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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	C(2026) 6339 final
Subject:	COMMISSION DELEGATED REGULATION (EU) …/... of 17.9.2026 amending Delegated Regulation (EU) 2022/126 supplementing Regulation (EU) 2021/2115 of the European Parliament and of the Council with additional requirements for certain types of intervention specified by Member States in their CAP Strategic Plans for the period 2023 to 2027 under that Regulation as well as rules on the ratio for the good agricultural and environmental conditions (GAEC) standard 1

Delegations will find attached document C(2026) 6339 final.

Encl.: C(2026) 6339 final

EUROPEAN
COMMISSION

Brussels, 17.9.2026
C(2026) 6339 final

COMMISSION DELEGATED REGULATION (EU) …/...

of 17.9.2026

amending Delegated Regulation (EU) 2022/126 supplementing Regulation (EU) 2021/2115 of the European Parliament and of the Council with additional requirements for certain types of intervention specified by Member States in their CAP Strategic Plans for the period 2023 to 2027 under that Regulation as well as rules on the ratio for the good agricultural and environmental conditions (GAEC) standard 1

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Commission Delegated Regulation (EU) 2022/126 was published on 31 January 2022 and entered into force on 1 February 2022. The wine sector is experiencing a difficult market situation in different Member States affecting certain market segments (red/rosé wines). During the negotiations of the Regulation (EU) 2026/471 amending Regulations (EU) No 1308/2013, (EU) No 251/2014 and (EU) 2021/2115 as regards certain market rules and sectoral support measures in the wine sector and for aromatised wine products and Regulation (EU) 2024/1143 as regards certain labelling rules for spirit drinks, there was an agreement on the necessity to add the ‘permanent grubbing-up of productive vineyards’ as a new type of intervention in the framework of the CAP strategic plan. Furthermore, it is proposed to align with the conditions set in relation to the national payments to support the permanent grubbing-up of vineyards in case of crisis, in order to ensure a common level playing field within the Union wine sector. Therefore, technical clarifications relating to this above-mentioned type of intervention are necessary.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE DELEGATED ACT

Consultations, involving experts from all the 27 Member States, have been carried out within the Expert Group on the implementation of the CAP Strategic Plans established under Regulation (EU) 2021/2115, in particular during the meetings of 16 April, 7 of May, and 3 and 30 of June 2026. These meetings allowed for a presentation of the Commission's ideas on the scope of the delegated act and on the necessary modifications of Articles 1, 40(2) and 42(2), and the addition of Articles 12*a* and 42a of Delegated Regulation (EU) 2022/126, as well as an exchange of views with the experts. The delegated act was subsequently revised taking into account the observations and comments of the experts.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

This delegated act amends Articles 1, 40(2) and 42(2), and adds two new articles, namely Articles 12*a* and 42*a* of Commission Delegated Regulation (EU) 2022/126.

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amending Delegated Regulation (EU) 2022/126 supplementing Regulation (EU) 2021/2115 of the European Parliament and of the Council with additional requirements for certain types of intervention specified by Member States in their CAP Strategic Plans for the period 2023 to 2027 under that Regulation as well as rules on the ratio for the good agricultural and environmental conditions (GAEC) standard 1

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013[1], and in particular Article 45, point (a), thereof,

Whereas:

(1) The wine sector is currently facing a significant market volatility across several Member States, in particular with red and rosé market segments being most acutely affected. This situation has been acknowledged in the political compromise among the three Union institutions during the legislative negotiations related to Regulation (EU) 2026/471 of the European and of the Council[2] which amends, among others, Regulation (EU) 2021/2115 as regards sectoral support measures in the wine sector, and particularly the types of interventions in the wine sector. Regulation (EU) 2026/471 added the 'permanent grubbing-up of productive vineyards' as a new type of intervention.

(2) Permanent grubbing-up of productive vineyards constitutes an exceptional but structural tool to address systemic sustainability challenges. Its temporary and conditional application mitigates risks of oversupply of grapes and therefore wine while allowing wine producers and wine growers to adapt the potential production to evolving market conditions. Targeted grubbing-up measures, applied under strict conditions, aim to restore the market balance at the production capacities at national or regional level, thereby stabilising markets, improving producer incomes, and aligning output with consumption trends.

(3) As regards the permanent grubbing-up intervention, Member States should use specific criteria to determine whether a market imbalance exists. Therefore, general

1 OJ L 435, 6.12.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/2115/oj.

2 Regulation (EU) 2026/471 of the European Parliament and of the Council of 24 February 2026 amending Regulations (EU) No 1308/2013, (EU) No 251/2014 and (EU) 2021/2115 as regards certain market rules and sectoral support measures in the wine sector and for aromatised wine products and Regulation (EU) 2024/1143 as regards certain labelling rules for spirit drinks (OJ L, 2026/471, 26.2.2026 ELI: http://data.europa.eu/eli/reg/2026/471/oj).

conditions of eligibility and priority criteria should be laid down with a view to justifying and ensuring a fair common level playing field of the implementation of such an intervention. This intervention should be evidence-based, proportional, and limited in duration to avoid distorting competition or disproportionately reducing productive potential. Eligibility criteria should focus on areas where productivity exacerbates imbalances, while excluding vineyards that have recently been subject to interventions on restructuring and conversion of vineyards, to ensure the efficient use of public funds and robust economic recovery.

(4) Whereas the objective of the intervention of permanent grubbing-up of productive vineyards is to tackle imbalances in wine production in certain areas, it is necessary to ensure that beneficiaries do not simultaneously expand their production capacity, thereby undermining the measure's effectiveness. To ensure transparency and accountability in the administration of Union financial assistance or national support, it is necessary to maintain comprehensive records of wine-growing areas that have been grubbed up. The integrity of this measure depends on the accurate reporting and monitoring of the data relating to grubbing-up operations. Such records should include the year in which the grubbing-up operation took place, as well as the identification of the beneficiary wine producer concerned. To facilitate the effective monitoring, and ensure compliance with Article 66 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council[3], this information should be systematically recorded in the existing vineyard register established under Article 145 of that Regulation and retained for a minimum period of 10 marketing years following the marketing year in which the grubbing-up occurred.

(5) In order to ensure a consistent and proportionate use of Union financial assistance for green harvesting and permanent grubbing-up, it is appropriate to provide that the maximum Union contribution for those interventions remains within the limits of the Member States' allocations for types of intervention in the wine sector as referred to in Article 88(1) of Regulation (EU) 2021/2115 and the allocations of funds to individual types of intervention in the wine sector decided by Member States in their CAP Strategic Plans. Such limits should ensure equal treatment among beneficiaries, prevent disproportionate levels of support and safeguard the sound financial management of Union funds.

(6) Therefore, to improve the efficacy of the implementation of the new sectoral intervention provided for in Regulation (EU) 2026/471 and to ease the implementation of wine sectoral interventions within the CAP Strategic Plans, provisions on permanent grubbing-up of productive vineyards and on Union financial assistance relating to that and to green harvesting should be inserted in Commission Delegated Regulation (EU) 2022/126[4] and Article 40(2) and Article 42(2) of that Delegated Regulation should be amended to provide clarifications relating to this type of interventions.

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[3] 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 (OJ L 347, 20.12.2013, p. 671, ELI: http://data.europa.eu/eli/reg/2013/1308/oj).

[4] Commission Delegated Regulation (EU) 2022/126 of 7 December 2021 supplementing Regulation (EU) 2021/2115 of the European Parliament and of the Council with additional requirements for certain types of intervention specified by Member States in their CAP Strategic Plans for the period 2023 to 2027 under that Regulation as well as rules on the ratio for the good agricultural and environmental condition (GAEC) standard 1 (OJ L 20, 31.1.2022, p. 52, ELI: http://data.europa.eu/eli/reg_del/2022/126/oj).

(7) Delegated Regulation (EU) 2022/126 should therefore be amended accordingly.

(8) In order to allow Member States to amend their CAP Strategic Plans with the view to ensuring the smooth implementation of the envisaged interventions ahead of the new harvest, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Delegated Regulation (EU) 2022/126

Delegated Regulation (EU) 2022/126 is amended as follows:

(1) in Title III, Chapter I, the title of Section 1, is replaced by the following:

'Section 1

Common rules on investments, agri-environment-climate related types of intervention, permanent grubbing-up of productive vineyards, restructuring and conversion of vineyards, coaching, promotion and communication, mutual funds, replanting, green harvesting and non-harvesting, harvest insurance, market withdrawals and collective storage';

(2) the following Article is inserted:

'Article 12a

Permanent grubbing-up of productive vineyards

1. When Member States include, in their CAP Strategic Plans, the permanent grubbing--up of productive vineyards as referred to in Article 58(1), first subparagraph, point (o), of Regulation (EU) 2021/2115, they shall provide in their CAP Strategic Plans the following information:

(a) at least one of the following elements demonstrating that a structural imbalance in production in the sector or per categories and colours of wines, exists at regional level:

(i) a substantial increase of the average of estimated ending wine stocks in the previous five marketing years, compared to the average of estimated ending wine stocks in the preceding 10 marketing years. The increase of estimated wine stocks in the previous five marketing years shall also be significantly bigger than the increase in average wine production over the same reference period of the previous 10 marketing years.

The estimated ending wine stocks of a marketing year means the actual ending wine stocks of that marketing year increased by the quantities of wine removed from the market in the same marketing years by national or Union crisis distillation of wine or green harvesting. The quantity of wine removed by green harvesting shall be calculated by converting the area subject to green harvesting into wine volume equivalent at average yield in the same year, in the same geographical area where it has been applied;

(ii) one of the following market circumstances has occurred in at least three marketing years over the five previous marketing years;

- a substantial increase in the total ending wine stock at production level in each of the selected marketing year, compared to the average wine stock level of the five years immediately preceding the selected year;
- a substantial decrease of average wine market price at production level in each of the selected marketing year, compared to the average market price level of the five years immediately preceding the selected year;
- a substantial decrease of cumulated wine market sales at production level in each selected marketing year, compared to the average market sales at production level of the five years immediately preceding the selected year;

(iii) the annual wine production being substantially above the wine volumes annually sold at production level in at least three years over the five previous marketing years;

(iv) a substantial decrease of the average annual profitability per hectare of vineyard during the previous 10 marketing years, calculated on the basis of a standard methodology used in the economic analysis of the farming sector;

(b) objectives to be reached in terms of limitation of volume or surface;

(c) priority criteria such as:

(i) beneficiaries who are not less than 55 years old, or ceasing their wine activity or diversifying their agricultural activity;

(ii) beneficiaries located in areas which were subject to a crisis measure on wine distillation, green harvesting or grubbing-up of productive vineyards, adopted in accordance with Article 216 of Regulation (EU) No 1308/2013 in the last five financial years;

(iii) beneficiaries located in areas which were subject to three or more green harvesting interventions as referred to in Article 58(1), first subparagraph, point (c), of Regulation (EU) 2021/2115 in the last five financial years;

(d) eligibility criteria in relation to specific vineyard areas.

2. Vineyard areas shall be eligible for support if, at the time of application, they have been subject to at least one harvest declaration submitted to the relevant competent authority for the ongoing and the two previous marketing years.

3. Member States shall ensure that the permanent grubbing-up can be implemented at regional level for one or more categories and colours of wines.

4. Member States shall ensure that the permanent grubbing-up of productive vineyards shall not apply to the same wine areas which were subject to a restructuring and conversion intervention as referred to in Article 58(1), first subparagraph, point (a), of Regulation (EU) 2021/2115 of the European Parliament and of the Council during the previous five financial years.

5. Member States shall ensure that the information concerning a wine area grubbed up with Union financial assistance or national support, including the information on the year when the wine area was grubbed up and the identification of the beneficiary wine producer, shall be recorded in the vineyard register referred to in Article 145 of

Regulation (EU) No 1308/2013 and be kept for at least 10 marketing years following the one on which the wine area was grubbed up.';

(3) in Article 40, paragraph 2 is replaced by the following:

'2. Member States shall provide for wine growers as referred to in Article 2(1), point (a), of Commission Delegated Regulation (EU) 2018/273*, to be the sole beneficiaries of the types of intervention 'restructuring and conversion of vineyards', 'green harvesting', 'harvest insurance' and 'permanent grubbing-up of productive vineyards' referred to in Article 58(1), first subparagraph, points (a), (c), (d) and (o), of Regulation (EU) 2021/2115, respectively.

* Commission Delegated Regulation (EU) 2018/273 of 11 December 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties, amending Commission Regulations (EC) No 555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560 (OJ L 58, 28.2.2018, p. 1, ELI: http://data.europa.eu/eli/reg_del/2018/273/oj).';

(4) in Article 42, paragraph 2 is replaced by the following:

'2. Where a Member State decides to verify the eligible costs of operations for the restructuring and conversion of vineyards, green harvesting and permanent grubbing-up of productive vineyards exclusively on the basis of standard scales of unit costs based on measurement units different from the surface or of supporting documents to be submitted by the beneficiaries, the competent authorities may decide not to measure the area planted as set out in paragraph 1.';

(5) in Chapter V, the following Article 42*a* is added:

'Article 42a

Union financial assistance

1. The Union financial assistance relating to the direct costs of the destruction or removal of grape bunches for green harvesting referred to in Article 59(3), first subparagraph, of Regulation (EU) 2021/2115 shall consist of a unit cost or a lump sum as referred to in Article 44(1), points (b) or (c), of that Regulation. This amount shall be limited to the amount set by Member States in accordance with Article 3(4), point (a), of Commission Delegated Regulation (EU) 2026/… (*) supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards national payments for the distillation of wine, green harvesting and grubbing up of productive vineyards in justified cases of crisis (C(2026) 4713).

2. The Union financial assistance relating to the direct cost and the loss of revenue of the permanent grubbing-up of productive vineyards as referred to in Article 59(3), second subparagraph, of Regulation (EU) 2021/2115 shall consist of a unit cost or a lump sum as referred to in Article 44(1), points (b) or (c), of that Regulation. This amount shall be limited to the amount set by Member States in accordance with Article 4(6), points (a) and (b) respectively, of Commission Delegated Regulation

(EU) 2026/… (*) supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards national payments for the distillation of wine, green harvesting and grubbing up of productive vineyards in justified cases of crisis (C(2026) 4713).

(*) Commission Delegated Regulation (EU) 2026/… supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards national payments for the distillation of wine, green harvesting and grubbing up of productive vineyards in justified cases of crisis (C(2026) 4713) ([OJ…, ELI:…).]".

Article 2

Transitional provision

Where the CAP Strategic Plan includes prior to the entry into force of this Regulation the 'permanent grubbing-up of productive vineyards' intervention referred to in Article 58(1), first subparagraph, point (o), of Regulation (EU) 2021/2115, the Member State concerned shall amend its CAP Strategic Plan in accordance with Article 119 of that Regulation to bring those interventions in compliance with this Regulation within three months from its entry into force.

Article 3

Entry into force

This Regulation shall enter into force on the day following that 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.

Done at Brussels, 17.9.2026

For the Commission
The President
Ursula VON DER LEYEN