COMMISSION IMPLEMENTING REGULATION (EU) 2023/1317

of 28 June 2023

on temporary derogation from Implementing Regulation (EU) 2016/1150 as regards certain measures to address the market disturbance in the wine sector

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 54, points (a) and (e), thereof,

Whereas:

(1) The current economic situation characterised by high input costs for the agricultural production and increased costs of living is having a significant negative impact on the wine market in several Member States. The global inflation and the related reduction of purchase power of the consumers are only further aggravating the general trend of decreasing wine consumption in the Union. Wine growers are thus facing increasing problems for the upcoming harvest: accumulation of wine stocks, reduced consumption, losses of income and sale difficulties. Against this background, it has become necessary for the Commission to adopt several exceptional market measures to address the current imbalanced situation in the wine market and react timely before it deteriorates. The envisaged measures include, inter alia, the possibility to finance crisis distillation under the wine national support programmes by way of derogation from Article 43 of Regulation (EU) No 1308/2013 as well as some adjustments concerning the other eligible measures financed under the programmes in accordance with that Article.

(2) In order to enable Member States to immediately implement the crisis measures referred to above, it is necessary to derogate for financial year 2023 from several provisions of Commission Implementing Regulation (EU) 2016/1150 ([2]) relating to the implementation of the national support programmes in the wine sector.

(3) Article 2(1) of Implementing Regulation (EU) 2016/1150 provides that changes in respect of applicable support programmes, as referred to in Article 41(5) of Regulation (EU) No 1308/2013, are not to be submitted more than twice per financial year. Provided that the current wine national support programmes apply only until 15 October 2023, as set out in Article 5(7) of Regulation (EU) 2021/2117 of the European Parliament and of the Council ([3]), and in order to enable Member States to quickly adapt their national support programmes for reasons related to the current imbalanced situation in the wine market, it is appropriate to allow them to submit changes to their programmes more than twice per financial year as long as those changes are submitted before 15 October 2023. Member States should be able to react quickly to the instable circumstances of the market and submit changes to their programme as early and as often as is considered necessary. Such flexibility would allow Member States to optimise the measures already in place, increase the number of interventions and make adjustments more frequently taking account of the market situation. With this improved flexibility, more opportunities would be available to operators including newcomers, to submit applications for support. Therefore, it is necessary to derogate from Article 2(1) of Implementing Regulation (EU) 2016/1150 to allow changes to the national support programmes whenever necessary in financial year 2023.

([1]) OJ L 347, 20.12.2013, p. 671.

([2]) Commission Implementing Regulation (EU) 2016/1150 of 15 April 2016 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector (OJ L 190, 15.7.2016, p. 23).

([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).

(4) Furthermore, in view of the prevailing market situation, and to reduce the risk it prolongs after the coming wine harvest, the Commission is adopting exceptional measures, among other, to allow Member States to increase the use of the green harvesting measure within their wine support programmes this summer. For this purpose, it is pertinent to give flexibility to Member States in relation to the deadlines to implement the green harvesting measure. Firstly, it is necessary to postpone for the financial year 2023 the deadline for the submission of applications for support for green harvesting as well as the deadline for carrying out such operations as set out respectively in Article 8, points (b) and (d), of Implementing Regulation (EU) 2016/1150, provided that the operation is carried out before the normal time of harvest as characterised by the relevant Baggiolini stage of maturity. This should provide producers with additional time to apply and to carry out such operations. Secondly, with regard to the current market developments and the resulting growing wine surpluses, it appears non-pertinent to request from Member States to provide a specific justification for the application of green harvesting. Therefore, it is appropriate to derogate from Article 8, point (c), of Implementing Regulation (EU) 2016/1150 and suspend temporarily for the financial year 2023 the requirement that Member States establish an expected market situation justifying the application of green harvesting to restore market balance and prevent crisis.

(5) Moreover, as a consequence of the flexibility given to Member States in relation to the deadlines to implement the green harvesting measure, it is necessary to derogate from Article 43(3) of Implementing Regulation (EU) 2016/1150 to adjust the deadline provided for in that provision for competent authorities to perform checks on the implementation of green harvesting operations. Therefore, in financial year 2023, such checks should take place by 15 September 2023 and, in any case, they should be completed by the normal time of harvest (Baggiolini stage N, BBCH stage 89).

(6) 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*.

(7) 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

Derogations from Implementing Regulation (EU) 2016/1150

1. By way of derogation from Article 2(1) of Implementing Regulation (EU) 2016/1150, Member States may introduce, whenever necessary during the financial year 2023, but not later than 15 October 2023, changes to their national support programmes in the wine sector as referred to in Article 41(5) of Regulation (EU) No 1308/2013.

2. By way of derogation from Article 8 of Implementing Regulation (EU) 2016/1150, during the financial year 2023 Member States may:

(a) set the deadline for the submission of applications for support for green harvesting, as referred to in point (b) of that Article, between 15 April and 31 July;

(b) opt not to establish an expected market situation justifying the application of green harvesting, as referred to in point (c) of that Article;

(c) by way of derogation from point (d) of that Article, set by 15 July a deadline at a date after the deadline for submission of applications for support for green harvesting as provided for in point (a) of this paragraph for carrying out the green harvesting operations in accordance with the requirements set out in Article 47(1) of Regulation (EU) No 1308/2013. This deadline shall be set before the normal time of harvest (Baggiolini stage N, BBCH stage 89) in any given area.

3. By way of derogation from Article 43(3) of Implementing Regulation (EU) 2016/1150, all checks of green harvesting operations implemented in financial year 2023 shall take place by 15 September 2023 and, in any case, they shall be completed by the normal time of harvest (Baggiolini stage N, BBCH stage 89) in any given area.

Article 2

Entry into force

This Regulation shall enter into force on the day 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, 28 June 2023.

For the Commission
The President
Ursula VON DER LEYEN