

COUNCIL REGULATION (EU, Euratom) 2022/2496
of 15 December 2022
amending Regulation (EU, Euratom) 2020/2093 laying down the multiannual financial framework for
the years 2021 to 2027

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 312 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with a special legislative procedure,

Whereas:

- (1) Following Russia's unprovoked and unjustified war of aggression against Ukraine, the Union has been supporting Ukraine with a series of financial measures. The support has been provided on an ad hoc basis for a limited period of time and has required significant provisioning from the Union budget and Member States' guarantees.
- (2) Ukraine will require continued assistance to sustain the functioning of the State. Together with other international partners, the Union is expected to contribute to covering Ukraine's urgent funding needs. To that end, the Union has established a new instrument under Regulation (EU) 2022/2463 of the European Parliament and of the Council ⁽²⁾. Under that instrument, a significant part of the envisaged financial assistance is to be provided in the form of loans.
- (3) In the context of increased external instability, it is appropriate to provide for a structured financing solution for the years 2023 and 2024 to ensure continued financial support for Ukraine.
- (4) It is therefore appropriate to enable the Union to provide the necessary budgetary resources in a sustainable and sound manner. This should be done by extending the existing mechanism in the form of a Union budget guarantee to cover the financial assistance which is made available to Ukraine in the years 2023 and 2024. That mechanism should enable a mobilisation of up to 100 % of the financial liability amounts needed to honour repayment obligations of the Union under the borrowing and lending operations in the event that the Union does not receive from Ukraine the due payment on time.
- (5) It should be possible to mobilise the necessary appropriations in the Union budget over and above the ceilings of the multiannual financial framework for Member States, as well as for financial assistance to Ukraine available for the years 2023 and 2024. That possibility should be without prejudice to the obligation to respect the own resources ceiling laid down in Article 3(1) of Council Decision (EU, Euratom) 2020/2053 ⁽³⁾.
- (6) In principle, and unless further exceptional developments arise, that Union budget guarantee should cover short-term financial relief to Ukraine for an amount of up to EUR 18 000 000 000 as specified in Regulation (EU) 2022/2463 and the use of the macro-financial assistance during 2024 should be limited to disbursements in the first quarter of that year as specified in that Regulation.

⁽¹⁾ Consent of 24 November 2022 (not yet published in the Official Journal).

⁽²⁾ Regulation (EU) 2022/2463 of the European Parliament and of the Council of 14 December 2022 establishing an instrument for providing support to Ukraine for 2023 (macro-financial assistance +) (OJ L 322, 16.12.2022, p. 1).

⁽³⁾ Council Decision (EU, Euratom) 2020/2053 of 14 December 2020 on the system of own resources of the European Union and repealing Decision 2014/335/EU, Euratom (OJ L 424, 15.12.2020, p. 1).

- (7) This Regulation should only apply to programmes of financial assistance to Ukraine available for the years 2023 and 2024.
- (8) Council Regulation (EU, Euratom) 2020/2093 (*) should therefore be amended accordingly.
- (9) In view of the urgency entailed by the exceptional circumstances caused by Russia's unprovoked and unjustified war of aggression against Ukraine, it is considered to be appropriate to invoke the exception to the eight-week period provided for in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.
- (10) In light of the situation in Ukraine, this Regulation should enter into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2(3) of Regulation (EU, Euratom) 2020/2093, the following subparagraph is added:

'Where it is necessary to mobilise a guarantee for financial assistance to Ukraine which is available for the years 2023 and 2024 and authorised in accordance with Article 220(1) of the Financial Regulation, the necessary amount shall be mobilised over and above the MFF ceilings.'

Article 2

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, 15 December 2022.

For the Council
The President
M. BEK

(*) Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021 to 2027 (OJ L 433 I, 22.12.2020, p. 11).