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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)

Amended by:

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		No	page	date
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CHAPTER I

FRUIT AND VEGETABLES

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Article 1

Temporary derogations from Articles 33(3) and 34(1) of Regulation (EU) No 1308/2013

By way of derogation from the fourth subparagraph of Article 33(3) of Regulation (EU) No 1308/2013, the limit of one third of expenditure for crisis prevention and management measures under the operational programme referred to in that provision shall not apply in the year 2020.

By way of derogation from Article 34(1) of Regulation (EU) No 1308/2013, the Union financial assistance to the operational fund in the year 2020 shall not exceed the amount of the Union financial contribution to operational funds approved by Member States for the year 2020 and shall be limited to 70 % of the actual expenditure incurred.

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CHAPTER II

WINE

SECTION 1

Crisis support measures

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Article 2

Derogations from Article 43 of Regulation (EU) No 1308/2013

By way of derogation from Article 43 of Regulation (EU) No 1308/2013, the measures set out in Articles 3 and 4 of this Regulation may be financed under support programmes in the wine sector through advance payments or payments during financial year 2020.

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Article 3

Distillation of wine in case of crisis

1. Support may be granted for the distillation of wine in accordance with the conditions laid down in this Article. Such support shall be proportionate.

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2. The alcohol resulting from the supported distillation referred to in paragraph 1 shall be used exclusively for industrial purposes, including disinfection or pharmaceutical, or for energy purposes so as to avoid distortion of competition.

3. The beneficiaries of the support referred to in paragraph 1 shall be wine enterprises producing or marketing the products referred to in Part II of Annex VII to Regulation (EU) No 1308/2013, wine producer organisations, associations of two or more producers, interbranch organisations or distillers of grapevine products.

4. Only the costs of the supply of wine to distillers and of the distillation of this wine shall be eligible for support.

5. Member States may establish priority criteria by indicating them in the support programme. Such priority criteria shall be based on the specific strategy and objectives set out in the support programme and shall be objective and not discriminatory.

6. Member States shall lay down rules on the application procedure for the support referred to in paragraph 1, which shall include rules on:

(a) the natural or legal persons that may submit applications;

(b) the submission and selection of applications, which shall include at least the deadlines for the submission of applications, for the examination of the suitability of each proposed action and for the notification of the results of the selection procedure to the operators;

(c) the verification of compliance with the provisions on eligible actions and the costs referred to in paragraph 4 and priority criteria where priority criteria are applied;

(d) the selection of the applications, which shall at least include the weighting attributed to each priority criterion where priority criteria are applied;

(e) arrangements for the payment of advances and the provision of securities.

7. Member States shall fix the amount of support to beneficiaries on the basis of objective and non-discriminatory criteria.

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7a. Beneficiaries of support under this Article may request the payment of an advance from the competent paying agencies, if this option is included in the national support programme in accordance with Article 49 of Commission Delegated Regulation (EU) 2016/1149 ([1]). The amount of advances shall be 100 % of the Union contribution. The advance shall be paid on condition that the beneficiary

([1]) Commission Delegated Regulation (EU) 2016/1149 of 15 April 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the national support programmes in the wine sector and amending Commission Regulation (EC) No 555/2008 (OJ L 190, 15.7.2016, p. 1).

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has lodged a bank guarantee or an equivalent security at least equal to 110 % of the amount of that advance in favour of the Member State concerned in accordance with Chapter IV of Commission Delegated Regulation (EU) No 907/2014 ([2]). The security shall be released when the competent paying agency establishes that the amount of actual expenditure corresponding to the Union contribution related to the operations concerned equals the amount of the advance.

8. By way of derogation from Article 44(3) of Regulation (EU) No 1308/2013, Member States may grant additional national payments for the measure referred to in this Article.

9. Articles 1 and 2, Article 43 and Articles 48 to 54 and Article 56 of Delegated Regulation (EU) 2016/1149 and Articles 1, 2 and 3, Articles 19 to 23, Article 25, Articles 27 to 31, the second subparagraph of Article 32(1) and Articles 33 to 40 of Commission Implementing Regulation (EU) 2016/1150 ([3]) shall apply *mutatis mutandis* to the support for distillation of wine in case of crisis.

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Article 4

Aid for crisis storage of wine

1. Aid for crisis storage may be granted in respect of wine in accordance with the conditions laid down in this Article.

2. To avoid that support is given twice for the same quantity of wine withdrawn from the market, beneficiaries who receive aid for crisis storage for a quantity of wine may not receive aid for this same quantity of wine for distillation in case of crisis under Article 3 of this Regulation nor national payments for distillation of wine in cases of crisis under Article 216 of Regulation (EU) No 1308/2013.

3. The beneficiaries of the aid referred to in paragraph 1 shall be wine enterprises producing or marketing the products referred to in Part II of Annex VII to Regulation (EU) No 1308/2013, wine producer organisations, associations of two or more producers or interbranch organisations.

4. Member States shall lay down rules on the application procedure for the aid referred to in paragraph 1, which shall include rules on:

(a) the natural or legal persons that may submit applications;

([2]) Commission Delegated Regulation (EU) No 907/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro (OJ L 255, 28.8.2014, p. 18).

([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).

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(b) the submission and selection of applications, which shall include at least the deadlines for the submission of applications, for the examination of the suitability of each proposed action and for the notification of the results of the selection procedure to the operators;

(c) the verification of compliance with the conditions for support set out in this article and the provisions on priority criteria where priority criteria are applied;

(d) the selection of the applications, which shall at least include the weighting attributed to each priority criterion where priority criteria are applied;

(e) arrangements for the payment of advances and the provision of securities.

5. Member States may establish priority criteria so that preference can be given to certain beneficiaries by indicating them in the support programme. Such priority criteria shall be based on the specific strategy and objectives set out in the support programme and shall be objective and not discriminatory.

6. Member States shall examine applications against the detailed description of the proposed actions by the applicant and the proposed deadlines for their implementation.

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6a. Beneficiaries of support under this Article may request the payment of an advance from the competent paying agencies, if this option is included in the national support programme in accordance with Article 49 of Delegated Regulation (EU) 2016/1149. The amount of advances shall be 100 % of the Union contribution. The advance shall be paid on condition that the beneficiary has lodged a bank guarantee or an equivalent security at least equal to 110 % of the amount of that advance in favour of the Member State concerned in accordance with Chapter IV of Delegated Regulation (EU) No 907/2014. The security shall be released when the competent paying agency establishes that the amount of actual expenditure corresponding to the Union contribution related to the operations concerned equals the amount of the advance.

7. By way of derogation from Article 44(3) of Regulation (EU) No 1308/2013, Member States may grant additional national payments for the measure referred to in this Article.

8. Articles 1 and 2, Article 43 and Articles 48 to 54 and Article 56 of Delegated Regulation (EU) 2016/1149 and Articles 1, 2 and 3, Articles 19 to 23, Article 25, Articles 27 to 31, the second subparagraph of Article 32(1) and Articles 33 to 40 of Implementing Regulation (EU) 2016/1150 shall apply *mutatis mutandis* to the aid for crisis storage of wine.

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SECTION 2

Derogations from specific support measures

Article 5

Derogation from Articles 44(2) and 48(2) of Regulation (EU) No 1308/2013

1. By way of derogation from Article 44(2) of Regulation (EU) No 1308/2013, in the financial year 2020, support for the setting up of mutual funds as referred to in Article 48 of that Regulation may be granted for expenditure incurred before the submission of the relevant draft support programmes in relation to operations which in 2019 have completed their third year of implementation.

2. By way of derogation from Article 48(2) of Regulation (EU) No 1308/2013, support for the setting up of mutual funds in relation to operations which in 2019 have completed their third year of implementation may be provided in the form of a non-degressive aid to cover the administrative costs of the funds and shall be equal to the financing granted in the third year of implementation.

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Article 5a

Derogation from Article 45(3) of Regulation (EU) No 1308/2013

By way of derogation from Article 45(3) of Regulation (EU) No 1308/2013, the Union contribution to information or promotion measures shall not exceed 70 % of the eligible expenditure.

Article 6

Derogation from Article 46(6) of Regulation (EU) No 1308/2013

By way of derogation from Article 46(6) of Regulation (EU) No 1308/2013, the Union contribution to the actual costs of the restructuring and conversion of vineyards shall not exceed 70 %. In less developed regions, the Union contribution to the costs of restructuring and conversion shall not exceed 90 %.

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Article 7

Derogation from Article 47(1) and (3) of Regulation (EU) No 1308/2013

1. By way of derogation from Article 47(1) of Regulation (EU) No 1308/2013, during the year 2020, ‘green harvesting’ means the total destruction or removal of grape bunches while still in their immature stage, on the whole holding or on part of the holding provided that the green harvesting is carried out on entire parcels.

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2. By way of derogation from the second sentence of Article 47(3) of Regulation (EU) No 1308/2013, the support granted for green harvesting shall not exceed 70 % of the sum of the direct costs of the destruction or removal of grape bunches and the loss of revenue related to such destruction or removal.

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Article 8

Derogation from Article 49(2) of Regulation (EU) No 1308/2013

►M1 By way of derogation from point (b) of Article 49(2) of Regulation (EU) No 1308/2013, the Union financial contribution to the support for harvest insurance shall not exceed 70 % of the cost of the insurance premiums paid for by producers for insurance: ◄

(a) against losses referred to in point (a) of Article 49(2) of Regulation (EU) No 1308/2013 and against other losses caused by adverse climatic events;

(b) against losses caused by animals, plant diseases or pest infestations;

(c) against losses caused by human pandemics.

Article 9

Derogation from Article 50(4) of Regulation (EU) No 1308/2013

By way of derogation from Article 50(4) of Regulation (EU) No 1308/2013, the following maximum aid rates concerning the eligible investment costs shall apply to the Union contribution:

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(a) 70 % in less developed regions;

(b) 60 % in regions other than less developed regions;

(c) 90 % in the outermost regions referred to in Article 349 of the Treaty;

(d) 85 % in the smaller Aegean islands as defined in Article 1(2) of Regulation (EU) No 229/2013 of the European Parliament and of the Council ([4]).

([4]) Regulation (EU) No 229/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in favour of the smaller Aegean islands and repealing Council Regulation (EC) No 1405/2006 (OJ L 78, 20.3.2013, p. 41).

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Article 10

Application of the temporarily increased Union contribution

Articles 5a, 6, 7(2), 8 and 9 shall apply to operations selected by the competent authorities in the Member States as of the date of entry into force of this Regulation and not later than 15 October 2020.

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CHAPTER III

FINAL PROVISIONS

Article 11

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.