COMMISSION IMPLEMENTING REGULATION (EU) 2021/1786

of 8 October 2021

correcting Implementing Regulation (EU) 2021/78 as regards a derogation from Implementing Regulation (EU) 2016/1150, provided for in Implementing Regulation (EU) 2020/600, in respect of changes to national support programmes 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, point (a), thereof,

Whereas:

(1) Commission Implementing Regulation (EU) 2020/600 ([2]) introduced a number of derogations from existing rules, inter alia, in the wine sector, aimed at providing relief to wine operators to help them cope with the impact of the COVID-19 pandemic. In particular, it allowed Member States to derogate temporarily from Article 2(1) of Commission Implementing Regulation (EU) 2016/1150 ([3]) to change their national support programmes in the wine sector whenever necessary in relation to the measures referred to in Article 45(1), point (a), and Articles 46 to 52 of Regulation (EU) No 1308/2013.

(2) This flexibility aimed to enable Member States to react quickly to the exceptional circumstances brought by the COVID-19 pandemic and to submit changes to their national support programmes as early as deemed necessary. The underlying reason for this was the necessity to allow Member States to adjust measures already in place more frequently but also, as referred to in recital (6) of Implementing Regulation (EU) 2020/600, to include further measures in their national support programmes immediately upon entry into force of that Regulation rather than having to wait for the next deadline for amendments.

(3) Besides the measures provided for in Article 45(1), point (a), and Articles 46 to 52 of Regulation (EU) No 1308/2013, Member States were given the possibility to include in their national support programmes also the exceptional temporary measures 'distillation of wine in case of crisis' and 'aid for crisis storage of wine' as referred to respectively in Articles 3 and 4 of Commission Delegated Regulation (EU) 2020/592 ([4]). However, due to an unintended omission, these two exceptional measures were not explicitly mentioned among the measures listed in Article 2(1) of Implementing Regulation (EU) 2020/600.

(4) It is clear from Articles 3(9) and 4(8) of Delegated Regulation (EU) 2020/592 that Article 2 of Implementing Regulation (EU) 2016/1150 applies *mutatis mutandis* to the measures 'distillation of wine in case of crisis' and 'aid for crisis storage of wine' respectively. These provisions seek to ensure that the exceptional measures follow as closely as possible the rules applicable to the measures provided for in Regulation (EU) No 1308/2013. However, Article 2(1) of Implementing Regulation (EU) 2020/600 temporarily derogates from Article 2(1) of Implementing Regulation (EU) 2016/1150 by allowing Member States to include or change measures in their national support programmes whenever necessary. Consequently, in order to ensure that the exceptional measures are implemented in the same way as any other existing support measure, Article 2(1) of Implementing Regulation (EU) 2020/600 applies also to 'distillation of wine in case of crisis' and 'aid for crisis storage of wine'.

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

([2]) Commission Implementing Regulation (EU) 2020/600 of 30 April 2020 derogating from Implementing Regulation (EU) 2017/892, Implementing Regulation (EU) 2016/1150, Implementing Regulation (EU) No 615/2014, Implementing Regulation (EU) 2015/1368 and Implementing Regulation (EU) 2017/39 as regards certain measures to address the crisis caused by the COVID-19 pandemic (OJ L 140, 4.5.2020, p. 40).

([3]) 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).

([4]) Commission Delegated Regulation (EU) 2020/592 of 30 April 2020 on temporary exceptional measures derogating from certain provisions of Regulation (EU) No 1308/2013 of the European Parliament and of the Council to address the market disturbance in the fruit and vegetables and wine sectors caused by the COVID-19 pandemic and measures linked to it (OJ L 140, 4.5.2020, p. 6).

(5) Furthermore, it needs to be underlined that keeping 'distillation of wine in case of crisis' and 'aid for crisis storage of wine' outside of the scope of Article 2(1) of Implementing Regulation (EU) 2020/600 would have been against the mere purpose of these measures to provide urgent help for the wine market in times of crisis. Preventing Member States from introducing changes in their national support programmes specifically for those two measures, while allowing them for any other measure, would have been in contrast with the clear intention to allow Member States to use these measures as soon and as frequently as necessary.

(6) For those reasons, Commission Implementing Regulation (EU) 2021/1785 ([5]) corrects Article 2(1) of Implementing Regulation (EU) 2020/600 by including an explicit reference to the exceptional measures laid down in Articles 3 and 4 of Delegated Regulation (EU) 2020/592 with effect from 4 May 2020.

(7) However, Commission Implementing Regulation (EU) 2021/78 ([6]) extended the application of the measures introduced by Implementing Regulation (EU) 2020/600 for the duration of the financial year 2021 by replacing Article 2(1) of that Regulation. That provision also omits to refer to the exceptional measures laid down in Articles 3 and 4 of Delegated Regulation (EU) 2020/592. Therefore, it is appropriate to correct that provision as well.

(8) Implementing Regulation (EU) 2021/78 should therefore be corrected accordingly.

(9) In order to avoid penalising the Member States that introduced in financial year 2021 changes to their national support programmes related to the exceptional measures laid down in Articles 3 and 4 of Delegated Regulation (EU) 2020/592, this Regulation should apply retroactively from the date of application of the relevant amendment made by Implementing Regulation (EU) 2021/78.

(10) 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

Correction of Implementing Regulation (EU) 2021/78

In Article 1, point (1), of Implementing Regulation (EU) 2021/78, the text replacing Article 2(1) of Implementing Regulation (EU) 2020/600 is replaced by the following:

'1. By way of derogation from Article 2(1) of Implementing Regulation (EU) 2016/1150, Member States may introduce, in relation to the measures referred to in Article 45(1), point (a), and Articles 46 to 52 of Regulation (EU) No 1308/2013 and in Articles 3 and 4 of Commission Delegated Regulation (EU) 2020/592 (*), whenever necessary during the financial years 2020 and 2021 but not later than 15 October 2021, changes to their national support programmes in the wine sector as referred to in Article 41(5) of Regulation (EU) No 1308/2013.

(*) Commission Delegated Regulation (EU) 2020/592 of 30 April 2020 on temporary exceptional measures derogating from certain provisions of Regulation (EU) No 1308/2013 of the European Parliament and of the Council to address the market disturbance in the fruit and vegetables and wine sectors caused by the COVID-19 pandemic and measures linked to it (OJ L 140, 4.5.2020, p. 6).'.

([5]) Commission Implementing Regulation (EU) 2021/1785 of 8 October 2021 correcting Implementing Regulation (EU) 2020/600 as regards a derogation from Implementing Regulation (EU) 2016/1150 in respect of changes to national support programmes in the wine sector (see page 98 of this Official Journal).

([6]) Commission Implementing Regulation (EU) 2021/78 of 27 January 2021 amending Implementing Regulation (EU) 2020/600 derogating from Implementing Regulation (EU) 2017/892, Implementing Regulation (EU) 2016/1150, Implementing Regulation (EU) No 615/2014, Implementing Regulation (EU) 2015/1368 and Implementing Regulation (EU) 2017/39 as regards certain measures to address the crisis caused by the COVID-19 pandemic (OJ L 29, 28.1.2021, p. 5).

Article 2

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 from 16 October 2020.

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

Done at Brussels, 8 October 2021.

For the Commission
The President
Ursula VON DER LEYEN