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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

As seen in the recent unprecedented cyclone in Mayotte, natural disasters and severe meteorological events in the outermost regions of the EU are having a devastating effect on the populations living and working in these regions. Much of the agricultural and forestry production potential is destroyed every year, causing huge losses of income and threatening the food availability and security of these regions which already face permanent constraints on their development, as recognised in Article 349 of the Treaty on the Functioning of the European Union. In fact, while these regions are quite different from one another, they share some specificities, such as remoteness, insularity¹, mostly small size, increased vulnerability to climate change, economies dependent on a few sectors, with high levels of unemployment, and gross domestic product (GDP) significantly below EU and national averages. All these constraints render the recovery of the agricultural production destroyed by severe natural disasters even more difficult and the severity of the natural disasters render the time of recovery even longer.

In its Communication “Putting people first, securing sustainable and inclusive growth, unlocking the potential of the EU’s outermost regions”², the Commission committed to reflecting the outermost regions’ specificities across all EU policies, including agriculture³. Some of the challenges of the agricultural sector in the outermost regions are already addressed in a specific way through Regulation (EU) No 228/2013 of the European Parliament and of the Council⁴. However, in the face of ever more severe natural disasters in these regions, the need for further flexibilities was identified. In order to address the cash-flow challenges during the reconstruction of agricultural production after the frequent devastating natural disasters in outermost regions, Europe needs to be able to rapidly deploy effective support and more flexibility through the POSEI referred to in that Regulation. This involves programmes of options specifically relating to remoteness and insularity laying down specific measures for agriculture in the outermost regions of the Union by ensuring continuity of POSEI support to the beneficiaries during the restoration period, irrespective of the level of their activity, but subject to formal commitments to restore their capacity. On 14 December 2024, the outermost region of Mayotte was hit by the deadly cyclone Chido, causing widespread destruction and casualties everywhere in its path, devastating thousands of homes and cutting off the water and electricity supplies. Roads, communications networks and health infrastructures were seriously affected or put out of service. On 11 January 2025, Mayotte was also struck by the tropical storm Dikeledi, with heavy rain and local flooding compounding the damage caused by Chido. The effects of Chido on agriculture and food security were significant: strong winds destroyed crops in many areas, farmlands were flooded, disrupting planting schedules, which will lead to lower yields for the next growing season. In addition, Chido destroyed infrastructure, such as roads, hampering the

¹ The outermost regions are all islands or archipelagos except French Guiana in South America.

² COM(2022) 198 final.

³ See also a recent implementation report on the implementation of this communication, COM(2024) 435 final.

⁴ Regulation (EU) No 228/2013 of the European Parliament and the Council of the 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>).

transportation of agricultural goods. For the first time, France declared a state of exceptional natural disaster.

Consequently, the last year of the implementation of the Rural Development Programme in Mayotte for the programming period 2014-2022 (RDP Mayotte) was heavily affected. Many projects, in particular investments, will be delayed or abandoned. In addition, in the first instance, farmers and other actors in agriculture need liquidity support to be able to make a living until the restoration of their holdings has occurred, as well as the restoration of their production potential.

Regulation (EU) 2024/3242 of the European Parliament and of the Council of 19 December 2024⁵ amending Regulation (EU) 2020/2220 of the European Parliament and of the Council⁶ introduced a new exceptional and temporary measure (inserted in Article 6a of Regulation (EU) 2020/2220) which allows Member States to provide liquidity support to farmers, forest holders, as well as SMEs active in processing agricultural and forestry products, affected by natural disasters occurring as of 1 January 2024.

Pursuant to the current rules, an upper ceiling of maximum 10% of EAFRD funds for 2021-2022 (excluding EURI) can be allocated to this measure (1.5 M€ for Mayotte). To provide an adequate response to the exceptional natural disasters occurred in Mayotte, it is proposed to remove this ceiling of 10% and allow Mayotte to reallocate 2021-2022 EAFRD funds for the support provided under measure pursuant to Article 6a of Regulation (EU) 2020/2220.

In the context of this measure, the deadline for the approval of the applications is set to 30/06/2025⁷ in order to provide swift reaction to natural disasters and quick liquidity to those in need. However, given that this proposal will change the conditions of this measure for Mayotte, it is necessary to provide sufficient time to the Managing authority of Mayotte to select the beneficiaries once this regulation enters into force. For this reason, the deadline for approval of the applications should not apply. Nonetheless, the eligibility of expenses (31 December 2025) as defined in Regulation (UE) 1303/2013⁸ remains unchanged. This means that the payments to the beneficiaries have to be made by 31 December 2025.

⁵ Regulation (EU) 2024/3242 of the European Parliament and of the Council of 19 December 2024 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 (OJ L, 2024/3242, 23.12.2024, ELI: <http://data.europa.eu/eli/reg/2024/3242/oj>).

⁶ 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>).

⁷ Article 6a(5) of Regulation 2020/2220.

⁸ Article 65(2) of 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, ELI: <http://data.europa.eu/eli/reg/2013/1303/oj>), as extended by Article 2(2) of Regulation (EU) 2020/2220.

Further, the Commission proposes to introduce a derogation to capping of measure pursuant to Article 6a of Regulation (EU) 2020/2220 for Mayotte, which will allow the outermost region to effectively address the liquidity needs of the rural population heavily damaged in the described natural disasters. This derogation should be done through specific provisions of POSEI Regulation in order to keep this derogation limited to the specific needs of the outermost region of Mayotte.

Therefore, in order to provide the above-described additional assistance and further flexibility to outermost regions affected by natural disasters, the Commission proposes a targeted modification of the POSEI Regulation which lays down specific measures for agriculture in the outermost regions of the Union.

- **Consistency with existing policy provisions in the policy area**

The proposal is consistent with the overall legal framework established for the Common Agricultural Policy and the European Structural and Investment Funds (ESIF) and is limited to a targeted amendment of Regulation (EU) No 228/2013.

- **Consistency with other Union policies**

The proposal is limited to targeted amendments of Regulation (EU) No 228/2013 and maintains consistency with other Union policies.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The proposal is based on Articles 42, 43(2) and 349 of the Treaty on the Functioning of the European Union.

- **Subsidiarity (for non-exclusive competence)**

The Treaty on the Functioning of the European Union provides that the competence for agriculture is shared between the Union and the Member States, while establishing a common agricultural policy with common objectives and a common implementation. The proposal aims at ensuring further flexibilities to Outermost regions affected by natural disasters or severe meteorological events.

- **Proportionality**

The proposal comprises limited and targeted amendments that do not go beyond what is necessary to achieve the objective of providing exceptional and temporary relief to farmers, forest holders, SMEs and holdings active in processing, marketing or development of agricultural products or forestry products and for restoration efforts, who are particularly affected by natural disasters.

- **Choice of the instrument**

A Regulation is the appropriate instrument to introduce the flexibility needed to address these unprecedented circumstances.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

N/A

- **Stakeholder consultations**

Due to the technical, limited and urgent nature of the proposed modifications, the wide public consultation is not required.

- **Collection and use of expertise**

N/A

- **Impact assessment**

Due to the technical nature and targeted scope of the initiative, the impact assessment is not required.

- **Regulatory fitness and simplification**

N/A

- **Fundamental rights**

N/A

4. BUDGETARY IMPLICATIONS

This new proposal does not imply any changes in the Multiannual Financial Framework annual ceilings for commitments and payments as per Annex I of Regulation (EU) No 2020/2093. The annual breakdown of commitment appropriations for the European Agricultural Fund for Rural Development E.08030102 remains unchanged.

Overall, this measure does not imply the need for extra payment appropriations. The necessary payment appropriations of EUR 13.5 million in 2025 and 2026 payment appropriations are foreseen to be offset by decommitments at closure expected to take place in 2026. Funds allocated to other Rural Development Programmes (RPDs) that will remain unused will be decommitted and will compensate for the additional costs under this amendment.

As regards POSEI support, this proposal does not have any quantifiable budgetary impact. Any related expenditure will remain under the annual Member State financial allocation for POSEI.

.5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation, and reporting arrangements**

The implementation of the measures will be monitored and reported upon in the framework of the reporting mechanisms established in Regulations (EU) No 1303/2013, (EU) No 1305/2013⁹ and (EU) 228/2013.

- **Explanatory documents (for directives)**

N/A

- **Detailed explanation of the specific provisions of the proposal**

In order to provide further flexibilities to the outermost regions affected by natural disasters and severe meteorological events and to provide an adequate response to the impact of the unprecedented natural disaster Chido in Mayotte on the farmers, other EAFRD beneficiaries and the administrations it is proposed to amend Regulation (EU) No 228/2013 as follows:

- Allow the competent national authorities to submit an exceptional programme modification to their POSEI programme while they apply the principle of force majeure or exceptional circumstances where, as a result of the unexpected severe natural disaster, the agricultural production capacity was seriously or totally destroyed, and the restoration of certain sectors requires a longer period than could be covered by the application of the principle of force majeure or exceptional circumstances. This would allow the beneficiaries concerned to continue to receive POSEI support during the restoration period, irrespective of the level of their activity, but subject to their formal commitment to restore their agricultural production capacity. The implementation of this programme modification will be subject to annual review and monitoring of progress in close cooperation between the Commission and the Member State.
- For the rural development programme of Mayotte, remove the limit of 10% of the 2021 and 2022 budgetary allocations for temporary support in response to the impact of natural disasters to be funded under the European Agricultural Fund for Rural Development (EAFRD) and allow the selection of the beneficiaries beyond the deadline of 30 June 2025.
- **Compliance with the digital-by-default principle**
- According to the digital assessment carried out, the current proposal has no digital dimensions as there is no digital relevance. Digital means or data exchange are not under the scope of the proposal.

⁹ 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 347, 20.12.2013, p. 487, ELI: <http://data.europa.eu/eli/reg/2013/1305/oj>).

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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,

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) On 18 December 2024, an “exceptional natural disaster” was declared for the outermost region of Mayotte following the devastating consequences of cyclone Chido, that destroyed much of the agricultural and forestry potential of the island and threatened food availability and security. This unprecedented cyclone and other recent natural disasters in the outermost regions of the Union as described in Article 349 of the Treaty on the Functioning of the European Union (TFEU), demonstrate the vulnerability of these regions to the effects of climate change, including the increased risk of exceptional natural disasters or 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 of the Union, in particular as regards the support to local production provided through the Programme of Options Specifically Relating to Remoteness and Insularity (POSEI) referred to in Regulation (EU) No 228/2013 of the European Parliament and of the Council³; it is appropriate to provide for the possibility for the affected beneficiaries to continue to receive POSEI payments during the restoration period irrespective of the level of their activity, subject to a formal commitment to restore their capacity. It should therefore be provided for that the competent national authorities may decide on the application of force majeure or exceptional circumstances on the basis of relevant evidence. At the

¹ OJ C , , p. .

² OJ C , , p. .

³ 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>).

same time, in duly justified circumstances, where the restoration of certain sectors requires a longer period, it should be provided for that an exceptional programme amendment, subject to annual review and monitoring of progress, may extend this restoration period beyond what could be covered by the application of the principle of force majeure or exceptional circumstances. For this purpose, Articles 6 and 19 of Regulation (EU) No 228/2013 should be amended.

- (3) In addition, in order to quickly address the vulnerabilities of Mayotte's food system and rural communities resulting from that unprecedented natural disaster caused by cyclone Chido; it is appropriate to rapidly provide exceptional effective support through the European Agricultural Fund for Rural Development (EAFRD), and to provide for more flexibility in the existing rules. Article 6a of Regulation (EU) 2020/2220 of the European Parliament and of the Council⁴ 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 allow Mayotte to respond to the consequences of cyclone Chido and taking into account the difficulties caused by the specific situation of this outermost region, the application of the measure introduced by Article 6a of Regulation (EU) 2020/2220 in Mayotte should be established. As the specific difficulties of responding to the exceptional situation in Mayotte are linked to its remoteness as an outermost region as described in Article 349 TFEU, it is appropriate to provide for the flexibilities of the EAFRD support through the establishment of a specific legal framework for the additional support of the outermost regions. For this purpose, Article 22 of Regulation (EU) No 228/2013 should be amended.
- (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 outermost regions, as well as the urgency in applying the measure pursuant to Article 6a of Regulation (EU) 2020/2220 before the end of the programming period 2014-2020, as extended by Regulation (EU) 2020/2220 it is considered to be appropriate to invoke the exception to the eight-week period provided for in Article 4 of Protocol No

⁴ 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>).

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 a smooth implementation of these amendments 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 territories of the Union, 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 5 is added:

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

- (2) in Article 19, the following paragraph 5 is added:

‘5. When a programme is amended in accordance with Article 6(5), beneficiaries affected by the exceptional natural disaster or the 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 irrespective of their level of activity throughout the restoration period, but subject to a formal commitment to restore their agricultural production capacity.’;

- (3) in Article 22, the following paragraphs 3 and 4 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 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.

* 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 Brussels,

For the European Parliament
The President

for the Council
the President