

COMMISSION IMPLEMENTING REGULATION (EU) 2023/1619**of 8 August 2023****on temporary emergency measures derogating in respect of the year 2023 from certain provisions of Regulations (EU) No 1308/2013 and (EU) No 2021/2117 of the European Parliament and of the Council, to resolve specific problems in the fruit and vegetables and wine sectors caused by adverse meteorological events**

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 221(1) thereof,

Whereas:

- (1) Due to severe adverse meteorological events that have taken place in several Member States' regions in the spring of 2023, the production of fruits and vegetables has been dramatically damaged. In Spain, the planned production in the region of Catalonia is reduced of at least 50 % due to a drought situation, whereas the production in the region of Emilia-Romagna in Italy has been destroyed by a flood. Drought has also seriously impacted the level of production and its quality in some regions in France and in Portugal.
- (2) Given the severe adverse meteorological events of the spring of 2023, many recognised producer organisations and associations of producer organisations in the fruit and vegetables sector are facing difficulties in implementing their approved operational programmes. Some of the approved actions and measures will not be implemented in 2023 and therefore part of the operational funds will not be spent. Other recognised producer organisations and associations of producer organisations are amending their operational programmes with a view to implementing actions and measures to address the impact of the severe adverse meteorological events in the fruit and vegetables sector, such as crisis management measures.
- (3) Recognised producer organisations and associations of producer organisations may implement, as part of their approved operational programmes, crisis and prevention measures in the fruit and vegetables sector that are intended to increase their resilience to market disturbances. However, in accordance with Article 33(3), fourth subparagraph, of Regulation (EU) No 1308/2013, 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 for those producer organisations and to enable them to focus the resources under operational programmes to addressing the market disturbance caused by measures related to the adverse meteorological events, that rule should not apply in the year 2023. This temporary derogation should apply to operational programmes which continue to operate under the conditions applicable under Regulation (EU) No 1308/2013 in accordance with Article 5(6), first subparagraph, point (c), of Regulation (EU) 2021/2117 of the European Parliament and of the Council ⁽²⁾.
- (4) In addition, recognised producer organisations and associations of producer organisations need to be able to redirect funds, including Union financial assistance within their corresponding operational fund to the actions and measures that are necessary to address the consequences of the adverse meteorological events of the spring of 2023. To ensure that recognised producer organisations and associations of producer organisations are able to do this, it is necessary to increase in the year 2023 the limit of Union financial assistance laid down in Article 34(1) of Regulation (EU) No 1308/2013 from 50 % to 60 % of the actual expenditure incurred. This temporary derogation should apply to

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ 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).

operational programmes which continue to operate under the conditions applicable under Regulation (EU) No 1308/2013 in accordance with the transitional provision laid down in Article 5(6), first subparagraph, point (c), of Regulation (EU) 2021/2117.

- (5) The adverse meteorological events of the spring of 2023 affected severely also the Union wine sector, where exceptional difficulties have been encountered by wine growers located in the concerned regions of Member States. In particular, the exceptional weather conditions have prevented wine growers from carrying out works on their vineyards, which are typically performed in spring, such as cleaning and preparation of the soil, planting out of new vines or grafting. In the regions hit by exceptional drought, such activities are not possible because of the dryness of the soil and the extremely unfavourable conditions for growing new plantings, in the regions concerned by floods, such activities are not possible because vineyards are either not accessible or destroyed by the water masses.
- (6) Article 62(3), first subparagraph, of Regulation (EU) No 1308/2013 provides that vine planting authorisations, including authorisations for new planting and replanting authorisations, are valid for 3 years from the date on which they were granted. Article 68(2), first subparagraph, of that Regulation lays down that authorisations granted following a conversion of planting rights have the same period of validity as the original planting rights. Within the period of validity of each given authorisation, wine growers will typically prepare the soil in autumn and source the new vines, which are then planted during spring since spring is the most suitable period of the year for planting.
- (7) Due to the adverse meteorological events, wine growers holding planting authorisations to be used in the affected regions that expire in 2023 have been prevented from making use of the authorisations during the spring in the last year of their validity as planned. Since it is impossible to predict how long such adverse meteorological events and their consequences will last, it is not certain that those wine growers will have the possibility to use their planting authorisations within the respective validity periods. Winegrowers would have to plant the vines during the hot season and thus at a less suitable moment of the growing cycle, under difficult conditions and at additional cost, when the wine sector is already suffering from unfavourable market conditions.
- (8) Therefore, and to avoid the loss of the planting authorisation or a rapid deterioration of the conditions under which the planting would have to be carried out, it is necessary to allow without delay for an extension of the validity of planting authorisations that expire in the year 2023 in regions affected by the adverse meteorological events. The validity of all authorisations expiring in 2023 that are to be used in the affected regions should therefore be extended for 12 additional months as of their current date of expiration in 2023 to allow wine growers to plant the vines in 2024.
- (9) Given the unforeseen difficulties wine growers in affected regions encounter due to the adverse meteorological events, such wine growers should be allowed to waive their planting authorisation that expire in the year 2023 without incurring the administrative penalty referred to in Article 62(3) of Regulation (EU) No 1308/2013 if they no longer wish to expand their vineyard area.
- (10) In respect of wine growers holding newly planted vineyards in the areas that have been seriously affected by the adverse meteorological events of the spring of 2023 in the related regions and that were planted, in anticipation of the grubbing-up of an equivalent area, using re-planting authorisations granted by Member States in accordance with Article 66(2) of Regulation (EU) No 1308/2013, it is pertinent to prolong by one year the four year deadline for the grubbing up of the previous planted area. This will allow wine growers to benefit for an additional harvest year from the previous planted area in compensation for the damages in the newly planted vineyard, given that

such damages may delay the start of use of the newly planted area or have as a result that the newly planted area has to be planted again. Consequently, the deadline laid down in Article 5, second paragraph, of Commission Delegated Regulation (EU) 2018/273 ⁽³⁾ should be adapted as well.

- (11) Transitional arrangements should be put in place for the expenditure incurred after December 2022 under the national support programmes in the wine sector referred to in Article 40 of Regulation (EU) No 1308/2013. In particular, Article 5(7) of Regulation (EU) 2021/2117 lays down that the support programmes in the wine sector are to continue to apply until 15 October 2023. For that purpose, Articles 39 to 54 of Regulation (EU) No 1308/2013 are to continue to apply after 31 December 2022 as regards expenditure incurred and payments made for operations implemented under Regulation (EU) No 1308/2013 before 16 October 2023. In addition, Articles 39 to 54 of Regulation (EU) No 1308/2013 are to continue to apply also to expenditure incurred and payments made for operations implemented pursuant to Articles 46 and 50 of Regulation (EU) No 1308/2013 before 16 October 2025, provided that by 15 October 2023 such operations have been partially implemented and the expenditure incurred amounts to at least 30 % of the total planned expenditure.
- (12) However, due to the unforeseen difficulties wine growers encountered following the severe consequences of the adverse meteorological events of the spring of 2023, it has become impossible for some wine growers to implement the operations under Article 46 of Regulation (EU) No 1308/2013 in order to comply with the threshold of 30 % of expenditure that has to be incurred by 15 October 2023. It is therefore considered necessary to reduce the threshold of 30 % to a threshold of 3 %, to ensure that wine growers that have started implementing the measure but are prevented from advancing by the unforeseen weather conditions are not unnecessarily penalised and can continue implementing the measure once the situation allows it. This flexibility should only apply to wine growers holding authorisations for replanting authorisations to be used in the regions impacted by the adverse meteorological events incurred in the spring of 2023.
- (13) The overall situation constitutes a specific problem within the meaning of Article 221 of Regulation (EU) No 1308/2013 that cannot be readily addressed by measures taken pursuant to Articles 219 or 220 of that Regulation. The situation is not specifically linked to an existing identified unique market disturbance or a precise threat thereof. It is not linked either to measures that would combat the spread of animal diseases or the loss of consumer confidence due to public, animal or plant health risks.
- (14) In view of the unprecedented nature of the severe adverse meteorological events of the spring of 2023, it is necessary to alleviate those difficulties by derogating only to an extent that is strictly necessary from certain provisions of Regulations (EU) No 1308/2013 and (EU) No 2021/2117.
- (15) In view of the necessity to take immediate action, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (16) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

⁽³⁾ 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).

HAS ADOPTED THIS REGULATION:

Article 1

Temporary derogations from Regulation (EU) No 1308/2013 with regard to fruit and vegetables

1. By way of derogation from Article 33(3), fourth subparagraph, of Regulation (EU) No 1308/2013, the limit of one third of expenditure for crisis prevention and management measures under the operational programme referred to in that provision shall not apply in the year 2023 in respect of areas affected by the adverse meteorological events of the spring of 2023 to be identified by the Member States.
2. By way of derogation from Article 34(1) of Regulation (EU) No 1308/2013, the Union financial assistance to the operational fund referred to in that provision granted in the year 2023 to producer organisations or associations of producer organisations affected by the adverse meteorological events of the spring of 2023 to be identified by Member States shall not exceed the amount of the Union financial contribution to operational funds approved by Member States for the year 2023 and shall be limited to 60 % of the actual expenditure incurred.

Article 2

Temporary derogations from Regulation (EU) No 1308/2013 with regard to wine

1. By way of derogation from Article 62(3), first subparagraph, first sentence, and Article 68(2), first subparagraph, first sentence, of Regulation (EU) No 1308/2013, planting authorisations granted in accordance with Articles 62, 64, 66 and 68 of that Regulation that expire in the year 2023 and are to be used in regions affected by the adverse meteorological events of the spring of 2023 shall only expire 12 months from their initial date of expiry.
2. By way of derogation from Article 62(3), first subparagraph, second sentence, of Regulation (EU) No 1308/2013, wine growers who hold planting authorisations that expire in the year 2023 and are to be used in regions affected by the adverse meteorological events of the spring of 2023 shall not be subject to administrative penalties, under the condition that they inform the competent authorities by 31 December 2023 that they do not intend to make use of their authorisation and do not wish to benefit from the extension of validity provided for in paragraph 1 of this Article.
3. By way of derogation from Article 66(2) of Regulation (EU) No 1308/2013, Member States may extend the deadline for grubbing up to the end of the fifth year from the date on which the new vines have been planted in cases where the newly planted area has been seriously affected by the adverse meteorological events of the spring of 2023 to the extent that either the start of use of the newly planted area is delayed or the newly planted area has to be planted again.

Within 2 months as from the submission of the application for the extension of the deadline for grubbing up Member States shall inform the applicant of the approval or rejection of its application. In case of rejection of the application, Member States shall inform the applicant of the reasons thereof.

Article 5, second paragraph, of Delegated Regulation (EU) 2018/273 shall apply if the grubbing up is not carried out by the wine grower by the end of the extended deadline.

Wine growers benefitting from the extension shall not be eligible for support for green harvesting referred to in Article 47 of Regulation (EU) No 1308/2013 until the end of the extended deadline, on either the newly planted area or the area which is due to be grubbed up.

*Article 3***Temporary derogations from the transitional provisions laid down in Article 5(7), point (b), of Regulation (EU) 2021/2117 regarding the application of Articles 39 to 52 of Regulation (EU) No 1308/2013**

By way of derogation from Article 5(7), point (b), of Regulation (EU) 2021/2117, Articles 39 to 54 of Regulation (EU) No 1308/2013 shall continue to apply after 31 December 2022 as regards expenditure incurred and payments made for operations implemented pursuant to Article 46 of Regulation (EU) No 1308/2013 before 16 October 2025, provided that:

- (a) by 15 October 2023 such operations have been partially implemented and the expenditure incurred amounts to at least 3 % of the total planned expenditure; and
- (b) such operations are fully implemented by 15 October 2025.

Member States shall ensure that this derogation only applies to wine growers holding replanting authorisations to be used in regions impacted by the adverse meteorological events that occurred in the spring of 2023.

*Article 4***Entry into force and application**

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

It shall apply until 9 August 2024.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 8 August 2023.

For the Commission
The President
Ursula VON DER LEYEN
