

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2022/1225

of 14 July 2022

on temporary exceptional measures derogating from Regulation (EU) No 1308/2013 of the European Parliament and of the Council to address the market disturbance in the fruit and vegetables sector caused by Russia's invasion of Ukraine

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 219(1) in conjunction with Article 228 thereof,

Whereas:

- (1) Due to the current crisis caused by Russia's invasion of Ukraine on 24 February 2022, which commenced shortly after the COVID-19 crisis, farmers in all Member States are facing exceptional difficulties. Logistical problems have made farmers in the EU vulnerable to the economic disruption of supply chains caused by this crisis, and they are currently facing financial difficulties and cash-flow problems. In view of the ongoing market disturbances and the unprecedented combination of circumstances, farmers in all Member States have encountered exceptional difficulties in the planning, implementation and execution of aid schemes laid down in Regulation (EU) No 1308/2013. It is therefore necessary to alleviate those the difficulties by derogating from certain provisions of Regulation (EU) No 1308/2013.
- (2) Recognised producer organisations and associations of producer organisations may implement, as part of their approved operational programmes, crisis prevention and management measures, as provided for in Article 33(3), first subparagraph, of that Regulation, that are intended to increase their resilience to market disturbances. However, pursuant to Article 33(3), fourth subparagraph, of that Regulation, these crisis prevention and management measures are not to comprise more than one third of the expenditure under the operational programme. In order to provide greater flexibility to those producer organisations and associations of producer organisations and to enable them to direct their resources available under their operational programmes towards addressing the market disturbances, that rule should not apply in the year 2022.
- (3) Specific measures are necessary to enable recognised producer organisations and associations of producer organisations, to manage their operational funds by allowing them to redirect funds, including Union financial assistance within the operational fund to the actions and measures that are necessary to address the consequences of Russia's invasion of Ukraine. To ensure that recognised producer organisations and associations of producer organisations are able to do this, it is necessary to increase in the year 2022 the limit of Union financial assistance laid down in Article 34(1) of Regulation (EU) No 1308/2013 from 50 % to 70 % of the actual expenditure incurred.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

- (4) On imperative grounds of urgency, in particular considering the ongoing market disturbances, their severe effects on the fruit and vegetables sector and their likely continuation and deterioration, it is necessary to take immediate action and urgently adopt measures to alleviate their negative effects. Delaying immediate action to address these market disturbances would risk aggravating them, which would be detrimental to the production and market conditions in the fruit and vegetables sector.
- (5) In view of the need 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*,

HAS ADOPTED THIS REGULATION:

Article 1

Temporary derogations from Articles 33(3) and 34(1) of Regulation (EU) No 1308/2013

By way of derogation from Article 33(3), fourth subparagraph, of Regulation (EU) No 1308/2013, the limit of one third of the expenditure under the operational programme for crisis prevention and management measures in the fruit and vegetables sector referred to in that provision shall not apply in the year 2022.

By way of derogation from Article 34(1) of Regulation (EU) No 1308/2013, the Union financial assistance to the operational fund in the year 2022 shall not exceed the amount of the Union financial contribution to operational funds approved by Member States for the year 2022 and shall be limited to 70 % of the actual expenditure incurred.

Article 2

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, 14 July 2022.

For the Commission
The President
Ursula VON DER LEYEN
