



Brussels, 15.9.2017
COM(2017) 484 final

2017/0222 (NLE)

Proposal for a

COUNCIL DECISION

on the signing, on behalf of the Union, and provisional application of a Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

On the basis of the relevant negotiating directives¹, the Commission conducted negotiations with the Government of Mauritius with a view to concluding a new Protocol to the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius². Following these negotiations, a new Protocol was initialled on 26 April 2017. The Protocol covers a period of four years from the date of its provisional application, i.e. from the date on which it is signed, as it states in Article 15.

The main aim of the new Protocol is to provide fishing opportunities for Union vessels in Mauritius waters, on the basis of the best available scientific advice and respecting the recommendations of the Indian Ocean Tuna Commission (IOTC), where applicable within the limits of the available surplus. The Commission based its position in part on the results of an evaluation of the previous Protocol (2014-2017) and a forward-looking assessment of whether a new Protocol should be concluded. Both were carried out by external experts. The Protocol will also enable the European Union and the Republic of Mauritius to work more closely on promoting a sustainable fisheries policy, sound exploitation of fisheries resources in Mauritius waters, and Mauritius's efforts to develop its sustainable ocean economy, in the interests of both parties.

The Protocol provides for fishing opportunities in the following categories:

- 40 tuna seiners;
- 45 surface long-liners.

• Consistency with existing policy provisions in the policy area

The new Protocol will provide a framework for Union vessels fishing in Mauritius waters and for stronger cooperation between the Union and Mauritius, taking into account the priorities of the reformed Common Fisheries Policy and its external dimension. The aim is to establish a strategic partnership with this country.

The Commission therefore proposes that the Council authorise the signing and provisional application of the new Protocol.

• Consistency with other Union policies

The proposal is consistent with the European Union's external action towards African, Caribbean and Pacific (ACP) countries.

2. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

The interested parties were consulted during the ex-post and ex-ante evaluations on a possible new Protocol between the European Union and the Republic of Mauritius. Experts from the Member States and industry were also consulted in technical meetings. These consultations

¹ Adopted by the 3459th meeting of the Agriculture and Fisheries Council on 11.04.2016.

² OJ L 79, 18.3.2014, p.3.

led to the conclusion that it would be beneficial for the European Union and the Republic of Mauritius to conclude a new Protocol to the Fisheries Partnership Agreement.

3. BUDGETARY IMPLICATIONS

The annual financial contribution is EUR 575 000, based on :

(a) a reference tonnage of 4 000 tonnes, for which an annual amount linked to access has been set at EUR 220 000;

(b) support for development of the sectoral fisheries policy of the Republic of Mauritius, amounting to EUR 220 000 annually; and

(c) support for development in the field of ocean economy amounting to EUR 135 000 annually.

This support meets the objectives of the national fisheries, maritime policy and ocean economy, and in particular Mauritius's needs in relation to: scientific research; artisanal fisheries; fisheries monitoring, control and surveillance; and the fight against illegal fishing.

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on the signing, on behalf of the Union, and provisional application of a Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 28 January 2014, the Council adopted Council Decision 2014/146/EU³ on the conclusion of the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius (hereinafter referred to as the "Agreement").
- (2) The first Protocol to the Agreement set out, for a period of three years, the fishing opportunities granted to Union vessels in the fishing zone under the sovereignty or jurisdiction of Mauritius and the financial contribution granted by the Union. The period of application of that Protocol expired on 27 January 2017.
- (3) The Commission has negotiated, on behalf of the European Union, a new Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius (hereinafter referred to as 'the Protocol'). The Protocol was initialled on 26 April 2017.
- (4) The objective of the Protocol is to enable the European Union and the Republic of Mauritius to work more closely on promoting a sustainable fisheries policy, sound exploitation of fisheries resources in Mauritius waters, and Mauritius's efforts to develop its sustainable ocean economy
- (5) Therefore, the Protocol should be signed on behalf of the Union, subject to its conclusion at a later date.
- (6) In order to ensure an expeditious start to fishing activities of Union vessels, the Protocol should be applied provisionally, pending its entry into force,

³ Council Decision 2014/146/EU of 28 January 2014 on the conclusion of the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius (OJ L 79, 18.3.2014, p. 2)

HAS ADOPTED THIS DECISION:

Article 1

The signing of a Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius is hereby approved on behalf of the Union, subject to the conclusion of the said Protocol.

The text of the Protocol to be signed is attached to this Decision. .

Article 2

The Council Secretariat-General shall establish the instruments of full powers to sign the Protocol, subject to its conclusion, for the person(s) indicated by the negotiator of the Protocol.

Article 3

The Protocol shall be applied provisionally in accordance with Article 15 of the Protocol, as from the day of its signature, pending its entry into force.

Article 4

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

Done at Brussels,

For the Council
The President

LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

- 1.1. Title of the proposal/initiative
- 1.2. Policy area(s) concerned in the ABM/ABB structure
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LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

Proposal for a Council Decision on the conclusion of a Protocol to the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius

1.2. Policy area(s) concerned in the ABM/ABB structure⁴

11. – Maritime Affairs and Fisheries

11.03 – Compulsory contributions to regional fisheries management organisations (RFMOs) and other international organisations and sustainable fisheries agreements (SFAs).

1.3. Nature of the proposal/initiative

☒ The proposal/initiative relates to **a new action**

☐ The proposal/initiative relates to **a new action following a pilot project/preparatory action⁵**

☐ The proposal/initiative relates to **the extension of an existing action**

☐ The proposal/initiative relates to **an action redirected towards a new action**

1.4. Objective(s)

1.4.1. The Commission's multiannual strategic objective(s) targeted by the proposal/initiative

The negotiation and conclusion of Sustainable Fisheries Partnership Agreements (SFPAs) with third countries meet the general objective of giving EU fishing vessels access to the fishing zones of third countries and developing a partnership with those countries with a view to strengthening the sustainable exploitation of fishery resources outside EU waters.

SFPAs also ensure consistency between the principles governing the Common Fisheries Policy and the commitments made under other European policies (sustainable use of third-country resources, combating illegal, unreported and unregulated (IUU) fishing, integration of partner countries into the global economy and better political and financial governance of fisheries).

1.4.2. Specific objective(s) and ABM/ABB activity(ies) concerned

Specific objective:

To contribute to sustainable fishing in non-EU waters, maintain a European presence in distant-water fisheries and protect the interests of the European fisheries sector and consumers by negotiating and concluding SFPAs with coastal states, consistent with other European policies.

ABM/ABB activity(ies) concerned

⁴ ABM: activity-based management; ABB: activity-based budgeting.

⁵ As referred to in Article 54(2)(a) or (b) of the Financial Regulation.

Maritime affairs and fisheries, to establish a governance framework for fishing activities carried out by European Union fishing vessels in third country waters (SFAs) (budget line 11.0301).

1.4.3. *Expected result(s) and impact*

Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.

The conclusion of the Protocol enables the establishment of a strategic fisheries partnership between the European Union and the Republic of Mauritius. The conclusion of the Protocol will create fishing opportunities for Union vessels in Mauritius waters.

The Protocol will also contribute to better management and conservation of fishery resources, through financial support (sectoral support) for the implementation of programmes adopted at national level by the partner country, in particular as regards monitoring and combating illegal fishing.

Finally the Protocol will contribute to Mauritius ocean based economy, promoting blue growth and a sustainable exploitation of its marine resources.

1.4.4. *Indicators of results and impact*

Specify the indicators for monitoring implementation of the proposal/initiative.

Rates of utilisation of fishing opportunities (annual uptake of fishing authorisations as a percentage of availability under the Protocol);

Gathering and analysing data on catches and the commercial value of the Agreement;

Contribution to employment and to added value in the EU and to stabilising the EU market (in aggregate with other SFPAs);

Number of technical meetings and meetings of the Joint Committee.

1.5. **Grounds for the proposal/initiative**

1.5.1. *Requirement(s) to be met in the short or long term*

It is intended that the new Protocol will apply provisionally from the date of its signature in order not to delay the start of fishing operations.

The new Protocol will provide a framework for the fishing activities of the European fleet in the Mauritius fishing zone and will authorise European vessel owners to apply for fishing authorisations to fish in that zone. In addition, the new Protocol enhances cooperation between the EU and the Republic of Mauritius, with a view to promoting the development of a sustainable fishing policy. It provides, in particular, for vessels to be monitored via VMS and, in the future, for the electronic transmission of catch data. The sectoral support available under the Protocol will help the Republic of Mauritius with its national fisheries strategy, including the fight against IUU fishing.

1.5.2. *Added value of EU involvement*

As regards this new Protocol, failure to act by the EU would impede fishing activities of EU vessels, as the Agreement contains a clause excluding fishing activities not taking place in the framework defined by a protocol to the Agreement. It also offers a framework for an enhanced cooperation with the EU, particularly as regards the fight against illegal fishing.

1.5.3. *Lessons learned from similar experiences in the past*

An analysis of past catches in the Mauritius fishing zone and of recent catches within the framework of similar protocols in the region, as well as the assessments and

available scientific advice, led the parties to set a reference tonnage for tuna and tuna-like species of 4 000 tonnes a year with fishing opportunities for 40 purse seiners and 45 surface long-liners. Sectoral support has been set at a relatively high level in order to take into account requirements in terms of building the capacity of the Mauritius fisheries authorities and the priorities of the national fisheries strategy, as well as plans for supporting ocean based economy of this Island State.

1.5.4. Compatibility and possible synergy with other appropriate instruments

Funds provided under the FPA constitute fungible revenue in the national budget of Mauritius. However, allocating some of those funds for implementing measures as part of the country's sectoral policy is a condition for the conclusion and monitoring of SFPAs. These financial resources are compatible with other sources of funding from other providers of international funding for carrying out projects and/or programmes at national level in the fisheries sector.

1.6. Duration and financial impact

- ☒ Proposal/initiative of **limited duration**
- ☒ Proposal/initiative in effect from 2017 to 2021
- ☒ Financial impact from from 2017 to 2021
- ☐ Proposal/initiative of **unlimited duration**

Implementation with a start-up period from YYYY to YYYY,
followed by full-scale operation.

Management mode(s) planned⁶

- ☒ **Direct management** by the Commission
- ☒ by its departments, including by its staff in the Union delegations;
- ☐ by the executive agencies
- ☐ **Shared management** with the Member States
- ☐ **Indirect management** by entrusting budget implementation tasks to:
 - ☐ third countries or the bodies they have designated;
 - ☐ international organisations and their agencies (to be specified);
 - ☐ the EIB and the European Investment Fund;
 - ☐ bodies referred to in Articles 208 and 209 of the Financial Regulation;
 - ☐ public law bodies;
 - ☐ bodies governed by private law with a public service mission to the extent that they provide adequate financial guarantees;
 - ☐ bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that provide adequate financial guarantees;
 - ☐ persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.

If more than one management mode is indicated, please provide details in the 'Comments' section.

Comments

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⁶ Details of management modes and references to the Financial Regulation may be found on the BudgWeb site: http://www.cc.cec/budg/man/budgmanag/budgmanag_en.html

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

2.1.1. Specify frequency and conditions.

The Commission (DG MARE), in collaboration with its fisheries attaché based in the region) will ensure regular monitoring of the implementation of the Protocol, as regards the use by operators of fishing opportunities and catch data and the respect of sectoral support conditionalities.

The FPA provides for at least one annual meeting of the Joint Committee, at which the Commission and the Republic of Mauritius review the implementation of the Agreement and Protocol and, if necessary, adjust the programming and, if applicable, the financial contribution.

2.2. Management and control system

2.2.1. Risk(s) identified

The identified risk is an under utilisation or delays in the utilisation of the funds intended to finance the sectoral fisheries policy.

2.2.2. Information concerning the internal control system set up

Extensive dialogue is planned on the programming and implementation of the sectoral policy laid down in the Agreement and the Protocol. Joint analysis of results, as referred to in Article 5 of the Protocol, also forms part of these control methods.

In addition, the Agreement and the Protocol contain specific clauses for their suspension, on certain conditions and in given circumstances.

Estimate of the costs and benefits of the controls and assessment of the expected level of risk of error

[...]

[...]

2.3. Measures to prevent fraud and irregularities

Specify existing or envisaged prevention and protection measures.

The Commission undertakes to establish a political dialogue and regular coordination with the Republic of Mauritius with a view to improving the management of the Agreement and the Protocol and strengthening the EU's contribution to the sustainable management of resources. Any payment which the Commission makes under a FPA is subject to the Commission's standard rules and budgetary and financial procedures. In particular, the bank account of the third countries into which the financial contribution is paid is fully identified. Article 4(8) of this Protocol stipulates that the entire financial contribution must be paid into an account of the Public Treasury account opened with the central Bank of Mauritius.

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

Existing budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number [Heading.....]]	Diff. ⁷	from EFTA countries ⁸	from candidate countries ⁹	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
2	11.03.01 Establishing a governance framework for fishing activities carried out by European Union fishing vessels in third country waters (SFAs)	Diff./Non-diff.	NO	NO	NO	NO

New budget lines requested

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number [...][Heading.....]]	Diff./Non-diff.	from EFTA countries	from candidate countries	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
	[...][XX.YY.YY.YY]		YES/NO	YES/NO	YES/NO	YES/NO

⁷ Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

⁸ EFTA: European Free Trade Association.

⁹ Candidate countries and, where applicable, potential candidate countries from the Western Balkans.

3.2. Estimated impact on expenditure

Summary of estimated impact on expenditure

EUR million (to three decimal places)

Heading of multiannual financial framework	Number 2	Sustainable Growth: natural resources
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DG: <MARE>			Year 2017 ¹⁰	Year 2018	Year 2019	Year 2020	Enter as many years as necessary to show the duration of the impact (see point 1.6)			TOTAL
• Operational appropriations										
Number of budget line 11.0301	Commitments	(1)	0.575	0.575	0.575	0.575				2.300
	Payments	(2)	0.575	0.575	0.575	0.575				2.300
Number of budget line	Commitments	(1a)								
	Payments	(2a)								
Appropriations of an administrative nature financed from the envelope of specific programmes ¹¹										
Number of budget line		(3)								
TOTAL appropriations for DG MARE	Commitments	=1+1a +3	0.575	0.575	0.575	0.575				2.300
	Payments	=2+2a +3	0.575	0.575	0.575	0.575				2.300

¹⁰ Year N is the year in which implementation of the proposal/initiative starts.

¹¹ Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former ‘BA’ lines), indirect research, direct research.

• TOTAL operational appropriations	Commitments	(4)	0.575	0.575	0.575	0.575				2.300
	Payments	(5)	0.575	0.575	0.575	0.575				2.300
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)								
TOTAL appropriations under HEADING 2 of the multiannual financial framework	Commitments	=4+ 6	0.575	0.575	0.575	0.575				2.300
	Payments	=5+ 6	0.575	0.575	0.575	0.575				2.300

If more than one heading is affected by the proposal / initiative:

• TOTAL operational appropriations	Commitments	(4)								
	Payments	(5)								
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)								
TOTAL appropriations under HEADINGS 1 to 4 of the multiannual financial framework (Reference amount)	Commitments	=4+ 6								
	Payments	=5+ 6								

Heading of multiannual financial framework	5	‘Administrative expenditure’
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EUR million (to three decimal places)

		Year 2017	Year 2018	Year 2019	Year 2020	Enter as many years as necessary to show the duration of the impact (see point 1.6)			TOTAL
DG: MARE									
• Human resources									
• Other administrative expenditure									
TOTAL DG MARE	Appropriations								

TOTAL appropriations under HEADING 5 of the multiannual financial framework	(Total commitments = Total payments)								
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EUR million (to three decimal places)

		Year N ¹²	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			TOTAL
TOTAL appropriations under HEADINGS 1 to 5 of the multiannual financial framework	Commitments	0.798	0.798	0.798	0.848				3.242
	Payments	0.798	0.798	0.798	0.848				3.242

¹² Year N is the year in which implementation of the proposal/initiative starts.

Estimated impact on operational appropriations

☐ The proposal/initiative does not require the use of operational appropriations

☒ The proposal/initiative requires the use of operational appropriations, as explained below:

Commitment appropriations in EUR million (to three decimal places)

Indicate objectives and outputs ↓			Year 2017		Year 2018		Year 2019		Year 2020		Enter as many years as necessary to show the duration of the impact (see point 1.6)						TOTAL	
	OUTPUTS																	
	Type 13	Average cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	Total No	Total cost
SPECIFIC OBJECTIVE No 1 ¹⁴ ...																		
- access (ref t)	Annual	0.220		0.220		0.220		0.220		0.220								0.880
- sectoral	Annual	0.355		0.355		0.355		0.355		0.355								1.420
- Output																		
Subtotal for specific objective No 1				0.575		0.575		0.575		0.575								2.300
SPECIFIC OBJECTIVE No 2 ...																		
- Output																		
Subtotal for specific objective No 2																		
TOTAL COST				0.575		0.575		0.575		0.575								2.300

¹³

Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).

¹⁴

As described in point 1.4.2. 'Specific objective(s)...'

Estimated impact on appropriations of an administrative nature

Summary

- ☒ The proposal/initiative does not require the use of appropriations of an administrative nature
- ☐ The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to three decimal places)

	Year ¹⁵	Year	Year	Year	Enter as many years as necessary to show the duration of the impact (see point 1.6)	TOTAL
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HEADING 5 of the multiannual financial framework								
Human resources								
Other administrative expenditure								
Subtotal HEADING 5 of the multiannual financial framework								

Outside HEADING 5¹⁶ of the multiannual financial framework								
Human resources								
Other expenditure of an administrative nature								
Subtotal outside HEADING 5 of the multiannual financial framework								

TOTAL								.
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The appropriations required for human resources and other expenditure of an administrative nature will be met by appropriations from the DG that are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

¹⁵ Year N is the year in which implementation of the proposal/initiative starts.

¹⁶ Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

Estimated requirements of human resources

☐ The proposal/initiative does not require the use of human resources.

☒ The proposal/initiative requires the use of human resources, as explained below:

Estimate to be expressed in full time equivalent units

	Year 2017	Year 2018	Year 2019	Year 2020
• Establishment plan posts (officials and temporary staff)				
XX 01 01 01 (Headquarters and Commission's Representation Offices)				
XX 01 01 02 (Delegations)				
XX 01 05 01 (Indirect research)				
10 01 05 01 (Direct research)				
• External staff (in Full Time Equivalent unit: FTE)¹⁷				
XX 01 02 01 (AC, END, INT from the 'global envelope')				
XX 01 02 02 (AC, AL, END, INT and JED in the delegations)				
11 01 04 01¹⁸	- at Headquarters			
	- in Delegations			
XX 01 05 02 (AC, END, INT - Indirect research)				
10 01 05 02 (AC, END, INT - Direct research)				
Other budget lines (specify)				
TOTAL				

XX is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary staff	Implementation of the Protocol (payments, access to Mauritius waters by EU vessels, processing of fishing authorisations), preparation and follow up of Joint Committees)preparation for the renewal of the Protocol : external evaluation, legislative procedures, negotiations.
External staff	Implementation of the Protocol: contacts with Mauritius authorities for access by Eu vessels to Mauritius waters, processing of fishing authorisation preparation and follow up of Joint Committees, in particular sectoral support implementation.

¹⁷ AC= Contract Staff; AL = Local Staff; END= Seconded National Expert; INT = agency staff; JED= Junior Experts in Delegations.

¹⁸ Sub-ceiling for external staff covered by operational appropriations (former 'BA' lines).

Compatibility with the current multiannual financial framework

- ☒ The proposal/initiative is compatible the current multiannual financial framework.
- ☐ The proposal/initiative will entail reprogramming of the relevant heading in the multiannual financial framework.

Explain what reprogramming is required, specifying the budget lines concerned and the corresponding amounts.

[\[...\]](#)

- ☐ The proposal/initiative requires application of the flexibility instrument or revision of the multiannual financial framework.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

[\[...\]](#)

Third-party contributions

- ☒ The proposal/initiative does not provide for co-financing by third parties.

The proposal/initiative provides for the co-financing estimated below:

Appropriations in EUR million (to three decimal places)

	Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			Total
Specify the co-financing body								
TOTAL appropriations co-financed								

3.3. Estimated impact on revenue

☒ The proposal/initiative has no financial impact on revenue.

☐ The proposal/initiative has the following financial impact:

☐ on own resources

☐ on miscellaneous revenue

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative ¹⁹						
		Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)		
Article								

For miscellaneous 'assigned' revenue, specify the budget expenditure line(s) affected.

[...]

Specify the method for calculating the impact on revenue.

[...]

¹⁹

As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 25 % for collection costs.