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Answer given by Mr Hansen
on behalf of the European Commission
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Member States may recognise severe meteorological events as force majeure where abnormal and unforeseeable circumstances beyond the beneficiary's control, despite the exercise of all due care, prevent compliance with the relevant Common Agricultural Policy (CAP) requirements – whether stemming from EU regulations or specific national conditions. This is thus also applicable to coupled income support (CIS). The recognition of cases of force majeure is to be decided by the competent national authority, normally on a case-by-case basis. Where an event gravely affects a well-determined area, EU law¹ allows the Member State to consider the whole area gravely affected.

Force majeure does not, as such, modify or derogate from applicable requirements. However, under Article 59(5) of the same Regulation, where non-compliance is due to force majeure or exceptional circumstances, no penalty is imposed and the beneficiary retains the right to receive the aid. The Commission Communication COM(2024) 225² provides comprehensive clarification on the application of force majeure under the CAP. Additional guidelines are therefore not needed.

The current rules give the Member States flexibility in designing CIS interventions to address sectors or specific types of farming that are facing structural difficulties and are important for socio-economic or environmental reasons, with support conditions adapted to national, regional or local needs. This approach is maintained in the proposal for the CAP post-2027. It would allow Member States to adjust or propose new support options, where needed, to adapt to evolving needs on the ground, but CIS is not a tool to address income losses due to (recurring) crisis events.

¹ Article 3(2) of Regulation (EU) 2021/2116.

² Communication from the Commission to the Council on force majeure and exceptional circumstances in Regulation (EU) 2021/2116 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy, COM(2024) 225 final - <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52024DC0225>.