

COMMISSION DELEGATED REGULATION (EU) 2022/2566**of 13 October 2022****amending and correcting Delegated Regulation (EU) 2018/273 as regards the scheme of authorisations for vine plantings**

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 69 thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2018/273 ⁽²⁾ lays down rules supplementing Regulation (EU) No 1308/2013 concerning, in particular, the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information.
- (2) The scheme of authorisations for vine plantings provided for in Regulation (EU) No 1308/2013 has been amended by Regulation (EU) 2021/2117 of the European Parliament and of the Council ⁽³⁾ and those amendments need to be reflected in Delegated Regulation (EU) 2018/273.
- (3) The exemption from the obligation to obtain a vine planting authorisation is extended to include the planting or replanting of areas intended for setting-up collections of vine varieties intended to preserve genetic resources. That exemption needs to be added to the provisions concerning areas for experimental purposes or for graft nurseries. To avoid any abuse of that exemption, it is appropriate to set the conditions that such collections of vine varieties must meet. Moreover, the definitions of 'winegrower' and 'vineyard parcel' laid down in Article 2 of Delegated Regulation (EU) 2018/273 as well as in Annex IV thereto need to be updated to reflect that exemption. For greater clarity, a new definition of the term 'collection of vine varieties' should also be added to that Article.
- (4) As provided for in Article 63(3), point (b), of Regulation (EU) No 1308/2013, Member States may limit the issuing of planting authorisations at regional level for specific areas eligible for the production of wines with a protected designation of origin or protected geographical indication to avoid a well-demonstrated risk of devaluation of a particular protected designation of origin or a protected geographical indication. That provision should be reflected in the rules on replanting restrictions laid down in Article 6 of Delegated Regulation (EU) 2018/273.
- (5) An applicant's commitments to comply with the eligibility criteria referred to in Article 64(1), point (c), of Regulation (EU) No 1308/2013 and Article 4(1) of Delegated Regulation (EU) 2018/273, and that his application does not pose a significant risk of misappropriation of the reputation of specific protected geographical indications, are to end on 31 December 2030. That time limit, which corresponds to the end of the system of vine planting

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Delegated Regulation (EU) 2018/273 of 11 December 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties, amending Commission Regulations (EC) No 555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560 (OJ L 58, 28.2.2018, p. 1).

⁽³⁾ Regulation (EU) 2021/2117 of the European Parliament and of the Council of 2 December 2021 amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union (OJ L 435, 6.12.2021, p. 262).

authorisations, should be adapted due to the prolongation of the vine planting authorisations scheme introduced in Article 61 of Regulation (EU) No 1308/2013 by Regulation (EU) 2021/2117. For that same reason, the end dates for certain commitments concerning the eligibility criteria in Annexes I and II to Delegated Regulation (EU) 2018/273 should also be adapted.

- (6) The priority criteria referred to in Article 64(2), points (f) and (h), of Regulation (EU) No 1308/2013 have been amended and clarified, respectively, and these changes should also be reflected in the corresponding parts of Annex II to Delegated Regulation (EU) 2018/273.
- (7) Furthermore, the term ‘winegrower’ as defined in Article 2(1), point (a), of Delegated Regulation (EU) 2018/273 designates the professional winegrower. However, it is also erroneously used in Article 3(3) of that Delegated Regulation to refer to the natural person producing wine from an area not larger than 0,1 ha for household consumption only that is exempt from the planting authorisation scheme. This contradiction should be rectified.
- (8) Delegated Regulation (EU) 2018/273 should therefore be amended and corrected accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Delegated Regulation (EU) 2018/273

Delegated Regulation (EU) 2018/273 is amended as follows:

(1) Article 2(1) is amended as follows:

(a) point (a) is replaced by the following:

‘(a) “winegrower” means a natural or legal person, or a group of natural or legal persons, whatever legal status is granted to the group and its members by national law, whose holding is situated within the Union territory, as defined in Article 52 of the Treaty on European Union in conjunction with Article 355 of the Treaty on the Functioning of the European Union, and who holds an area planted with vines where the produce of this area is used for the commercial production of wine products, or the area benefits from the exemptions for experimental purposes, for setting-up collections of vine varieties intended to preserve genetic resources or for graft nurseries referred to in Article 3(2) of this Regulation;’;

(b) point (c) is replaced by the following:

‘(c) “vineyard parcel” means an agricultural parcel as defined in Article 67(4), point (a), of Regulation (EU) No 1306/2013 planted with vines either aimed at the commercial production of wine products or benefiting from the exemptions for experimental purposes, for setting-up collections of vine varieties intended to preserve genetic resources or for graft nurseries referred to in Article 3(2) of this Regulation;’;

(c) the following point (l) is added:

‘(l) “collection of vine varieties” means a vineyard parcel planted with multiple vine wine varieties where each variety does not count more than 50 plants.’;

(2) Paragraph 2 of Article 3 is amended as follows:

(a) the first subparagraph is replaced by the following:

‘The planting or replanting of areas intended for experimental purposes, for setting-up collections of vine varieties intended to preserve genetic resources or for graft nurseries shall be subject to a prior notification to the competent authorities. The notification shall include all relevant information in respect of those areas and the period during which the experiment will take place, the collection of vine varieties will be maintained or the graft nursery will be in production. Extensions of such periods shall also be notified to the competent authorities.’;

(b) in the second subparagraph, point (a) is replaced by the following:

‘(a) obtain an authorisation in accordance with Article 64, 66 or 68 of Regulation (EU) No 1308/2013 for the area concerned, so that the grapes produced in that area and the wine products obtained from those grapes can be marketed; or’;

(c) after the third subparagraph, the following subparagraphs are added:

‘The exemption referred to in paragraph 1 shall apply to areas intended for setting-up collections of vine varieties only where the purpose of setting-up such collections is the preservation of the genetic resources of vine varieties which are typical of a certain wine-producing region and where the area covered by each collection does not exceed 2 hectares.

Member States may draw up a list of wine grape varieties classified in accordance with Article 81(2) of Regulation (EU) No 1308/2013 on their territories, which are eligible at national or regional level for the purpose of setting up a collection of varieties for the preservation of genetic resources. Member States may also fix a maximum area for collections of such vine varieties below 2 hectares, as well as a maximum number of vines per variety lower than the ceiling laid down in Article 2(1), point (l) of this Regulation.’;

(3) Article 6 is amended as follows:

(a) the first paragraph is replaced by the following:

‘Member States may restrict the replantings on the basis of Article 66(3) of Regulation (EU) No 1308/2013, where the specific area to be replanted is located in an area for which the issuing of authorisations for new plantings is limited in accordance with Article 63(2), point (b), of that Regulation and provided that the decision is justified by the need to avoid a well-demonstrated risk of devaluation of a specific protected designation of origin (‘PDO’) or protected geographical indication (‘PGI’).’;

(b) in the second paragraph, the introductory sentence is replaced by the following:

‘The risk of devaluation referred to in the first paragraph does not exist if:’;

(4) Annex I is amended as follows:

(a) in Part A, second paragraph, the date ‘31 December 2030’ is replaced by ‘31 December 2045’;

(b) in Part B, second paragraph, the date ‘31 December 2030’ is replaced by ‘31 December 2045’;

(5) Annex II is amended as follows:

(a) Part B is amended as follows:

(i) in point 1, first subparagraph, the date ‘31 December 2030’ is replaced by ‘31 December 2045’;

(ii) in point 2, first subparagraph, the date ‘31 December 2030’ is replaced by ‘31 December 2045’;

(iii) in point 4, second subparagraph, the date ‘31 December 2030’ is replaced by ‘31 December 2045’;

(iv) the following point 5 is inserted:

‘(5) the applicant undertakes to maintain, for a minimum period of seven to 10 years, the area(s) to be newly planted with at least one of the varieties listed in the national list of vine varieties eligible for the conservation of the genetic resources drawn up by the Member State for that purpose. Such period shall not go beyond 31 December 2045.’;

(b) in Part D, second subparagraph, the date ‘31 December 2030’ is replaced by ‘31 December 2045’;

(c) Part F is replaced by the following:

F. Criterion referred to in Article 64(2), point (f), of Regulation (EU) No 1308/2013

The criterion referred to in Article 64(2), point (f), of Regulation (EU) No 1308/2013 shall be considered as being fulfilled if the increased cost-efficiency or competitiveness or presence on the markets is established on the basis of one of the following considerations:

- (1) the product unit costs of the holding in the wine growing sector have decreased in a given year in comparison to the average of the preceding five years;
- (2) the holding has diversified distribution channels and/or a high demand for its products in a given year in comparison to the average of the preceding five years.

Member States may further detail the considerations listed in points (1) and (2).;

(d) Part H is replaced by the following:

H. Criterion referred to in Article 64(2), point (h), of Regulation (EU) No 1308/2013

The criterion referred to in Article 64(2), point (h), of Regulation (EU) No 1308/2013 shall be considered as being fulfilled provided that the area of vineyard parcels of the applicant's holding complies at the time of the application with thresholds to be established by Member States at national or regional level on the basis of objective criteria. Such thresholds shall be set at:

- (1) no less than 0,1 hectares of vineyard parcels for small size holdings;
- (2) no more than 50 hectares of vineyard parcels for medium size holdings.

Areas planted with vines benefiting from the exemptions laid down in Article 62(4) of Regulation (EU) No 1308/2013 shall not be taken into account for the calculation of the area of vineyard parcels.;

(e) In Part I, Section II, second subparagraph, the date '31 December 2030' is replaced by '31 December 2045';

(6) in Annex IV, Section 1.2., point 1, the following point (c) is added:

'(c) areas planted or re-planted for setting-up collections of vine varieties intended to preserve genetic resources.'

Article 2

Correction to Delegated Regulation (EU) 2018/273

Article 3(3) of Delegated Regulation (EU) 2018/273 is replaced by the following:

'3. The planting or replanting of areas whose wine or vine products are intended solely for the consumption by the household of a natural person, or a group of natural persons who are not winegrowers within the meaning of Article 2(1), point (a), shall be subject to the following conditions:

- (a) such area does not exceed 0,1 ha;
- (b) the natural person or group of natural persons concerned are not involved in commercial wine production or in the commercial production of other wine products.

For the purposes of this paragraph, Member States may consider certain organisations without a commercial activity as equivalent to the natural person's household.

Member States may decide that the plantings referred to in the first subparagraph are subject to a notification.'

Article 3

Entry into force

This Regulation shall enter into force on the seventh 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, 13 October 2022.

For the Commission
The President
Ursula VON DER LEYEN
