EUROPEAN UNION

THE EUROPEAN PARLIAMENT **THE COUNCIL**

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) No 228/2013 as regards additional assistance to, and further flexibility in respect of, outermost regions affected by severe natural disasters and in the context of the devastation caused by cyclone Chido in Mayotte

REGULATION (EU) 2025/…
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of ...

amending Regulation (EU) No 228/2013
as regards additional assistance to, and further flexibility in respect of,
outermost regions affected by severe natural disasters
and in the context of the devastation caused by cyclone Chido in Mayotte

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 42, Article 43(2) and Article 349 thereof,

Having regard to the proposal from the European Commission,

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

After consulting the European Economic and Social Committee,

Acting in accordance with the ordinary legislative procedure[1],

[1] Position of the European Parliament of 17 June 2025 (not yet published in the Official Journal) and decision of the Council of …

Whereas:

(1) On 18 December 2024, an exceptional natural disaster was declared for Mayotte following the devastating consequences of cyclone Chido, which destroyed much of the agricultural and forestry potential of the island, and threatened the availability of food and its security. That unprecedented cyclone and other recent natural disasters in the outermost regions of the Union within the meaning of Article 349 of the Treaty on the Functioning of the European Union (TFEU) (the ‘outermost regions’) demonstrate the vulnerability of those regions to the effects of climate change, which include an increased risk of exceptional natural disasters and severe meteorological events with long-term consequences.

(2) In order to address and mitigate the impact of exceptional natural disasters or severe meteorological events in the outermost regions, in particular as regards the support for local production provided through the Programme of Options Specifically Relating to Remoteness and Insularity ('the POSEI programme') referred to in Regulation (EU) No 228/2013 of the European Parliament and of the Council[2], it should be possible for affected beneficiaries to continue to receive POSEI programme payments throughout the restoration period, irrespective of the level of their activity, subject to a formal commitment to restore their capacity. Competent national authorities should therefore be able to decide, on the basis of relevant evidence, on the application of the principle of *force majeure* or exceptional circumstances. It should also be possible, in exceptional and duly justified circumstances, for Member States to submit proposals to amend the POSEI programme, in order to extend the restoration period for certain sectors beyond the period that would be justified by the application of the principle of *force majeure* or exceptional circumstances. The implementation of such amendments should be subject to an annual review and the monitoring of progress. Therefore, Articles 6 and 19 of Regulation (EU) No 228/2013 should be amended accordingly.

[2] Regulation (EU) No 228/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in the outermost regions of the Union and repealing Council Regulation (EC) No 247/2006 (OJ L 78, 20.3.2013, p. 23, ELI: http://data.europa.eu/eli/reg/2013/228/oj).

(3) In addition, in order to quickly address the vulnerabilities of Mayotte's food system, and the other challenges for its rural communities, resulting from the unprecedented natural disaster caused by cyclone Chido, it is appropriate to provide, rapidly and on an exceptional basis, effective support through the European Agricultural Fund for Rural Development (EAFRD), and to provide for additional flexibility in the application of the existing rules. Article 6a of Regulation (EU) 2020/2220 of the European Parliament and of the Council[3] introduced a new measure providing exceptional temporary support in response to the impact of natural disasters to be funded under the EAFRD within the legal framework applicable in the programming period 2014-2020, as extended by that Regulation. In order to enable Mayotte to respond to the consequences of cyclone Chido, taking into account the difficulties caused by its specific situation as an outermost region, it is necessary to establish how the measure under Article 6a of Regulation (EU) 2020/2220 is to be applied to Mayotte. As the specific difficulties of responding to the exceptional situation in Mayotte are linked to its remoteness as an outermost region, the flexibility making additional EAFRD support possible should be provided through the establishment of a specific legal framework for the outermost regions. Therefore, Article 22 of Regulation (EU) No 228/2013 should be amended accordingly.

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[3] 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).

(4) Since the objective of this Regulation, namely to address and mitigate the impact of natural disasters on the agri-food and forestry sectors in the outermost regions by providing additional flexibilities after exceptional natural disasters or severe meteorological events and, in particular, after cyclone Chido in Mayotte, 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.

(5) Regulation (EU) No 228/2013 should therefore be amended accordingly.

(6) In view of the devastating effects of the current natural disasters and the urgency of addressing and mitigating their impact on the agri-food and forestry sectors in the outermost regions, as well as the urgency in applying the measure referred to in Article 6a of Regulation (EU) 2020/2220 before the end of the programming period 2014–2020, as extended by that Regulation, it is considered to be 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 TFEU and to the Treaty establishing the European Atomic Energy Community.

(7) In order to ensure the smooth implementation of amendments to Regulation (EU) No 228/2013 and as a matter of urgency in view of the pressing need to address and mitigate the impact of exceptional natural disasters or severe meteorological events in the outermost regions, and in particular that of cyclone Chido in Mayotte, 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) No 228/2013 is amended as follows:

(1) in Article 6, the following paragraph is added:

‘5. In the event of an exceptional natural disaster or severe meteorological event which totally or partially destroys the agricultural production capacity in an outermost region, a Member State may, while applying the principle of *force majeure* or exceptional circumstances, submit to the Commission a proposal for amendments to the POSEI programme in order to allow the beneficiaries concerned to continue to receive POSEI programme support throughout the restoration period in the form of measures to assist local agricultural production provided for in Article 19. The implementation of those amendments to the POSEI programme shall be subject to an annual review and the monitoring of progress by the Commission and the Member State concerned, acting in close cooperation.’;

(2) in Article 19, the following paragraph is added:

‘5. Where the programme is amended in accordance with Article 6(5), beneficiaries affected by the exceptional natural disaster or severe meteorological event may continue to benefit from support in the form of measures to support production, processing or sale provided for in paragraph 4 of this Article throughout the restoration period, irrespective of the level of their activity, provided that they give a formal commitment to restore their agricultural production capacity.’;

(3) in Article 22, the following paragraphs are added:

‘3. By way of derogation from Article 6a(5) of Regulation (EU) 2020/2220 of the European Parliament and of the Council*, Mayotte may approve applications for support after 30 June 2025.

4. In the rural development programme of Mayotte, the European Agricultural Fund for Rural Development (EAFRD) support provided for the measure referred to in Article 6a of Regulation (EU) 2020/2220 shall not exceed the total EAFRD contribution to that rural development programme for the years 2021–2022.

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* 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).’.

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*