COMMISSION IMPLEMENTING DECISION (EU) 2022/500

of 25 March 2022

establishing the military aggression of Russia against Ukraine as the occurrence of an exceptional event causing a significant disruption of markets

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2021/1139 of the European Parliament and of the Council of 7 July 2021 establishing the European Maritime, Fisheries and Aquaculture Fund and amending Regulation (EU) 2017/1004 ([1]), and in particular Article 26(2), second subparagraph, thereof,

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 suddenly aggravated the increase of 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 suffered under the Russian attack and all commercial shipping operations in Ukrainian ports have been suspended. This crisis is likely to have serious consequences on the supply of grain, vegetable oils and white fish from Ukraine and Russia to the Union, leading to a strong increase in fish feed prices that adds to current soaring prices for energy, or to shortages of key raw materials. A part of the Union fleet has ceased fishing, given the decrease in profitability of that activity and the impossibility of compensating the increase in input costs. Fishing vessels operating in the Black Sea are also facing the threat of possible military activities, therefore leading to a precautionary suspension of their activity. The combined impact of those cost increases and shortages is also felt by the seafood farming and processing sectors. There is therefore a significant market disruption caused by important cost increases and trade disruptions that requires effective and efficient action.

(2) Pursuant to Article 26(2) of Regulation (EU) 2021/1139, in such circumstances, the European Maritime, Fisheries and Aquaculture Fund (EMFAF) may support compensation for certain costs which are not otherwise eligible for such compensation, for operators of the fishery and aquaculture sector for their income foregone or additional costs, and for recognised producer organisations and associations of producer organisations which store fishery products in accordance with Articles 30 and 31 of Regulation (EU) No 1379/2013 of the European Parliament and of the Council ([2]).

(3) In accordance with the first subparagraph of Article 26(2) of Regulation (EU) 2021/1139, the specific support regime in case of such disruption of markets is limited to the specific objective of promoting marketing, quality and added value of fishery and aquaculture products, as well as processing of those products. In accordance with the second subparagraph of that Article 26(2), the support regime applies only where the Commission establishes the occurrence of an exceptional event causing such disruption.

(4) It is therefore appropriate to establish that the military aggression of Russia against Ukraine is an exceptional event causing a significant disruption of markets.

([1]) OJ L 247, 13.7.2021, p. 1.

([2]) 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).

(5) Pursuant to Article 39 of Regulation (EU) 2021/1139, compensation for additional costs or income foregone and other compensation provided under that Regulation is to be granted under any of the forms referred to in points (b) to (e) of Article 53(1) of Regulation (EU) 2021/1060 of the European Parliament and of the Council ([3]). The methodologies established by Member States for this purpose are to comply with Article 53(3) of that Regulation.

(6) Pursuant to Article 63(2) of Regulation (EU) 2021/1060, expenditure is eligible for a contribution from the EMFAF if it has been incurred by a beneficiary and paid in implementing operations between the date of submission of the EMFAF programme by the Member State to the Commission or from 1 January 2021, whichever is earlier, and 31 December 2029. However, expenditure incurred as a result of the disruption of markets caused by the exceptional event whose occurrence is established by this Decision should be eligible for support under Article 26(2) of Regulation (EU) 2021/1139 as of 24 February 2022, which is the date of the start of the military aggression of Russia against Ukraine. As regards the incurrence of expenditure, since the effects of the disruption of markets are likely to affect operators of the fishery and aquaculture sectors for several months, expenditure should be eligible if it is incurred until 31 December 2022.

(7) In light of the need for swift implementation of the support referred to in Article 26(2) of Regulation (EU) 2021/1139, this Decision should enter into force on the day following that of its publication,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of Article 26(2) of Regulation (EU) 2021/1139, the military aggression of Russia against Ukraine since 24 February 2022 shall be considered as the occurrence of an exceptional event causing a significant disruption of markets.

Article 2

Expenditure, whose support is allowed as a result of this Decision, shall be eligible if it is incurred between 24 February and 31 December 2022, and paid until 31 December 2029.

Article 3

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 25 March 2022.

For the Commission
The President
Ursula VON DER LEYEN

([3]) Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (OJ L 231, 30.6.2021, p. 159).