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**NOTE**

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From: General Secretariat of the Council  
To: Delegations

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Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2021/2115 as regards a specific type of intervention to provide exceptional temporary support under the European Agricultural Fund for Rural Development (EAFRD) and the possibility to adapt direct payments allocations for calendar year 2027 and Regulation (EU) 2021/2116 as regards more flexible rules on payments of advances in response to the increased fertiliser prices due to the Middle East crisis

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The annexed version of the above-mentioned proposal includes two new recitals 20a and 20b compared to the Commission's proposal. This is not a change of substance but a technical adjustment to include the necessary legal justification for the derogation from the normal consultation period for national parliaments and on subsidiarity.

2026/0150 (COD)

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending Regulation (EU) 2021/2115 as regards a specific type of intervention to provide exceptional temporary support under the European Agricultural Fund for Rural Development (EAFRD) and the possibility to adapt direct payments allocations for calendar year 2027 and Regulation (EU) 2021/2116 as regards more flexible rules on payments of advances in response to the increased fertiliser prices due to the Middle East crisis**

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<sup>1</sup>,

Having regard to the opinion of the Committee of the Regions<sup>2</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

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<sup>1</sup> OJ C , , p. .

<sup>2</sup> OJ C , , p. .

- (1) The recent Middle East crisis and the *de facto* closure of the Strait of Hormuz have led to significant increases of global prices for oil, gas and fertilisers. The global nature of the affected markets has significant price effects on several sectors in the economy of the Union across Member States.
  
- (2) The agricultural sector is directly affected by the severe increase of fertiliser prices since fertilisers are essential to agricultural productivity, farm viability and food security. Purchases of fertilisers constitute one of the highest input costs for farmers. In addition to the price level, market volatility leads to a particular exposure of Union farmers. The rising costs of fertilisers may force farmers to cut back on their usage, with a clear risk of reduction in quality and yields. It could also reduce the area they cultivate, which would affect Union agricultural production.

- (3) In order to quickly address vulnerabilities of the Union food system resulting from this crisis and to assist farmers facing liquidity problems, it is appropriate to allow exceptional and temporary support by introducing a new type of intervention for crisis support in Regulation (EU) 2021/2115 of the European Parliament and of the Council<sup>3</sup> provided for through the European Agricultural Fund for Rural Development (EAFRD) and by granting more flexibility to Member States concerning the payment of advances for direct payments in Regulation (EU) 2021/2116 of the European Parliament and of the Council<sup>4</sup>. The introduction of this new type of intervention should not result in an increase of the limits of the land application of fertilisers as determined in the action programmes under Council Directive 91/676/EEC<sup>5</sup>.

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<sup>3</sup> Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (OJ L 435, 6.12.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/2115/oj>).

<sup>4</sup> 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: <http://data.europa.eu/eli/reg/2021/2116/oj>).

<sup>5</sup> Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1, ELI: <http://data.europa.eu/eli/dir/1991/676/oj>).

- (4) The support under the new type of intervention should concentrate the available resources on active farmers who are most affected by high fertiliser prices and should be granted for the additional costs for fertilisers incurred by farmers as a result of price increases occurring as of 1 March 2026. This date serves solely as the reference date for determining the higher fertiliser price and is not linked to the eligibility of the payments to the beneficiaries. To reward farmers who are already under area-based commitments to reduce the use of fertilisers, higher support rates may be provided for those farmers. Moreover, access to relevant knowledge and information on how to reduce the use of fertilisers should be made available to beneficiaries of this intervention. To ensure an efficient use of public support and a fairer distribution of support among eligible farmers, Member States should limit the maximum support per beneficiary or maximum number of hectares supported. Because of the urgent, temporary and exceptional character of this measure and the need for rapid disbursement of the corresponding payments, an end date for the payments to the beneficiaries should be set.
- (5) To ensure sound financial management of the Union funds, Member States should ensure that the total support received by the farmer, in combination with other national or Union support instruments designed to respond to the impact of the high fertiliser prices, does not lead to overcompensation or double funding when granting support for the new type of intervention.
- (6) To incentivise the use of financial instruments for this kind of support, maximum support rates should not apply when support is granted in the form of a standalone working capital.
- (7) In order to avoid delays for payments to farmers facing liquidity problems, it should be provided for that the eligibility of EAFRD-financed expenditure for the new type of intervention may start from the date of entry into force of this Regulation, and also prior to the submission to the Commission of a request for a strategic amendment to the CAP Strategic Plan introducing that intervention.
- (8) The financing of the interventions under the new type of intervention should be programmed with an EAFRD contribution rate of up to 65 % of the eligible public expenditure.

- (9) To ensure adequate funding of the new type of intervention provided for in this Regulation without jeopardising other objectives of the CAP Strategic Plans and the reserved amounts for crisis payments, a maximum share of the Union contribution to the new type of intervention should be fixed.
- (10) Due to its special nature, the new type of intervention should be exempt from the obligation to contribute to the result indicators listed in Annex I to Regulation (EU) 2021/2115.
- (11) When introducing this new type of intervention in the CAP Strategic Plans, such request for strategic amendment should not count among the maximum possible requests of strategic amendments per year.
- (12) To ensure a level playing field the maximum additional national financing for the interventions under the new type of intervention should be limited to 200 % of EAFRD funding for this type of intervention.
- (13) In Annex I to Regulation (EU) 2021/2115, an additional output indicator should be added for the new type of intervention.
- (14) The title of Annex XV to Regulation (EU) 2021/2115 should be amended to reflect that the financial limits of support include financing for the new type of intervention introduced by this Regulation.

- (15) Article 103(1) of Regulation (EU) 2021/2115 grants Member States the flexibility to adjust their allocations for direct payments by transferring funds to and from their allocations for EAFRD for the calendar years 2023 to 2026. In order to ensure that Member States can continue to successfully implement the respective national strategies underpinning their CAP Strategic Plans, including strategies to cope with unexpected crisis such as the impact of the high fertiliser prices, they should be allowed to adjust the allocations for direct payments also for calendar year 2027 within a given ceiling, based on the transfer limits applicable in respect of the calendar years 2023 to 2026, and to amend their CAP Strategic Plans accordingly. It is therefore appropriate to provide for a new provision to that effect in Title IV of Regulation (EU) 2021/2115 and a new related Annex with maximum amounts of increase and decrease per Member State. Moreover, it is also necessary to make amendments to Article 87(2), Article 112(2), point (b), Article 119(2) and (7) and Article 121 of that Regulation in order to empower the Commission to adopt a delegated act to take account of the adjustments without the period for adoption of that act counting for the calculation of time limits for Commission actions, require Member States to include such adjustments in their financial plans and amend through a strategic amendment their CAP Strategic Plans, and ensure that the resulting amendments do not count among the maximum number of strategic amendments possible per year.
- (16) Given the Middle East crisis and the resulting rise of fertiliser prices and financial risk exposure of farmers, the current advance payment level is no longer sufficient. In order to support farmers experiencing liquidity problems and as the effects of this crisis are highly likely to persist throughout the year 2026, it is appropriate to change the maximum rates for advances for direct payments in Regulation (EU) 2021/2116, so as to allow a higher rate to be paid for that calendar year. It is therefore appropriate to increase the maximum rate of advances for direct payments from 70 % to 75%, within the limit laid down in Article 11 of Regulation (EU, Euratom) 2024/2509 of the European Parliament and the Council<sup>6</sup> ('Financial Regulation').

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<sup>6</sup> 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>).

- (17) The Member States are currently allowed to pay advances to farmers in the period from 16 October to 30 November of the calendar year. To support farmers experiencing liquidity problems caused by high fertiliser prices, it is appropriate to grant Member States more flexibility regarding the timing of advances for direct payments and to allow such payments to be made earlier in the year, directly after the application for support. However, taking into consideration that advances for direct payments paid by the Member States to farmers in one calendar year are to be reimbursed by the Commission to the Member States only from the budget of the following year, advances for direct payments paid to beneficiaries prior to 16 October 2026 should be deemed to have been effected during the month of November 2026 and declared by Member States for reimbursement with the declaration relating to that month so that they would be reimbursed by the Commission in the beginning of the year 2027.
- (18) In accordance with Article 59 of Regulation (EU) 2021/2116, Member States have the flexibility to set up their management and control systems. Member States are encouraged to adjust their management and control systems to ensure that the additional flexibility on timing and size of advances provided for by this Regulation allows timely and effective support to farmers. In particular Member States should decide which verifications they have to finalise before disbursing advance payments to address urgent liquidity needs. In this context, Member States should also take into consideration the possibility that they could recover any unduly paid advances and protect the financial interests of the Union before the final payment is made. At the time of the final payments, the Member State should assess the risk of non-compliance, using options such as checks on eligibility and possible non-compliances and the recovery of unduly paid amounts. When an efficient management and control system is in place, including on debt management, serious deficiencies are unlikely to arise.
- (19) Therefore, Articles 21, 35 and 44 of Regulation (EU) 2021/2116 should be amended, in order to allow Member States to make advance payments for direct payments to beneficiaries before 16 October in calendar year 2026.

- (20) Regulations (EU) 2021/2115 and (EU) 2021/2116 should therefore be amended accordingly.
- (20a) Since the objectives of this Regulation, namely to quickly address vulnerabilities of the Union food system resulting from the recent Middle East crisis and to assist farmers facing liquidity problems, cannot be sufficiently achieved by the Member States, but can rather, by reason of the links between this Regulation and the other CAP instruments and the way this Regulation is inextricably linked with the achievement of key Union’s priorities, 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 those objectives.*
- (20b) In view of the urgency of the matter arising from the need to allow farmers to take timely investment decisions and thus minimise the risk of a drop in food production, 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.*
- (21) In view of the necessity to take immediate action, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*,

HAVE ADOPTED THIS REGULATION:

*Article 1*

**Amendments to Regulation (EU) 2021/2115**

Regulation (EU) 2021/2115 is amended as follows:

- (1) in Article 69, the following point is added:

‘(j) support to farmers affected by the severe increase of fertiliser prices due to the Middle East crisis’;

(2) in Title III, Chapter IV, Section 1, the following Article is added:

*Article 78b*

**Support to farmers affected by the severe increase of fertiliser prices due to the Middle East crisis**

1. Member States may provide exceptional temporary support to active farmers that are affected by the severe increase of fertiliser prices under the conditions set out in this Article and as further specified by the Member States in their CAP Strategic Plans.
2. Member States shall ensure that support under this Article targets farmers who are most affected by the severe increase of fertiliser prices, by determining eligibility conditions on the basis of available evidence.
3. The support under this Article shall cover the additional costs of fertilisers caused by market developments resulting from the Middle East crisis in the period starting on 1 March 2026. For the purpose of calculating those additional costs, based on reasonable assumptions, Member States shall define an average benchmark price which is based on the price for fertilisers of at least three consecutive months within the period between 1 January 2025 and 28 February 2026 and a representative price which is based on the price for fertilisers during a period defined by the Member State, which shall not start before 1 March 2026. The support under this Article shall take the form of a unit cost per hectare calculated on the basis of the average annual consumption of fertilisers per area, differentiated by sectors or production systems. Alternatively, Member States may base the support under this Article on the actual costs incurred of each beneficiary, using the same benchmark price as described in this paragraph.
4. Member States shall establish the applicable support rates for covering up to 50 % of the additional costs for fertilisers. Those rates may be increased up to 80 % for farmers who are under commitments or requirements to reduce the use of fertilisers under Article 31, Article 70 or Article 72. For financial instruments in the form of a standalone working capital, Article 80(4) shall apply.

5. Member States shall set an upper limit per beneficiary for the maximum amount of support or for the maximum number of hectares supported.
6. The support under this Article shall be paid to the farmer by 30 June 2027.
7. Member States shall ensure that farmers receiving support under this Article have access to the relevant knowledge and information to optimise the sustainable use of fertilisers.
8. When granting support under this Article, Member States shall ensure that overcompensation as a result of the combination of intervention under this Article with other national or Union support instruments is avoided.’;

(3) Article 80 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. Support in the form of financial instruments referred to in Article 58 of Regulation (EU) 2021/1060 may be granted under types of intervention referred to in Articles 73 to 78 and 78b of this Regulation.’;

(b) in paragraph 3, the first sentence is replaced by the following:

‘In accordance with Article 58(2) of Regulation (EU) 2021/1060, working capital, including standalone working capital, may be eligible expenditure under Articles 73, 74, 76, 77, 78 and 78b of this Regulation if it contributes to the achievement of at least one specific objective relevant for the intervention concerned.’;

(c) paragraph 4 is replaced by the following:

‘4. By way of derogation from Articles 73, 74, 76, 77, 78 and 78b, the support rates laid down in those Articles shall not apply to standalone working capital finance.’;

(4) in Article 86(3), the following subparagraph is added:

‘By way of derogation from the first subparagraph of this paragraph, the CAP Strategic Plan may provide that in case of a type of intervention pursuant to Article 78b, the eligibility of EAFRD-financed expenditure relating to amendments to the CAP Strategic Plan may start before the date of submission to the Commission of the request for amendment but not before [...] [OPOCE: date of entry into force of this Regulation].’;

(5) in Article 87(2), the first subparagraph is replaced by the following:

‘The Commission is empowered to adopt delegated acts in accordance with Article 152 amending the Member States’ allocations set out in Annexes V and IX to take account of the developments relating to the total maximum amount of direct payments that may be granted, including the transfers referred to in Articles 17 and 103, the modification of the direct payments allocations referred to in Article 103a, the transfers of financial allocations referred to in Article 88(5) and any deductions needed to finance types of intervention in other sectors referred to in Article 88(6).’;

(6) in Article 91(3), point (a) is replaced by the following:

‘(a) 65 % of the eligible public expenditure for payments for natural or other area-specific constraints under Article 71 and for support under Article 78b’;

(7) Article 96a is replaced by the following:

*‘Article 96a*

**Maximum financial allocations for crisis payments referred to in Article 78a and support to farmers referred to in Article 78b**

1. The maximum amount for each Member State that may be reserved for crisis payments to farmers following natural disasters, adverse climatic events or catastrophic events referred to in Article 78a and for support to farmers affected by the severe increase of fertiliser prices due to the Middle East crisis referred to in Article 78b shall be limited to the annual amounts set out in Annex XV.

2. A maximum of 25 % of the annual amounts set out in Annex XV may be reserved to finance the support to farmers referred to in Article 78b.
3. The total EAFRD expenditure for the crisis payments referred to in Articles 78a and 78b shall not exceed the sum of the indicative financial allocations for these types of intervention for financial years 2026 and 2027, as established by Member States in their financial plans in accordance with Article 112(2), point (a), and approved by the Commission in accordance with Article 119. That financial ceiling shall constitute a financial ceiling set by Union law.’;

(8) in Title IV, the following Article is added:

*‘Article 103a*

**Direct payment allocations for calendar year 2027**

Member States may, no later than 31 August 2026, decide to increase or decrease their allocations for direct payments set out in Annexes V and IX for calendar year 2027 by an amount not higher than the amount of increase and decrease set out in Annex XVI per Member State, as part of a request for strategic amendment of their CAP Strategic Plans referred to in Article 119.’;

(9) in Article 111, the second paragraph is replaced by the following:

‘Point (e) of the first paragraph shall not apply to the type of intervention in the apiculture sector referred to in Article 55(1), points (a) and (c) to (g), interventions under the type of intervention in the wine sector referred to in Article 58(1), points (h) to (k), the information and promotion actions for quality schemes under the type of intervention for cooperation referred to in Article 77, interventions under the type of intervention for crisis payments to farmers following natural disasters, adverse climatic events or catastrophic events referred to in Article 78a, and interventions under the type of intervention for support to farmers affected by the severe increase of fertiliser prices referred to in Article 78b.’;

(10) in Article 112(2), point (b) is replaced by the following:

‘(b) the transfers of the amounts referred to in point (a) between types of intervention in the form of direct payments and types of intervention for rural development in accordance with Article 103, any deductions of the Member State’s allocations for the types of intervention in the form of direct payments to make amounts available for the types of intervention in other sectors referred to in Title III, Chapter III, Section 7, in accordance with Article 88(6), and any modification of the direct payments allocations in accordance with Article 103a’;

(11) Article 119 is amended as follows:

(a) in paragraph 2, first subparagraph, point (c) is replaced by the following:

‘(c) amendments related to Article 17(5), Article 88(7), Articles 92 to 98, Article 103(1), (5) and (6) or Article 103a;’;

(b) in paragraph 7, the second subparagraph is replaced by the following:

‘A request for strategic amendment related to Article 17(5), Article 78b, Article 88(7), Article 103(5) or (6) or Article 103a shall not count for the limitation laid down in the first subparagraph of this paragraph.’;

(12) in Article 121, second subparagraph, point (b) is replaced by the following:

‘(b) for amendments related to Article 17(5), Article 88(7), Article 103(5) and Article 103a, the period for the adoption of the delegated act for the amendment of the allocations in accordance with Article 87(2).’;

(13) in Article 146, the following subparagraph is added:

‘Member States may provide additional national financing of up to 200 % of EAFRD financing allocated in the CAP Strategic Plan for support under Article 78b.’;

(14) Annexes I and XV are amended in accordance with Annex I to this Regulation;

(15) the text set out in Annex II to this Regulation is added as Annex XVI.

## Article 2

### Amendments to Regulation (EU) 2021/2116

Regulation (EU) 2021/2116 is amended as follows:

- (1) in Article 21(2), the first subparagraph is replaced by the following:

‘2. Monthly payments shall be made to each Member State on or before the third working day of the second month following that in which the expenditure is effected, taking account of the reductions or suspensions applied under Articles 39 to 42 or any other corrections. Expenditure effected by Member States between 1 and 15 October shall count as having been made in the month of October. Expenditure effected between 16 and 31 October shall count as having been made in the month of November. Expenditure effected by Member States to pay advances before 16 October in calendar year 2026 pursuant to Article 44(2), second subparagraph, point (a), shall count as having been made in the month of November and shall be declared in the declaration relating to that month.’;

- (2) Article 35 is replaced by the following:

*‘Article 35*

#### **Agricultural financial year**

Without prejudice to special provisions on declarations of expenditure and revenue relating to public intervention laid down by the Commission pursuant to Article 47(2), first subparagraph, point (a), and on declarations of expenditure relating to advances paid before 16 October in calendar year 2026 pursuant to Article 44(2), second subparagraph, point (a), the financial year shall cover expenditure paid and revenue received and entered in the accounts of the EAGF and EAFRD by the paying agencies in respect of financial year N beginning on 16 October of year N – 1 and ending on 15 October of year N.’;

(3) in Article 44(2), second subparagraph, point (a) is replaced by the following:

‘(a) prior to 1 December, but not before 16 October, pay advances of up to 70 % for interventions in the form of direct payments and for aid constituting direct payments under the measures referred to in Chapter IV of Regulation (EU) No 228/2013 and in Chapter IV of Regulation (EU) No 229/2013; however, in respect of claim year 2026, Member States may pay advances of up to 75 % for those interventions and measures and may pay these advances before 16 October 2026.’

### *Article 3*

#### **Entry into force**

This Regulation shall enter into force on the day following that 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*

*ANNEX I*

Annexes I and XV to Regulation (EU) 2021/2115 are amended as follows:

- (1) in Annex I, in the table ‘Annual performance clearance – OUTPUT – Types of intervention and their output indicators’, the following entry is added:

‘Support to farmers affected by the severe increase of fertiliser prices due to the Middle East Crisis (Article 78b)	O.9b Number of farmers benefitting from support following the severe increase of fertiliser prices ’;
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- (2) the title of Annex XV is replaced by the following:

*‘Annex XV*

Maximum amount per Member State as referred to in Article 96a(1) that can be reserved for crisis payments referred to in Article 78a and support to farmers referred to in Article 78b’.

ANNEX II

‘Annex XVI

**MAXIMUM AMOUNTS REFERRED TO IN ARTICLE 103A**

*Maximum amount of increase for allocations for direct payments for calendar year 2027 per Member State*

	EUR (current prices)
Belgium	20 700 224
Bulgaria	84 648 793
Czechia	64 796 927
Denmark	18 983 515
Germany	273 089 935
Estonia	26 404 994
Ireland	77 910 157
Greece	139 238 400
Spain	324 114 848
France	364 860 018
Croatia	74 326 850
Italy	337 480 344
Cyprus	5 942 629
Latvia	35 248 552

Lithuania	58 648 549
Luxembourg	3 077 661
Hungary	104 217 287
Malta	4 996 124
Netherlands	18 317 092
Austria	130 006 188
Poland	396 000 462
Portugal	162 165 186
Romania	290 114 968
Slovenia	27 542 548
Slovakia	77 723 373
Finland	106 364 987
Sweden	63 566 922

*Maximum amount of decrease for allocations for direct payments for calendar year 2027 per Member State*

	EUR (current prices)
Belgium	123 731 481
Bulgaria	207 943 425
Czechia	213 736 824

Denmark	215 591 819
Germany	1 228 923 865
Estonia	51 254 687
Ireland	296 570 499
Greece	472 915 011
Spain	1 209 271 990
France	1 821 250 134
Croatia	93 692 559
Italy	907 132 289
Cyprus	11 911 885
Latvia	91 120 936
Lithuania	153 178 204
Luxembourg	8 186 957
Hungary	310 796 291
Malta	1 148 505
Netherlands	179 345 582
Austria	169 395 462
Poland	796 492 035
Portugal	159 948 413
Romania	507 398 799

Slovenia	32 882 513
Slovakia	103 868 686
Finland	131 201 466
Sweden	171 704 104'

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