EUROPEAN UNION

THE EUROPEAN PARLIAMENT **THE COUNCIL**

Brussels, 17 December 2024
(OR. en)

2024/0274(COD) **PE-CONS 101/24**

AGRISTR 78
AGRI 786
AGRIORG 159
CODEC 2060

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2020/2220 as regards specific measures under the European Agricultural Fund for Rural Development to provide additional assistance to Member States affected by natural disasters

REGULATION (EU) 2024/…
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of …

amending Regulation (EU) 2020/2220
as regards specific measures
under the European Agricultural Fund for Rural Development
to provide additional assistance to Member States
affected by natural disasters

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[1],

Having regard to the opinion of the Committee of the Regions[2],

Acting in accordance with the ordinary legislative procedure[3],

---

1 Opinion of 4 December 2024 (not yet published in the Official Journal).
2 Opinion of 21 November 2024 (not yet published in the Official Journal).
3 Position of the European Parliament of 17 December 2024 (not yet published in the Official Journal) and decision of the Council of …

Whereas:

(1) The recent natural disasters in Central and Eastern Europe, as well as in Southern Europe, have had a devastating effect on the rural populations living and working in those regions. A considerable amount of agricultural and forestry production potential has been destroyed and, as a consequence, farmers, forest holders and rural businesses in the regions affected by natural disasters are faced with significant losses of income. In order to quickly address the vulnerabilities of the Union's food system and of rural communities resulting from those natural disasters, it is appropriate to rapidly provide exceptional effective support through the European Agricultural Fund for Rural Development (EAFRD), implemented under rural development programmes, and to provide for more flexibility for the existing rules.

(2) In order to respond to the consequences of natural disasters occurring on or after 1 January 2024, a new exceptional and temporary measure ('the new measure') should be provided for addressing the liquidity problems that put at risk the continuity of farming and forestry activities and the continuity of business activities of small and medium-sized enterprises (SMEs) active in the processing, marketing or development of agricultural and forestry products. Moreover, support for restoration of agricultural production potential available under Regulation (EU) No 1305/2013 of the European Parliament and of the Council[4] should be reinforced by providing more budgetary flexibility as regards the non-regression threshold provided for in Article 1(2) of Regulation (EU) 2020/2220 of the European Parliament and of the Council[5] ('the non-regression threshold').

---

4 Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487, ELI: http://data.europa.eu/eli/reg/2013/1305/oj).

5 Regulation (EU) 2020/2220 of the European Parliament and of the Council of 23 December 2020 laying down certain transitional provisions for support from the European Agricultural Fund for Rural Development (EAFRD) and from the European Agricultural Guarantee Fund (EAGF) in the years 2021 and 2022 and amending Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards resources and application in the years 2021 and 2022 and Regulation (EU) No 1308/2013 as regards resources and the distribution of such support in respect of the years 2021 and 2022 (OJ L 437, 28.12.2020, p. 1, ELI: http://data.europa.eu/eli/reg/2020/2220/oj).

(3) Since the financing of the new measure will be provided through the EAFRD, the legal framework laid down for the programming period 2014-2020, in particular the specific provisions of Regulation (EU) No 1305/2013 and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council[6], as well as of the delegated and implementing acts adopted pursuant to those Regulations, are to apply to the new measure.

(4) The EAFRD programming period was extended by Regulation (EU) 2020/2220 to run until 31 December 2022 with implementation continuing until 31 December 2025. Regulation (EU) 2020/2220 has also provided for transitional rules to apply during that period of extension. Since the EAFRD is currently in this extended implementation period, it is appropriate to establish the conditions for the new measure and provide for further budgetary flexibilities as regards the non-regression threshold by amending Regulation (EU) 2020/2220.

(5) In order to provide for more budgetary flexibility to reallocate funding for the new measure and the existing sub-measure for restoration of agricultural production potential, while continuing the planned investments and actions in disaster prevention and preparedness, as well as adaptation to climate change to mitigate the impact of the increasingly frequent climate-induced disasters, Member States should be allowed to decrease the non-regression threshold by a maximum of 15 percentage points but not below the minimum threshold of 30 %.

---

[6] Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549, ELI: http://data.europa.eu/eli/reg/2013/1306/oj).

(6) In order to enable Member States to address fully the consequences of natural disasters occurring on or after 1 January 2024, they should be allowed to select for support operations that have been physically completed or fully implemented before the application for the funding under the rural development programme is submitted to the managing authority, provided that those operations are in response to such natural disasters.

(7) The support under the new measure, which aims to secure the competitiveness of SMEs as well as the viability of farmers and forest holders, should concentrate the available resources on beneficiaries who are most affected by natural disasters and grant those resources on the basis of objective and non-discriminatory criteria. The support should be provided only to those beneficiaries which were affected by destruction of at least 30 % of the relevant production or potential as a result of a formally recognised natural disaster, or measures adopted in accordance with Regulation (EU) 2016/2031 of the European Parliament and of the Council[7] in connection with such natural disaster.

(8) Because of the urgent, temporary and exceptional character of the new measure and the need for rapid and simple disbursement of the corresponding payments, a one-off payment and an end date for application of the new measure should be set.

---

[7] Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC (OJ L 317, 23.11.2016, p. 4, ELI: http://data.europa.eu/eli/reg/2016/2031/oj).

(9) In order to give higher support to the farmers, forest holders or SMEs that are most affected by natural disasters, it is appropriate to allow Member States to adjust the level of the lump-sums for certain categories of eligible beneficiaries, for instance by fixing certain ranges or broad categories of eligible beneficiaries, based on objective and non-discriminatory criteria.

(10) When granting support for the new measure, Member States should take into account the support granted under other national or Union support instruments or private schemes to respond to the impact of natural disasters.

(11) The resources for the new measure should be programmed with a co-financing rate of up to 100 %.

(12) In order to ensure adequate funding of the new measure without jeopardising other objectives of the rural development programmes, a maximum share of the Union contribution to the new measure should be fixed.

(13) Support for restoring agricultural and forestry production potential in response to natural disasters should prioritise operations based on the 'build back better' principle, that is to say the use of the recovery, rehabilitation and reconstruction phases after a disaster to increase the resilience of the farming and forestry sector through the integration of disaster risk reduction measures, as indicated in the Sendai Framework for Disaster Risk Reduction 2015-2030 of the United Nations Office for Disaster Risk Reduction, while ensuring that selected operations represent the best relationship between the amount of support and the objective of ensuring disaster resilience.

(14) To reduce the administrative burden of beneficiaries affected by natural disasters and the Member States when recognising 'force majeure', Member States should have the possibility to consider the whole area to be gravely affected by a natural disaster.

(15) In order to ensure uniform conditions for the implementation of the new measure through the rural development programmes within the legal framework of the programming period 2014-2020, as extended by Regulation (EU) 2020/2220, implementing powers should be conferred on the Commission. Those implementing powers should relate to the presentation of the new measure in the rural development programmes, monitoring and evaluation of the rural development policy, presentation of the annual implementation reports and implementation of checks and penalties. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[8].

---

[8] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: http://data.europa.eu/eli/reg/2011/182/oj).

(16) Since the objective of this Regulation, namely to address and mitigate the impact of natural disasters on the Union agri-food and forestry sectors by providing exceptional temporary support through the EAFRD, cannot be sufficiently achieved by the Member States, but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

(17) Regulation (EU) 2020/2220 should therefore be amended accordingly.

(18) In view of the devasting effects of the current natural disasters and the urgency of addressing and mitigating their impact on the Union agri-food and forestry sectors, it is considered appropriate to invoke the exception to the eight-week period provided for in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the TEU, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.

(19) In order to ensure a smooth implementation of the new measure and as a matter of urgency in view of the pressing need to address and mitigate the impact of natural disasters on the Union agri-food and forestry sectors, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2020/2220 is amended as follows:

(1) in Article 1(2), the following subparagraph is added:

‘By way of derogation from the first subparagraph, second sentence, of this paragraph, when reallocating funds to and spending funds for measures referred to in Article 6a of this Regulation and in Article 18(1), point (b), of Regulation (EU) No 1305/2013, Member States may decrease the overall share of the EAFRD contribution reserved for the measures referred to in Article 59(6) of Regulation (EU) No 1305/2013. That decrease shall not go beyond the EAFRD amounts reallocated to the measures referred to in Article 6a of this Regulation and in Article 18(1), point (b), of Regulation (EU) No 1305/2013, and shall not exceed 15 percentage points of the overall share of the EAFRD contribution set in the rural development programmes for the measures referred to in Article 59(6) of Regulation (EU) No 1305/2013. For that purpose, the overall share of the EAFRD contribution set in the rural development programmes as planned at the time of the extension of the period of duration of programmes supported by the EAFRD until 31 December 2022, in accordance with paragraph 1 of this Article, shall be taken into account. The overall share reserved for the measures referred to in Article 59(6) of Regulation (EU) No 1305/2013 shall not be lower than the minimum threshold set out in that Article. The same decrease in percentage points may be applied to the additional resources referred to in Article 58a(2) of Regulation (EU) No 1305/2013 without reallocating funds to the measures referred to in Article 6a of this Regulation and in Article 18(1), point (b), of Regulation (EU) No 1305/2013.’;

(2) in Article 2, the following paragraph is added:

‘5. By way of derogation from Article 65(6) of Regulation (EU) No 1303/2013, the managing authority may select for support operations that have been physically completed or fully implemented before the submission of an application for funding to the managing authority, provided that those operations are implemented through the measures referred to in Article 6a of this Regulation and in Article 18(1), point (b), or Article 24(1), point (d), of Regulation (EU) No 1305/2013 and provided that such operations provide a response to a natural disaster which occurred on or after 1 January 2024.’;

(3) the following articles are inserted:

‘*Article 6a*

Exceptional temporary support to farmers, forest holders and SMEs particularly affected by natural disasters

1. Support under this Article shall provide emergency assistance to farmers, forest holders and small and medium-sized enterprises (SMEs) that are particularly affected by natural disasters, aimed at ensuring continuity of their business activity, subject to the conditions set out in this Article.

2. Support under this Article shall be subject to the formal recognition by the competent public authorities of Member States that a natural disaster as defined in Article 2(1), point (k), of Regulation (EU) No 1305/2013 has occurred on or after 1 January 2024 and that that natural disaster, or measures adopted in accordance with Regulation (EU) 2016/2031 of the European Parliament and of the Council* to eradicate or contain a plant disease or pest, have caused the destruction of at least 30 % of the relevant production or potential.

3. Support under this Article shall be granted to:

   (a) farmers;

   (b) private and public forest holders and other private law and public bodies and their associations, excluding State-owned forest managed by the State;

   (c) SMEs active in the processing, marketing or development of agricultural products covered by Annex I to the TFEU or cotton, except fishery products; or

   (d) SMEs active in the processing, mobilising and marketing of forest products.

   With regard to the processing of agricultural products, the output of the production process may be a product not covered by Annex I to the TFEU.

4. Member States shall target the support under this Article to beneficiaries who are most affected by natural disasters, by determining eligibility conditions on the basis of available evidence.

5. The support under this Article shall take the form of a lump sum payment to be paid by 31 December 2025, based on applications for support approved by the competent authority by 30 June 2025. The level of payment may be differentiated by categories of beneficiaries, on the basis of objective and non-discriminatory criteria.

6. The maximum amount of support under this Article shall not exceed EUR 42 000 per beneficiary.

7. When granting support under this Article, Member States shall take into account the support granted under other national or Union support instruments or private schemes to respond to the impact of natural disasters in order to ensure sound financial management in accordance with Article 33 of Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council[**], as applicable, while targeting the support to beneficiaries who are most affected by natural disasters.

Article 6b

Provisions applicable to the exceptional temporary support to farmers, forest holders and SMEs particularly affected by natural disasters

1. The exceptional temporary support referred to in Article 6a of this Regulation shall be financed by the EAFRD as a measure within the meaning of Article 13 of Regulation (EU) No 1305/2013.

2. The maximum EAFRD contribution for the measure referred to in Article 6a shall be 100 %.

3. The EAFRD support provided for the measure referred to in Article 6a shall not exceed 10 % of the total EAFRD contribution to the rural development programme for the years 2021-2022.

Article 6c

Force majeure

As regards the implementation of Regulation (EU) No 1306/2013 for the purposes of the financing, management and monitoring of the CAP when recognising the cases of "force majeure", as referred to in Article 2(2) of that Regulation, where a severe natural disaster gravely affects a well-determined area, the Member State concerned may consider that whole area to be gravely affected by that disaster.

Article 6d

Commission implementing powers

1. The Commission may adopt implementing acts laying down rules necessary for the implementation of the measure referred to in Article 6a through rural development programmes within the legal framework applicable in the programming period 2014-2020, extended in accordance with Article 1, on:

   (a) monitoring and evaluation of the rural development policy;

   (b) presentation of the rural development programmes;

   (c) presentation of the annual implementation reports;

   (d) implementation of checks and penalties.

2. The implementing acts referred to in paragraph 1 of this Article shall be adopted in accordance with the examination procedure referred to in Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council[***].

Article 6e

Committee procedure

1. In exercising the implementing powers set out in Article 6d(1), points (a), (b) and (c), of this Regulation, the Commission shall be assisted by the Rural Development Committee established by Article 84 of Regulation (EU) No 1305/2013. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. In exercising the implementing powers set out in Article 6d(1), point (d), of this Regulation, the Commission shall be assisted by the Committee on the Agricultural Funds established by Article 103(1) of Regulation (EU) 2021/2116 of the European Parliament and of the Council[****]. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

---

* Regulation (EU) 2016/2031 of the European Parliament of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC (OJ L 317, 23.11.2016, p. 4, ELI: http://data.europa.eu/eli/reg/2016/2031/oj).

** Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (OJ L, 2024/2509, 26.9.2024, ELI: http://data.europa.eu/eli/reg/2024/2509/oj).

*** Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: https://eur-lex.europa.eu/eli/reg/2011/182/oj).

**** Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013 (OJ L 435, 6.12.2021, p. 187, ELI: https://eur-lex.europa.eu/eli/reg/2021/2116/oj).'.

Article 2

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ...,

For the European Parliament	*For the Council*
The President	*The President*