Commission Implementing Regulation (EU) 2020/601 of 30 April 2020 on emergency measures derogating from Articles 62 and 66 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the validity of vine planting authorisations and the grubbing up in case of anticipated replanting

COMMISSION IMPLEMENTING REGULATION (EU) 2020/601

of 30 April 2020

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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 the current pandemic of COVID-19 and the extensive movement restrictions put in place in the Member States, exceptional difficulties have been encountered by wine growers in all Member States. In particular, wine growers have been experiencing logistical problems and shortage of workforce which affects strongly labour intensive cultures like vines, where many manual interventions on the vineyard are necessary during the whole growing season and especially in spring when new vines are typically planted. Due to the current restrictions, wine growers encounter unprecedented difficulties to mobilise the workforce needed to carry out the day-to-day operations in their vineyards and the situation is even worse when it comes to organising the additional workforce needed for the planting of new vineyards.

(2) Article 62(3) of Regulation (EU) No 1308/2013 provides that vine planting authorisations are valid for 3 years from the date on which they were granted. In accordance with the second subparagraph of Article 7(2) of Commission Implementing Regulation (EU) 2018/274[(2)] planting authorisation are to be granted to the successful applicants not later than 1 August. This allows wine growers to prepare the soil in autumn and source the new vines, which are then typically planted during spring. Spring is the most favourable season to plant vines since with the rising temperature and the arrival of summer, the soil is getting dry so that plants planted at this moment suffer and might not take roots.

(3) Due to the crisis caused by the pandemic of COVID-19, wine growers holding planting authorisations which expire at the latest by on 1 August 2020 are currently prevented from making use of these authorisations in the last year of their validity as planned. Due to the uncertainty regarding the length of the measures taken to address the

pandemic, it is not certain that those wine growers will have the possibility to use their planting authorisations before 1 August. However, even in the case where the pandemic of COVID-19 takes a positive turn and restrictions are lifted before summer, the winegrowers will 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, and that at a moment when the wine sector is already suffering from unfavourable market conditions.

(4) 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 a prolongation of the validity of planting authorisations which expire in the year 2020. All authorisation expiring in 2020 should therefore be prolonged for 12 months as of the date of entry into force of this Regulation to allow wine growers to plant the vines under favourable conditions in spring 2021.

(5) Given the unforeseen practical and economic difficulties wine growers encounter due to the pandemic of COVID-19, they should be allowed to renounce their planting authorisation which expire in the year 2020 without incurring the administrative penalty referred to in Article 89(4) of Regulation (EU) No 1306/2013 of the European Parliament and of the Council[(3)] if they no longer wish to expand their vineyard area.

(6) In respect of wine growers holding replanting authorisations granted by Member States because they have grubbed up a corresponding area of vines in accordance with Article 66(1) of Regulation (EU) No 1308/2013, the derogation granted by this Regulation should apply in a similar way as to growers having been allocated authorisations for new plantings. This would ensure that the growers are not subject to a reduction of their vineyard area since they are prevented from replanting an area they have been grubbing up due to unforeseen circumstances and labour shortage caused by movement restrictions due to the crisis caused by the pandemic of COVID-19.

(7) Where Member States have granted a replanting authorisation to wine growers that undertook to grub up an area planted with vines at the latest by the end of the fourth year from the date on which new vines have been planted, growers can encounter in the year 2020 specific problems to do so due to movement restrictions and labour shortage. When these growers, therefore, can justify that the grubbing up was impossible for them in the year 2020 due to reasons linked to the pandemic of COVID-19, Member States should have the possibility to give them more time to implement the grubbing up by extending the deadline by up to 12 months after the entry into force of this Regulation. Member States should decide within 2 months after the submission of an application whether the extension is granted and for which duration or in case of rejection, inform the applicant of the reasons thereof. If the grubbing up is not carried out by the end of the granted extension, the wine grower should be subject to the respective penalties applicable pursuant to the second paragraph of Article 5 of Commission Delegated Regulation (EU) 2018/273[(4)].

(8) Where wine growers are allowed to delay the grubbing up of a vineyard which has been subject to anticipated replanting by Member States, both the old vineyard due to be

grubbed up and the newly planted vineyard should be ineligible for support for green harvesting to avoid double financing.

(9) The movement restrictions in place and the resulting logistical problems and shortage of workforce to carry out the manual operation on the vineyard, specifically planting of vines and grubbing-up constitute a specific problem within the meaning of Article 221 of Regulation (EU) No 1308/2013. This specific problem cannot be addressed by measures taken pursuant to Article 219 or 220 of that Regulation. On the one hand, it is not linked to an already existing market disturbance or to a sufficiently specific threat of a market disturbance. On the other hand, this specific problem is also not linked to measures for combating the spread of diseases of animals or a loss of consumer confidence due to public, animal or plant health risks, as required by Article 220 of that Regulation.

(10) The measure should be strictly limited to what is necessary to address the current difficulties due to the pandemic of COVID-19, both as regards the scope and the period of application.

(11) The measures should be taken in an urgent manner to avoid that wine growers are deprived of their planting authorisations or are penalised for not following on their obligation to grub up the pledged area due to the unforeseen logistical problems and shortage of workforce.

(12) The emergency measures provided for in this Regulation should be limited to a maximum period of 12 months starting from the date of entry into force of this Regulation. This period is necessary to provide the wine growers with sufficient time to plant the new vines during the appropriate season and Member States with some flexibility in the cases where grubbing up is not possible due to the pandemic of COVID-19.

(13) In view of the need to take immediate action, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*.

(14) 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

Extension of the validity of planting and replanting authorisations expiring in the year 2020

1 By way of derogation from the first sentence of Article 62(3) of Regulation (EU) No 1308/2013, the validity of authorisations for new plantings granted in accordance with Articles 62 and 64 of that Regulation that have expired or will expire in the year 2020, shall only expire 12 months after the entry into force of this Regulation.

2 By way of derogation from the second sentence of Article 62(3) of Regulation (EU) No 1308/2013, those wine growers who hold planting authorisations that have expired or will expire in the year 2020 shall not be subject to administrative penalty referred to in Article 89(4) of