



2023/2607

23.11.2023

COMMISSION REGULATION (EU) 2023/2607

of 22 November 2023

correcting Regulation (EU) 2022/2472 declaring certain categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 108(4) thereof,

Having regard to Council Regulation (EU) 2015/1588 of 13 July 2015 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to certain categories of horizontal State aid ⁽¹⁾, and in particular Article 1(1), points (a) and (b), thereof,

After consulting the Advisory Committee on State aid,

Whereas:

- (1) Commission Regulation (EU) 2022/2472 ⁽²⁾ contains technical errors which affect the content of the relevant provisions of that Regulation. Those errors concern wrong or missed cross references and omissions.
- (2) The errors impact the conditions for exempting State aid pursuant to Articles 1, 6, 11, 14, 17, 27, 28, 34 and 48 of Regulation (EU) 2022/2472, as well as the scope of the term defined in Article 2(2) of that Regulation. It is therefore appropriate to correct those provisions in as far as necessary to maintain the possibility to exempt the relevant State aid from notification as initially intended by Commission.
- (3) Regulation (EU) 2022/2472 should therefore be corrected accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2022/2472 is corrected as follows:

- (1) in Article 1(5), point (d) is replaced by the following:

‘(d) to cover the costs of the removal and destruction of fallen stock in accordance with Article 27(2), points (c), (d) and (e), and Article 28(3), point (d);’
- (2) in Article 2, point (2) is replaced by the following:

‘(2) “adverse climatic event which can be assimilated to a natural disaster” means unfavourable weather conditions such as frost, storms and hail, ice, heavy or persistent rain or severe drought which destroy, in the case of agriculture, more than 30 % of the average production calculated on the basis of the preceding three-year or four-year period or of the average production calculated on the basis of the preceding five-year or eight-year period, excluding the highest and the lowest entry; in the case of forestry, more than 20 % of the forestry potential;’

⁽¹⁾ OJ L 248, 24.9.2015, p. 1.

⁽²⁾ Commission Regulation (EU) 2022/2472 of 14 December 2022 declaring certain categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union (OJ L 327, 21.12.2022, p. 1).

- (3) in Article 6(5), point (f) is replaced by the following:
- ‘(f) aid to cover the costs of the removal and destruction of fallen stock where the conditions laid down in Article 27(2), points (c), (d), (e) and (f) and Article 28(3)(d), are fulfilled’;
- (4) in Article 11, paragraph 4 is replaced by the following:
- ‘4. Paragraphs 1 and 2 of this Article shall not apply in respect of aid granted to EIP Operational Group projects and to CLLD projects referred to in Articles 40 and 61.’;
- (5) in Article 14, paragraph 10 is replaced by the following:
- ‘10. The aid referred to in paragraph 1 shall not be granted in contravention of any prohibition or restriction laid down in Regulation (EU) No 1308/2013, even where such prohibitions and restrictions only refer to the Union support provided for in that Regulation. The aid shall not be limited to specific agricultural products and shall therefore be available either to all sectors of the primary agricultural production or to the whole plant production sector or to the whole animal production sector. However, Member States may exclude certain products because of overcapacity in the internal market or a lack of market outlets.’;
- (6) in Article 17, paragraph 9 is replaced with the following:
- ‘9. Aid shall not be granted in respect of investments to comply with Union and national standards in force.’;
- (7) in Article 27(5), points (b) and (c) are replaced by the following:
- ‘(b) 75 % of the costs linked to destruction referred to in paragraph 2, point (d);
- (c) 100 % of the administrative costs referred to in paragraph 2, point (a) and of the costs linked to removal and destruction referred to in paragraph 2, points (c), (e) and (f).’;
- (8) Article 28 is corrected as follows:
- (a) in paragraph 3, the introductory wording is replaced by the following:
- ‘The insurance or contribution to the mutual fund shall be intended to cover losses caused by any of the following’;
- (b) in paragraph 4, the introductory wording is replaced by the following:
- ‘The insurance or contribution to the mutual fund shall.’;
- (9) in Article 34, paragraph 8 is deleted;
- (10) in Article 48, paragraph 7 is replaced by the following:
- ‘7. The aid shall be limited to 100 % of the eligible costs, and shall not exceed EUR 200 000 per undertaking over a period of three years.’;
- (11) in Annex II, part II is replaced by the following:

‘PART II

to be provided through the established Commission electronic notification system as laid down in Article 11

Please indicate under which provision of the ABER the aid measure is implemented

Primary Objectives (Multiple objectives are possible; in this case indicate all objectives)	Maximum aid intensity in %	Maximum aid amount in national currency in full amounts
<input type="checkbox"/> Aid for investments in agricultural holding linked to primary agricultural production (Article 14)		
<input type="checkbox"/> Aid for agricultural land consolidation (Article 15)		

<input type="checkbox"/> Aid for investments concerning the relocation of farm buildings (Article 16)		
<input type="checkbox"/> Aid for investments in connection with the processing and the marketing of agricultural products (Article 17)		
<input type="checkbox"/> Start-up aid for young farmers and start up aid for agricultural activities (Article 18)		
<input type="checkbox"/> Start-up aid for producer groups and organisations in the agricultural sector (Article 19)		
<input type="checkbox"/> Aid for the participation of producers of agricultural products in quality schemes (Article 20)		
<input type="checkbox"/> Aid for knowledge exchange and information actions (Article 21)		
<input type="checkbox"/> Aid for advisory services (Article 22)		
<input type="checkbox"/> Aid for farm replacement services (Article 23)		
<input type="checkbox"/> Aid for promotion measures in favour of agricultural products (Article 24)		
<input type="checkbox"/> Aid to make good the damage caused by adverse climatic events which can be assimilated to a natural disaster (Article 25)		
	Type of adverse climatic event which can be assimilated to a natural disaster:	<input type="checkbox"/> frost <input type="checkbox"/> storm <input type="checkbox"/> hail <input type="checkbox"/> ice <input type="checkbox"/> heavy or persistent rain <input type="checkbox"/> hurricane <input type="checkbox"/> severe drought <input type="checkbox"/> other Please specify:
	Date of occurrence of the event:	dd/mm/yyyy to dd/mm/yyyy
<input type="checkbox"/> Aid for the costs of the prevention, control and eradication of animal diseases and plant pests and aid to make good the damage caused by animal diseases or plant pests (Article 26)		
<input type="checkbox"/> Aid to the livestock sector and aid for fallen stock (Article 27)		
<input type="checkbox"/> Aid for the payment of insurance premiums and for financial contributions to mutual funds (Article 28)		

<input type="checkbox"/> Aid to make good the damage caused by protected animals (Article 29)		
<input type="checkbox"/> Aid for conservation of genetic resources in agriculture (Article 30)		
<input type="checkbox"/> Aid for animal welfare commitments (Article 31)		
<input type="checkbox"/> Aid for cooperation in the agricultural sector (Article 32)		
<input type="checkbox"/> Aid for disadvantages related to Natura 2000 (Article 33)		
<input type="checkbox"/> Aid for agri-environmental-climate commitments (Article 34)		
<input type="checkbox"/> Aid for organic farming (Article 35)		
<input type="checkbox"/> Aid for investments in favour of the conservation of cultural and natural heritage located on agricultural holdings or in forests (Article 36)		
<input type="checkbox"/> Aid to make good the damage caused by natural disasters in the agricultural sector (Article 37)	Type of natural disaster:	<input type="checkbox"/> earthquake <input type="checkbox"/> avalanche <input type="checkbox"/> landslide <input type="checkbox"/> flood <input type="checkbox"/> tornado <input type="checkbox"/> hurricane <input type="checkbox"/> volcanic eruption <input type="checkbox"/> wild fire <input type="checkbox"/> other Please specify:
	Date of occurrence of the natural disaster:	dd/mm/yyyy to dd/mm/yyyy
<input type="checkbox"/> Aid for research and development in the agricultural and forestry sectors (Article 38)		
<input type="checkbox"/> Aid for costs incurred by undertakings participating in EIP Operational Group projects (Article 39)		
<input type="checkbox"/> Aid for afforestation and the creation of woodland (Article 41)		
<input type="checkbox"/> Aid for agroforestry systems (Article 42)		
<input type="checkbox"/> Aid for the prevention and restoration of damage to forests (Article 43)		
<input type="checkbox"/> Aid for investments improving the resilience and environmental value of forest ecosystems (Article 44)		

<input type="checkbox"/> Aid for area-specific disadvantages resulting from certain mandatory requirements (Article 45)		
<input type="checkbox"/> Aid for forest-environmental and climate services and forest conservation (Article 46)		
<input type="checkbox"/> Aid for knowledge exchange and information actions in the forestry sector (Article 47)		
<input type="checkbox"/> Aid for advisory services in the forestry sector (Article 48)		
<input type="checkbox"/> Aid for investments in infrastructure related to the development, modernisation or adaptation of the forestry sector (Article 49)		
<input type="checkbox"/> Aid for investments in forestry technologies and in processing, in mobilising and in marketing of forestry products (Article 50)		
<input type="checkbox"/> Conservation of genetic resources in forestry (Article 51)		
<input type="checkbox"/> Start-up aid for producer groups and organisations in the forestry sector (Article 52)		
<input type="checkbox"/> Aid for forestry land consolidation (Article 53)		
<input type="checkbox"/> Aid for cooperation in the forestry sector (Article 54)		
<input type="checkbox"/> Aid for basic services and infrastructure in rural areas (Article 55)		
<input type="checkbox"/> Business start-up aid for non-agricultural activities in rural areas (Article 56)		
<input type="checkbox"/> Aid for new participation of farmers in quality schemes for cotton and foodstuffs (Article 57)		
<input type="checkbox"/> Aid for information and promotion activities concerning cotton and foodstuffs covered by a quality scheme (Article 58)		
<input type="checkbox"/> Aid for cooperation in rural areas (Article 59)		
<input type="checkbox"/> Aid for CLLD projects (Article 60)'		

Article 2

This Regulation shall enter into force on the twentieth 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, 22 November 2023.

For the Commission
The President
Ursula VON DER LEYEN
