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## COVER NOTE

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From: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 12 December 2017

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of  
the European Union

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No. Cion doc.: C(2017) 8261 final - ANNEXES 1 to 7

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Subject: ANNEXES to the Commission Delegated Regulation 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

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Delegations will find attached document C(2017) 8261 final - ANNEXES 1 to 7.

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Encl.: C(2017) 8261 final - ANNEXES 1 to 7



Brussels, 11.12.2017  
C(2017) 8261 final

ANNEXES 1 to 7

## **ANNEXES**

**to the**

### **Commission Delegated Regulation**

**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**

**RULES RELATING TO THE ELIGIBILITY CRITERION LISTED IN  
ARTICLE 64(1)(c) OF REGULATION (EU) No 1308/2013 AND THE ADDITIONAL  
CRITERION REFERRED TO IN ARTICLE 4(1) OF THIS REGULATION**

**A. Criterion referred to in Article 64(1)(c) of Regulation (EU) No 1308/2013**

The criterion referred to in Article 64(1)(c) of Regulation (EU) No 1308/2013 shall be considered as being fulfilled if one of the following conditions is met:

- (1) the area(s) to be newly planted is/are intended for the production of wines with the specific PDO of the area concerned; or,
- (2) where the area(s) to be newly planted is/are not intended for the production of wines with the specific PDO, the applicant shall undertake the following commitments:
  - (a) not to use or market any of the grapes produced in those newly planted areas for the production of wines with a PDO, where those areas are located within areas eligible for that purpose;
  - (b) not to grub-up and replant with the aim of making the replanted area become eligible for the production of grapes for wines with the specific PDO.

The applicant shall undertake the commitments referred to in point (2) during a limited period of time to be fixed by the Member State, which may not go beyond 31 December 2030.

**B. Additional criterion referred to in Article 4(1) of this Regulation**

The additional criterion referred to in Article 4(1) of this Regulation shall be considered as being fulfilled if one of the following conditions is met:

- (1) the area(s) to be newly planted is/are intended for the production of wines with the specific PGI of the area concerned; or,
- (2) where the area(s) to be newly planted is/are not intended for the production of wines with the specific PGI, the applicant shall undertake the following commitments:
  - (a) not to use or market any of the grapes produced in those newly planted areas for the production of wines with a PGI, where those areas are located within areas eligible for that purpose;
  - (b) not to grub-up and replant with the aim of making the replanted area become eligible for the production of grapes for wines with the specific PGI.

The applicant shall undertake the commitments referred to in point (2) during a limited period of time to be fixed by the Member State, which may not go beyond 31 December 2030.

**RULES RELATING TO THE PRIORITY CRITERIA LISTED IN ARTICLE 64(2)(a) TO (h) OF REGULATION (EU) No 1308/2013 AND THE ADDITIONAL CRITERIA REFERRED TO IN ARTICLE 4(3) OF THIS REGULATION**

**A. Criterion referred to in Article 64(2)(a) of Regulation (EU) No 1308/2013**

- (1) Legal persons, irrespective of their legal form, shall be considered to comply with this criterion, if one of the following conditions is met:
- (a) a natural person who is setting up vine plantings for the first time and who is established as head of the holding ('new entrant') exercises effective and long-term control over the legal person in terms of decisions related to management, benefits and financial risks. Where several natural persons, including one or more persons who are not new entrants, participate in the capital or management of the legal person, the new entrant shall be capable of exercising such effective and long-term control either solely or jointly together with other persons; or
  - (b) where a legal person is solely or jointly controlled by another legal person, the conditions set out in point (a) shall apply to any natural person having control over that other legal person.

The conditions laid down in points (a) and (b) shall apply *mutatis mutandis* in respect of a group of natural persons regardless the legal status granted to such a group and its members by national law.

- (2) Member States may decide to add the additional condition that the applicant shall be a natural person who is no more than 40 years of age in the year of submission of the application ('young producer').

Legal persons referred to in point (1) shall be considered to comply with the additional condition referred to in the first subparagraph of this point, if the natural person referred to in points (1)(a) and (b) is no more than 40 years of age in the year of submission of the application.

The conditions laid down in the second subparagraph shall apply *mutatis mutandis* in respect of a group of natural persons referred to in the second subparagraph of point (1).

- (3) Member States may require that the applicants undertake during a period of five years not to rent or sell the area(s) newly planted to another natural or legal person.

Where the applicant is a legal person or a group of natural persons, Member States may also require the applicant, during a period of five years, not to transfer the exercise of effective and long-term control of the holding in terms of decisions related to management, benefits and financial risks to another person or other persons unless that person or those persons met the conditions of points (1) and (2) that applied at the time of granting the authorisations.



## B. Criterion referred to in Article 64(2)(b) of Regulation (EU) No 1308/2013

The criterion referred to in Article 64(2)(b) of Regulation No 1308/2013 shall be considered as being fulfilled if one of the following conditions is met:

- (1) the applicant undertakes to comply, for a minimum period of five to seven years, with the rules on organic production laid down in Council Regulation (EC) No 834/2007<sup>1</sup> and where applicable Commission Regulation (EC) No 889/2008<sup>2</sup> for the area(s) to be newly planted or for the entire farm holding. Such period shall not go beyond 31 December 2030.

Member States may consider that the criterion is fulfilled where applicants are already wine growers at the time of submitting the application, and have effectively applied the rules on organic production referred to in the first subparagraph to the whole area planted with vines in the respective holding for at least five years before the submission of the application.

- (2) the applicant undertakes to comply with one of the following guidelines or certification schemes going beyond the relevant mandatory standards established pursuant to Chapter I of Title VI of Regulation (EU) No 1306/2013, for a minimum period of five to seven years which in any case shall not go beyond 31 December 2030:
  - (a) crop or sector-specific guidelines for integrated pest management which are appropriate for wine-growing in accordance with Article 14(5) of Directive 2009/128/EC of the European Parliament and of the Council<sup>3</sup>, where such guidelines exist;
  - (b) national certification schemes for integrated production which are appropriate for wine-growing;
  - (c) national or regional environmental schemes certifying compliance with environmental legislation in relation with soil and/or water quality, biodiversity, landscape preservation, climate change mitigation and/or adaptation to climate change, and which are relevant for wine-growing.

The certification schemes referred to in points (b) and (c) shall certify that the farmer observes practices on its holding which comply with the nationally defined rules for integrated production or the objectives referred to in point (c). This certification shall be performed by certification bodies that are accredited in accordance with Chapter II of Regulation (EC) No 765/2008 of the European Parliament and of the Council<sup>4</sup> and comply with the relevant

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<sup>1</sup> Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.7.2007, p. 1).

<sup>2</sup> Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (OJ L 250, 18.9.2008, p. 1).

<sup>3</sup> Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides (OJ L 309, 24.11.2009, p. 71).

<sup>4</sup> Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).

harmonised standards for 'Conformity assessment – Requirements for bodies certifying products, processes and services' or 'Conformity assessment – requirements for bodies providing audit and certification of management systems'.

Member states may consider that the criterion is fulfilled where applicants are already wine growers at the time of submitting the application and have effectively applied the guidelines or certification schemes referred to in the first subparagraph, to the whole area planted with vines in the respective holding for at least five years before the submission of the application.

- (3) where the rural development programme(s) of Member States includes a specific "agri-environment-climate" type of operation(s) laid down in Article 28 of Regulation (EU) No 1305/2013 of the European Parliament and the Council<sup>5</sup> which is applicable to areas planted with vines with relevance to the specific area indicated in the application, and provided that sufficient funds are available, the applicant is eligible and undertakes to apply for that type of operation(s) for the area to be newly planted and to comply with the commitments set in the respective rural development programme(s) for that specific "agri-environment-climate" type of operation(s).
- (4) the specific land parcel(s) identified in the application is located in slopes with terraces.

Member States may also require that producers undertake, during a minimum period of five to seven years, not to grub-up and replant in areas not complying with those conditions. Such period shall not go beyond 31 December 2030.

#### **C. Criterion referred to in Article 64(2)(c) of Regulation (EU) No 1308/2013**

The criterion referred to in Article 64(2)(c) of Regulation No 1308/2013 shall be considered as being fulfilled if all of the following conditions are met:

- (1) the specific land parcel(s) identified in the application came into the possession of the applicant due to exchanges with another land parcel(s) planted with vines in the framework of a land consolidation project;
- (2) the land parcel(s) identified in the application is not planted with vines, or is planted with vines occupying a smaller surface than the one(s) lost as a result of the implementation of such land consolidation project;
- (3) the total area for which the authorisation is requested does not exceed the difference, if any, between the area planted with vines in the previously owned land parcel(s) and the one identified in the application.

#### **D. Criterion referred to in Article 64(2)(d) of Regulation (EU) No 1308/2013**

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<sup>5</sup> Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).



The criterion referred to in Article 64(2)(d) of Regulation No 1308/2013 shall be considered as being fulfilled if the specific land parcel(s) identified in the application is located in one of the following types of areas:

- (1) areas affected by dryness, with a ratio of the annual precipitation to the annual potential evapotranspiration of less than 0.5;
- (2) areas with a shallow rooting depth of less than 30 cm;
- (3) areas with unfavourable soil texture and stoniness, according to the definition and thresholds laid down in Annex III to Regulation (EU) No 1305/2013;
- (4) areas in steep slopes exceeding at least 15%;
- (5) areas located in mountain areas which are above at least 500 m altitude, excluding high plains;
- (6) areas located in the outermost regions of the Union referred to in Article 349 of the Treaty on the Functioning of the European Union and in the smaller Aegean islands as defined in Regulation (EU) No 229/2013 of the European Parliament and of the Council<sup>6</sup> or in small islands with a total land area not exceeding 250 km<sup>2</sup> and characterised by structural or socio-economic constraints.

Member States may also require that producers undertake, during a minimum period of five to seven years, not to grub-up and replant in areas which do not face natural or other specific constraints. Such period shall not go beyond 31 December 2030.

Member States may, at the latest until 2018, decide to exclude one or more of the areas listed in the first subparagraph for the compliance with this priority criterion where they are not in a position to assess such compliance in an effective manner.

#### **E. Criterion referred to in Article 64(2)(e) of Regulation (EU) No 1308/2013**

The criterion referred to in Article 64(2)(e) of Regulation No 1308/2013 shall be considered as being fulfilled if the economic sustainability of the respective project is established on the basis of one or more of the following standard methodologies of financial analysis for agricultural investment projects:

- (1) Net Present Value (NPV);
- (2) Internal Rate of Return (IRR);
- (3) Benefit-Cost Ratio (BCR);
- (4) Payback Period (PP);
- (5) Incremental Net Benefit (INB).

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<sup>6</sup> 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).

The methodology shall be applied in a way that is adapted to the type of applicant.

Member States shall further require the applicant to establish the new vine planting according to the technical characteristics identified in the application.

**F. Criterion referred to in Article 64(2)(f) of Regulation (EU) No 1308/2013**

The criterion referred to in Article 64(2)(f) of Regulation No 1308/2013 shall be considered as being fulfilled if the potential for increased competitiveness is established on the basis of one of the following considerations:

- (1) the areas to be newly planted by an existing wine grower may generate economies of scale due to a significant decrease in the unit costs specific to the newly planted area in relation to the average of already existing vineyards in the farm holding or the average situation of the region;
- (2) the areas to be newly planted by an existing wine grower may generate a better adaptation to the market demand due to an increase of prices obtained for the produce or an increase in market outlets in relation to the already existing vineyards in the farm holding or the average situation of the region;
- (3) the areas to be newly planted by a new entrant into the sector may allow for a farm production model which is more profitable than the average of the region.

Member States may further detail the considerations listed in points (1), (2) and (3).

Member States shall further require the applicant to establish the new vine planting according to the technical characteristics identified in the application.

**G. Criterion referred to in Article 64(2)(g) of Regulation (EU) No 1308/2013**

The criterion referred to in Article 64(2)(g) of Regulation No 1308/2013 shall be considered as being fulfilled if the land parcel(s) to be planted is located within the geographical area of production of an existing PDO or PGI, if the grapes to be produced are intended for wines with a PDO or PGI, and one of the following conditions is met:

- (1) the land parcel(s) to be planted has better pedo-climatic characteristics, comparing to an average of other land parcels with vineyards complying with geographical indication specifications in the same region;
- (2) the grape variety(ies) or respective clone(s) to be planted is better adapted to the specific pedo-climatic characteristics of the land parcel(s) to be planted comparing to land parcels with vineyards complying with geographical indication specifications, with similar pedo-climatic characteristics and located in the same region, but established with other varieties or other clones of the same variety(ies);

- (3) the grape variety(ies) or respective clone(s) to be planted contribute to increase the diversity of grape varieties or clones of the existing varieties in the same geographical area of production of the PDO or PGI;
- (4) the vine training system(s) to be used or the vineyard structure to be established in the newly planted area(s) has the potential to lead to a better quality of the grapes, comparing to the training systems and/or structures predominantly used in the same geographical area of production of the PDO or PGI.

Member States may further detail the conditions referred to in points (1) to (4).

Member States shall further require the applicant to establish the new vine planting according to the technical characteristics identified in the application.

Member States may apply this priority criterion to applications for new plantings in an area that has been demarcated in the technical file accompanying an application for protection of a designation of origin or of a geographical indication which is under the preliminary national procedure or the period of scrutiny of the Commission. In that case, the conditions listed in points (1) to (4) apply *mutatis mutandis*.

#### **H. Criterion referred to in Article 64(2)(h) of Regulation (EU) No 1308/2013**

The criterion referred to in Article 64(2)(h) of Regulation No 1308/2013 shall be considered as being fulfilled if the size of the applicant's holding at the time of the application complies with thresholds to be established by Member States at national or regional level on the basis of objective criteria. Such thresholds shall be set at:

- (1) no less than 0.5 hectares for small size holdings;
- (2) no more than 50 hectares for medium size holdings.

Member States may further require compliance with one or more of the following conditions:

- (1) the size of the applicant's holding will be increased as a result of the new planting;
- (2) the applicant has already an area planted with vines, not benefiting from the exemptions laid down in Article 62(4) of Regulation No 1308/2013, at the time of submitting the application.

#### **I. Additional criteria referred to in Article 4(3) of this Regulation**

##### **I. "Prior behaviour of the producer"**

The additional criterion referred to in Article 4(3) of this Regulation shall be considered as being fulfilled if the applicant does not have vines planted without authorisation as referred to in Article 71 of Regulation (EU) No 1308/2013 or

without a planting right as referred to in Articles 85a and 85b of Regulation (EC) No 1234/2007.

Member States may further require compliance with one or more of the following conditions:

- (1) no authorisation previously granted to the applicant in accordance with Article 64 of Regulation No 1308/2013 has expired due to non-utilisation;
- (2) the applicant has not failed to comply with any of the undertakings referred to in Sections A and B of Annex I, in Sections A, B, and D to G of this Annex and in point II of this Section;
- (3) the applicant does not have areas planted with vines which are no longer in production for a period of at least eight years.

## **II. "Non-profit organisations with a social purpose having received lands confiscated in cases of terrorism and other types of crime"**

The additional criterion referred to in Article 4(3) of this Regulation shall be considered as being fulfilled if the applicant is a legal person, irrespective of its legal form, and if the following conditions are met:

- (1) the applicant is a non-profit organisation which has solely a social purpose as its activity;
- (2) the applicant uses the confiscated land only to serve its social purposes pursuant to Article 10 of Directive 2014/42/EU of the European Parliament and of the Council<sup>7</sup>.

Member States may also require that the applicants complying with this criterion shall undertake during a period to be determined by the Member State not to rent or sell the area(s) newly planted to another natural or legal person. Such period shall not go beyond 31 December 2030.

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<sup>7</sup> Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union (OJ L 127, 29.4.2014, p. 39).

**MINIMUM INFORMATION TO BE CONTAINED AND UPDATED IN THE VINEYARD REGISTER AND THE SPECIFICATIONS RELATING TO THIS INFORMATION AS REFERRED TO IN ARTICLE 7**

**1. WINE GROWER FILE**

**1.1. Identification and location**

- (1) Identity of the wine grower (compatible with the single system to record the identity of each beneficiary referred to in Article 68(1)(f) of Regulation (EU) No 1306/2013, and with registers or information held by the Member State).
- (2) List and location of all the vineyard parcels which are not considered to contain only abandoned wine-growing areas (identification compatible with the identification system for agricultural parcels referred to in Articles 68(1)(b) and 70(1) of Regulation (EU) No 1306/2013).

**1.2. Characteristics of the area(s) planted with vines on the vineyard parcel**

This information in relation to each vineyard parcel shall be shown separately in the wine grower file. However, when possible because of the uniform nature of the vineyard parcels, the information may relate to a set of several adjacent parcels or part(s) of adjacent parcel(s) provided that identification of each parcel is still guaranteed.

- (1) Identification of the vineyard parcel: the identification system for vineyard parcels should be established on the basis of maps, land registry documents or other cartographic references. Use shall be made of computerised geographical information system techniques, including aerial or spatial ortho-imagery, with a homogenous standard that guarantees a level of accuracy that is at least equivalent to that of cartography at a scale of 1:5 000 (or 1:10 000 where they were acquired on the basis of long term contracts that were agreed before November 2012), while taking into account the outline and condition of the parcel. This shall be fixed in accordance with existing Union standards.
- (2) Area of the vineyard parcel  

In cases where vines are grown in association with other crops:

  - (a) total area of the parcel concerned;
  - (b) area planted with vines expressed in terms of pure crop (for the purposes of conversion, use should be made of appropriate coefficients determined by the Member State).
- (3) Area of the vineyard parcel or, where appropriate, area expressed in terms of pure crop, with the following breakdown concerning area(s)

planted with vines (information compatible with the communication referred to in Article 33(1)(a) of Implementing Regulation (EU) ..../..., and Part I of Annex IV to that Regulation, which is, if applied, the basis for the calculation of the 1% referred to in Article 63(1) of Regulation (EU) No 1308/2013):

- (a) area(s) planted with vines which are eligible for the production of wine with a PDO;
  - (b) area(s) planted with vines which are eligible for the production of wine with a PGI:
    - which are also eligible for the production of wine with PDO and wine without PDO/PGI
    - which are only eligible for the production of wine with PGI and wine without PDO/PGI
  - (c) area(s) planted with vines which are only eligible for the production of wine without PDO/PGI but situated in a PDO/PGI geographical area of production;
  - (d) area(s) planted with vines which are only eligible for the production of wine without PDO/PGI and situated outside of a PDO/PGI geographical area of production;
  - (e) area(s) planted with vines with other destination.
- (4) Wine grape varieties cultivated, corresponding estimated areas and proportions in the vineyard parcel concerned, as well as the colour of the grape (information compatible with Regulation (EU) No 1337/2011 of the European Parliament and of the Council<sup>8</sup>).
- (5) Year of planting or, failing that, estimated age of the vineyard parcel concerned (information compatible with Regulation (EU) No 1337/2011).
- (6) Planted area with vines which has been restructured or converted in accordance with Article 46 of Regulation (EU) No 1308/2013 (information compatible with the communications referred to in the tables in Parts IV, V and VI of Annex IV to Implementing Regulation (EU) xxxx/xxx).
- (7) Planted area with vines which has been the subject of green harvesting in accordance with Article 47 of Regulation (EU) No 1308/2013 (information compatible with the communications referred to in the tables in Parts IV, V and VI of Annex IV to Implementing Regulation (EU) xxxx/xxx).

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<sup>8</sup> Regulation (EU) No 1337/2011 of the European Parliament and of the Council of 13 December 2011 concerning European statistics on permanent crops and repealing Council Regulation (EEC) No 357/79 and Directive 2001/109/EC of the European Parliament and of the Council (OJ L 347, 30.12.2011, p. 7).

The information referred to in points (6) and (7) must also include all the areas restructured or converted or subject to green harvesting in accordance with Articles 46 and 47 of Regulation (EU) No 1308/2013 (information compatible with the communications referred to in Annex IV or IVa and Annex VI to Commission Implementing Regulation (EU) 2016/1150)<sup>9</sup>.

Where all the areas planted with vines included in the winegrower file become abandoned or are given a different use than wine-growing, the file should be removed from the vineyard register or flagged and the respective areas deducted from those referred to in point 1. 2. of this Annex.

### **1.3. Declarations**

Harvest declaration (information compatible with the harvest declarations referred to in Article 33).

## **2. PRODUCTION FILE**

### **2.1. Identification**

Identity of any natural or legal person or group of such persons required to make the production declaration provided for in Article 31.

### **2.2. Declarations**

- (a) Production declaration (information compatible with the production declarations referred to in Article 31).
- (b) Stock declaration (information compatible with the stock declarations referred to in Article 32).

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<sup>9</sup> 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).

**MINIMUM ADDITIONAL INFORMATION CONTAINED IN THE VINEYARD REGISTER AND THE SPECIFICATIONS RELATING TO THIS INFORMATION AS REFERRED TO IN ARTICLE 7(1)**

**1. WINE GROWER FILE**

**1.1. Identification and location**

- (1) Authorisations applied for, granted and not yet planted, and respective specific area (information compatible with the notifications referred to in Article 33(2)(a) and in the tables of Part IV of Annex IV to Implementing Regulation (EU) xxxx/xxx).
- (2) Planting rights held (per type) until the deadline for conversion into authorisations as decided by Member States (information compatible with the notification to be made by 1 March 2016 referred to in Article 11 of Commission Implementing Regulation (EU) 2015/561<sup>10</sup> and in Table A of Annex VII to that Regulation).

**1.2. Characteristics of the area(s) planted with vines on the vineyard parcels**

This information in relation to each vineyard parcel shall be shown separately in the wine grower file. However, when possible because of the uniform nature of the vineyard parcels, the information may relate to a set of several adjacent parcels or part(s) of adjacent parcel(s) provided that identification of each parcel is still guaranteed.

- (1) Area(s) benefiting from the following exemptions to the scheme of authorisations for vine plantings:
  - (a) areas planted or replanted for experimental purposes (including those with wine grape varieties not classified in accordance with Article 81 of Regulation (EU) No 1308/2013);
  - (b) areas planted or replanted for graft nurseries.
- (2) Area(s) planted with vines without an authorisation after 31 December 2015 and non-authorised areas grubbed up (information compatible with the communication referred to in Article 33(1)(e) of Implementing Regulation (EU) xxxx/xxx and in Part III of Annex IV to that Regulation).
- (3) Area(s) planted with vines without a planting right before 1 January 2016 and unlawful plantings grubbed up (information compatible with the

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<sup>10</sup> Commission Implementing Regulation (EU) 2015/561 of 7 April 2015 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 (OJ L 93, 9.4.2015, p. 12).



communications referred to in Article 58(2) of Regulation (EC) No 555/2008 and in Tables 3 and 7 of Annex XIII to that Regulation.

## ANNEX V

### ACCOMPANYING DOCUMENTS

#### A. Requirements for the use of an accompanying document

The information referred to in Article 10(2) shall be presented in the form of the entries set out in column No 1 in the following table.

For the documents referred to in points (a)(i) and (iii) of the first subparagraph of Article 10(1), these entries are identified by the numbers and letters shown in columns A and B of the tables in Annex I to Regulation (EC) No 684/2009 (column No 2 of the following table).

For the documents referred to in point (a)(ii) of the first subparagraph of Article 10(1), these entries are identified by the numbers and letters in Regulation (EEC) No 3649/92 (column No 3 of the following table).

The order and the specific details concerning the layout of the entries shall be determined by the Member States, on the basis of the rules set out in Section B of this Annex.

1	2	3
Reference number: each consignment must bear a reference number which identifies it in the consignor's accounts. This number is, where applicable, the ARC number, the MVV code or the reference number of the simplified accompanying document assigned to the accompanying document in its administrative or commercial form.	No 1d	No 2
Consignor: full name and address including post code and the System of Exchange of Excise Data (SEED) excise number of the authorised warehouse keeper or registered consignor, where appropriate.	No 2	No 1
Place of dispatch: the actual place of dispatch, if the goods are not dispatched from the address given for the consignor	No 3	No 1
Consignee: full name and address including post code and the SEED excise number of the authorised warehouse keeper or registered consignee, where appropriate.	No 5	No 4
Place of delivery: the actual place of delivery, if the goods are not delivered to the address given for the consignee.	No 7	No 7
Competent authorities at place of dispatch: the name and address of the competent authority responsible for checking the drawing up of the accompanying document at the place of dispatch. This is only required in the case of dispatch to another Member State or for export outside the Union.	No 10	Box A
Carrier: name and address of the person responsible for organizing the first transport (if different from the consignor).	No 15	No 5
Other transport details: (a) the type of transport used (lorry, van, tanker, car, railway wagon, rail tanker, airplane, ship); (b) the registration number or, in the case of a ship, the name (optional particulars). Where there is a change from one type of transport to another, the carrier loading the product must indicate on the back of the document: — the date of dispatch, — the type of transport used and the registration number for vehicles and the name for ships, — their name, forename or company name and address, including post code. Where there is a change in the place of delivery: the actual place of delivery.	No 16	No 5
CN code	No 17c	No 9
Description of the product: in accordance with Regulation (EU) No 1308/2013 and any national rules which apply, in particular compulsory indications.	No 17p	No 8
Description of packages of goods: identification numbers and number of packages, number of internal packages. For documents other than those referred to in point (a)(i) of the first subparagraph of Article 10(1), the description may be continued on a separate sheet attached to each copy. A packing list could be used for this purpose.	No 17.1	No 8
For bulk transport: — of wine, the actual alcoholic strength, — of non-fermented products, the refractive index or the density, — of products in fermentation, the total alcoholic strength, — of wines with a residual sugar content of more than four grams per litre, in addition to the actual alcoholic strength, the total alcoholic strength.	No 17g and 17o	No 8
Optional indications for bulk transport: for the bulk transport of the wines referred to in paragraphs 1 to 9, 15 and 16 of Part II of Annex VII to Regulation (EU) No 1308/2013, the product description shall contain the optional particulars set out in Article 120 of that Regulation, provided that they are shown on the labelling or that it is planned to show them on the labelling.	No 17p	No 8
Quantity: — for products in bulk, the total net quantity, — for packaged products, the number of containers used.	No 17d/f and 17.1	No 8

Certifications: certification of PDO, certification of PGI or certification of the vintage year or of the wine-grape variety(ies): see Articles 11 and 12	No 17l	No 14
Wine product category	No 17.2a	No 8
Wine-growing zone code	No 17.2b	No 8
Wine operation code	No 17.2.1a	No 8
Certificate — check at export, where appropriate	No 18	A
Date of dispatch and, where so laid down by the Member State on whose territory the transport operation begins, the time of dispatch	No 18	No 15
Visa from the competent body of the place of dispatch, for documents other than those referred to in point (a)(i) of the first subparagraph of Article 10(1) (if required)	No 18	No 15

## **B. Instructions on drawing up and use of accompanying documents**

### **1. General rules:**

- 1.1 Where the documents referred to in point (a)(i) of the first subparagraph of Article 10(1) bear an ARC number assigned by the computerised system referred to in Article 21(2) of Directive 2008/118/EC or an MVV code assigned by an information system set up by the Member State of dispatch referred to in point (a)(iii) of the first subparagraph of Article 10(1), the information referred to in Section A shall be held in the system used.
- 1.2. The documents referred to in the second indent of point (a)(iii) of the first subparagraph of Article 10(1) shall bear in the header the logo of the Union, the words ‘European Union’, the name of the Member State of dispatch, and a sign or a logo identifying the Member State of dispatch.
- The documents referred to in points (a)(i) and (ii) and the first indent of point (a)(iii) of the first subparagraph of Article 10(1) may bear the information referred in the first subparagraph of this point.
- 1.3. The documents referred to in Article 10(1) shall be filled in legibly and indelible characters. The document must not contain any erasures or overwritten words. Any prescribed copy of a document shall be marked ‘copy’ or shall bear an equivalent marking.
- 1.4 A single document may be completed to accompany the transport in a single consignment from one and the same consignor to one and the same consignee of:
- (a) several batches of the same category of product; or
  - (b) several batches of different categories of product provided they are put up in labelled containers with a nominal volume of not more than 60 litres and fitted with a non-reusable closing device.
- 1.5. In the case referred to in Article 17(1) or where the document accompanying the consignment is completed by the competent authority, the document shall be valid only if carriage commences not later than the fifth working day following, as appropriate, the date of validation or the date on which it is completed.
- 1.6. When products are transported in separate compartments of the same transport container or are mixed during carriage, a document must be completed to accompany

each portion, whether transported separately or as a mixture. Such documents shall mention, in accordance with the rules laid down by each Member State, the use of the mixed product.

However, consignors or empowered persons may be authorised by Member States to complete a single document for the whole product resulting from mixing. In such cases the competent authority shall determine how proof is to be furnished concerning the category, origin and quantity of the various loads.

## 2. Special rules

### 2.1. Indications referring to the *description of the product*:

#### (a) Type of product

Indicate the type of product using an expression conforming to Union rules which gives the most accurate description of the product, e.g.: wine with PDO or PGI / wine without PDO or PGI / varietal wine without PDO/PGI / grape must for wine with PDO or PGI / vintage wine without PDO/PGI.

#### (b) Bulk transport

For the bulk transport of the wines referred to in paragraphs 1 to 9, 15 and 16 of Part II of Annex VII to Regulation (EU) No 1308/2013, the product description shall contain the optional particulars set out in Article 120 of that Regulation provided that they are shown on the labelling or that it is planned to show them on the labelling.

#### (c) Alcoholic strength and density

For the transport of products in bulk or in unlabelled containers with a nominal volume of not more than 60 litres:

(i) the actual alcoholic strength of the wine, excluding new wines still in fermentation, or the total alcoholic strength of new wine still in fermentation and part-fermented grape must shall be expressed in % volume and 10ths of % volume;

(ii) the refractive index of grape must shall be obtained by the measuring method recognised by the Union. It must be expressed by the potential alcoholic strength in % volume. This may be replaced by the density expressed in grams per cm<sup>3</sup>;

(iii) the density of fresh grape must with fermentation arrested by the addition of alcohol must be expressed in grams per cm<sup>3</sup> and the actual alcoholic strength of that product must be expressed in % volume. and tenths of % volume;

(iv) the sugar content of concentrated grape must, rectified concentrated grape must and concentrated grape juice must be expressed by the content in grams, per litre and per kilogram, of total sugars;

(v) the actual alcoholic strength of grape marc and of wine lees may also be indicated (optional) and expressed in litres of pure alcohol per decitonne.

This information must be expressed using the tables of equivalence recognised by the Union, contained in the rules on analysis methods.

(d) Tolerances

Without prejudice to Union provisions laying down limits for certain wine products, the following tolerances shall be allowed:

- (i) as regards total or actual alcoholic strength, a tolerance of  $\pm 0,2$  % volume;
- (ii) as regards density, a tolerance of six units more or less to the fourth decimal place ( $\pm 0,0006$ );
- (iii) as regards the sugar content,  $\pm 3$  %.

(e) Other indications for the carriage of products in bulk:

(i) Wine-growing zone

The wine-growing zone in which the product transported originates shall be indicated in accordance with Appendix I of Annex VII to Regulation (EU) No 1308/2013, using the following abbreviations: A, B, C I, C II, C III(a) and C III(b).

(ii) Operations performed

The operations which the products transported have undergone shall be indicated, using the following figures in brackets:

- 0 the product has undergone none of the following operations;
- 1 the product has been enriched;
- 2 the product has been acidified;
- 3 the product has been de-acidified;
- 4 the product has been sweetened;
- 5 the product has been fortified for distillation;
- 6 a product originating in a geographical unit other than that indicated in the description has been added to the product;
- 7 a product obtained from a vine variety other than that indicated in the description has been added to the product;
- 8 a product harvested during a year other than that indicated in the description has been added to the product;
- 9 the product has been made using oak chips;
- 10 the product has been made on the basis of experimental use of a new oenological practice;
- 11 the alcohol content of the product has been corrected;
- 12 other operations, to be specified. Examples:
  - (a) for a wine originating in area B which has been fortified, indicate B (5);
  - (b) for a grape must originating in area C III(b) which has been acidified, indicate C III(b) (2).

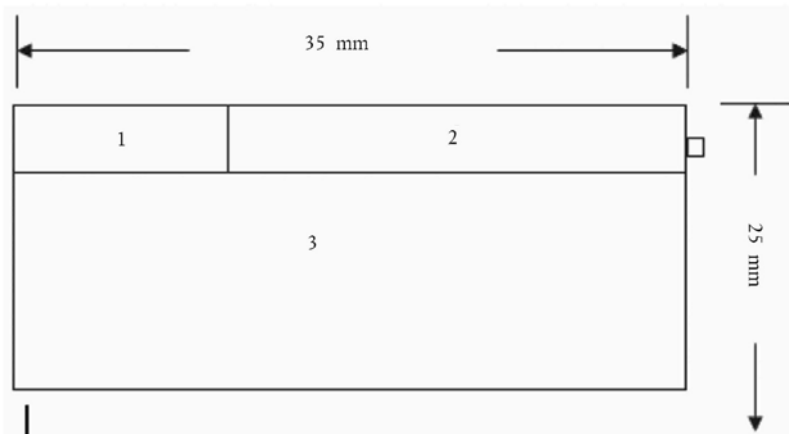
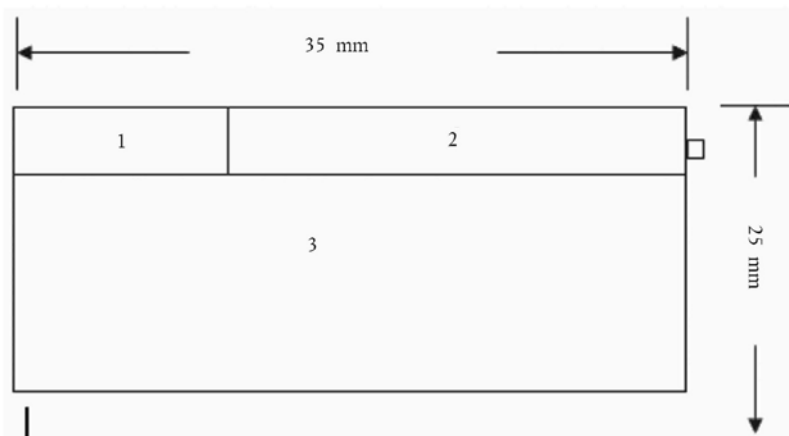
Indications regarding the wine-growing area and the operations performed must be given in addition to those regarding the description of the product and within the same field of vision.

2.2. Indications referring to the *net quantity*:

- (a) of grapes, concentrated grape must, rectified concentrated grape must, concentrated grape juice, grape marc and wine lees in tonnes or kilograms must be expressed by the symbols 't' or 'kg';
- (b) of other products in hectolitres or litres must be expressed by the symbols 'hl' or 'l'.

A tolerance of 1,5 % of the total net quantity may be allowed when indicating the quantity of products carried in bulk.

**C. Special stamp referred to in point (b)(i) of the first subparagraph of Article 10(3)**



- 1. Symbol of Member State
- 2. Competent authority with territorial responsibility
- 3. Authentication

#### **D. Indications referred to in Article 13(2):**

In Bulgarian:	Изнесено: Декларация за износ № ... от [дата]
In Croatian:	Izvezeno: Izvozna deklaracija br. ....[datum]
In Czech:	Vyvezeno: Vývozní prohlášení č. ... ze dne [datum]
In Danish:	Udførsel: Udførselsangivelse-nr.: .... af [dato]
In Dutch:	Uitgevoerd: Uitvoeraangifte nr. ... van [datum]
In English:	Exported: Export declaration No ... of [date]
In Estonian:	Eksportitud: Eksportideklaratsiooni nr ..., ... [kuupäev]
In Finnish:	Viety: Vienti-ilmoitus nro ..., ... [päiväys]
In French:	Exporté: Déclaration d'exportation no ... du [date]
In German:	Ausgeführt: Ausfuhranmeldung Nr. ... vom [Datum]
In Greek:	Εξαχθέν: Δήλωση εξαγωγής αριθ. ... της [ημερομηνία]
In Hungarian:	Exportálva: Exportnyilatkozat-sz.: ..., [dátum]
In Italian:	Esportato: Dichiarazione di esportazione n. ... del [data]
In Latvian:	Eksportēts: [datums] Eksporta deklarācija Nr. ...
In Lithuanian:	Eksportuota: Eksporto deklaracija Nr. ..., [data]
In Maltese:	Esportat: Dikjarazzjoni tal-esportazzjoni nru ... ta' [data]
In Polish:	Wywieziono: Zgłoszenie eksportowe nr ... z dnia [data]
In Portuguese:	Exportado: Declaração de exportação n.º ... de [data]
In Romanian:	Exportat: Declarație de export nr. ... din [data]
In Slovak:	Vyvezené: Vývozné vyhlásenie č. ... zo dňa [dátum]
In Slovenian:	Izvoženo: Izvozna deklaracija št. ... z dne [datum]
In Spanish:	Exportado: Declaración de exportación no ... de [fecha]
In Swedish:	Exporterad: Export deklaration nr ... av den [datum].

ANNEX VI

**CERTIFICATE OF ORIGIN OR PROVENANCE AND CHARACTERISTICS OF  
THE WINE PRODUCTS, THE VINTAGE YEAR OR THE GRAPE VARIETY(IES)  
FROM WHICH THE PRODUCTS ARE PRODUCED AND THE PDO OR PGI  
OF WINES OF THE UNION**  
*(ARTICLES 11(1) AND 12(1))*

*PART I*

**Relevant information referred to in Article 11(1) or Article 12(1)(a)**

**Information to be mentioned in box 171 of the accompanying document or on  
the commercial document used in accordance with Article 21(6) of Directive  
2008/118/EC or with Article 12(1)(a) of this Regulation**

*I undersigned, responsible for the products listed here, certify that they were  
produced and bottled in [Member State or European Union] and that:*

- (1) they fulfil the requirements for labelling and presentation in respect of:*
  - (a) protected designation of origin (PDO) or protected geographical indication (PGI) No [..., ...] registered in the 'E-Bacchus register' set up by the Union, in accordance with Article 18 of Regulation (EC) No 607/2009;*
  - (b) the vintage year, in accordance with the rules provided for in Article 120 of Regulation (EU) No 1308/2013;*
  - (c) the wine-grape variety(ies) ('varietal wines'), in accordance with the rules provided for in Article 81 and 120 of Regulation (EU) No 1308/2013;*
- (2) all the products comply with the provisions governing the production and release of products for direct human consumption under Union law;*
- (3) the products were produced by approved methods of production and not specifically for the purpose of export; and*
- (4) the products are authentic and are fit for human consumption in the Union.*

<i>Signature and Date</i>	<i>Administrative reference assigned by the</i>
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<i>Name and title of producer/processor</i>	<i>competent authority</i> <i>"ARC number" or "MVV code"</i>
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*PART II*

**Specific certificate for export referred to Article 12(1)(b)**

**A. Template**

<b>WINE EXPORT CERTIFICATE</b> For wines exported from the European Union to ... <i>This is a multi-purpose certificate, established in accordance with Article 12 of Delegated Regulation (EU) .../... used for</i> <u><i>Certificate of Origin, Certificate of Health and Certificate of Authenticity</i></u> European Union 		
2. Consignor:  2a. Identification:	A. Exporter:  Aa. Identification:	
3. Place of dispatch:	A1. Premises:	
5. Identity of means of transport (nature):	6. Reference:	
B. Importer:		
Ba. Place of delivery:		
17p. Description	17df. Quantity (Liters)	Details
17l. Certification: I, undersigned, responsible for these products for export, certify the following information: The products listed above were produced and bottled in the European Union / in ... .. All the products comply with the provisions governing the production and release of products for direct human consumption under EU law; The products were produced by normal and approved methods of production and not specifically for the purpose of export and the products are authentic and are fit for human consumption in the European Union. The products listed above were produced and bottled under EU rules as wines with: <ul style="list-style-type: none"> <li><input type="checkbox"/> protected designation of origin (PDO) or protected geographical indication (PGI) registered in ‘E-Bacchus register’ set up by the EU in accordance with Article 18 of Regulation (EC) No 607/2009</li> <li><input type="checkbox"/> indication of the vintage year in accordance with the rules provided for in Article 120 of Regulation (EU) No 1308/2013</li> <li><input type="checkbox"/> indication of the wine grape variety(ies) (‘varietal wines’) in accordance with the rules provided for in Articles 81 and 120 of Regulation (EU) No 1308/2013.</li> </ul> Complementary certification (optional)		
Logo of the Member State	10. The control authorities confirm that the consignor of the wine products described in this certificate is registered by and attached to ..... with the obligation that all wine products shall be registered and subject to supervision and inspection by the competent authorities.	
18. Signature  Name and title  The consignor or representative certifying the above information	Date:	18a. Unique administrative reference assigned by the competent authorities (points (a)(i) and (iii) of the first subparagraph of Article 10(1) of Delegated Regulation (EU) .../... ) ARC / MVV

## B. Requirements for the use of the specific certificate for export

The information to be provided on the certificate referred to in Article 12(1)(b) shall be presented in the form of the entries set out in column No 1 in the following table.

Those entries are identified by the numbers and letters shown in column No 2 of the following table:

1	2
Consignor: full name and address including post code Identification: the System of Exchange of Excise Data (SEED) excise number) or reference to the number in the list or register provided for in Article 8(3) of Commission Delegated Regulation (EU) .../....	No 2
Place of dispatch: the actual place of dispatch, if the goods are not dispatched from the address given for the consignor	No 3
Exporter: full name and address	No A
Premises: the actual place of dispatch, if the goods are not dispatched from the address given for the exporter	No A1
Identity of means of transport: container, ship, airplane ....	No 5
Reference: name and identity of the means of transport	No 6
Importer: full name and address	No B
Place of delivery: the actual place of delivery, if the goods are not delivered to the address given for the importer	No Ba
Logo of the Member State of dispatch and name, address and contact point of the competent authority responsible for checking the consignor at the place of dispatch Optional specific requirements: confirmation by the control authorities that <i>"An internal quality control for the compliance of the products has been put in place."</i>	No 10
Description of the product: in accordance with Regulation (EU) No 1308/2013 and any national rules which apply, in particular compulsory indications. The details of the description may be given in separate documents referred to in this box.	No 17p
Quantity: — for products in bulk, the total net quantity, — for packaged products, the number of containers used	No 17d/f
Certification: Certification of origin or provenance and compliance with provisions governing the production and release for direct human consumption under Union law and by normal and approved methods of production (oenological practices, processing aids and additives); Certification of the PDO or PGI, certification of the vintage year or of the wine grape variety(ies), in accordance with Regulation (EU) No 1308/2013. Complementary certification (optional): may be added by the consignor in the form of optional entries as follows: <ul style="list-style-type: none"> <li>- My company has implemented a quality assurance system</li> <li>- The manufacture and sale of the above mentioned products are authorised in the EU according to EU and national legislation</li> <li>- Samples of the products are randomly selected and examined in official laboratories</li> <li>- Based on analysis from a third party, the level of radioactivity in terms of Caesium 134+137 for these products does not exceed [is]...Bq/kg (see documentation, tests reports attached)</li> <li>- Other certification</li> </ul>	No 17l
Signature, name and title of the signatory and date of signature	No 18
Reference number: each certificate must bear a reference number which identifies it in the consignor's accounts. This number is, where applicable, the ARC number or the MVV code assigned to the accompanying document in its administrative or commercial form.	No 18a



**Attribution** (entry into free circulation and issue of extracts)

Quantity	11. No and date of the customs document of release into free circulation and of the extract	12. Full name and address of consignee (extract)	13. Stamp of the competent authority
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
14. Other remarks			



**Attribution** (entry into free circulation and issue of extracts)

Quantity	10. No and date of the customs document of release into free circulation and of the extract	11. Full name and address of consignee (extract)	12. Stamp of the competent authority
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
Available			
Attributed			
13. Other remarks			

### PART III

#### Instructions for filling in the VI-1 document and the VI-2 extracts

The VI-1 document and the VI-2 extracts shall be filled in either in typescript or by hand, or by equivalent technical means recognised by an official body. Handwritten extracts shall be completed in ink and in capital letters. No erasures or overwriting shall be permitted. Any alterations shall be made by crossing out the incorrect particulars and, where appropriate, adding those required. Any change made in this way shall be approved by its author and stamped, as the case may be, by the competent body, the designated laboratory or the customs authorities.

#### A. Printing of the VI-1 document and VI-2 extracts

1. The size of the form shall be approximately 210 by 297 mm.
2. The document or extracts shall be printed in one of the official languages of the Union. For VI-2 extracts, the language of the extracts shall be decided by the competent authority of the Member State where the extracts are to be stamped.

#### B. Completing the VI-1 document and VI-2 extracts

The document or extracts shall be completed in the language in which they are printed.

Each document or extract shall bear a serial number allocated:

- (a) in the case of the VI-1 document, by the competent body signing the 'certificate' part,
- (b) in the case of VI-2 extracts, by the customs office stamping them.

#### C. Content

**Box 1:**           **Exporter:** full name and address in the third country concerned

**Box 2:**           **Consignee:** full name and address in the EU

**Box 4:**           (VI-1 document) **Means of transport and transport details:**

- Only refer to transport used for delivery to the point of entry in the EU
- Specify mode of transport (ship, air, etc.); state name of ship, etc.

**Box 6:**           (Box 5 for VI-2) **Description of the imported product:**

- Sale designation (as appears on the label, such as name of producer and wine-growing region, brand name, etc.),
- Name of the country of origin,
- Name of the geographical indication, provided the wine qualifies for such a geographical indication,



- Actual alcohol strength by volume,
- Colour of the product (state 'red', 'rosé', 'pink' or 'white' only),
- Combined Nomenclature code (CN code).

*PART IV*

**List of third countries referred to in Article 21(b), Article 26 and Article 27**

*A. List of third countries referred to in Article 21(b):*

— Australia

— Chile

*B. List of third countries referred to in Article 26:*

— Australia

— Chile

— United States of America

*C. List of third countries referred to in Article 27:*

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