

**COMMISSION IMPLEMENTING REGULATION (EU) 2022/2567****of 13 October 2022****amending Implementing Regulation (EU) 2018/274 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 <sup>(1)</sup>, and in particular Article 70 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2018/274 <sup>(2)</sup> lays down rules for the application of Regulation (EU) No 1308/2013 concerning, in particular, the scheme of authorisations for vine plantings, certification, the inward and outward register, compulsory declarations and notifications.
- (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 <sup>(3)</sup>, and those amendments should be reflected in the corresponding provisions of Implementing Regulation (EU) 2018/274.
- (3) Member States may now calculate the area available each year for authorisations for new plantings either on the basis of the total area planted with vines as measured on 31 July of the preceding year, or on a historic basis by considering the total area actually planted with vines on 31 July 2015, increased by an area corresponding to the area covered by planting rights granted to producers that were available for conversion into authorisations on 1 January 2016. Member States shall make public which of the two options has been chosen for a given year.
- (4) Where Member States decide to apply at national level a lower percentage than the maximum of 1 % and/or to limit the issuing of authorisations at regional level, they must take into consideration recommendations presented by recognised professional organisations operating in the wine sector, by interested groups of producers, or by other types of professional organisation recognised on the basis of that Member State's legislation. To give the competent authorities the necessary time to consider these recommendations before taking their final decision, Member States should be authorised to set a deadline for the submission of recommendations. For the sake of transparency, the recommendations submitted should be made public.
- (5) Member States may fix eligibility and priority criteria referred to in Article 4 of Implementing Regulation (EU) 2018/274 not only at national, but also at regional level.
- (6) The priority criterion referred to in Article 64(2), point (b), of Regulation (EU) No 1308/2013 now includes the conservation of the genetic resources of vines. Member States wishing to apply the criterion of the conservation of genetic resources should draw up and make public a list of eligible varieties well in advance of the application process.

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> Commission Implementing Regulation (EU) 2018/274 of 11 December 2017 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, certification, the inward and outward register, compulsory declarations and notifications, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks, and repealing Commission Implementing Regulation (EU) 2015/561 (OJ L 58, 28.2.2018, p. 60).

<sup>(3)</sup> 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).

- (7) The change of the priority criterion referred to in Article 64(2), point (f), of Regulation (EU) No 1308/2013 from a focus on a possible future increase of competitiveness of a holding to a proof of increased cost-efficiency or competitiveness or presence on the markets in the past needs to be also reflected in the corresponding provisions of Implementing Regulation (EU) 2018/274.
- (8) The priority criterion referred to in Article 64(2), point (h), of Regulation (EU) No 1308/2013 has been updated to clarify that in the case of mixed enterprises, only the area of vineyard parcels should be taken into account to determine if the holding is within the threshold for small and medium-sized holdings.
- (9) Article 68(2a) of Regulation (EU) No 1308/2013 gives Member States the possibility to grant planting authorisations for the area covered by planting rights that were eligible for conversion into planting authorisations but have not been converted into authorisations by 31 December 2022. The areas concerned should be notified to the Commission and Member States should be allowed to add them in part or in total to the authorisations for new plantings during the years 2023, 2024 and 2025. Spreading the granting of these authorisations over a period of three years allows Member States to take the market situation into account and to spread the area increase over several years. This can avoid a sudden peak in new plantings, which could lead to market frictions in relation to the inputs needed to establish new vineyards and in relation to the entry into production of the new vines.
- (10) The United Kingdom is no longer a Member State of the Union and can therefore be no longer obliged to submit samples for the analytical databank of isotopic data referred to in Article 39 of Commission Delegated Regulation (EU) 2018/273 <sup>(4)</sup> and should therefore be removed from the list of Member States set out in Annex III, Part II, of Implementing Regulation (EU) 2018/274.
- (11) Implementing Regulation (EU) 2018/274 should therefore be amended accordingly.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Implementing Regulation (EU) 2018/274 is amended as follows:

- (1) Article 3 is replaced by the following:

#### *'Article 3*

#### **Prior decisions on areas to be made available for new plantings**

1. Where Member States decide to limit the total area available for new plantings to be allocated in the form of authorisations in accordance with Article 63(2) and (3) of Regulation (EU) No 1308/2013, they shall make public such decisions and the underlying reasons by 1 March of the respective year; their decision shall also include whether they calculate the total area available for new plantings in accordance with Article 63(1), point (a), or with Article 63(1), point (b), of that Regulation.

2. Member States may fix a deadline for the submission of recommendations from professional organisations or interested groups of producers as referred to in Article 65 of Regulation (EU) No 1308/2013, in order to ensure that these recommendations are presented with sufficient time for their examination before the decision to limit the total area available for new plantings referred to in paragraph 1 is taken by the Member State concerned. These recommendations received shall also be made public.;

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<sup>(4)</sup> 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).

(2) in Article 4, paragraph 3 is replaced by the following:

‘3. Where Member States intend to apply the priority criteria referred to in paragraph 2, point (b)(ii), they shall define which of these priority criteria will be applied and whether they will be applied at national or regional level. Member States may also decide to attribute different importance to each of the priority criteria chosen. Such decisions shall enable Member States to establish a ranking of individual applications at national or regional level for the granting of the number of hectares pursuant to paragraph 2, point (b)(ii), based on the compliance of these applications with the priority criteria chosen.’;

(3) Article 6(3), first subparagraph, is amended as follows:

(a) the following point (aa) is inserted:

‘(aa) priority criterion referred to in Article 64(2), point (b), of Regulation (EU) No 1308/2013: if applicable, applications shall indicate the grapevine variety the applicant intends to grow in the newly planted area(s), which must be listed in a list of varieties eligible for the conservation of the genetic resources of vines established and made public by the competent authority of the Member State concerned and which have been classified in accordance with Article 81(2) of that Regulation.’;

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

‘(c) priority criterion referred to in Article 64(2), point (f), of Regulation (EU) No 1308/2013: applications shall include information of an economic nature demonstrating the increased cost-efficiency or competitiveness or presence on the markets of the holding on the basis of the considerations laid down in Part F of Annex II to Delegated Regulation (EU) 2018/273’;

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

‘(e) priority criterion referred to in Article 64(2), point (h), of Regulation (EU) No 1308/2013: applications shall include information showing that the size of the area of vineyard parcels of the applicant’s holding not benefiting from the exemptions laid down in Article 62(4) of Regulation (EU) No 1308/2013 complies, at the time of the application, with thresholds to be established by Member States on the basis of the provisions laid down in Part H of Annex II to Delegated Regulation (EU) 2018/273’;

(4) in Article 10, the following paragraph 3 is added:

‘3. Where Member States decide to make available authorisations pursuant to Article 68(2a) of Regulation (EU) No 1308/2013, in addition to the 1 % of the total area planted with vines as provided for in Article 63(1) of that Regulation, they shall notify the Commission of the area covered by those additional authorisations by 1 March in the years 2023, 2024 and 2025.’;

(5) Article 33 is amended as follows:

(a) in paragraph 1, point (b) is replaced by the following:

‘(b) the notifications referred to in Articles 63(4) and 64(3) of Regulation (EU) No 1308/2013 and in Article 10(3) of this Regulation. These notifications shall be made in the form set out in Part II of Annex IV to this Regulation’;

(b) in paragraph 2, the following second subparagraph is added:

‘By way of derogation from the first subparagraph, point (c), Member States shall notify the Commission by 1 March 2023 of the authorisations granted between 1 August and 31 December 2022 on the basis of the conversion of valid planting rights as referred to in Article 10(3) of this Regulation.’;

(6) Annex I is amended in accordance with Annex I to this Regulation;

(7) Annex III is amended in accordance with Annex II to this Regulation;

(8) Annex IV is amended in accordance with Annex III to this Regulation.

*Article 2*

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

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## ANNEX I

Part B of Annex I to Implementing Regulation (EU) 2018/274 is replaced by the following:

**B. ALLOCATION ACCORDING TO THE PRIORITY CRITERIA**

The part of the total number of hectares available for new plantings that Member States have decided to allocate at national or regional level according to the priority criteria selected as referred to in Article 4(2), point (b)(ii), shall be divided among individual eligible applications in the following way:

- (a) Member States shall select the priority criteria at national or regional level and may give all the criteria selected the same importance or attribute them different weighing. Member States may apply such weighing uniformly at national level or change the weighing of the criteria depending on the area within the territory of the Member State.

Where Member States attribute the same importance to all criteria selected at national or regional level, a value of one (1) shall be associated to each of them.

Where Member States attribute to the criteria selected at national or regional level different weighing, a value varying between zero (0) and one (1) shall be associated to each of those criteria and the sum of all individual values must always be equal to one (1).

Where the weighing of these criteria varies depending on the region within the territory of the Member State, an individual value varying between zero (0) and one (1) shall be associated to each of those criteria for each of the regions. In this case, the sum of all individual weights of the selected criteria for each of those regions must always be equal to one (1).

- (b) Member States shall assess each eligible individual application on the basis of the compliance with the priority criteria selected. In order to assess the level of such compliance with each of the priority criteria, Member States shall establish a single scale at national or regional level, on the basis of which to attribute a number of points to each application in relation to each of those criteria.
- (c) The single scale shall pre-define the number of points to be attributed in relation to the level of compliance with each of the criteria, detailing also the number of points to be attributed in relation to each of the elements of each specific criterion.
- (d)

Member States shall establish a ranking of individual applications at national or regional level on the basis of the total points attributed to each individual application according to the compliance or the level of compliance referred to in point (b) and, where applicable, the importance of the criteria referred to in point (a). For this purpose, they shall use the following formula:

$$Pt = W_1 \times Pt_1 + W_2 \times Pt_2 + \dots + W_n \times Pt_n$$

Pt = total of points given to a specific individual application

W<sub>1</sub>, W<sub>2</sub> ..., W<sub>n</sub> = weight of criteria 1, 2, ..., n

Pt<sub>1</sub>, Pt<sub>2</sub> ..., Pt<sub>n</sub> = level of compliance of the application with criteria 1, 2, ... n

In areas where the weighing is zero for all priority criteria, all eligible applications shall receive the maximum value in the scale for what concerns the level of compliance.

- (e) Member States shall grant authorisations to the individual applicants following the order established in the ranking mentioned in point (d) and until the hectares to be allocated according to the priority criteria are exhausted. The full number of hectares requested by an applicant shall be satisfied in the form of an authorisation before granting an authorisation to the next applicant according to the ranking.

If the hectares available are exhausted on a position of the ranking where several applications have the same number of points, the remaining hectares shall be allocated on a pro rata basis to these applications.

- (f) If the limit for a certain region, or area eligible for a PDO or PGI, or area without geographical indication, is reached when granting authorisations pursuant to point A and points (a) to (e) of this point, no further applications originating from that region or area shall be satisfied.
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## ANNEX II

Part II of Annex III to Implementing Regulation (EU) 2018/274 is replaced by the following:

## PART II

**Number of samples to be taken by Member States each year for the analytical databank as referred to in Article 27(3)**

- 30 samples in Bulgaria,
  - 20 samples in the Czechia,
  - 200 samples in Germany,
  - 50 samples in Greece,
  - 200 samples in Spain,
  - 400 samples in France,
  - 30 samples in Croatia,
  - 400 samples in Italy,
  - 10 samples in Cyprus,
  - 4 samples in Luxembourg,
  - 50 samples in Hungary,
  - 4 samples in Malta,
  - 50 samples in Austria,
  - 50 samples in Portugal,
  - 70 samples in Romania,
  - 20 samples in Slovenia,
  - 15 samples in Slovakia.’
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## ANNEX III

Annex IV to Implementing Regulation (EU) 2018/274 is amended as follows:

(1) in Part II, table A is replaced by the following:

Table A

**Authorisations for new plantings — percentage**

Member State:	
Date of communication	
Year:	
Method of calculation in accordance with Article 63(1) of Regulation (EU) No 1308/2013:	
Percentage to be applied at national level:	
Justifications on limitation of the percentage at national level (where below 1 %):	
Area A: Total area (ha) in accordance with Article 63(1), point (a), of Regulation (EU) No 1308/2013 actually planted (on last 31 July):	
B1: Total area (ha) actually planted on 31 July 2015:	
B2: Area (ha) covered by planting rights available for conversion into authorisations on 1 January 2016	
Area B (B1+B2) Area in accordance with Article 63(1), point (b), of Regulation (EU) No 1308/2013:	
(Area A or Area B multiplied with the percentage applied at national level) = Total area (ha) for new plantings at national level, on the basis of the percentage and reference decided:	
Total area (ha) transferred from previous year in accordance with Article 7(3) of this Regulation:	
Area (ha) in accordance with Article 68(2a) of Regulation (EU) No 1308/2013 (for years 2023-2025 only)	
Total area (ha) of authorisations for new vine plantings at national level:	

Notification deadline: 1 March.;

(2) in Part VI, the comments below the table are replaced by the following:

Notification deadline: 1 November

NB: This table has to be communicated for each wine year (from 1 August of year n-1 until 31 July of the year of the communication) until 1 November of the year following the end of the deadline referred to in Article 68(1), second subparagraph, of Regulation (EU) No 1308/2013 or the deadline decided by the Member State in accordance with Article 10(1) of this Regulation.

However, the communication for the period from 1 August 2022 to 31 December 2022 shall be made by 1 March 2023.;