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NOTE

Origine:	La présidence
Destinataire:	Délégations
N° doc. Cion:	9347/22
Objet:	Proposition de RÈGLEMENT DU PARLEMENT EUROPÉEN ET DU CONSEIL modifiant le règlement (UE) n° 1305/2013 en ce qui concerne une mesure spécifique destinée à fournir un soutien temporaire exceptionnel au titre du Fonds européen agricole pour le développement rural (Feader) en réaction aux conséquences de l'invasion de l'Ukraine par la Russie - <i>Texte révisé</i>

1. Le 20 mai 2022, la Commission a publié une proposition législative visant à modifier le Règlement relatif au développement rural (Règlement (EU) No 1305/2013) afin d'introduire une mesure spécifique destinée à fournir un soutien temporaire exceptionnel en réaction aux conséquences de l'invasion de l'Ukraine par la Russie (doc. 9347/22).
2. Cette mesure, financée par le Fonds européen agricole pour le développement rural (Feader), permet d'apporter un montant forfaitaire aux agriculteurs et aux PME agricoles les plus durement touchés par les perturbations des marchés et de les aider à maintenir leurs activités.

3. La proposition a été présentée lors de la réunion du Comité spécial Agriculture (CSA) du 7 juin, à l'occasion de laquelle les délégations ont eu la possibilité d'échanger leurs vues et de demander des clarifications techniques à la Commission. La présidence a insisté sur le besoin d'adopter le texte par une procédure d'urgence (sans modification sur le fond) et la demande a été reçue favorablement.
4. Les délégations ont eu l'occasion d'envoyer des commentaires écrits, qui ont été publiés sous la référence 10186/22, et la Commission a fourni des clarifications supplémentaires dans le doc. 10186/2022 ADD1.
5. La consultation du Comité économique et social a été lancée le 23 mai 2022 (CM 3257/22) avec un délai d'un mois.
6. Etant donné le caractère urgent de la proposition, les services du Conseil, du Parlement et de la Commission ont travaillé ensemble pour minimiser le délai en lançant la mise au point juridico-linguistique de façon anticipée.
7. En vue de la réunion du CSA du 17 juin 2022, les délégations trouveront en annexe le texte révisé. Les modifications n'affectent pas le contenu de la proposition mais visent à assurer la cohérence juridique du texte. Dans l'annexe, les modifications apportées au texte de la proposition de la Commission (doc. 9347/22) sont indiqués en **gras-souligné** et ~~barré~~.

PE-CONS No/YY - 2022/0166(COD)

REGULATION (EU) 2022/...
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of ...

amending Regulation (EU) No 1305/2013 as regards a specific measure to provide exceptional temporary support under the European Agricultural Fund for Rural Development (EAFRD) in response to the impact of Russia's invasion of Ukraine

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 and 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 Committee¹,

~~Having regard to the opinion of the Committee of the Regions²,~~

Acting in accordance with the ordinary legislative procedure³,

¹ ~~OJ C , , p. .~~ **Not yet published in the Official Journal.**

² ~~OJ C , , p. .~~

³ **Position of the European Parliament of ... (not yet published in the Official Journal) and decision of the Council of ...**

Whereas:

- (1) Farmers and rural businesses **in the Union** have been affected by the consequences of Russia's invasion of Ukraine in an unprecedented manner. Increasing input prices, ~~notably~~ **particularly** for energy, fertiliser and animal feed, have created economic disruption to the **Union** agricultural sector and rural communities and **have** led to liquidity problems for farmers and small rural businesses active in processing, marketing or development of agricultural products. ~~That~~ **is** has created an exceptional situation which needs to be addressed **by a new exceptional measure**.
- (2) In order to respond to the impact of Russia's invasion of Ukraine **on the Union** **agricultural and food sector**, a new exceptional and temporary measure **should be provided for in this Regulation** ~~should address~~ **ing** the liquidity problems that put at risk the continuity of farming activities and of small businesses active in processing, marketing or development of agricultural products.
- (3) The support **under the measure provided for in this Regulation**, which aims to secure ~~the agro-business competitiveness~~ **of agri-food businesses** and farm viability **in the Union**, should, with a view to best concentrating the available resources on beneficiaries who are ~~suffering~~ **affected the** most ~~from~~ **by** the consequences of Russia's invasion of Ukraine, be granted on the basis of objective and non-discriminatory criteria ~~aiming to target the support to those most affected~~. In the case of farmers, **it should be possible for** such criteria ~~may~~ **to** include production sectors, types of farming or farm structures and, in the case of **small and medium-sized enterprises (SMEs)**, sectors, types of activity, types of regions or other specific constraints.

- (4) The current ~~and dramatic~~ **serious** crisis **in the Union agricultural sector** confirms the need to accelerate the transition towards sustainability to better prepare for future crises. ~~;~~ ~~†~~ The support for ~~under~~ **this** measure **provided for in this Regulation** should therefore not result in a reduction of the overall share of the **European Agricultural Fund for Rural Development (EAFRD)** contribution reserved for the measures referred to in Article 59(6) of Regulation (EU) No 1305/2013 **of the European Parliament and of the Council**⁴.
- (5) Because of the urgency **and the** ~~,~~ temporary and exceptional character of ~~this~~ measure **provided for in this Regulation**, a one-off payment and an end date for application of the measure should be set, ~~while~~ ~~†~~ The principle that payments by the Commission ~~shall~~ **are to** be made in accordance with budget appropriations and subject to available funding **should also** ~~needs~~ ~~also~~ ~~to be recalled~~ **complied with**.
- (6) In order to give higher support ~~where~~ **to** farmers or SMEs **that** ~~are~~ **the** most severely affected, 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, based on objective and non-discriminatory criteria.

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).**

- (7) In order to ensure adequate funding of the new-measure **provided for in this Regulation** without jeopardising other objectives of the rural development programmes, a maximum share of the Union contribution to ~~that~~^{this} measure should be fixed.
- (8) Regulation (EU) No 1305/2013 should therefore be amended accordingly.
- (9) In view of Russia's invasion of Ukraine and the urgency ~~to~~^{of} addressing ~~its~~^{the} impact **of that invasion** on the Union agricultural and food sector, it is considered ~~necessary to be~~^{appropriate to invoke} use the exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the Treaty on European Union **(TEU)**, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.
- (10) Since the objective of this Regulation, namely to address the exceptional situation created in the Union agricultural and food sector by the impact of the Russia's invasion of Ukraine, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 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.**

(101) Given the urgency of the situation relating ~~to~~ to the impact of Russia's invasion of Ukraine on the Union agricultural and food sector, ~~it is appropriate that this Regulation~~ should enters into force as a matter of urgency on the date of its publication in the *Official Journal of the European Union*,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 1305/2013 is amended as follows:

- (1) the following Article is inserted:

‘Article 39c

Exceptional temporary support to farmers and SMEs particularly affected by the impact of Russia’s invasion of Ukraine

1. Support under this measure shall provide emergency assistance to farmers and SMEs particularly affected by the impact of Russia’s invasion of Ukraine, aiming at ensuring continuity of their business activity, subject to the conditions set out in this Article.
2. Support shall be granted to farmers or SMEs active in processing, marketing or development of agricultural products covered by Annex I to the TFEU or cotton, except fishery products. The output of the production process may be a product not covered by that Annex.

3. Member States shall target the support to beneficiaries who are most affected by the impact of Russia's invasion of Ukraine, by determining, on the basis of available evidence, eligibility conditions and, where considered appropriate by the Member State concerned, selection criteria, which shall be objective and non-discriminatory. The support provided by the Member States shall contribute to food security or address market imbalances and shall support farmers or SMEs ~~who engage~~ engaging in one or more of the following activities pursuing ~~those~~ goals:
- (a) circular economy;
 - (b) nutrient management;
 - (c) efficient use of resources;
 - (d) environmental and climate friendly production methods.
4. The support shall take the form of a lump sum payment to be paid by 15 October 2023, based on applications for support approved by the competent authority by 31 March 2023. The subsequent reimbursement by the Commission shall be made in accordance with budget appropriations and subject to available funding. The level of payment may be differentiated by categories of beneficiaries, ~~according to~~ in accordance with objective and non-discriminatory criteria.

5. The maximum amount of support shall not exceed EUR 15 000 per farmer and EUR 100 000 per SME.
6. 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 Russia's invasion of Ukraine.';

(2) in Article 49, paragraph 2 is replaced by the following:

- '2. The Member State authority responsible for the selection of operations shall ensure that operations, with the exception of operations under Article 18(1), point (b), Article 24(1), point (d), and Articles 28 to 31, 33, 34 and 36 to 39c, are selected in accordance with the selection criteria referred to in paragraph 1 of this Article and according to a transparent and well documented procedure.';

(3) in Article 59, the following paragraph is inserted:

- '6b. The EAFRD support provided under Article 39c shall not exceed 5 % of the total EAFRD contribution to the rural development programme for the years 2021-2022 as provided for in Part Two of Annex I.'

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 ~~Brussels~~

For the European Parliament
The President

For the Council
The President
