



2024/2146

5.8.2024

COMMISSION IMPLEMENTING REGULATION (EU) 2024/2146

of 2 August 2024

on temporary emergency measures derogating in respect of the year 2024 from certain provisions of Regulation (EU) No 1308/2013 of the European Parliament and of the Council and from Commission Delegated Regulation (EU) 2017/891 to resolve specific problems in the wine and fruit and vegetables 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) The persisting drought observed in the autumn of 2023, as well as winter and spring of 2024, continued to severely affect the wine sector, particularly in southern Italy and in Spain. Excessive rainfalls during long periods in the spring of 2024 in other producing regions, in particular northern Italy and France, have prevented wine growers from performing certain operations on time. These were exceptional difficulties encountered by wine growers located in the concerned regions. Spain, Italy and France have informed the Commission of this situation and requested it to take appropriate measures in respect of the vine planting authorisations expiring in 2024. Other Member States were also affected by these severe events with similar impacts and might identify, as well, their wine producing regions as most affected.
- (2) In particular, the exceptionally dry conditions, on the one hand, and the excessive cumulated rainfalls on the other hand, have prevented wine growers from carrying out works on their vineyards, which are typically performed in the autumn, winter and spring periods, such as cleaning and preparation of the soil, planting out of new vines or grafting. In the regions hit by exceptional drought or excessive rainfalls, such activities cannot be performed because of the dryness of the soil and the extremely unfavourable conditions for growing new plantings or due to the impossibility to access the parcels and work the soil in case of excessive rainfalls.
- (3) Article 62(3), first subparagraph, of Regulation (EU) No 1308/2013 provides that vine 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 take the decisions on the varieties and type of wine to produce in the new vineyards, prepare the soil in autumn or winter, and source the new vines, which are then planted during spring since spring is the most suitable period of the year for planting.
- (4) Due to the adverse meteorological events, wine growers holding planting authorisations to be used in the regions affected by drought or by excessive rainfalls that expire in 2024 have been prevented from making use of the authorisations during the spring of 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. Wine growers 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.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671, ELI: <http://data.europa.eu/eli/reg/2013/1308/oj>.

- (5) Therefore, to avoid the loss of the new planting authorisation or a rapid deterioration of the conditions under which the planting would have to be carried out in the regions to be identified by Member States as having been affected by drought or excessive rainfalls in 2024, it is necessary to allow, without delay, for a one-year extension of the validity of planting and replanting authorisations that expire in the year 2024 in regions affected by drought or excessive rainfalls.
- (6) The validity of planting and replanting authorisations, issued under Article 64, Article 66 or Article 68(1) of Regulation (EU) No 1308/2013, expiring in 2024 that are to be used in the regions identified by Member States as having been affected by drought or excessive rainfalls during the spring of 2024 should therefore be extended for 12 additional months as of their current date of expiration in 2024 to allow the concerned wine growers to plant the vines in 2025.
- (7) Given those difficulties, wine growers in regions affected by drought or excessive rainfalls should also be allowed to waive their planting and replanting authorisation that expire in the year 2024 without incurring the administrative penalty referred to in Article 62(3) of Regulation (EU) No 1308/2013, if they do not wish to expand their vineyard area.
- (8) Due to severe adverse meteorological events that have taken place in several Member States' regions in the spring of 2024, the production of fruits and vegetables has been dramatically damaged. The intensity of frost events in April 2024 occurred in Austria and Czechia, and of the frost events in April 2024 and hail during May 2024 occurred in Poland has been extraordinary, affecting a significant area and share of the national production. Fruit and vegetables production in other production regions along the Union has also been seriously affected by adverse meteorological events in the spring of 2024.
- (9) To address the impacts of the frost in April 2024 and hail in May 2024, Commission Implementing Regulation (EU) 2024/2030⁽²⁾ provides for emergency financial support to the affected producers in the fruit and vegetables sector and the wine sector affected by the adverse climatic events in Austria, Czechia and Poland. However, that financial support is targeted to the affected producers, while the adverse meteorological events also caused wider issues for recognised producer organisations in the fruit and vegetable sector.
- (10) Given those severe adverse meteorological events, many recognised producer organisations and associations of producer organisations in the fruit and vegetables sector whose main activity is located in the affected regions are facing an important reduction of production from their producer members. To address the consequences of such reduction of production, and to mitigate its impacts on their recognition status and possible suspension of payments for their ongoing operational programmes, producer organisations located in the affected regions should be exempted in the year 2024 from the provisions laid down in Article 11(2) of Commission Delegated Regulation (EU) 2017/891⁽³⁾, regarding the obligation that the economic value of products sold from producers that are not members of the producer organisation or of the association of producer organisation must be below the value of marketed production of the producer organisation or of the association of producer organisations.
- (11) The consequences of the severe adverse meteorological events in the wine and fruit and vegetables sectors which are described above do not qualify as market disturbances in the sense of Article 219 of Regulation (EU) No 1308/2013. Indeed, the direct impact of the referred meteorological events is, on the one hand, the impossibility to proceed with planned vine planting operations and, on the other hand, the drastic reduction of the value of the activity of producer organisations performed with their own producer members. None of these two situations qualifies as a market disturbance. Neither are they the result of animal or plant diseases or consumers' confidence crisis covered

(2) Commission Implementing Regulation (EU) 2024/2030 of 23 July 2024 providing for emergency financial support for the fruit and vegetables sector and the wine sector affected by adverse climatic events in Austria, Czechia and Poland, in accordance with Regulation (EU) No 1308/2013 of the European Parliament and of the Council (OJ L, 2024/2030, 24.7.2024, ELI: http://data.europa.eu/eli/reg_impl/2024/2030/oj).

(3) Commission Delegated Regulation (EU) 2017/891 of 13 March 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the fruit and vegetables and processed fruit and vegetables sectors and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to penalties to be applied in those sectors and amending Commission Implementing Regulation (EU) No 543/2011 (OJ L 138, 25.5.2017, p. 4, ELI: http://data.europa.eu/eli/reg_del/2017/891/oj).

by Article 220 of that Regulation. The situations to which this Regulation aims to respond to constitute specific problems within the meaning of Article 221 of Regulation (EU) No 1308/2013 that cannot be addressed by measures taken pursuant to Articles 219 or 220 of that Regulation.

- (12) In view of the magnitude of the severe adverse meteorological events of the spring of 2024 and the prevailing market uncertainties in certain regions for the wine sector, it is necessary to alleviate those difficulties by derogating, only to an extent that is strictly necessary and only for the year 2024, from certain provisions of Regulation (EU) No 1308/2013 and of Delegated Regulation (EU) 2017/891 applicable to new vine planting authorisations expiring in 2024 and vine replanting authorisations valid and not yet used at the entry into force of this Regulation in the wine sector and to recognised producer organisations in the fruit and vegetables sector in the affected regions.
- (13) Member States should inform the Commission about the implementation of this Regulation, to enable the Union to monitor the efficiency of the measures introduced hereby.
- (14) 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*.
- (15) 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

Temporary derogations from Regulation (EU) No 1308/2013 regarding vine planting authorisations

1. Member States shall identify the wine production regions within their territory that have been affected by severe drought or excessive rainfalls, during winter and spring 2024, to an extent that precluded wine growers from undertaking the necessary operations related to the planting of vines during those seasons.
2. By way of derogation from Article 62(3), first subparagraph, first sentence, and from Article 68(2) of Regulation (EU) No 1308/2013, planting and replanting authorisations granted in accordance with Article 64, Article 66 or Article 68(1) of that Regulation that expire in the year 2024 and are to be used in regions referred to in paragraph 1 of this Article shall expire 12 months after their initial date of expiry.
3. By way of derogation from Article 62(3), first subparagraph, second sentence, of Regulation (EU) No 1308/2013, wine growers who hold planting and replanting authorisations that expire in the year 2024 and are to be used in regions referred to in paragraph 1 of this Article shall not be subject to administrative penalties if they do not use the authorisations, under the condition that they inform the competent authorities by 31 December 2024 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 paragraphs 1 or 2 of this Article.

Article 2

Temporary derogation from Article 11(2) of Delegated Regulation (EU) 2017/891

By way of derogation from Article 11(2) of Delegated Regulation (EU) 2017/891, in the year 2024, the limitation under which a producer organisation can only sell products from producers that are not members of a producer organisation or of an association of producer organisations where the economic value of that activity is below the value of its marketed production shall not apply to producer organisations which are affected by the adverse meteorological events in the spring of 2024.

*Article 3***Notifications**

1. By 31 March 2025, Member States shall notify to the Commission whether or not they have implemented the derogations provided for in Article 1 for the wine sector and when relevant the following information:
 - (a) the regions in which the derogations referred to in Article 1(2) and (3) has been applied;
 - (b) the area covered by the planting and replanting authorisations for which the validity has been extended for 12 months in application of Article 1(2);
 - (c) the area covered by the planting and replanting authorisations expired in 2024 for which the wine grower holding them has renounced to the extension of validity in application of Article 1(3).
2. By 31 March 2025, Member States shall notify to the Commission whether or not they have implemented the derogation provided for in Article 2 for the fruit and vegetables sector and when relevant the following information:
 - (a) the regions in which the derogation referred to in Article 2 has been applied;
 - (b) the number of recognised producer organisations applying the derogations referred to in Article 2.
3. The notifications to the Commission referred to in this Article shall be made in accordance with Commission Delegated Regulation (EU) 2017/1183 ⁽⁴⁾.

*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 5 August 2025.

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

Done at Brussels, 2 August 2024.

For the Commission
The President
Ursula VON DER LEYEN

⁽⁴⁾ Commission Delegated Regulation (EU) 2017/1183 of 20 April 2017 on supplementing Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council with regard to the notifications to the Commission of information and documents (OJ L 171, 4.7.2017, p. 100, ELI: http://data.europa.eu/eli/reg_del/2017/1183/oj).