manner and in the most economically advantageous manner. All expenses subject to compensation from the support must be eligible expenses.

(3) A beneficiary of the EMFF support is required to:

- 1) implement the supported activity within the time limit prescribed in the conditions of the EMFF measure, plan for use of support or an administrative contract but not later than by 31 December 2023, including submit all the expense receipts relating to the activities;
- 2) ensure, during the implementation of supported activity, compliance with the requirements provided in subsection 2 of § 29 of this Act and in the conditions of the EMFF measure regarding the applicant for support;
- 3) use the assets acquired, built or renovated with the support on the prescribed conditions, including ensure preservation of the assets acquired, built or renovated as a result of implementation of the supported activity, and their intended use;
- 4) ensure that the documents on the basis of which support is paid are in compliance with the requirements and the expenditure is eligible;
- 5) in the case provided in the conditions of the EMFF measure, submit the information concerning receipt and use of support and reports within the prescribed term;
- 6) apply for amendment of the decision to approve the application for the EMFF support in order to change the conditions of use of support and continue the use of support on the former conditions until the amendment of the decision to grant the application;

- 7) clearly distinguish in its accounting between the expenses relating to the use of support and the payment documents and expense receipts reflecting such expenses from other payment documents and expense receipts;
- 8) when organising procurements relating to the supported activity, comply with the requirements provided in the Public Procurement Act, where the beneficiary is a contracting authority or entity for the purposes of the Public Procurement Act, or the requirements provided in the conditions of the EMFF measure where the requirements provided in the Public Procurement Act do not apply to the beneficiary;
- 9) enable audits and supervision and other inspections relating to receipt of support and render all possible assistance for that purpose, including the possibility to stay on the beneficiary's immovable property, in the buildings and on the premises and examine the documents and assets on the spot;
- 10) provide the data and documents necessary for the performance of the audit or supervision or other inspections within a specified term, which must be at least three working days;
- 11) store the documents related to implementation of the supported activity in accordance with the provisions of § 36 of this Act;
- 12) demonstrate that the activity is implemented on account of the EMFF support by using the symbols and information activities prescribed for this;
- 13) inform the authority that made the decision to approve the application of any changes in the data indicated in the application or relating to the activity or circumstances which hinder the implementation of the activity, including bankruptcy proceedings, liquidation proceedings, the activity becoming cheaper or more expensive and transfer of the assets relating to the operation to another person or authority.

(4) The obligations provided in clauses 3, 5, 7, 9, 10, 12 and 13 of subsection 3 of this section are complied with by an EMFF support beneficiary during the time limit provided in Article 71 of Regulation (EU) No 1303/2013 of the European Parliament and the Council, unless the European Union or national legislation provides a longer time limit.

(5) Subsection 2 and clauses 3, 5–8 and 12 of subsection 3 of this section do not apply to beneficiaries of storage aid. Clauses 3, 5–8 and 12 of subsection 3 of this section do not apply to beneficiaries of production and marketing plan support.

§ 34. Amendment and revocation of decision to approve application for EMFF support

(1) A decision to approve an application for the EMFF support may be amended on the initiative of a beneficiary only in justified cases and provided that the supported activity is implemented to a significant extent and the objectives of the activity are achieved and the amount of support does not increase.

(2) A decision to approve an application for the EMFF support may be revoked where at least one of the following circumstances occurs:

- 1) circumstances become evident which preclude granting of the application;
- 2) the beneficiary fails to implement the supported activity during the prescribed time limit;
- 3) it is impossible to implement the supported activity within the time limit for implementation of the operation;
- 4) the beneficiary fails to comply with the obligations provided in the European Union legislation or this Act or legislation established on the basis of this Act;
- 5) the beneficiary submits an application for revocation of the decision to approve the application.

§ 35. Payment of EMFF support

(1) The EMFF support is paid to a beneficiary on the basis of a payment decision and in an amount not exceeding the amount applied for.

(2) The decision to pay the EMFF support or refuse to pay it is made by the ARIB, unless otherwise provided by this section.

(3) In the case of measures provided in Articles 67 and 76–79 of Regulation (EU) No 508/2014 of the European Parliament and of the Council, the decision to pay or refuse to pay the EMFF support is made by the Ministry of Regional Affairs and Agriculture, where so provided in the conditions of the EMFF measure.

(4) A decision to refuse to pay the EMFF support is made where the bases for denying an application are established after approval of the application but before payment of support or where a beneficiary fails to comply with the obligations of the beneficiary.

(5) A payment claim of the EMFF support provided on the basis of this Act cannot be assigned by the beneficiary and the support paid is not subject to compulsory enforcement in the beneficiary's bank account.

§ 36. Preservation of documents related to EMFF support

(1) The authorities managing provision of support specified in § 19 of this Act preserve the data received, documents created in the course of performance of their duties and other evidence in accordance with Article 140 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council.

(2) Beneficiaries of the EMFF support keep documents and other evidence of eligibility of expenditure for a period of four years starting from 31 December of the year in which the support was paid as at 30 on the basis of all the costs of the project considered eligible June, unless a longer time limit is provided in another legal act.

(3) The ARIB or the Ministry of Regional Affairs and Agriculture notifies the beneficiary of the beginning and end of the time limit for preserving documents and other evidence in accordance with subsection 2 of this section.

(4) The time limit for preserving documents and other evidence is discontinued in the case specified in Article 140(1) of Regulation (EC) No 1303/2013 of the European Parliament and of the Council.

Chapter 5 Support from European Maritime, Fisheries and Aquaculture Fund

Subchapter 1 General provisions for implementation of EMFAF

§ 37. EMFAF Operational Programme

(1) The EMFAF Operational Programme specified in Article 8(1) of Regulation (EU) 2021/1139 of the European Parliament and of the Council is drawn up by the Ministry of Regional Affairs and Agriculture.

(2) The EMFAF Operational Programme is approved by the Government of the Republic on the proposal of the Ministry of Regional Affairs and Agriculture. The Ministry of Regional Affairs and Agriculture submits the EMFAF Operational Programme approved by the Government of the Republic to the European Commission.

(3) Any amendment to the EMFAF Operational Programme is approved by the Government of the Republic on the proposal of the Ministry of Regional Affairs and Agriculture. An amendment specified in Article 24(5)–(7) of Regulation (EU) 2021/1060 of the European Parliament and of the Council is approved by the Ministry of Regional Affairs and Agriculture.

(4) The EMFAF support is provided on the basis and in accordance with the rules provided in the EMFAF Operational Programme approved by the European Commission on the basis of Article 23(4) of Regulation (EU) 2021/1060 of the European Parliament and of the Council.

§ 38. Authorities managing provision of EMFAF support

(1) In the case of the EMFAF Operational Programme, the Ministry of Regional Affairs and Agriculture performs the duties of a managing authority and audit authority specified in Article 71 of Regulation (EU) 2021/1060 of the European Parliament and of the Council, unless otherwise provided in this Act or legislation established on the basis of this Act.

(2) The ARIB performs, as an intermediate authority, the duties of a managing authority which performance was imposed on them by this Act or a directive of the minister in charge of the policy sector.

(3) The minister in charge of the policy sector decides by a directive the administration and organisation of work between the authorities managing the provision of the EMFAF support.

§ 39. Monitoring committee

The EMFAF monitoring committee specified in Article 38 of Regulation (EU) 2021/1060 of the European Parliament and of the Council is formed by a directive of the minister in charge of the policy sector.

§ 40. Methods of granting EMFAF support

- (1) The EMFAF support may be granted:
- 1) in open application procedure;
 - 2) in procurement procedure; or
 - 3) by discretionary decision.

(2) The minister in charge of the policy sector decides on the manner in which the EMFAF support is provided by measures and, where necessary, activities.

(3) The same measure or activity is not implemented at the same time in several manners specified in subsection 1 of this section.

Subchapter 2

Granting of EMFAF Support in Open Application Procedure

Division 1

General Provisions on Open Application Procedure

§ 41. Granting of EMFAF Support in Open Application Procedure

(1) In an open application procedure, the EMFF support is provided for implementation of the activity proposed by the best application or the activities proposed by the best applications selected in a competition, or without a competition, for implementation of operations proposed by all conforming or all conforming applications meeting the minimum requirements of the evaluation criteria.

(2) Where the EMFAF support is provided for implementation of the activity proposed by the best application or activities proposed by the best applications selected in a competition, the best application or the best applications are selected by means of a comparative evaluation of the applications.

(3) Where the EMFAF support is provided without a competition for implementation of all activities proposed by all conforming applications or all conforming applications meeting the minimum requirements of the evaluation criteria, support is provided in the order in which applications are submitted until the budget is exhausted or within the budget to all applicants, proportionally reducing the amount of support to be provided.

(4) For implementation of a local development strategy, project support is provided through an open application procedure.

§ 42. Conditions of EMFAF measure

(1) The minister in charge of the policy sector may, in accordance with the provision of the EMFAF Operational Programme, establish by a regulation the more detailed conditions and rules for provision and use of the EMFAF support, broken down by measures or activities (hereinafter *conditions of the EMFAF measure*) in open application procedure.

(2) The conditions of the EMFAF measure may provide the following:

- 1) the purpose of providing support, activity to be supported and form of providing support;
- 2) the types of eligible or non-eligible expenditure and other conditions for eligibility of expenditure, including the time limit for eligibility of expenditure of implementation of the activity to be supported;
- 3) the minimum and maximum rate and amount of support;
- 4) the requirements for the applicant and the application, including documents to be submitted with the application and, where necessary, requirements for capacity to implement supported activities;
- 5) the method, conditions and rules for proving reasonableness of expenditure;
- 6) the conditions and rules for processing applications for support, including, in the case of evaluation of applications, the criteria of and rules for evaluation of applications, conditions for giving preference to an application in the case of equal applications and the basis for approving an application in accordance with the provisions of § 45 of the Act;
- 7) the requirements for a payment application and conditions and rules for submitting payment applications and supporting documents;
- 8) the conditions and rules for payment of support;
- 9) the obligations of a beneficiary, including requirements for accounting of expenses relating to support and preserving expenditure and payment documents reflecting them, and conditions and rules for submitting reports;
- 10) the conditions and rules for implementing supported activities, including deadline for implementing an operation;
- 11) the conditions for use of assets acquired, built or renovated with the support, including the term for their intended use;
- 12) appropriate indicators for monitoring and evaluation of performance.

§ 43. Conformity of application for EMFAF support

(1) An application for the EMFAF support is deemed to conform to the requirements, provided the applicant, application and the activity to be supported comply with the requirements provided in the relevant European Union legislation and this Act and legislation established on the basis of this Act.

(2) Conformity of an application for the EMFAF support is verified by the ARIB.

(3) Conformity of applications for the EMFAF support is verified on the basis of the submitted application and other documents and the documents and databases proving the information presented therein and in the course of on-the-spot inspections. Conformity of applications for the EMFAF support may also be verified at a third party relating to the applicant who is in possession of the data or documents relating to receipt of support.

§ 44. Evaluation of application for EMFAF support and ranking of applications

(1) Applications for the EMFAF support are evaluated by the ARIB or a local action group in accordance with the rules and evaluation criteria provided in the conditions of the EMFAF measure. On the basis of the evaluation results, a ranking of applications may be established.

(2) Where applications for the EMFAF support are evaluated by a local action group, the ARIB verifies conformity of the applications on the basis of the financing proposal of the local action group. Where the local action group submitted a proposal for ranking of applications, the ARIB establishes a ranking of conforming applications. When establishing the ranking of applications, the ARIB ranks conforming applications on the basis of the local action group's proposal and does not re-evaluate the applications itself.

(3) It is prohibited to disclose the name of the person involved in the evaluation of applications for the EMFAF support and the evaluation made by that person in such a way that the name and the evaluation can be associated.

§ 45. Granting and denying of EMFAF support applications

(1) A decision to grant or deny an application for the EMFAF support is made by the ARIB.

(2) Where an application for the EMFAF support is conforming and meets, where necessary, the minimum requirement for the evaluation criterion, and where the applications are evaluated within the limits of the resources available for support, the following are approved in accordance with the conditions of the EMFAF measure:

- 1) an application in the first place in the ranking of applications established on the basis of the evaluation results;
- 2) the best applications in the ranking established on the basis of the evaluation results;
- 3) all applications with a proportional reduction, where necessary, of the amount of the support for each applicant; or
- 4) all applications, giving priority to applications submitted earlier in time.

(3) Where the conditions of an EMFAF measure do not provide for evaluation of applications for the EMFAF support, conforming applications are approved within the limits of the resources available for support in one of the following ways, as provided in the conditions of the measure:

- (1) reducing, where necessary, the amount of support proportionately for each applicant;
- 2) giving preference to applications submitted earlier in time.

(4) Where approval of an application for the EMFAF support to the full extent thereof is not justified due to non-eligible expenses included in the application, the amount of support may be reduced, provided that the operation proposed in the application is implemented and the objectives of support are achieved. Where the applicant does not agree with the reduction of the amount of support, a decision to deny the application is made. Reduction of the support amount does not affect the ranking of applications, provided that it does not undermine the public interest or the rights of other applicants.

(5) Where a conforming application for the EMFAF support which is selected on the basis of the evaluation results and ranked, where necessary, cannot be granted in full because the amount of support applied for exceeds the balance of the resources prescribed for funding of the measure or activity, a decision to deny the application is made, unless the conditions of the EMFAF measure provide otherwise.

(6) A decision to deny an application for the EMFAF support is made where at least one of the following circumstances occurs:

- 1) the applicant for support, the application or the proposed operation does not conform to the requirements established for the applicant, application or supported activity;
- 2) the applicant for support does not submit or make known any facts and evidence relevant to the procedure or prevents an on-site inspection;
- 3) false statements on the basis of which the approval or denying of support or its amount is decided were knowingly made in the application or during the processing of the application;

4) it is impossible to approve a conforming application in accordance with subsection 2, 3, 4 or 5 of this section.

§ 46. Amendment and revocation of decision to approve application for EMFAF support

(1) A decision to approve an application for the EMFAF support may be amended at the initiative of a beneficiary only in justified cases and provided that the operation initially proposed is implemented to a substantial extent, the objectives of support are achieved and the amount of support is not increased. Circumstances which could not be foreseen in application for support are regarded as a justified case.

(2) Where a beneficiary of the EMFAF support is unable to implement the supported activity within the time limit specified in the conditions of the EMFAF measure, the ARIB may, upon the request of the beneficiary, amend the decision approving the application for the EMFAF support and set an additional time limit for implementation of the operation, taking into account the conditions provided in subsection 1 of this section.

(3) An application to amend a decision approving an application for the EMFAF support is not approved where the conditions provided in subsection 1 of this section are not met or where at least one of the following circumstances occurs:

- 1) the beneficiary or supported activity does not meet at least one of the requirements for support as a result of the change;
- 2) making of an amendment would harm the public interest or the rights of other applicants.

(4) In justified cases, an item or service acquired with the EMFAF support may be replaced by another item or service of the same type, or the proposed construction works may be modified without changing the decision to approve the application, on the conditions that the objectives of support are achieved, the circumstances provided in subsection 3 of this section do not occur and the following does not change:

- 1) the purpose of the use of the object or building;
- 2) the content or result of the service; or
- 3) the initially designed features of the building.

(5) A decision to approve an application for the EMFAF support may be revoked where at least one of the following circumstances occurs:

- 1) circumstances become evident which preclude granting of the application;
- 2) the beneficiary fails to implement the supported activity within the time limit;
- 3) it is impossible to implement the supported activity within the time limit;
- 4) the beneficiary fails to comply with the obligations provided in the European Union legislation or this Act or legislation established on the basis of this Act;
- 5) the beneficiary submits an application for revocation of the decision to approve the application.

Division 2

Local Development Strategy and its Implementation and Local Action Group

§ 47. Local development strategy and local action group

(1) Community-led local development specified in Article 31 of Regulation (EU) 2021/1060 of the European Parliament and of the Council is implemented on the basis of a local development strategy (hereinafter *EMFAF local development strategy*) approved by the Ministry of Regional Affairs and Agriculture.

(2) The EMFAF local development strategy is developed by a non-profit organisation which complies with the definition of a local action group specified in Article 33 of Regulation (EU) 2021/1060 of the European Parliament and of the Council and which has as its statutory objective the sustainable development of the fisheries area and which meets the requirements of a fisheries local action group (hereinafter *local action group*).

(3) Requirements for local action groups, including requirements for the articles of association, membership, management, period and area of operation of local action groups are established by a regulation of the minister in charge of the policy sector.

(4) The ARIB verifies compliance of the local development strategy specified in subsection 1 and of the local action group specified in subsection 2 of this section with the requirements and communicates the information on their compliance to the Ministry of Regional Affairs and Agriculture.

(5) A decision whether or not to approve the EMFAF local development strategy is made by a directive of the minister in charge of the policy sector.

(6) The minister in charge of the policy sector makes a decision to reject the EMFAF local development strategy by a directive where at least one of the following circumstances is established during verification of conformity of the strategy:

- 1) the local action group does not comply with the requirements established to it;
- 2) the local development strategy does not comply with at least one of the requirements established for the strategy;
- 3) the local development strategy does not meet the minimum requirements for evaluation criteria;
- 4) several local development strategies have been submitted concerning the territory of the local action group and the strategy of the local action group was not the best-ranked strategy;
- 5) false statements were knowingly made in the local development strategy.

(7) Amendments to the EMFAF local development strategy concerning the provisions of Article 32 of Regulation (EU) No 2021/1060 of the European Parliament and of the Council, with the exception of amendments to the financing plan which, over the period of implementation of the local development strategy, do not exceed together ten per cent of the local action group's budget for the period of implementation of the local development strategy and in the case of which the budget does not change for any strand by more than 15 per cent, are approved by the minister in charge of the policy sector.

(8) The requirements for the EMFF local development strategy, including more specific requirements for the strategy elements specified in Article 32 of Regulation (EU) No 2021/1060 of the European Parliament and of the Council, more specific rules for submission, evaluation and approval of local development strategies, and criteria for evaluation of local development strategies are established by a regulation of the minister in charge of the policy sector.

(9) The allocation of resources for community-led local development, as specified in Article 34(1) of Regulation (EU) 2021/1060 of the European Parliament and of the Council, by local action groups and strands, for the period of implementation of the EMFAF local development strategy up to 31 December 2027 and from 1 January 2028 onwards, is decided by the minister in charge of the policy sector by a directive specified in subsection 5 of this section.

(10) The minister in charge of the policy sector may change the allocation of resources established on the basis of subsection 9 of this section and decide by a directive on allocation of any resources not used by 31 December 2027 by local action groups and strands.

§ 48. Implementation of EMFAF local development strategy

(1) Upon implementation of the EMFAF local development strategy, a local action group performs the duties provided in Article 33(3) of Regulation (EU) No 2021/1060 of the European Parliament and of the Council, including:

- 1) advises the applicant on compliance of supported activities with the local development strategy before submitting the application for project support;
- 2) accepts applications for project support;
- 3) verifies compliance of an applicant, application and supported activity with the local development strategy;
- 4) evaluates the applications for project support on the basis of the evaluation criteria;
- 5) makes proposals to the ARIB for ranking applications;
- 6) makes proposals to the ARIB to approve or deny applications and determination of the amount of financing specified in the applications and communicates the applications to the ARIB.

(2) A person may participate in the general meeting of a local action group and vote as a representative of up to five members.

(3) In order to implement an approved EMFAF local development strategy, a local action group approves by a decision of their general meeting the budget by application rounds, times of application calls and flexibility of the financing plan specified in subsection 7 of § 47 of this Act in the strands implemented for each calendar year.

(4) Upon failure to submit all the data and documents required for performance of the duties provided in subsection 1 of this section together with the application for project support, a local action group requests the submission of the required information and documents from the applicant.

(5) Upon failure to submit the data or documents required on the basis of subsection 4 of this section, the local action group refuses to evaluate the application for project support and communicates it to the ARIB with the comment that it was impossible to evaluate the application. The ARIB, without designating a term for elimination of deficiencies, will not review the application.

(6) The measures of the EMFAF local development strategy, under which it is possible to apply for the EMFAF support in a calendar year, the time of application calls and the allocation of resources available for support under these measures for each calendar year are determined by the local action group by a decision of its general meeting.

(7) The right to apply for project support does not arise unless the general meeting of the local action group has decided so.

(8) Communication between local action groups and applicants and beneficiaries of the EMFAF support takes place in accordance with the provisions of subsection 3 of § 7 of this Act.

Subchapter 3

Grant of EMFAF Support through Procurement Procedure and EMFAF Financial Instrument

§ 49. Grant of EMFAF support in procurement procedure

(1) The EMFAF support may be provided by organising a procurement procedure on the grounds and in accordance with the rules provided in the Public Procurement Act and taking account of special rules provided in this Act.

(2) Where the EMFAF support is provided in a procurement procedure, the application for support is deemed to have been submitted by submission of a tender in accordance with the Public Procurement Act, application for participation in a procurement procedure, in the case of a design contest a draft design, or in the case of a special procedure for social and special services an application, tender or confirmation of interest to the Ministry of Regional Affairs and Agriculture or the ARIB.

(3) The minister in charge of the policy sector may establish by a regulation more detailed requirements for beneficiaries of the EMFAF support, supported activities, criteria for selecting the beneficiary and the public contract to be entered into.

(4) A beneficiary is a person to whom a public contract is awarded in accordance with the rules provided in the Public Procurement Act.

(5) In addition to the grounds for exclusion of tenderers and candidates provided in the Public Procurement Act, a tenderer and a candidate is excluded from the procurement procedure where there are grounds for denying the application provided in subsection 6 of § 45 of this Act.

§ 50. EMFAF financial instrument

(1) The EMFAF support may be provided through financial instruments specified in Article 58 of Regulation (EU) 2021/1060 of the European Parliament and of the Council.

(2) The Ministry of Regional Affairs and Agriculture may enter into an administrative contract in accordance with the rules provided in the Administrative Co-operation Act for implementation of financial instruments with a foundation which founder rights are exercised by the Ministry of Regional Affairs and Agriculture.

(3) By an administrative contract specified in subsection 2 of this section, the conditions specified in Annex X of Regulation (EU) 2021/1060 of the European Parliament and of the Council are agreed upon among other things in order to ensure proper implementation of the financial instrument and the right to charge a contract fee.

(4) The EMFAF support is paid to a financial instrument on the basis of an administrative contract specified in subsection 2 of this section.

(5) The provisions of §§ 5, 52 and 53 of this Act do not apply to provision of the EMFAF support through a financial instrument.

(6) The EMFAF support to financial instruments and the resources specified in Articles 60 and 62 of Regulation (EU) 2021/1060 of the European Parliament and of the Council are used in accordance with the provisions of the same articles until 31 December 2029.

(7) The minister in charge of the policy sector decides by a directive the field of use of the resources repaid as of 1 January 2030 until 31 December 2037, the objectives and results thereof and the authority responsible for the use of the resources in accordance with Article 62 of Regulation (EU) 2021/1060 of the European Parliament and of the Council.

Subchapter 4

Provision of EMFAF Support by Discretionary Decision

§ 51. Provision of EMFAF support by discretionary decision

(1) By discretionary decision, the EMFAF support may be provided for implementation of national plans approved by an order of the Government of the Republic specified in subsection 4 of § 2 of this Act or a directive of the minister in charge of the policy sector, provided there is an important public interest and it is in accordance with the relevant European Union legislation.

(2) The EMFAF support may be provided to a state agency that implements a national plan specified in subsection 1 of this section.

(3) Upon provision of the EMFAF support by discretionary decision, expenditures in accordance with the relevant European Union legislation and the EMFAF Operational Programme are eligible.

(4) The provision of the EMFAF support is decided by the minister in charge of the policy sector by a directive in which the beneficiary of the support, supported activity, objective of the supported activity, deadline for its implementation and the amount of support are determined. The minister in charge of the policy sector may specify in a directive the eligibility of expenditures.

Subchapter 5 Reasonableness of Expenditure Incurred with EMFAF Support and Payment of Support

§ 52. Reasonableness of expenditure

(1) Expenditure incurred with the EMFAF support must be incurred in an appropriate and reasonable manner and in the most economically advantageous manner. All expenses subject to compensation from the support must be eligible expenses.

(2) A beneficiary of the EMFAF support complies with the requirements of the purchase procedure provided in this Act and legislation established on the basis of this Act when incurring any costs related to the supported activity.

(3) The minister in charge of the policy sector establishes by a regulation more detailed conditions and rules for organisation of the purchase procedure, including in the case of which events the purchase procedure must be arranged in the public procurement register.

(4) Where a beneficiary of the EMFAF support is a contracting authority or entity for the purposes of the Public Procurement Act, the beneficiary must comply with the requirements provided in the Public Procurement Act when organising procurements related to supported activities.

(5) Where the conditions of the EMFAF measure prescribe the use of the reference price method, support may be applied only for acquisition of an item or ordering of a service that is included in the reference price catalogue specified in the European Union Common Agricultural Policy Implementation Act. The amount of support is calculated on the basis of the value, exclusive of VAT, of the items or services entered in the register of agricultural support and agricultural parcels and the maximum amount of the support established in the conditions of the EMFAF measure.

§ 53. Payment of EMFAF support

(1) The EMFAF support is paid to a beneficiary on the basis of a payment decision and in an amount not exceeding the amount applied for.

(2) A decision to pay or refuse to pay the EMFAF support is made by the ARIB.

(3) A decision to refuse to pay the EMFAF support is made by the ARIB where the bases for denying an application are established after approval of the application but before payment of support or where the beneficiary fails to comply with the obligations of the beneficiary.

(4) In the case of a decision to refuse to pay the EMFAF support, the ARIB may revoke the decision to approve the support application in full or in part.

(5) Where a beneficiary of the EMFAF support is found through procurement procedure or by discretionary decision, support is paid by the ARIB where it is so agreed in the public contract or where it is so determined in a directive of the minister in charge of the policy sector.

(6) A payment claim of the EMFAF support provided on the basis of this Act cannot be assigned by the beneficiary and the support paid is not subject to compulsory enforcement in the beneficiary's bank account.

Chapter 6

Financing of Operation supported from Fund prior to incurring Expenditure

§ 54. Financing of operation supported from fund prior to incurring expenditure

(1) In the cases specified in the conditions of an measure, implementing of a supported activity may be financed from the state budget resources after making a decision to approve the application for the fund support and before payment for the work or service or acquisition of assets.

(2) Implementing of a supported activity may be financed in accordance with subsection 1 of this section where the beneficiary has provided a guarantee in accordance with § 68 of this Act which covers the amount paid to the full extent of the amount.

(3) A provider of support may waive the requirement for provision of guarantee and finance implementation of a supported activity without requiring a guarantee, where the beneficiary is sufficiently reliable and at least one of the following conditions is met:

- 1) the work or service has been completed or the asset has been transferred and the beneficiary has received it and paid for it an amount of money which is at least equal to self-financing;
- 2) the implementation of the operation specified in Article 34(1) d) of Regulation (EU) 2021/1060 of the European Parliament and of the Council is financed;
- 3) the implementation of the operation specified in Articles 66(1) of Regulation (EU) No 508/2014 of the European Parliament and of the Council is financed.

(4) The money received in accordance with subsection 1 of this section may be used for payment of eligible expenditure of the relevant supported activity. These costs must be paid within the time limits provided in the conditions of the measure.

(5) After payment for the eligible expenditure of a supported activity, the beneficiary submits the documents forming the basis for the payment of the fund support to the provider of support, and the provider of support makes a decision to pay or refuse to pay the fund support.

(6) In the case the fund support is paid, the amount paid on the basis of the payment decision is reduced by way of set-off by the amount paid to the beneficiary in accordance with subsection 1 of this section. In the case a decision is made to refuse to pay the fund support, the beneficiary refunds the money received in accordance with subsection 1 of this section.

(7) Where such circumstances become evident in the operations of the beneficiary which cast doubt on the capacity of the beneficiary to use the money received in accordance with subsection 1 of this section purposefully and on time, the provider of support may decide to provide financing in a smaller amount, to determine a time limit shorter than the time limit specified in subsection 4 of this section for incurring any eligible expenditure or require provision of a sufficient guarantee.

(8) The beneficiary is deemed to be sufficiently reliable to finance the implementation of a supported activity without the obligation to provide a guarantee where all the following conditions are met:

- 1) the beneficiary has no tax arrears with regard to state taxes;
- 2) no liquidation or bankruptcy proceedings have been initiated with respect to the beneficiary or a person exercising dominant influence over the beneficiary;
- 3) the beneficiary has previously refunded the amounts received from state budget resources, resources of the European Union or resources of foreign aid which were subject to refunding;
- 4) the beneficiary does not receive money for compensation for such expenses from the state budget resources, European Union resources or resources of foreign aid.

(9) The rules for application for financing in accordance with subsection 1 of this section and proceeding of applications, requirements for applications and the rate and amount of financing are established by a regulation of the minister in charge of the policy sector.

Chapter 7

State Aid to Fisheries

§ 55. Provision of state aid to fisheries

(1) State aid to fisheries may be provided in accordance with this Act by the state and a foundation by using, directly or indirectly, public resources for this purpose.

(2) State aid to fisheries may be provided where:

- 1) the European Commission has made a permitting decision with respect to a notice on state aid to fisheries submitted to it in accordance with the European Union Guidelines for state aid to fisheries (hereinafter *guidelines for state aid*);
- 2) the European Commission has been submitted the summary information sheet (hereinafter *notice on fisheries block exemption*) prescribed in the Commission Regulation (EU) No 2022/2473 declaring certain categories of aid to undertakings active in the production, processing and marketing of fishery and aquaculture products compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union (OJ L 327, 21.12.2022, pp 82–139);
[RT I, 11.03.2023, 5 – entry into force 21.03.2023, implemented retroactively as of 1 January 2023]
- 3) state aid to fisheries is regarded approved in accordance with Article 4(6) of the Council Regulation (EU) No 2015/1589 laying down detailed rules for the application of Article 108 of the EC Treaty (OJ L 248, 24.09.2015, pp 9–29); or
- 4) the Council of the European Union has decided in accordance with Article 108(2)(b) of the Treaty on the Functioning of the European Union that the state aid to fisheries is compatible with the internal market.

(3) State aid to fisheries may be provided on the basis and in accordance with the rules provided in any other Act where a notice on state aid to fisheries has been submitted through the Ministry of Regional Affairs and Agriculture and the European Commission has made a permitting decision with respect to it, or a notice on fisheries block exemption or state aid to fisheries is regarded approved in accordance with Article 4(6) of Council Regulation (EU) 2015/1589.

§ 56. Submission of notice on state aid to fisheries

(1) Where state aid to fisheries is provided by the state through the Ministry of Regional Affairs and Agriculture or the ARIB, a notice on state aid to fisheries is drawn up by the Ministry of Regional Affairs and Agriculture in accordance with Commission Regulation (EC) No 794/2004 implementing Council Regulation (EU) 2015/1589 laying down detailed rules for the application of Article 108 of the EC Treaty (OJ L 140, 30.04.2004, pp 1–134), and in accordance with the guidelines for state aid.

(2) Where state aid to fisheries is provided by a foundation or it is provided on the basis and in accordance with the rules provided in any other Acts, the provider of state aid submits, in accordance with Commission Regulation (EC) No 794/2004 and in accordance with the guidelines for state aid, a notice on state aid to fisheries together with the required information in writing through the web application prescribed by the European Commission to the Ministry of Regional Affairs and Agriculture for review.

(3) Where a notice on state aid to fisheries complies with the requirements, the Ministry of Regional Affairs and Agriculture communicates it together with necessary information through the web application prescribed by the European Commission to the Permanent Representation of the Republic of Estonia to the European Union, which communicate it to the European Commission.

(4) Where a provider of state aid specified in subsection 2 of this section fails to submit the information required in a notice on state aid to fisheries, the notice does not comply with the requirements or there are deficiencies in the notice or the information submitted together with it, the Ministry of Regional Affairs and Agriculture has the right, within 20 working days as of the receipt of the notice, to request additional information from the provider of state aid or to make a proposal to supplement the notice.

(5) A provider of state aid to fisheries submits the additional information requested by the European Commission in the course of processing a notice on state aid to fisheries via the Ministry of Regional Affairs and Agriculture through the web application prescribed by the European Commission to the Permanent Representation of the Republic of Estonia to the European Union which communicates it to the European Commission.

(6) Where a provider of state aid decides to withdraw the notice on state aid to fisheries submitted to the European Commission, the provider submits a respective application to the Ministry of Regional Affairs and Agriculture, which communicates it via a web application prescribed by the European Commission to the Permanent Representation of the Republic of Estonia to the European Union, which communicates it to the European Commission.

§ 57. Submission of notice on fisheries block exemption

(1) For the purposes of this Act, state aid covered by block exemption is deemed to be the aid specified in Commission Regulation (EU) 2022/2473.

[RT I, 11.03.2023, 5 – entry into force 21.03.2023, implemented retroactively as of 1 January 2023]

(2) Where state aid covered by block exemption is provided by the state through the Ministry of Regional Affairs and Agriculture or the ARIB, the Ministry of Regional Affairs and Agriculture draws up a notice on fisheries block exemption and communicates it together with the necessary information through the web application prescribed by the European Commission to the Permanent Representation of the Republic of Estonia to the European Union which communicates it to the European Commission.

(3) Where state aid covered by block exemption is provided by a foundation or it is provided on the bases and in accordance with the rules prescribed by any other Act, the provider of state aid submits a notice on fisheries block exemption at the latest 30 working days before provision of state aid covered by block exemption or implementation of a aid scheme through the web application prescribed by the European Commission for review to the Ministry of Regional Affairs and Agriculture.

(4) Where a notice on fisheries block exemption complies with the requirements, the Ministry of Regional Affairs and Agriculture communicates it through the web application prescribed by the European Commission to the Permanent Representation of the Republic of Estonia to the European Union which communicates it to the European Commission.

(5) Where a provider of state aid specified in subsection 3 of this section fails to submit the information required in a notice on fisheries block exemption, the notice does not comply with the requirements or there are deficiencies in the notice or the information submitted together with it, the Ministry of Regional Affairs and Agriculture has the right, within ten working days as of the receipt of the notice, to request additional information from the provider of state aid or make a proposal to the provider to supplement the notice.

§ 58. Rules for provision of state aid to fisheries provided through Ministry of Regional Affairs and Agriculture and ARIB

(1) The minister in charge of the policy sector may establish by a regulation the requirements for obtaining state aid to fisheries and the rules for applying for the aid and processing the applications where the state aid to fisheries is provided through the Ministry of Regional Affairs and Agriculture or the ARIB.

(2) The regulation specified in subsection 1 of this section may provide:

- 1) the requirements for obtaining the aid;
- 2) the rate and amount of the aid;
- 3) the eligible expenditures;
- 4) the due date for submission of the application;
- 5) the substantial and formal requirements for applications;
- 6) the rules for review and verification of applications, including the evaluation criteria and rules for evaluation of the applications, where necessary;
- 7) the time limits and rules for grant and payment of the aid.

(3) Rules for applying for and processing of applications for state aid to fisheries may be established separately for each type of support.

(4) The decision to grant or deny an application for state aid to fisheries, decision on payment of aid and other decisions relating to provision of aid are made by the ARIB, unless otherwise provided by this Act.

(5) An application for state aid to fisheries is denied where:

- 1) the applicant, application for aid, proposed operation or eligible expenditure do not comply with at least one of the requirements provided in the legislation established on the basis of subsection 1 of this section or in relevant European Union legislation;
- 2) the application cannot be granted because the balance of the resources prescribed for provision of aid have been exhausted by grant of a better application selected on the basis of the evaluation results; or
- 3) false statements on the basis of which the providing or denying of support or its amount is decided were knowingly made in the application or during the processing of the application.

(6) Where the conditions of providing of state aid to fisheries do not provide an evaluation of applications, conforming applications are granted within the limits of the budgetary resources available for the provision of that state aid, with a proportional reduction, where necessary, of the amount of aid per each applicant.

(7) Where state aid to fisheries is provided by the Ministry of Regional Affairs and Agriculture as individual aid outside aid schemes, the Ministry of Regional Affairs and Agriculture makes a decision to provide individual aid outside aid schemes which is published on the website of the Ministry of Regional Affairs and Agriculture.

§ 59. Provision of state aid to fisheries through foundation

(1) A foundation may provide state aid to fisheries to undertakings engaged in production, processing or marketing of fishery and aquaculture products and non-commercial associations representing them in the form of support, loan or guarantee or in any other form on the basis and in accordance with the rules prescribed in an administrative contract entered into between the Ministry of Regional Affairs and Agriculture and the foundation.

(2) Where state aid to fisheries is provided by a foundation, the supervisory board of the foundation establishes, taking into account what is agreed in the administrative contract specified in subsection 1 of this section, the

requirements for obtaining state aid to fisheries and the rules for submitting an application for aid, which provide:

- 1) the requirements for obtaining aid;
- 2) the maximum rate and amount of aid;
- 3) the eligible expenditures;
- 4) the due date for submission of the application for aid;
- 5) the time limits and rules for grant and payment of the aid;
- 6) the bases and rules for denying applications for aid.

(3) Where state aid to fisheries is provided by a foundation as individual aid outside aid schemes, the supervisory board of the foundation makes a decision on provision of aid and enters with the beneficiary into a relevant contract in which the intended purpose for the use of the aid is determined.

(4) The requirements for obtaining aid specified in subsection 2 of this section and the rules for applying for aid and processing of the applications are published on the website of the foundation.

(5) Where state aid to fisheries is provided by a foundation, the foundation makes a decision to grant or deny the application, decision on payment of aid and other decisions relating to the provision of aid.

(6) The foundation determines the intended purpose of support, loan or guarantee in the contract for provision of support, loan or guarantee, and the bases and conditions of recovery of support, loan or guarantee which is not used purposefully. The foundation verifies the purposeful use of support, loan and securities which it provides.

§ 60. Notification of provision of illegal state aid

Where the Commission of the European Communities or the European Court of Justice communicates a decision to the Republic of Estonia concerning recovery of illegal or misused state aid to fisheries from the beneficiary of aid, the minister in charge of the policy sector communicates such decision to the authority which provided the illegal or misused state aid. The provider of state aid is required to recover the state aid in accordance with the decision of the European Commission or the ruling by the European Court of Justice.

Chapter 8

De minimis Aid to Fisheries

§ 61. *De minimis* aid to fisheries

(1) *De minimis* aid to fisheries may be provided where it conforms to the requirements provided in Commission Regulation (EC) No 717/2014 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union for *de minimis* aid in the fishery and aquaculture sector (OJ L 190, 28.06.2014 pp 45–54).

(2) Submission of a notice on state aid to fisheries or notice on block exemption specified in §§ 56 and 57 of this Act to the European Commission is not required for provision of *de minimis* aid to fisheries.

(3) *De minimis* aid may be provided on the bases and in accordance with the rules provided in the Competition Act where it complies with the requirements provided in Commission Regulation (EC) No 1407/2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union for *de minimis* aid (OJ L 352, 24.12.2013 pp 1–8).

(4) Aid may be provided on the basis and in accordance with the rules provided in the Competition Act where it complies with Council Regulation (EU) 2015/1588 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to certain categories of horizontal state aid (OJ L 248, 24.09.2015, pp 1–8) and a corresponding block exemption regulation has been established with regard to it by the European Commission.

§ 62. Rules of provision of *de minimis* aid to fisheries provided through Ministry of Regional Affairs and Agriculture and ARIB

(1) The minister in charge of the policy sector may establish by a regulation the requirements for receiving *de minimis* aid and the rules for applying for and processing *de minimis* aid, where the state provides *de minimis* aid through the Ministry of Regional Affairs and Agriculture or the ARIB.

(2) The regulation specified in subsection 1 of this section may provide:

- 1) the requirements for obtaining aid;
- 2) the rate and amount of the aid;
- 3) the eligible expenditures;
- 4) the due date for submission of the application;
- 5) the substantial and formal requirements for applications;
- 6) the rules for review and verification of applications, including the evaluation criteria and rules for evaluation of the applications, where necessary;

7) the time limits and rules for grant and payment of the aid.

(3) The decision to grant or deny an application for *de minimis* aid to fisheries, decision on payment of aid and other decisions relating to the provision of aid are made by the Ministry of Regional Affairs and Agriculture or the ARIB, unless otherwise provided by this Act.

(4) An application for *de minimis* aid to fisheries is denied where:

- 1) the applicant, application for aid, proposed operation or eligible expenditure do not comply with at least one of the requirements provided in the legislation established on the basis of subsection 1 of this section or in relevant European Union legislation;
- 2) the application cannot be granted because the balance of the resources prescribed for provision of aid have been exhausted by grant of a better application selected on the basis of the evaluation results; or
- 3) false statements on the basis of which the providing or denying of support or its amount is decided were knowingly made in the application or during the processing of the application.

(5) Where the conditions of providing of *de minimis* aid to fisheries do not provide an evaluation of applications, conforming applications are granted within the limits of the budgetary resources available for provision of that aid, with a proportional reduction, where necessary, of the amount of aid per each applicant.

§ 63. Provision of *de minimis* aid to fisheries through foundation

(1) Where *de minimis* aid to fisheries is provided by a foundation, the rules for applying for and processing of applications for *de minimis* aid to fisheries and the form of the application is established by the management board of the foundation.

(2) The rules specified in subsection (1) of this section prescribes the requirements for obtaining *de minimis* aid to fisheries, the due dates for submission of applications, time limits for review and verification of applications, time limits and rules for provision and payment of aid and the bases and rules for denying of applications for *de minimis* aid to fisheries provided in the form of support. The specified rules are published on website of the foundation.

(3) The decision to grant or deny an application for *de minimis* aid to fisheries, decision on payment of aid and other decisions relating to provision of the support, loan or guarantee with regard to the applicant are made by the foundation.

(4) Where *de minimis* aid to fisheries is provided by a foundation as individual aid outside aid schemes, the supervisory board of the foundation makes a decision on provision of aid and enters with the beneficiary into a relevant contract in which the intended purpose for the use of the aid is determined.

(5) A foundation may provide *de minimis* aid to fisheries on the bases and in accordance with the rules prescribed in an administrative contract entered into between the Ministry of Regional Affairs and Agriculture and the foundation. Substantial and formal requirements for applications for *de minimis* aid to fisheries, rules for review and verification of applications and the bases and rules for denying of applications for support provided in the form of *de minimis* aid to fisheries are agreed upon in the administrative contract.

(6) The foundation determines the intended purpose of support, loan or guarantee in the contract for provision of support, loan or guarantee, and the bases and conditions of recovery of support, loan or guarantee which is not used purposefully. The foundation verifies the purposeful use of support, loan and securities which it provides.

§ 64. Provision of *de minimis* aid to fisheries

(1) Where *de minimis* aid to fisheries is provided by a provider of aid specified in § 55 of this Act or it is provided on the bases and in accordance with the rules specified in any other Act, the provider of aid notifies the Ministry of Regional Affairs and Agriculture of the intention to provide aid and the amount of the aid in writing at the latest 30 days prior to providing the aid and the Ministry of Regional Affairs and Agriculture responds within ten working days as of becoming aware of the intention to provide aid whether the amount of the proposed aid exceeds the limit of *de minimis* aid provided within three years and established for to the state in Commission Regulation (EC) No 717/2014.

(2) The Ministry of Regional Affairs and Agriculture determines whether the amount of proposed *de minimis* aid to fisheries exceeds the limit established for the state, taking account of the amount of the aid already provided and the aid notified in accordance with subsection 1 of this section but not yet provided. A provider of aid may provide *de minimis* aid to fisheries to the extent of the difference between the amount of aid already provided and proposed and the limit established for the state but not more than announced in the intention to provide aid.

(3) A provider of *de minimis* aid to fisheries aid indicates in the intention to provide aid at least the name of the aid and the amount thereof per one calendar year.

(4) The Ministry of Regional Affairs and Agriculture submits the amount of the proposed *de minimis* aid to fisheries calculated in accordance with subsection 2 of this section to the register of state aid and *de minimis* aid.

(5) A provider of *de minimis* aid to fisheries monitors that the provider of such aid would not exceed in the case of providing a new *de minimis* aid to fisheries the limit of the aid established per undertaking in Commission Regulation (EC) No 717/2014.

Chapter 9

Reporting on State Aid to Fisheries and de minimis Aid to Fisheries and Transparency

§ 65. Reporting on state aid to fisheries and *de minimis* aid to fisheries

The rules for reporting on state aid provided in § 49 of the Competition Act apply to reporting of state aid to fisheries and *de minimis* aid to fisheries.

§ 66. Compliance with requirement of transparency of state aid to fisheries

The provisions of subsection 3² of § 49² of the Competition Act apply to compliance with the transparency requirement of state aid to fisheries.

Chapter 10

Other Aid to Fisheries

§ 67. Provision of other aid to fisheries

(1) Other aid to fisheries may be provided where this is necessary for ensuring competitiveness and sustainability of the fisheries sector and where it is not state aid to fisheries or *de minimis* aid to fisheries.

(2) The minister in charge of the policy sector may establish by a regulation the conditions and rules for providing and using other aid to fisheries by types of aid.

(3) The regulation specified in subsection 2 of this section may provide:

- 1) the more specific objective of provision of aid;
- 2) the supported activities and eligible expenditure;
- 3) the maximum rate and amount of aid;
- 4) the requirements for applicants and applications for aid;
- 5) the conditions and rules for processing of applications, including the evaluation criteria and the rules for evaluation of the applications, where necessary;
- 6) the conditions and rules for payment of aid;
- 7) obligations of the beneficiary of aid.

(4) The decision to grant or deny an application for *de minimis* aid to fisheries, decision on payment of aid and other decisions relating to provision of the aid are made by the ARIB, unless otherwise provided by this Act.

(5) An application for other aid to fisheries is denied where:

- 1) the applicant, application for aid, proposed operation or eligible expenditure do not comply with at least one of the requirements provided in the legislation established on the basis of subsection 2 of this section or in relevant European Union legislation;
- 2) the application cannot be granted because the balance of the resources prescribed for provision of aid have been exhausted by grant of a better application selected on the basis of the evaluation results; or
- 3) false statements on the basis of which the providing or denying of support or its amount is decided were knowingly made in the application or during the processing of the application.

(6) Where the conditions for provision of other aid to fisheries do not provide evaluation of applications for aid, conforming applications for this aid are granted within the limits of budgetary resources prescribed for aid, with a proportional reduction, where necessary, of the amount of aid per each applicant.

Chapter 11

Guarantee

§ 68. Provision of guarantee

(1) In the case of the measures for fisheries market organisation, for the implementation of which the European Union legislation or this Act prescribe provision of guarantee in order to ensure fulfilment of obligations, the

guarantee is provided to the ARIB as a deposit or guarantee, unless otherwise provided by relevant European Union legislation.

(2) The minister in charge of the policy sector may, where necessary, establish by a regulation more detailed rules for provision and use of guarantee and release thereof in order to implement a measure for fisheries market organisation.

Chapter 12

State Enforcement and Administrative Supervision

§ 69. Authorities exercising state enforcement and administrative supervision

(1) State enforcement and administrative supervision over compliance with the requirements provided in the relevant European Union legislation and this Act and legislation established on the basis of this Act is exercised by the ARIB, unless otherwise provided by this section.

(2) The Ministry of Regional Affairs and Agriculture exercises state enforcement and administrative supervision over compliance with the requirements provided in the relevant European Union legislation and this Act and legislation established on the basis of this Act:

(1) in the case of actions provided in Articles 67 and 76–78 of Regulation (EU) No 508/2014 of the European Parliament and of the Council, where the decision to pay or refuse to pay the fund support is made by the Ministry of Regional Affairs and Agriculture;

2) in the case of other EMFF support to the extent which is necessary for performance of duties provided in Articles 126 and 127(1) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council;

3) in the case of performance of duties provided in Articles 74, 76 and 77 of Regulation (EU) 2021/1060 of the European Parliament and of the Council;

4) in the case of providing of the EMFAF support provided in §§ 49 and 51 of this Act, where the provider of support is the Ministry of Regional Affairs and Agriculture.

(3) The Ministry of Regional Affairs and Agriculture exercises state enforcement and administrative supervision over compliance with the requirements provided in the relevant European Union legislation and this Act and legislation established on the basis of this Act, where the state provides state aid to fisheries, *de minimis* aid to fisheries or other aid to fisheries through the Ministry of Regional Affairs and Agriculture.

(4) The Ministry of Regional Affairs and Agriculture exercises state enforcement over compliance of recognised producer organisations and their production and marketing plans with the requirements provided in the relevant European Union legislation and this Act and legislation established on the basis of this Act.

(5) The Ministry of Regional Affairs and Agriculture exercises administrative supervision over performance of the administrative contract entered into in accordance with subsection 2 of § 25, subsection 2 of § 50, subsection 1 of § 59 and subsection 5 of § 63 of this Act. Where an administrative contract is terminated unilaterally or any other circumstances occur which prevent further performance of the administrative duties by the foundation, further implementation of the financial instrument is terminated.

(6) The Agricultural and Food Board exercises state enforcement over compliance with the marketing standards and consumer information requirements specified in Chapter 2 of this Act.

(7) The Environmental Board exercises state enforcement over compliance with the requirements of the marketing standards specified in Chapter 2 of this Act.

(8) The Agriculture and Food Board and a state foundation exercise exercises state enforcement over compliance with the requirements concerning measures for fisheries market organisation, compliance with which they also verify in the case provided in this Act or legislation established on the basis of this Act in the decision of applications.

§ 70. Special state enforcement actions

(1) In order to exercise state enforcement provided in this Act, a law enforcement agency may apply the special state enforcement measures provided in §§ 30, 32 and 49–53 of the Law Enforcement Act on the basis and in accordance with the rules provided in the Law Enforcement Act.

(2) Where a dwelling is also used as business premises, a law enforcement agency may examine it during its business or opening hours without the permission of an administrative court provided in subsection 2 of § 51 of the Law Enforcement Act.

(3) Upon the examination of a moveable, a law enforcement agency may take samples at the expense of the person. Where a movable examined cannot be used as usual after the examination, the person is not compensated for the cost of the movable or the cost of restoring the movable for normal use.

(4) Actions for state enforcement may be applied without giving an advance notice to a person who received support from them. An advance notice on application of actions for state enforcement may be given only in the case such advance notice does not jeopardise the achievement of the objective of the application of the action.

§ 71. Special rules for administrative supervision upon verification of compliance of activities of local action group and local initiative group with requirements

(1) The ARIB verifies compliance of a local action group and its activities with the requirements provided in the relevant European Union legislation and this Act and the legislation established on the basis of this Act and promptly requires the local action group to comply with these requirements where it appears that the local action group or its activities do not comply with the requirements or where the local action group prevents the exercise of oversight over its operations.

(2) Where a local action group or its activities do not comply with the requirements provided in the relevant European Union legislation and this Act and legislation established on the basis of this Act, or where there is another reason that prevents the local action group from continuing the implementation of the local development strategy, the ARIB may suspend its right to receive and process applications for project support.

(3) A local action group in the case of which the ARIB has suspended processing of applications for project support may continue their processing as of the delivery of a relevant written consent of the ARIB. The ARIB gives its consent, provided the local action group and its activities meet all the relevant requirements.

(4) Where a local action group fails to comply by the due date determined with the obligations which performance the ARIB has required on the basis of subsection 1 of this section, the ARIB may suspend payment of the support specified in Article 34(1)(c) of Regulation (EU) 2021/1060 of the European Parliament and of the Council or the Ministry of Regional Affairs and Agriculture revoke the decision approving the local development strategy.

(5) A local initiative group specified in subsection 2 of § 26 of this Act is subject to the special rules of administrative supervision provided in this section.

Chapter 13

Recovery and repayment of fund support and aid

§ 72. Recovery of fund support and aid

(1) Where it becomes evident, after payment of the fund support, that the support was paid groundlessly due to violation of the requirements for providing and using the support, the support may be recovered from the beneficiary in full or in part on the grounds and within the time limits provided in Council Regulation (EC, Euratom) No 2988/95 on the protection of the European Communities' financial interests (OJ L 312, 23.12.1995, pp 1–4), Regulations (EU) No 1303/2013, (EU) No 508/2014, (EU) No 2021/1060 and (EU) No 2021/1139 of the European Parliament and of the Council and in other relevant European Union legislation.

(2) State aid to fisheries, *de minimis* aid to fisheries and other aid to fisheries (hereinafter jointly *aid*) may be recovered in part or in full where it becomes evident after payment of the aid that the beneficiary knowingly made false statements, has not complied with the requirements which constitute the basis for payment of aid, has groundlessly received aid in another manner or has not used it for the intended purpose. Where aid which is not misused or unlawful state aid is recovered, a recovery decision may be made within ten years as of the payment of the aid.

(3) A decision to recover the fund support or aid is made by the ARIB, unless otherwise provided by this section.

(4) The Ministry of Regional Affairs and Agriculture makes a decision to recover the fund support or aid where such support or aid is provided through the Ministry of Regional Affairs and Agriculture.

(5) Where state aid to fisheries or *de minimis* aid to fisheries is granted through a foundation, the decision on recovery of aid is made by the foundation.

(6) The ARIB recovers the money received in accordance with subsection 1 of § 54 of this Act in accordance with the rules provided in §§ 73 and 74, where a decision is made to refuse to pay the fund support to a beneficiary or where a beneficiary has used the money received to reimburse for non-eligible expenditure.

(7) Where a beneficiary is a contracting authority or entity for the purposes of the Public Procurement Act, support may be recovered from the beneficiary for violation of requirements provided in the Public Procurement

Act on the same bases and to the same extent as in the case of a financial correction applicable to a Member State.

(8) The EMFF support is not reclaimed from state agencies provided the amount of reclaimed support without interest does not exceed 250 euros and unless otherwise provided by the European Union legislation.

§ 73. Repayment of fund support and aid

(1) The fund support and aid granted on the basis of this Act has to be repaid within 60 calendar days from the day of making the decision to recover the fund support or aid, unless otherwise provided by the European Union legislation.

(2) Where necessary, making of payments of the fund support or aid to a beneficiary may be suspended until repayment of the amount claimed, or the amount of subsequent payment of support or aid within the same operation may be reduced by the amount remaining to be repaid.

(3) Repayment of the fund support or aid to be recovered may be deferred where a beneficiary submits a relevant substantiated application and a schedule for repayment of support or aid. In the case the repayment of support or aid is deferred, support or aid has to be repaid within 12 months as of the day of making the decision on deferring of repayment. In the case repayment of support or aid is deferred, the provider of support or aid has the right to require a guarantee.

(4) The ARIB may defer repayment of support or aid additionally for up to 12 months where repayment of support or aid during the initial time limit may prove significantly difficult or impossible.

(5) Where a beneficiary of the fund support or aid does not pay instalments in accordance with the schedule for the repayment of the support or aid in the event of deferral of the repayment of the support or aid, the provider of support or aid may revoke the decision to defer the repayment of the support or aid.

(6) Where a beneficiary of the fund support or aid fails to repay the support or aid within the time limit determined and the decision to defer repayment of the support or aid has been revoked, the provider of support or aid has the right to pass the decision to recover support or aid for compulsory enforcement in accordance with the rules provided in the Enforcement Procedure Code.

(7) Upon repayment of the fund support or aid, the payment received is deemed to first cover the support to be repaid, then the interest and lastly interest on arrears.

§ 74. Fine for delay and interest

(1) Upon failure to repay the fund support or support by the due date, a beneficiary must pay a fine for delay at the rate of 0.06 per cent for each calendar day by which repayment of support or aid is delayed.

(2) In the case repayment of the fund support or aid is deferred, a beneficiary of support or aid pays interest as of the day following the due date provided in subsection 1 of § 73 of this Act. The rate of interest on the balance of the support or aid to be repaid is six-month Euribor plus three per cent per year. The six-month Euribor as at the banking day preceding the making of the decision is used. The basis for interest calculation is a period of 360 days. In the case of a negative Euribor, the summed percentages below one are not applied.

(3) No fine for delay or interest is required from state agencies, unless the European Commission requires payment of the fine for delay from the state. In this case, the state claims the fine for delay or interest to the extent of the amount of fine for delay paid to the European Commission.

(4) Calculation of a fine for delay is terminated when the amount of the fine for delay exceeds the amount of the reclaimed support or aid which constitutes the basis for its calculation.

(5) The provisions of clause 1 of § 23 of the State Liability Act do not apply to implementation of measures for fisheries market organisation.

§ 75. Recovery of illegal and misused state aid to fisheries

Where aid or fund support that is unlawful or misused for the purposes of Council Regulation (EU) 2015/1589 is recovered, it is recovered on the basis and in accordance with the rules provided in § 42 of the Competition Act, and in this case §§ 72–74 of this Act do not apply to recovery.

Chapter 14

Liability

§ 76. Violation of marketing standards for fishery products and requirements for consumer information

(1) Violation of marketing standards for fishery products and requirements for consumer information is punishable by a fine of up to 100 fine units.

(2) The same act, where committed by a legal person, is punishable by a fine of up to 3,200 euros.

§ 77. Proceedings

The Agriculture and Food Board or the Environmental Inspectorate within the limits of its competence is the extra-judicial body which conducts proceedings in misdemeanour cases provided in § 76 of this Act.

Chapter 15 Implementing Provisions

Subchapter 1 Validity of Legislation

§ 78. Validity of legislation

(1) Legislation issued on the basis of subsection 1 of § 19⁴ and subsection 4 of § 19⁸ of the Fisheries Market Organisation Act (RT I 2003, 88, 593) is in force until 31 December 2025.

(2) Legislation issued on the basis of subsection 2 of § 10, subsection 1¹ of § 12, subsection 1 of § 40, subsection 1 of § 44 and subsection 2 of § 48 of the Fisheries market organisation Act (RT I, 05.12.2014, 1) is in force until repealed.

(3) Legislation issued on the basis of subsection 1 of § 19, subsection 2 of § 21, subsections 3 and 7 of § 24, subsection 2 of § 25, subsection 3 of § 26, subsection 6 of § 31 and subsection 8 of § 36 of the Fisheries Market Organisation Act (RT I, 05.12.2014, 1) is in force until 31 December 2035.

(4) In 2023, the minister in charge of the policy sector may amend the legislation specified in subsection 3 of this section.

Subchapter 2 Transitional Provisions for Implementation of European Fisheries Fund

§ 79. Authorities managing provision of support from European Fisheries Fund

(1) The duties of a managing authority, certifying authority and audit authority specified in Article 58(1) of Council Regulation (EC) No 1198/2006 on the European Fisheries Fund (OJ L 223, 15.08.2006, pp 1–44) are performed by the Ministry of Regional Affairs and Agriculture, unless otherwise provided by this Chapter.

(2) The ARIB performs the duties of a managing authority and certifying authority specified in Article 58(1) of Council Regulation (EC) No 1198/2006 which performance has been assigned to it by this Act or a directive of the minister in charge of the policy sector.

§ 80. Implementation of financial engineering instruments

(1) An administrative contract entered into on the basis of subsection 4 of § 19² of the Fisheries Market Organisation Act (RT I 2003, 88, 593) is in force until the date specified in the contract.

(2) Where an administrative contract specified in subsection 1 of this section is terminated unilaterally or other circumstances occur which prevent further performance of the administrative duties by the foundation, further implementation of the financial engineering instruments is terminated.

§ 81. State enforcement and administrative supervision

(1) State enforcement and administrative supervision over compliance of with requirements for use of support from the European Fisheries Fund and the assets acquired or constructed with it is exercised by the ARIB, unless otherwise provided by this section.

(2) The Ministry of Regional Affairs and Agriculture exercises state enforcement and administrative supervision over compliance with requirements for use of support from the European Fisheries Fund and the assets acquired, built or renovated with it:

- 1) in the case of the support specified in Article 46 of Council Regulation (EC) No 1198/2006;
- 2) in the case of other support to the extent which is necessary for performance of the duties provided in Articles 61(1)(b) of Council Regulation (EC) No 1198/2006.

(3) Administrative supervision over performance of an administrative contract specified in subsection 1 of § 80 of this Act is exercised by the Ministry of Regional Affairs and Agriculture.

(4) In order to exercise state enforcement, a law enforcement agency may apply the special measures provided in subsection 1 of § 70 of this Act with the special rules provided in subsections 2–4 of the same section.

§ 82. Recovery of support from European Fisheries Fund

(1) The ARIB reclaims support from the European Fisheries Fund, with the exception of technical assistance, in full or in part, where it becomes evident after payment of the support that:

- 1) the information affecting the decision to grant the application or the calculation of the amount of support is inaccurate; or
- 2) the support has been used to cover non-eligible expenditure.

(2) In addition to the bases specified in subsection 1 of this section, the ARIB may require repayment of support from European Fisheries Fund in full or in part, with the exception of technical assistance, where at least one of the following circumstances occurs:

- 1) circumstances become evident which preclude approval of the application;
- 2) use of support and assets acquired, built or renovated with support does not comply with the prescribed conditions;
- 3) liquidation proceedings have been initiated against the beneficiary or the beneficiary is declared bankrupt;
- 4) it becomes evident that the objectives of the project cannot be achieved or that the time limits for the activities of the project have not been adhered to;
- 5) the decision to approve the application has been revoked;
- 6) a precept of a law enforcement agency has not been complied with by the due date;
- 7) the beneficiary has not complied with the obligations imposed to the beneficiary.

(3) Technical assistance is recovered by the Ministry of Regional Affairs and Agriculture on the bases provided in this section.

(4) A decision to recover support from the European Fisheries Fund may be made within the time limits provided in Council Regulation (EC, Euratom) No 2988/95.

(5) The ARIB may defer repayment of support from the European Fisheries Fund to be recovered, where a beneficiary submits an appropriate reasoned application and schedule for repayment of support. In the case repayment of support is deferred, the support has to be repaid within at the latest 12 months as of the day of making the decision on deferral of the repayment. In the case repayment of support is deferred, the ARIB has the right to require a guarantee.

(6) Where a beneficiary of support from the European Fisheries Fund fails to repay the support within the time limit determined or within the time limit prescribed in the repayment schedule in the case repayment of the support is deferred, the ARIB has the right to pass the decision on recovery of the support for compulsory enforcement in accordance with the rules provided in the Code of Enforcement Procedure.

§ 83. Interest and fine for delay

(1) The support from the European Fisheries Fund provided on the basis of the Fisheries Market Organisation Act (RT I 2003, 88, 593) is recovered on the grounds and in accordance with the rules provided in this Act.

(2) In the case of support from the European Fisheries Fund that was recovered before the entry into force of this Act, a fine for delay and interest are calculated at the rate provided in this Act on the part of the support that was not repaid as at 1 January 2023.

(3) In the case of support from the European Fisheries Fund that was recovered before the entry into force of this Act, the provisions of subsection 7 of § 73 of this Act apply to payments received from 1 January 2023.

(4) Executive authorities of the state are not required to pay any fine for delay on resources allocated for support from the European Fisheries Fund or self-financing. Where the European Commission demands payment of a fine for delay from the state, the executive authority of the state pays the fine for delay to the extent of the amount which the state paid to the European Commission.

§ 84. Decision relating to support from European Fisheries Fund

The provisions of subsection 7 of § 7 of this Act apply to delivery of decisions relating to support from the European Fisheries Fund.

§ 85. Resolution of disputes relating to support from European Fisheries Fund

(1) In the case of disputes relating to support from the European Fisheries Fund, challenge proceedings are undertaken on the conditions and in accordance with the rules provided in the Administrative Procedure Act before filing an appeal with an administrative court.

(2) A challenge is adjudicated within 30 calendar days as of acceptance of the challenge.

§ 86. Data processing

Processing of the data entered in the register of agricultural support and agricultural parcels on the basis of subsection 6 of § 8¹ the Fisheries Market Organisation Act (RT I 2003, 88, 593) is continued in the specified register until 31 December 2025.

Subchapter 3

Transitional Provisions for Implementation of EMFF

§ 87. Recognised producer organisation

A producer organisation recognised on the basis of subsection 1 of § 12 of the Fisheries Market Organisation Act (RT I, 05.12.2014, 1) is considered a producer organisation recognised under this Act.

§ 88. Fisheries council

The fisheries council formed on the basis subsection 1 of § 3 of the Fisheries Market Organisation Act (RT I, 05.12.2014, 1) performs the duties provided in § 4 of this Act until the formation of a fisheries council in accordance with § 3 of this Act.

§ 89. Recovery of EMFF support

(1) The support from the European Fisheries Fund granted on the basis of the Fisheries Market Organisation Act (RT I, 05.12. 2014, 1) is recovered on the grounds and in accordance with the rules provided in this Act.

(2) In the case of the EMFF support recovered before the entry into force of this Act, a fine for delay and interest are calculated at the rate provided in this Act on the part of the support that was not repaid as at 1 January 2023.

(3) In the case of the EMFF support recovered before the entry into force of this Act, the provisions of subsection 7 of § 73 of this Act apply to payments received from 1 January 2023.

Subchapter 4

Transitional Provisions for Implementation of EMFAF

§ 90. Establishment of conditions of EMFAF measure prior to approval of EMFAF Operational Programme

(1) The minister in charge of the policy sector may establish conditions of the EMFAF measure before approval of the EMFAF Operational Programme by the European Commission but not earlier than two months after submission of a draft operational programme to the European Commission.

(2) No decision to approve an application for the EMFAF support is made before the European Commission approves the EMFAF Operational Programme.

(3) Where the draft EMFAF Operational Programme differs from the approved operational programme, the conditions of the EMFAF measure established before the approval of the operational programme may be amended in the part in which the conditions of the measure contradict the operational programme.

(4) Where the conditions of the EMFAF measure are amended in accordance with subsection 3 of this section, a time limit is determined for an applicant to make the application for the EMFAF support comply with the conditions of the measure. Where an applicant does not agree to amendment of the application or does not amend the application during the determined term, a decision to deny the application is made.

(5) Where an application for the EMFAF support is submitted more than 60 working days before the approval of the EMFAF Operational Programme by the European Commission, the decision to approve or deny an application is made within 30 working days as of the approval of the operational programme.

Subchapter 5

Other Transitional Provisions

§ 91. Recovery of illegal and misused state aid to fisheries

The wording of the Fisheries Market Organisation Act (RT I, 05.12.2014, 1) in force before 1 July 2021 applies to any unlawful and misused state aid to fisheries granted before 1 July 2021 for which a recovery decision is made as of 1 July 2021.

§ 92. [The provisions on amendment of other Acts omitted from the translation.]

§ 93. Repeal of Act

The Fisheries Market Organisation Act (RT I, 05.12. 2014, 1) is repealed.

§ 94. Entry into force of Act

(1) This Act enters into force on 1 January 2023.

(2) Clauses 1, 2 and 4 of § 92 of this Act are implemented retroactively as of 1 January 2022.