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

CHAPTER VII

CHECKS, COMPETENT AUTHORITIES, MUTUAL ASSISTANCE AND PENALTIES

SECTION II

PENALTIES

Article 46

Penalties and cost recovery for non-authorised plantings

Member States shall impose financial penalties on producers who do not comply with the obligation laid down in Article 71(1) of Regulation (EU) No 1308/2013.

The minimum amount of the financial penalty shall be:

- (a) EUR 6 000 per hectare, if the producer grubs up the totality of the non-authorised planting within the four months from the date on which he is notified of the irregularity, as referred to in Article 71(2) of Regulation (EU) No 1308/2013;
- (b) EUR 12 000 per hectare, if the producer grubs up the totality of the non-authorised planting during the first year following the expiry of the 4-month period;
- (c) EUR 20 000 per hectare, if the producer grubs up the totality of the non-authorised planting after the first year following the expiry of the 4-month period.

Where the yearly income obtained in the area where the vineyards concerned are located is estimated to exceed EUR 6 000 per hectare, Member States may increase the minimum amounts set in the second subparagraph proportionally to the average yearly income per hectare estimated for that area.

If the Member State ensures the grubbing up of the non-authorised planting by its own means, the relevant cost charged to the producer pursuant to Article 71(2) of Regulation (EU) No 1308/2013 shall be calculated in an objective way taking into account the costs of labour, use of machinery and transport or other costs incurred. Such cost shall be added to the applicable penalty.

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Article 47

Penalties relating to accompanying documents and VI-1 documents for non-conformity with certain Union rules

- The application of Articles 10, 11 and 12 may be suspended for operators referred to in Article 8(1) where the competent authorities of a Member State find or suspect that wine products have been the subject of falsification likely to result in a health risk to consumers or do not comply with Article 80 or Article 90 of Regulation (EU) No 1308/2013.
- 2 The application of Articles 26 and 27 may be suspended in case of findings or suspicions referred to in paragraph 1 of this Article in respect of imported wines.

Article 48

Penalties for non-compliance with the obligations to keep the inward and outward register, submit declarations or make notifications

- Operators required to keep the inward and outward register, to submit production, stock or harvest declarations or to notify the competent authorities of the operations referred to in Article 30(2) who do not keep such register, do not submit such declarations by the dates referred to in Articles 22, 23 and 24 of Implementing Regulation (EU) 2018/274 or do not make such notification by the date set by the Member State pursuant to Article 30(2) of this Regulation, shall be subject to administrative penalties.
- The penalties referred to in paragraph 1 shall take the form of payment of an amount and shall be laid down and applied by the Member States based on the value of the products, the estimated financial benefits or the economic damage caused by fraud.
- In cases of serious or repeated non-compliance with the obligation to submit declarations by the dates referred to in paragraph 1, the operator concerned shall not benefit from the support measures provided for in Articles 47 and 50 of Regulation (EU) No 1308/2013 for the financial year in question or the following financial year, subject to the following:
 - a where the dates referred to in Articles 22, 23 and 24 of Implementing Regulation (EU) 2018/274 are exceeded, but by not more than 15 working days, only administrative penalties referred to in paragraph 2 of this Article shall be applied;
 - b where the information contained in the declarations referred to in paragraph 1 are deemed to be incomplete or inaccurate by the competent authorities of the Member States, and where knowledge of the missing or inaccurate information is essential for the proper application of the support measures provided for in Articles 47 and 50 of Regulation (EU) No 1308/2013, the support to be paid shall be reduced proportionately by an amount set by the competent authority depending on the seriousness of the infringement.

Article 49

Exceptional circumstances and obvious errors

1 The penalties provided for in this Regulation shall not be imposed in cases of exceptional circumstances within the meaning of Article 2(2) of Regulation (EU) No 1306/2013.

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Any communication, claim or request made to a Member State under this Regulation may be adjusted at any time after its submission in cases of obvious errors recognised by the competent authority.

Changes to legislation:

There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2018/273. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

View outstanding changes

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Ch. 4 s. 1A inserted by S.I. 2021/1471 reg. 5(5)(a)Sch.
- Signature words omitted by S.I. 2019/865 reg. 13(25) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Signature words omitted by S.I. 2020/1637 reg. 24(32)
- Annex 5 s. A inserted by S.I. 2020/1637 reg. 24(35)(e)
- Annex 5 s. B point 1.2 omitted by S.I. 2020/1637 reg. 24(36)(b)
- Annex 5 s. B point 2.1(e)(i) omitted by S.I. 2020/1637 reg. 24(36)(f)(iv)(aa)
- Annex 5 s. C omitted by S.I. 2020/1637 reg. 24(37)
- Annex 5 s. D omitted by S.I. 2020/1637 reg. 24(37)
- Annex 5 s. A word substituted by S.I. 2020/1637 reg. 24(35)(a)
- Annex 5 s. B point 1.3 word substituted by S.I. 2020/1637 reg. 24(36)(c)
- Annex 5 s. A words inserted by S.I. 2019/865 reg. 13(28)(a)(ii) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Annex 5 s. A words inserted by S.I. 2019/865 reg. 13(28)(b) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Annex 5 s. A words inserted by S.I. 2020/1637 reg. 24(35)(d)(ii)
- Annex 5 s. A words omitted by S.I. 2019/865 reg. 13(28)(c)(i)(aa) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Annex 5 s. A words omitted by S.I. 2019/865 reg. 13(28)(c)(ii) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Annex 5 s. Bpara. 2.1(e)(ii) words omitted by S.I. 2019/865 reg. 13(29)(c) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Annex 5 s. A words omitted by S.I. 2020/1637 reg. 24(35)(c)
- Annex 5 s. A words omitted by S.I. 2020/1637 reg. 24(35)(f)(i)
- Annex 5 s. A words omitted by S.I. 2020/1637 reg. 24(35)(f)(ii)
- Annex 5 s. A words omitted by S.I. 2020/1637 reg. 24(35)(f)(iv)
- Annex 5 s. A words omitted by S.I. 2020/1637 reg. 24(35)(f)(v)
- Annex 5 s. A words omitted by S.I. 2020/1637 reg. 24(35)(f)(vi)
- Annex 5 s. A words omitted by S.I. 2020/1637 reg. 24(35)(f)(vii)
- Annex 5 s. B point 1.1 words omitted by S.I. 2020/1637 reg. 24(36)(a)(ii)
- Annex 5 s. B point 1.5 words omitted by S.I. 2020/1637 reg. 24(36)(d)
- Annex 5 s. B point 1.6 words omitted by S.I. 2020/1637 reg. 24(36)(e)(i)
- Annex 5 s. B point 1.6 words omitted by S.I. 2020/1637 reg. 24(36)(e)(ii)
- Annex 5 s. B point 2.1(e)(ii) words omitted by S.I. 2020/1637 reg. 24(36)(f)(iv)(bb)
- Annex 5 s. B point 2.1(e) words omitted by S.I. 2020/1637 reg. 24(36)(f)(iv)(cc)
- Annex 5 s. A words substituted by S.I. 2019/865 reg. 13(28)(a)(i) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Annex 5 s. A words substituted by S.I. 2019/865 reg. 13(28)(c)(i)(bb) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)

- Annex 5 s. Bpara. 2.1(a) words substituted by S.I. 2019/865 reg. 13(29)(a) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Annex 5 s. Bpara. 2.1(d) words substituted by S.I. 2019/865 reg. 13(29)(b) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Annex 5 s. C Note 1 words substituted by S.I. 2019/865 reg. 13(30) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Annex 5 s. D words substituted by S.I. 2019/865 reg. 13(31) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Annex 5 s. A words substituted by S.I. 2020/1637 reg. 24(35)(b)(i)
- Annex 5 s. A words substituted by S.I. 2020/1637 reg. 24(35)(b)(ii)
- Annex 5 s. A words substituted by S.I. 2020/1637 reg. 24(35)(d)(i)
- Annex 5 s. A words substituted by S.I. 2020/1637 reg. 24(35)(f)(iii)(aa)
- Annex 5 s. A words substituted by S.I. 2020/1637 reg. 24(35)(f)(iii)(bb)
- Annex 5 s. B point 1.1 words substituted by S.I. 2020/1637 reg. 24(36)(a)(i)
- Annex 5 s. B point 2.1(a) words substituted by S.I. 2020/1637 reg. 24(36)(f)(i)
- Annex 5 s. B point 2.1(c)(ii) words substituted by S.I. 2020/1637 reg. 24(36)(f)(ii)
 (aa)
- Annex 5 s. B point 2.1(c) words substituted by S.I. 2020/1637 reg. 24(36)(f)(ii)(bb)
- Annex 5 s. B point 2.1(d) words substituted by S.I. 2020/1637 reg. 24(36)(f)(iii)
- Annex 7 Pt. 3 s. A point 2 words omitted by S.I. 2020/1637 reg. 24(42)(b)(i)
- Annex 7 Pt. 3 s. C words substituted by S.I. 2019/865 reg. 13(32)(b)(i) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Annex 7 Pt. 3 s. C words substituted by S.I. 2019/865 reg. 13(32)(b)(ii) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Annex 7 Pt. 3 s. C words substituted by S.I. 2020/1637 reg. 24(42)(b)(ii)(aa)
- Annex 7 Pt. 3 s. C words substituted by S.I. 2020/1637 reg. 24(42)(b)(ii)(bb)
- Annex 6 Pt. 2 s. B words omitted by S.I. 2020/1637 reg. 24(41)(b)(i)
- Annex 6 Pt. 2 s. B words omitted by S.I. 2020/1637 reg. 24(41)(b)(ii)
- Annex 6 Pt. 2 s. B words omitted by S.I. 2020/1637 reg. 24(41)(b)(iv)
- Annex 6 Pt. 2 s. A words substituted by S.I. 2020/1637 reg. 24(41)(a)Sch. 7 Pt. 1
- Annex 6 Pt. 2 s. B words substituted by S.I. 2020/1637 reg. 24(41)(b)(iii)(aa)
- Annex 6 Pt. 2 s. B words substituted by S.I. 2020/1637 reg. 24(41)(b)(iii)(bb)
- Art. 1(a) omitted by S.I. 2019/865 reg. 13(2)(b) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Art. 1(a) omitted by S.I. 2020/1637 reg. 24(2)(a)
- Art. 1(b) omitted by S.I. 2019/865 reg. 13(2)(b) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Art. 1(c) words substituted by S.I. 2021/1471 reg. 5(2)
- Art. 1(e) omitted by S.I. 2019/865 reg. 13(2)(b) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Art. 1(e) omitted by S.I. 2020/1637 reg. 24(2)(a)
- Art. 1(f) words omitted by S.I. 2019/865 reg. 13(2)(c) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Art. 1(f) words omitted by S.I. 2020/1637 reg. 24(2)(b)
- Art. 1(g) words omitted by S.I. 2020/1637 reg. 24(2)(c)
- Art. 1(i) substituted by S.I. 2020/1637 reg. 24(2)(d)

- Art. 2(1)(a) words omitted by S.I. 2019/865 reg. 13(3)(a)(i)(bb) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Art. 2(1)(a) words omitted by S.I. 2020/1637 reg. 24(3)(a)(i)(bb)
- Art. 2(1)(a) words substituted by S.I. 2019/865 reg. 13(3)(a)(i)(aa) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Art. 2(1)(a) words substituted by S.I. 2020/1637 reg. 24(3)(a)(i)(aa)
- Art. 2(1)(c) omitted by S.I. 2019/865 reg. 13(3)(a)(ii) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Art. 2(1)(c)(d) omitted by S.I. 2020/1637 reg. 24(3)(a)(ii)
- Art. 2(1)(d) omitted by S.I. 2019/865 reg. 13(3)(a)(ii) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Art. 2(1)(g) words omitted by S.I. 2020/1637 reg. 24(3)(a)(iii)
- Art. 2(1)(l) inserted by S.I. 2019/865 reg. 13(3)(a)(iii) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Art. 2(1)(1)-(u) inserted by S.I. 2020/1637 reg. 24(3)(a)(iv)
- Art. 2(1)(p) words inserted by S.I. 2021/1471 reg. 5(3)(b)
- Art. 2(1)(la)(lb) inserted by S.I. 2021/1471 reg. 5(3)(a)
- Art. 2(1)(pa)(pb) inserted by S.I. 2021/1471 reg. 5(3)(c)
- Art. 2(1)(ta) inserted by S.I. 2021/1471 reg. 5(3)(d)
- Annex 5 s. B point 1.6 words omitted by S.I. 2019/1342 reg. 10(3)(a) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Annex 5 s. B point 1.6 words omitted by S.I. 2019/1342 reg. 10(3)(b) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Art. 9(1)(a) words substituted by S.I. 2019/865 reg. 13(6)(a) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Art. 9(1)(b)(i) words substituted by S.I. 2019/1342 reg. 10(2)(a)(i) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Art. 9(1)(d) words substituted by S.I. 2019/865 reg. 13(6)(b) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Art. 9(1)(e) words substituted by S.I. 2019/865 reg. 13(6)(c) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Art. 9(1)(f) inserted by S.I. 2019/1342 reg. 10(2)(a)(ii) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Art. 11(4)-(8) inserted by S.I. 2020/1637 reg. 24(6)(c)
- Art. 12(1)(a) words substituted by S.I. 2020/1637 reg. 24(7)(a)
- Art. 12(1)(c) inserted by S.I. 2021/1471 reg. 5(4)

- Art. 14(1)(a) words substituted by S.I. 2019/865 reg. 13(7)(a)(i)(aa) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Art. 14(1)(b) words substituted by S.I. 2019/865 reg. 13(7)(a)(i)(bb) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Art. 14(1)(c)(v) words substituted by S.I. 2019/865 reg. 13(7)(a)(i)(cc) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Art. 20(2)(a) words substituted by S.I. 2019/865 reg. 13(10)(a)(i) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Art. 20(2)(a) words substituted by S.I. 2019/865 reg. 13(10)(a)(ii) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Art. 20(2)(a) words substituted by S.I. 2020/1637 reg. 24(9)(a)(i)
- Art. 20(2)(a) words substituted by S.I. 2020/1637 reg. 24(9)(a)(ii)
- Art. 20(2)(c) words substituted by S.I. 2019/865 reg. 13(10)(b)(i) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Art. 20(2)(c) words substituted by S.I. 2019/865 reg. 13(10)(b)(ii) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Art. 20(2)(c) words substituted by S.I. 2020/1637 reg. 24(9)(b)(i)
- Art. 20(2)(c) words substituted by S.I. 2020/1637 reg. 24(9)(b)(ii)
- Art. 21(a)(v) words omitted by S.I. 2020/1627 reg. 3(a)(ii)
- Art. 21(a)(iii) words substituted by S.I. 2020/1627 reg. 3(a)(i)
- Art. 21(a)(ii) words substituted by S.I. 2020/1637 reg. 24(10)(a)(i)
- Art. 21(a)(iv) words substituted by S.I. 2020/1637 reg. 24(10)(a)(ii)
- Art. 21(a)(ix) words substituted by S.I. 2020/1637 reg. 24(10)(a)(iii)(aa)
- Art. 21(a)(ix) words substituted by S.I. 2020/1637 reg. 24(10)(a)(iii)(bb)
- Art. 21(b) words substituted by S.I. 2020/1637 reg. 24(10)(b)
- Art. 29(3)(f) omitted by S.I. 2023/1362 Sch. 2 para. 3(3)
- Art. 47(3) inserted by S.I. 2020/1637 reg. 24(27)(c)
- Art. 51(1)(a)-(c) omitted by S.I. 2021/1471 reg. 5(8)(a)(ii)
- Art. 51(1)(a) words inserted by S.I. 2020/1637 reg. 24(29)(b)(ii)
- Art. 51(1)(b) words inserted by S.I. 2020/1637 reg. 24(29)(b)(ii)
- Art. 51(1)(c) words inserted by S.I. 2020/1637 reg. 24(29)(b)(ii)
- Art. 51(1)(d) words inserted by S.I. 2020/1637 reg. 24(29)(b)(iii)(aa)
- Art. 51(1)(d) words substituted by S.I. 2019/865 reg. 13(24)(b)(ii) (This amendment not applied to legislation.gov.uk. Regs. 12-14 omitted immediately before IP completion day by virtue of S.I. 2020/1637, regs. 1(6), 6)
- Art. 51(1)(d) words substituted by S.I. 2020/1637 reg. 24(29)(b)(iii)(bb)
- Art. 51(2)(3) substituted for Art. 51(2) by S.I. 2020/1637 reg. 24(29)(c)
- Art. 51(2)(b) word substituted by S.I. 2021/1471 reg. 5(8)(b)
- Art. 51(3) words omitted by S.I. 2021/1471 reg. 5(8)(c)(i)
- Art. 51(3)(a) words omitted by S.I. 2021/1471 reg. 5(8)(c)(ii)
- Art. 51(3)(b) words omitted by S.I. 2021/1471 reg. 5(8)(c)(ii)