



Draft Commission DA & IA
Recasting R. 436/2009, Titles III and V of R. 555/2008
and other interlinked provisions
(Final texts following end-ISC)



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Objectives of the Acts

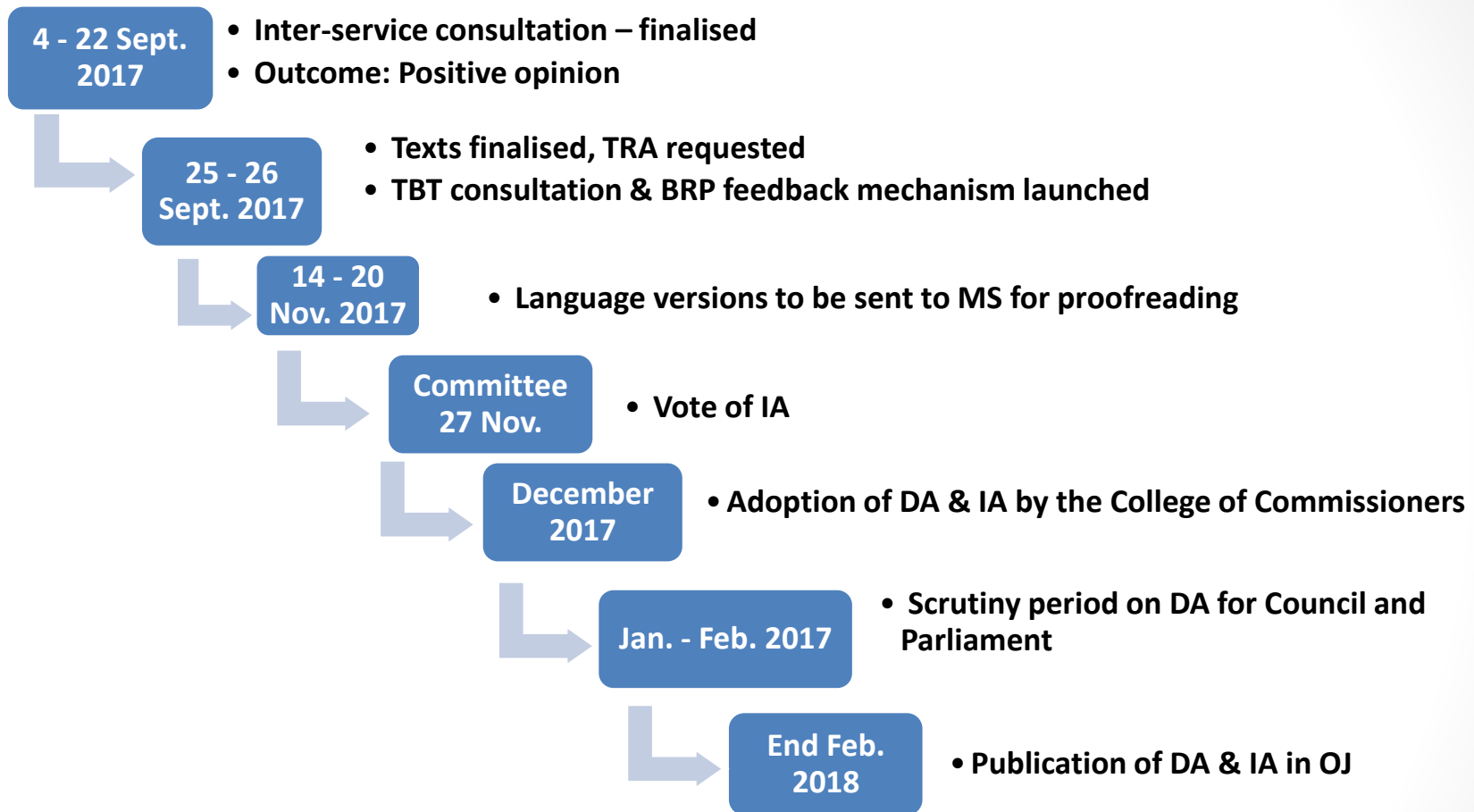
1. Alignment of R. 436/2009 to the Lisbon Treaty
2. Integration in a single set of IA & DA of interlinked provisions ranging from the planting of vines to the marketing of wine



- Harmonised definitions
- Enhanced clarity
- Increased coherency of the rules
- Reduced number of acts in the wine sector
- Simplified implementation
- Facilitated traceability of wine products



Roadmap of the Adoption Procedure



General Remarks on Latest Versions of Draft DA & IA

- **No changes of substance** as compared to the versions of GREX & Committee 25 April 2017
- **Drafting changes** in order to:
 - **Address LS comments in the pre-ISC & ISC phases** (questions and remarks on drafting, scope of provisions, use of terms, sequence of articles)
 - **Outcome:**
 - **Simplification** / clarification of certain paragraphs or Articles
 - **Clarification** of use of terms
 - Changes of **structure of texts**
 - **Integrate MS' requests**



Structure of the Texts

DA

(56 Articles & 7 Annexes)

- Definitions
- Scheme of authorisations vine plantings
- Vineyard register
- Accompanying documents
- Certification + Export certification
- Inward & outward register
- Declarations
- Checks
- Analytical databank of isotopic data
- Competent authorities
& Mutual assistance
- Penalties
- Notifications
- Publication of notified information

IA

(37 Articles & 4 Annexes)

- Scheme of authorisations vine plantings
- Certification of wines without PDO or PGI
- Inward & outward register
- Declarations
- Checks
- Analytical databank of isotopic data
- Notifications



Highlight of Key Amendments

Definitions (Article 2 DA)

- **Minor redrafting of definition of “processor”:**
 - replacement of expression *“processing of wines into wines”* with *“... by whom or on whose behalf the processing of wines is carried out, the result of which being wines, liqueur wines”* etc.
- **Definition of “small producers”:**
 - Moved back from Article 10(1) (the only place where used) to Article 2 (in view of the complex structure of that provision)



Highlight of Key Amendments


Vineyard Register *(Article 7 DA)*

- **Ex-Article 12 of IA** on update of the vineyard register **removed** completely (implicit in Article 145(1)/R. 1308/2013)
- **Article 7 + Annexes III & IV of DA:** minimum updated information to be contained in the vineyard register



Accompanying Documents (ADs)

(Chapter IV DA)



Key points

Chapter IV of DA, divided in 2 Sections:

I. ADs for monitoring and certification of wine products

- Recognised ADs & Exceptions
- Certification of origin & characteristics of wine products
- Certification for exported wine products

II. ADs for release of imported wine products into free circulation

- Certification of compliance of imported wine products:
VI-1 document & VI-2 extracts



Accompanying documents for monitoring and certification

(Section I of Chapter IV, Articles 8 to 19 of DA)

- **Drafting improvements:**
 - Clarification and merging of certain repetitive or redundant provisions
 - Simplification of the structure of some Articles
- **Exemptions (Article 9) kept**, with drafting and structure simplification of the Article
- The provisions on **authenticity of ADs** (ex-Art. 12 DA) **merged with** provisions on **recognised ADs** (Art. 10) → new Art. 10(1)(a)(i) and (iii) and Art. 10(3) incorporate ex-Art. 12(1)
- The provisions on **certification of exported wine products grouped** in the new-Article 12 (by moving and merging ex-Art. 11(1)(b)(ii), 11(2) and ex-Art. 12(2))
- **Clarification of the scope of Articles 17 and 18**, whose content and relationship was not obvious: **distinction made between serious infringement** during transport/non-compliance of the wine product (Art. 17) **and non-serious infringements** to the rules on ADs (Art. 18).



Accompanying documents

for release of imported wine products into free circulation

(Section II of Chapter IV, Articles 20 – 27 DA)

- Drawing-up and use of the VI-1 document and VI-2 extracts:
 - Clarification of procedure for issuing and endorsing the VI-1 document and VI-2 extracts
 - Consistency in use of terms: "document", "extract"; "competent body", "designated bodies or departments"
 - "VI-1 document" – updated specimen in Part I of Annex VII: certification issued by competent body in country of origin; analysis report filled in by body or department (laboratory) designated by country of origin
 - "VI-2 extract" = an extract of a VI-1 document or of a VI-2 extract completed previously – updated specimen in Part II of Annex VII



Inward and Outward Register

DA

(Chapter V, Articles 28 - 30)

- **Keeping the register**

Simplified provision on exemption –

Full exemption for:

- Operators holding stocks or selling wine products in small quantities (up to the limits provided), and
- Operators selling drinks for consumption only on the premises.

- **Operations** to be recorded

- **National rules**

IA

(Chapter IV, Articles 13 - 21)

- **Scope and form** of the register
- **Products** to be recorded
- **Information on products & operations** to be included
- Record of **losses and personal or family consumption**
- **Deadlines** for particulars to be recorded
- **Closure of the register**



Declarations

DA

(Chapter VI, Articles 31 - 35)

- **Scope** of declarations
- **Structure of the chapter:** First the declarations rendered compulsory by EU Regulation (production, stocks), then the declarations depending on MS decisions (harvest, treatment or marketing)
- Changes to Art. 33 (Harvest declarations): principle left, but the **rules/obligations linked to the optional declarations removed**

IA

(Chapter V, Articles 22 - 25)

- **Deadlines for submission of the declarations**
 - **Production:** by 15 January; MS may set an earlier date or, for late harvests, a date not later than 1 March
 - **Stock:** by 10 September (*MS may set an earlier date – to be added*)
 - **Harvest:** by 15 January; MS may set an earlier date or, for late harvests, not later than 1 March
- Information to be contained in the declarations
- Centralisation of information at national level



Checks

*(Chapter VII, Section I, Articles 36 – 45 DA)
(Chapter VI, Articles 26 – 32 IA)*

DA: General principles on checks:

- **Checks by the MS where production takes place**
- **Random or risk based analysis official checks**
- **Same general principles as in Regulation (EU) 2017/625 on official controls** for verification of compliance with feed and food law [ex-Regulation (EC) No 882/2004]
- **Analytical databank** on isotopic data (keep and update by ERC-CWS); **Competent authorities** and liaison bodies; **Coordination of checks** & Access to information
- **Mutual assistance:** Ex-Article 44 (costs of collection, dispatch and analysis of samples) became par. 6 of Article 43 (Mutual assistance) as it refers to the costs in the framework of the mutual assistance
- Renumbering of Articles as from ex-Article 45 DA

IA: Samples for checks and for analytical databank; checks concerning the vineyard register and declarations



Penalties

(Section II, Articles 46 - 49 DA)

Penalties for non-compliance with the obligations to keep the inward and outward register, submit declarations or make notifications (Article 48)

- **General rule: payment of an amount for all types of non-compliance** (non-keeping of the register, non-submission of declarations / notifications), to be graduated according to the severity of non-compliance (*paragraph 2*)
- **Exclusion from or reduction of support** to be paid – **only in case of serious or repeated non-compliance with obligation to submit declarations** (*paragraph 3*)



Final provisions

- **Chapter VIII - DA / Chapter VII - IA**

- Notifications by MS to the Commission (Art. 50 DA + Art. 33 IA); General rules on notifications (e.g. through ISAMM) (Art. 34 IA); keeping of documents (Art. 35 IA)
- Publication of the information notified (Article 51 DA)

- **Chapter IX - DA / Chapter VIII - IA**

- Amendments, repeals and entry into force (Articles 52 - 56 DA; Articles 36 - 37 IA)



Looking forward for the adoption of the Regulations soon...

Thank you for your attention!

