

Commission Implementing Regulation (EU) 2018/274 of 11 December 2017 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, certification, the inward and outward register, compulsory declarations and notifications, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks, and repealing Commission Implementing Regulation (EU) 2015/561

CHAPTER II

SCHEME OF AUTHORISATIONS FOR VINE PLANTINGS

Article 2

Authorisations for vine plantings

- 1 Authorisations for vine plantings as provided for in Chapter III of Title I of Part II of Regulation (EU) No 1308/2013 shall be granted in accordance with this Regulation.
- 2 The authorisations for vine plantings referred to in paragraph 1 shall concern new plantings, re-plantings and planting rights to be converted.
- 3 The authorisations for new plantings referred to in Article 64 of Regulation (EU) No 1308/2013 shall be granted annually.

Article 3

Prior decisions on areas to be made available for new plantings

- 1 Where Member States decide to limit the total area available for new plantings to be allocated in the form of authorisations in accordance with Article 63(2) and (3) of Regulation (EU) No 1308/2013, they shall make public such decisions and the underlying reasons by 1 March of the respective year.
- 2 Where Member States take into account recommendations from professional organisations or interested groups of producers as referred to in Article 65 of Regulation (EU) No 1308/2013, these recommendations shall be presented with sufficient time for their examination before the decision to limit the total area available for new plantings referred to in paragraph 1 is taken by the Member State concerned. The recommendations shall also be made public.

Article 4

Criteria for granting authorisations for new plantings

- 1 Where Member States decide to use criteria for granting authorisations for new plantings as laid down in Article 64(1) and (2) of Regulation (EU) No 1308/2013, such decisions shall be made public by 1 March of the respective year.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2018/274. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- 2 The decisions referred to in paragraph 1 shall concern:
- a the application of one or more of the criteria listed in the second subparagraph of Article 64(1) of Regulation (EU) No 1308/2013, including due justification in case Member States decide to apply Article 64(1)(d) of that Regulation, as well as the criteria set in Article 4(1) of Delegated Regulation (EU) 2018/273;
 - b the number of hectares available for granting authorisations at national level:
 - (i) on a pro rata basis;
 - (ii) according to priority criteria listed in Article 64(2) of Regulation (EU) No 1308/2013, as well as in Article 4(3) of Delegated Regulation (EU) 2018/273.
- 3 Where Member States intend to apply the priority criteria referred to in point (b)(ii) of paragraph 2, they shall define which of these priority criteria will be applied. Member States may also decide to attribute different importance to each of the priority criteria chosen. Such decisions shall enable Member States to establish a ranking of individual applications at national level for the granting of the number of hectares pursuant to point (b)(ii) of paragraph 2, based on the compliance of these applications with the priority criteria chosen.

Article 5

Default rules for new plantings

- 1 Where Member States do not make public the decisions referred to in Articles 3 and 4 by 1 March of the respective year, the following rules for granting authorisations for new plantings shall apply for the given year:
- a availability of authorisations for new plantings corresponding to 1 % of the total area actually planted with vines in their territory, as specified in Article 63(1) of Regulation (EU) No 1308/2013, and without other limits;
 - b pro rata distribution of hectares to all eligible applicants on the basis of the area for which they have requested the authorisation, where applications exceed the area made available.
- 2 Member States shall ensure that the information on the rules applicable to granting authorisations in a given year pursuant to paragraph 1 is made public.

Article 6

Submission of applications for new plantings

- 1 Once the decisions referred to in Articles 3 and 4 or the information on the rules applicable to granting authorisations in a given year referred to in Article 5(2) are made public and not later than 1 May, Member States shall open the period of at least one month for the submission of individual applications.
- 2 Applications shall indicate the specific size and location of the area in the applicant's holding for which the authorisation is requested.

Where no decision on limits or on the criteria to be applied was taken in accordance with Articles 3 and 4, Member States may exempt applicants from the requirement to indicate in the application the specific location of the area in the applicant's holding for which the authorisation is requested. Member States may request, where relevant for the implementation of the scheme of authorisations, additional information from applicants.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2018/274. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

3 Where Member States decide to use certain criteria for the granting of authorisations for new plantings in accordance with Article 4, the following rules shall apply:

- a eligibility criteria referred to in Article 64(1)(c) of Regulation (EU) No 1308/2013 and in Article 4(1) of Delegated Regulation (EU) 2018/273: applications shall indicate the grapevine product(s) the applicant intends to produce in the newly planted area(s), specifying whether the applicant intends to produce one or more of the following:
 - (i) wines with a protected designation of origin ('PDO');
 - (ii) wines with a protected geographical indication ('PGI');
 - (iii) wines without geographical indication, including with an indication of the wine grape variety;
- b priority criterion referred to in Article 64(2)(e) of Regulation (EU) No 1308/2013: applications shall include information of an economic nature demonstrating the economic sustainability of the respective project on the basis of one or more of the standard methodologies of financial analysis for agricultural investment projects mentioned in Part E of Annex II to Delegated Regulation (EU) 2018/273;
- c priority criterion referred to in Article 64(2)(f) of Regulation (EU) No 1308/2013: applications shall include information of an economic nature demonstrating the potential for increased competitiveness on the basis of the considerations laid down in Part F of Annex II to Delegated Regulation (EU) 2018/273;
- d priority criterion referred to in Article 64(2)(g) of Regulation (EU) No 1308/2013: applications shall include information demonstrating the potential for the improvement of products with geographical indications on the basis of one of the conditions laid down in Part G of Annex II to Delegated Regulation (EU) 2018/273;
- e priority criterion referred to in Article 64(2)(h) of Regulation (EU) No 1308/2013: applications shall include information showing that the size of the applicant's holding at the time of the application complies with thresholds to be established by Member States on the basis of the provisions laid down in Part H of Annex II to Delegated Regulation (EU) 2018/273;
- f where Member States require applicants to undertake the commitments referred to in Parts A and B of Annex I and Parts A, B, D, E, F, G and point II of Part I of Annex II to Delegated Regulation (EU) 2018/273 in relation to the respective criteria, applications shall include those commitments.

Where any of the elements mentioned in points (a) to (f) of the first subparagraph may be gathered directly by Member States, Member States may exempt applicants from including such elements in their applications.

4 After the expiry of the submission period referred to in paragraph 1, Member States shall inform the non-eligible applicants on the non-eligibility of their applications pursuant to the decision on the eligibility criteria adopted by Member States in accordance with Article 4. Such applications shall be excluded from the subsequent steps of the procedure.

Article 7

Granting of authorisations for new plantings

1 Where the total area covered by the eligible applications submitted does not exceed the area(s) made available in accordance with Article 3(1), Member States shall grant the authorisations to the full extent applied for by producers.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2018/274. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

2 Where the total area covered by the eligible applications submitted exceeds the area(s) made available in accordance with Article 3(1), Member States shall apply the selection procedure laid down in Annex I.

Member States shall, not later than 1 August, grant the authorisations to the selected applicants according to the outcome of the selection procedure referred to in the first subparagraph. Where eligible applications have not been fully satisfied, applicants shall be informed of the reasons for such decision.

3 Where the authorisation granted corresponds to less than 50 % of the area requested in the respective application, the applicant may refuse such authorisation within one month following the date on which the authorisation was granted.

In the case referred to in the first subparagraph, the applicant shall not be subject to the administrative penalties referred to in Article 62(3) of Regulation (EU) No 1308/2013. Member States may decide that the corresponding number of hectares is made available in the same year, not later than 1 October, for authorisations to be granted to applicants that were granted only a part of the area they requested in accordance with the outcome of the selection procedure referred to in paragraph 2, and which did not refuse the corresponding authorisations. Member States may also decide to make available those hectares in the following year in addition to the 1 % of the total area planted with vines as provided for in Article 63(1) of Regulation (EU) No 1308/2013.

Article 8

Restrictions of the granting of authorisations for replantings

1 Where Member States decide to restrict the granting of authorisations for replantings in areas eligible for the production of wines with a PDO or a PGI in accordance with Article 66(3) of Regulation (EU) No 1308/2013 and Article 6 of Delegated Regulation (EU) 2018/273, they shall make such decisions public by 1 March.

Professional organisations or interested groups of producers referred to in Article 65 of Regulation (EU) No 1308/2013 shall present the recommendations to be taken into account by the Member State pursuant to that Article 66(3) with sufficient time for their examination before the decision referred to in the first subparagraph is taken. The Member State concerned shall make public those recommendations.

2 The decisions referred to in paragraph 1 shall apply during one year from the date on which they were made public.

Where a recommendation from a professional organisation or an interested group of producers is made for a period of time longer than one year but no more than three years, as provided for in the second subparagraph of Article 65 of Regulation (EU) No 1308/2013, such decisions may also apply for a period of time up to three years.

Where such professional organisations or interested groups of producers do not submit the relevant recommendations with sufficient time for their examination as provided for in paragraph 1, or Member States do not make public the relevant decisions by 1 March, Member States shall automatically authorise the replanting as provided for in Article 9.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2018/274. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Article 9

Procedure for granting authorisations for replantings

1 Applications for authorisation for replantings referred to in Article 66(1) of Regulation (EU) No 1308/2013 may be submitted at any time during the same wine year in which the grubbing up takes place. However, Member States may decide that the submission of applications for authorisation for replantings can be made until the end of the second wine year following the one in which the grubbing up took place. Where those time-periods are not respected, Member States shall not grant an authorisation for replanting.

The specific size and the location of the area(s) grubbed up and of the area(s) to be replanted in the same applicant's holding for which the authorisation is to be granted shall be identified in the applications. Where no restrictions are decided in accordance with Article 8, and the applicant has not undertaken any of the commitments referred to in point (2)(b) of Part A and point (2)(b) of Part B of Annex I to Delegated Regulation (EU) 2018/273 and in point (4) of Part B and Part D of Annex II to that Delegated Regulation, Member States may exempt applicants from the requirement to indicate in the application the specific location of area(s) to be replanted for which the authorisation is to be granted. Member States may request, where relevant for the implementation of the scheme of authorisations, additional information from applicants.

Member States shall automatically grant authorisations within three months from the submission of the applications. However, Member States may decide to apply the time-periods referred to in Articles 6 and 7 for the submission of applications and granting of authorisations for new plantings, respectively.

2 Where the area to be replanted corresponds to the same area grubbed up or where no restrictions are decided in accordance with Article 8(1), a simplified procedure may be applied at national level or for certain areas within the territory of the Member State. In such case, the authorisation for replanting may be considered to have been granted on the date the area was grubbed up. To this purpose, the producer concerned shall submit, at the latest by the end of the wine year in which the grubbing up was undertaken, an *ex post* communication which stands as application for authorisation.

3 Applications for authorisations for replantings referred to in Article 66(2) of Regulation (EU) No 1308/2013 may be submitted at any time during the year.

The specific size and the location of the area(s) to be grubbed up and of the area(s) to be replanted in the same applicant's holding for which the authorisation is to be granted shall be identified in the applications. Applications shall also include the commitment to grub up the area planted with vines at the latest by the end of the fourth year from the date on which new vines have been planted. Member States may request, where relevant for the implementation of the scheme of authorisations, additional information from applicants.

Member States shall automatically grant authorisations within three months as from the submission of the application. However, Member States may decide to apply the time periods referred to in Articles 6 and 7 for the submission of applications and granting of authorisations for new plantings, respectively.

Changes to legislation: There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2018/274. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Article 10

Procedure for granting the authorisations according to the transitional provisions

1 Where, in accordance with the second subparagraph of Article 68(1) of Regulation (EU) No 1308/2013, Member States decided to extend the time period to submit the request for the conversion of planting rights into authorisations beyond 31 December 2015, and made that decision public by 14 September 2015, the requests for conversion by the producer may be submitted at any time until the end of the time period fixed by Member States in that decision.

The specific size and location of the area in the applicant's holding for which the authorisation is to be granted shall be identified in the applications. Member States may exempt applicants from the requirement to indicate in the application the specific location of the area in the applicant's holding for which the authorisation is to be granted. Member States may request, where relevant for the implementation of the scheme of authorisations, additional information from applicants.

2 After verifying that the planting rights for which the conversion has been requested in accordance with paragraph 1 are still valid, Member States shall grant the authorisations automatically. The period between the submission of the request to convert and the granting of the authorisations shall not exceed three months.

Article 11

Modification of the specific area for which the authorisation is granted

In duly justified cases, Member States may decide, at the request of the applicant, that a vine planting may be made in an area of the holding which is different from the specific area for which the authorisation has been granted provided that the new area has the same size in hectares and that the authorisation is still valid in accordance with Article 62(3) of Regulation (EU) No 1308/2013.

The first paragraph shall not apply where authorisations have been granted on the basis of the compliance with specific eligibility or priority criteria linked to the location indicated in the application and the request for modification indicates a new specific area outside such location.

Changes to legislation:

There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2018/274. 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 :

- Ch. 2 omitted by [S.I. 2019/865 reg. 14\(3\)](#) (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)
- Ch. 2 omitted by [S.I. 2020/1637 reg. 25\(4\)](#)

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

- Signature words omitted by [S.I. 2019/865 reg. 14\(12\)](#) (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. 25\(15\)](#)
- Art. 1(a) omitted by [S.I. 2019/865 reg. 14\(2\)\(b\)](#) (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. 25\(2\)\(b\)](#)
- Art. 1(d) omitted by [S.I. 2020/1637 reg. 25\(2\)\(b\)](#)
- Art. 1(e) omitted by [S.I. 2019/865 reg. 14\(2\)\(b\)](#) (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. 25\(2\)\(b\)](#)
- Art. 1(f) omitted by [S.I. 2019/865 reg. 14\(2\)\(b\)](#) (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(f) omitted by [S.I. 2020/1637 reg. 25\(2\)\(b\)](#)
- Art. 1a inserted by [S.I. 2019/1342 reg. 11\(2\)](#) (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. 1a inserted by [S.I. 2020/1637 reg. 25\(3\)](#)
- Art. 12(4) inserted by [S.I. 2019/865 reg. 14\(4\)\(c\)](#) (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. 13(2)(b) words omitted by [S.I. 2019/1342 reg. 11\(4\)](#) (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. 13(2)(b) words omitted by [S.I. 2020/1637 reg. 25\(6\)\(b\)\(i\)\(aa\)](#)
- Art. 13(2)(c) words inserted by [S.I. 2019/865 reg. 14\(5\)\(a\)](#) (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. 13(2)(c) words inserted by [S.I. 2020/1637 reg. 25\(6\)\(b\)\(i\)\(bb\)](#)
- Art. 14(1)(a)(v) words inserted by [S.S.I. 2022/361 reg. 9\(1\)](#)
- Art. 14(1)(a)(iii) words substituted by [S.I. 2019/865 reg. 14\(6\)\(a\)](#) (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. 14(1)(a)(iii) words substituted by [S.I. 2020/1637 reg. 25\(7\)\(a\)](#)

- Art. 14(4) inserted by [S.I. 2020/1637 reg. 25\(7\)\(c\)](#)
- Art. 15(1)(a) word substituted by [S.I. 2019/865 reg. 14\(7\)\(a\)](#) (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. 15(1)(a) word substituted by [S.I. 2020/1637 reg. 25\(8\)\(a\)\(i\)](#)
- Art. 15(1)(d) words omitted by [S.I. 2019/865 reg. 14\(7\)\(b\)](#) (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. 15(1)(d) words omitted by [S.I. 2020/1637 reg. 25\(8\)\(a\)\(ii\)](#)
- Art. 15(1)(e) word omitted by [S.I. 2020/1637 reg. 25\(8\)\(a\)\(iii\)\(aa\)](#)
- Art. 15(1)(e) words omitted by [S.I. 2020/1637 reg. 25\(8\)\(a\)\(iii\)\(bb\)](#)
- Art. 16(1)(b)(v) words omitted by [S.I. 2019/865 reg. 14\(8\)](#) (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. 16(1)(b)(v) words omitted by [S.I. 2020/1637 reg. 25\(9\)](#)
- Art. 20(1)(b) and word omitted by [S.I. 2020/1637 reg. 25\(11\)\(a\)\(ii\)](#)