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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending and correcting Regulation (EU) No 508/2014 as regards specific measures to alleviate the consequences of the military aggression of Russia against Ukraine on fishing activities and to mitigate the effects of the market disruption caused by that military aggression on the supply chain of fishery and aquaculture products
- Presidency compromise

Delegations will find attached a presidency compromise on the above-mentioned proposal. Changes to the original proposal are indicated in **bold, underline** or ~~strikethrough~~.

This document will be discussed at the Working Party on Fisheries Policy of 5 May 2022.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending and correcting Regulation (EU) No 508/2014 as regards specific measures to alleviate the consequences of the military aggression of Russia against Ukraine on fishing activities and to mitigate the effects of the market disruption caused by that military aggression on the supply chain of fishery and aquaculture products

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 Articles 43(2) and 175 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 procedure,

Whereas:

- (1) The military aggression of Russia against Ukraine since 24 February 2022 is impacting on operators of the fishery and aquaculture sector in the Union. The disruption of trade flows of key commodities for the fishery and aquaculture sector from Russia and Ukraine abruptly intensified the increase in prices of key inputs such as energy and raw materials. Trade between Ukraine and the Union is also severely affected by the unavailability of transport, as Ukrainian airports were rendered inoperable because of the Russian attack and all commercial shipping operations in Ukrainian ports have been suspended. The current crisis is likely to have serious consequences for the supply of grain, vegetable oils and white fish from Ukraine and Russia to the Union, leading to a substantial increase in fish feed prices and to shortages of key raw materials. Part of the Union fleet has ceased fishing because of the decrease in profitability of that activity and the impossibility of offsetting the increase in input costs such as soaring prices for energy. The combined impact of the cost increases and shortages is also

¹ OJ C , , p. .

² OJ C , , p. .

being felt by the seafood farming and processing sectors. There is therefore significant market disruption, caused by substantial cost increases, and trade disruptions, requiring effective and efficient action.

- (2) Therefore, it should be possible for the European Maritime and Fisheries Fund (EMFF) established by Regulation (EU) No 508/2014 of the European Parliament and of the Council³ to support specific measures to mitigate the effects of the market disruption caused by the military aggression of Russia against Ukraine on the supply chain of fishery and aquaculture products. Those measures should comprise financial compensation to recognised producer organisations and associations of producer organisations which store fishery or aquaculture in accordance with Articles 30 and 31 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council⁴, and financial compensation to operators of the fishery and aquaculture sector, **including the processing sector**, for their income forgone, and for additional costs they incurred due to the market disruption caused by the military aggression of Russia against Ukraine and its effects on the supply chain of fishery and aquaculture products. Expenditure for operations supported under those measures should be eligible as of 24 February 2022, which is the date of the start of the military aggression of Russia against Ukraine.
- (3) It should also be possible for the EMFF to support financial compensation for the temporary cessation of fishing activities where the military aggression of Russia against Ukraine jeopardises the security of fishing activities **or where its impact impedes the economic viability of fishing operations**. Such temporary cessation should occur as of 24 February 2022, which is the date of the start of the military aggression of Russia against Ukraine.
- (4) **It should be possible to support both these measures** ~~Given the significant socio-economic consequences of the market disruption caused by the military aggression of Russia against Ukraine on the supply chain of fishery and aquaculture products, it should be possible to support the temporary cessation of fishing activities caused by the military aggression of Russia against Ukraine~~ with a maximum co-financing rate of 75 % of eligible public expenditure.
- (5) Given the need for flexibility in the reallocation of financial resources, it should be possible to reallocate the fixed amounts established for control and enforcement measures and for measures on data collection to the measures alleviating the consequences of the military aggression of Russia against Ukraine on fishing activities and mitigating the effects of the market disruption caused by that military aggression on the supply chain of fishery and aquaculture products. For the same reason, and without prejudice to the existing financial capping and limitation of duration for the other cases of temporary cessation of fishing activities, the provision of support for the temporary cessation of fishing activities caused by the military aggression of Russia against Ukraine should not be subject to financial capping

³ Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council (OJ L 149 20.5.2014, p. 1).

⁴ Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354 28.12.2013, p. 1).

and to a limitation of duration. The obligation to deduct support granted for temporary cessation from support granted for the permanent cessation of fishing activities to the same vessel should continue to apply. For the sake of legal clarity as regards the implementation of this new case of temporary cessation, it is necessary to refer to the eligibility period set out in Article 65(2) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council⁵.

- (6) Given the urgency of providing the support needed, the scope of the simplified procedure for amending the operational programmes of Member States should be extended to include amendments related to the specific measures to alleviate the consequences of the military aggression of Russia against Ukraine on fishing activities and to mitigate the effects of the market disruption caused by that military aggression on the supply chain of fishery and aquaculture products. That simplified procedure should cover all the amendments necessary for the full implementation of the measures concerned, including their introduction, the reallocation of financial resources from other measures, and the description of the methods for calculating support.
- (7) For the sake of legal clarity as regards the implementation of the new measures, it is necessary to correct a technical mistake in Regulation (EU) No 508/2014 by replacing “income foregone” by “income forgone”. Article 96 of that Regulation is being corrected accordingly.
- (8) Given the urgency of the support needed, this Regulation should enter into force on the day following that of its publication. Given the unexpected character of the military aggression of Russia against Ukraine and its serious impact on fishing activities and on the economic sectors and supply chains concerned, the eligibility of the costs should be retroactive as of 24 February 2022.
- (8a) Since the objective of this Regulation, namely to mitigate the impact of the military aggression of Russia against Ukraine on the fishery and aquaculture sector, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the proposed 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 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 to achieve that objective.**
- (9) In view of urgency caused by the military aggression of Russia against Ukraine and its social and economic impact in the fishery and aquaculture sector, it was considered appropriate to provide for an 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 TEU, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.

⁵ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347 20.12.2013, p. 320).

(10) Regulation (EU) No 508/2014 should therefore be amended and corrected accordingly,
HAVE ADOPTED THIS REGULATION:

Article 1
Amendments to Regulation (EU) No 508/2014

Regulation (EU) No 508/2014 is amended as follows:

0a. In Article 10, a new paragraph 2a is added:

“ 2a. Paragraph 2 shall not apply to support from the EMFF to alleviate the consequences of the military aggression of Russia against Ukraine and/or to mitigate the effects thereof on the markets pursuant to Articles 33, 44, 67 and 68.

1. In Article 13, the following paragraph 7 is added:

“7. The budgetary resources referred to in paragraphs 2 and 3 may be reallocated to the support referred to in point (d) of Article 33(1), in Article 44(4a), in Article 67 and in Article 68(3) to alleviate the consequences of the military aggression of Russia against Ukraine on fishing activities and to mitigate the effects of the market disruption caused by that military aggression on the supply chain of fishery and aquaculture products.”

2. In Article 22(2), point (e) is replaced by the following:

“(e) amendments to operational programmes concerning the support referred to in point (d) of Article 33(1), Article 35, Article 44(4a), point (b) of Article 55(1), Articles 57, 66 and 67, Article 68(3) and Article 69(3), including the reallocation of financial resources thereto to address the consequences of the COVID- 19 outbreak or to alleviate the consequences of the military aggression of Russia against Ukraine on fishing activities and to mitigate the effects of the market disruption caused by that military aggression on the supply chain of fishery and aquaculture products.”

3. In Article 33(1), point (d) is replaced by the following:

“(d) where the temporary cessation of fishing activities occurs between 1 February and 31 December 2020 as a consequence of the COVID- 19 outbreak, including for vessels operating under a Sustainable fisheries partnership agreement, or occurs as of 24 February 2022 as a consequence of the military aggression of Russia against Ukraine that jeopardises the security of fishing activities **or impedes the economic viability of fishing operations.**”

4. ~~In Article 33(1), the second subparagraph of point (d) is replaced by the following:~~

“In accordance with the second subparagraph of Article 65(9) of Regulation (EU) No 1303/2013 and by way of derogation from the first subparagraph thereof, expenditure for operations supported under point (d) of the first subparagraph of this paragraph shall be eligible as of 1 February 2020 if they are the consequence of the COVID-19 outbreak, or as of 24 February 2022 if they are the consequence of the military aggression of Russia against Ukraine that jeopardises the security of fishing activities **or impedes the economic viability of fishing operations.**”

5. In Article 33, paragraph 2 is replaced by the following:

“2. The support referred to in points (a), (b) and (c) of the first subparagraph of paragraph 1 may be granted for a maximum duration of six months per vessel during the eligibility period referred to in Article 65(2) of Regulation (EU) No 1303/2013. That maximum duration shall not apply to the support referred to in point (d) of that subparagraph.”

6. In Article 44, paragraph 4a is replaced by the following:

“4a. The EMFF may support measures for temporary cessation of fishing activities caused by the COVID- 19 outbreak or by the military aggression of Russia against Ukraine that jeopardises the security of fishing activities **or impedes the economic viability of fishing operations,** as provided for in point (d) of Article 33(1), under the conditions laid down in Article 33.”

7. In Article 67, the introductory wording of the first subparagraph of paragraph 1 is replaced by the following:

“1. Where needed to respond to the COVID- 19 outbreak or to mitigate the effects of the market disruption caused by the military aggression of Russia against Ukraine on the supply chain of fishery and aquaculture products, the EMFF may support compensation to recognised producer organisations and associations of producer organisations which store fishery or aquaculture products listed in Annex II to Regulation (EU) No 1379/2013 or products falling within CN code 0302 as listed in point (a) of Annex I to that Regulation, provided that those products are stored in accordance with Articles 30 and 31 of that Regulation, and subject to the following conditions:”

8. In Article 67, paragraph 2 is replaced by the following:

“2. The support referred to in paragraph 1 shall end on 31 December 2020, except if it mitigates the effects of the market disruption caused by the military aggression of Russia against Ukraine on the supply chain of fishery and aquaculture products.

In accordance with the second subparagraph of Article 65(9) of Regulation (EU) No 1303/2013 and by way of derogation from the first subparagraph thereof, expenditure for operations supported under this Article shall be eligible as of 1 February 2020 to respond to the COVID-19 outbreak, and as of 24 February 2022 to mitigate the effects of the market disruption caused by the military aggression of Russia against Ukraine on the supply chain of fishery and aquaculture products.”

9. In Article 68, the following paragraph 3 is added:

“3. The EMFF may support a financial compensation to operators of the fishery and aquaculture sector, including aquaculture farms and processing of fishery and aquaculture products, for their income forgone, and for additional costs they incurred due to the market disruption caused by the military aggression of Russia against Ukraine and its effects on the supply chain of fishery and aquaculture products.

In accordance with the second subparagraph of Article 65(9) of Regulation (EU) No 1303/2013, expenditure for operations supported under the first subparagraph shall be eligible as of 24 February 2022.

The compensation referred to in the first subparagraph shall be calculated in accordance with Article 96.”

10. In Article 95, paragraph 2, point (e) is replaced by the following:

“(e) the operation is related to support under Article 33 or 34 or to compensation under Article 54, Article 55, Article 56, Article 68(3) or Article 69(3);”

Article 2
Correction to Regulation (EU) No 508/2014

Article 96 of Regulation (EU) No 508/2014 is replaced by the following:

“Article 96
Calculation of additional costs or income forgone

Where aid is granted on the basis of additional costs or income forgone, Member States shall ensure that the relevant calculations are adequate, accurate and established in advance on the basis of a fair, equitable and verifiable calculation.”

Article 3

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