



Working document
on issues related to the Revision of Commission Regulation (EC) No 606/2009

This working document is provided by DG AGRI for the purposes of discussion of possible options for the review of Commission Regulation (EC) No 606/2009. It does not reflect the official position of the Commission.

The alignment of the Regulation (EC) No 606/2009 is undertaken with specific emphasis on DG AGRI's objectives of simplification and ensuring coherence across the horizontal regulations (Regulation (EC) No 1331/2008¹, No 1332/2008², No 1333/2008³, No 1334/2008⁴) and the international standards (OIV, Codex Alimentarius (General Standard for Food Additives - GSFA)) governing the EU wine rules.

The result should be to simplify the annexes, reduce their size and thus lighten procedures.

The first step in the process is to allow for an open and informal discussion between the MS experts on the following issues. This discussion will feed the reflection leading to the elaboration of a draft legislative text.

STRUCTURE OF REGULATION (EC) No 606/2009

Regulation (EC) N° 606/2009 is composed by 17 articles and 7 annexes (including appendixes) as follows:

- Annex I A: Authorised oenological practices and processes
- Annex I B: The maximum sulphur dioxide content of wines
- Annex I C: The maximum volatile acid content of wines
- Annex I D: Limits and conditions for the sweetening of wines

¹ Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings

² Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No 258/97

³ Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives

⁴ Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC

- Annex II: Authorised oenological practices and restrictions applicable to sparkling wines, quality sparkling wines and quality aromatic sparkling wines
- Annex III: Authorised oenological practices and restrictions applicable to liqueur wines and liqueur wines with a protected designation of origin or protected geographical indication
- Annex IV: Special community analysis methods

In this issue paper, particular attention will be paid to the simplification of all annexes.

ISSUE N°1: TO INCLUDE THE MISSING "AGEING IN BARRELS" AS AN OENOLOGICAL PRACTICE TO ENSURE COMPLETENESS OF CURRENT OENOLOGICAL PRACTICES

Issues for discussion

Do Member States share the view that the ageing in barrels should be included in Annex IA? The reasoning is that barrels are not only used for storage but also to contribute to the final product by diffusing complex aromatic substances into the wine. This inclusion confirming that ageing in barrels is an authorised oenological practice would provide legal clarity on the matter without changing current ageing practices.

ISSUE N°2: TO ENSURE CONSISTENCY BETWEEN THE INTERNATIONAL CODE OF OENOLOGICAL PRACTICES (OIV CODE) AND THE FUTURE REGULATION AS REGARD ANNEX IA

Possible approach

Regulation (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, stipulates that in order to meet international standards, for further oenological practices, the Commission should take into account the oenological practices recommended by the International Organisation of Vine and Wine (OIV).

Therefore, to facilitate the harmonisation between the International Code of Oenological Practices and Regulation (EC) No 606/2009, it could be foreseen:

- To align the presentation of the oenological practices in Annex IA of Regulation (EC) N° 606/2009 with the international codes of the OIV and with the Codex references; therefore we would consider the presentation of the current oenological practices in Annex IA divided in 2 tables:

- Table 1: Physical and physic/chemical treatments

This table would possibly include 2 columns:

- (1) Name of the practice,
- (2) Authorised use.

- Table 2: Additives and processing Aids

This table would follow the structure of the table of the international code of oenological practices of the OIV.

It would include 8 columns:

- (1) Substances classified by category of use. A special attention will be given to the harmonisation with the international nomenclature (IUPAC);
- (2) INS or CAS number;
- (3) OIV code of oenological practices;
- (4) OIV Codex file reference;
- (5) Additive;
- (6) Processing aid;
- (7) Limits of use only when different from the OIV
- (8) Categories of wine products (if not applicable to all categories of wine products)

- To facilitate the use of Annex IA by removing Appendixes (4 to 18) from this annex considering that the related conditions of use are detailed in the International Code of Oenological Practices under the references that would be indicated in above mentioned column (3).

- To replace open descriptions of oenological substances such as 'enzymatic preparation' by a positive list of enzymatic activities.

Issues for discussion

What is Member States's position? Is it opportune to present the oenological Practices according to the proposed structure?

Do Member States see any obstacle to removing the conditions of use for oenological practices from the EU legislation considering that those are described in the OIV resolutions?

Remarks:

- This working document seeks to check if there is an interest for such a simplification knowing that a solution should be found since OIV does not use all EU official languages.

- A direct and simple reference to the OIV (oenological practices and monographs of oenological products) in the table without further details still requires a legal assessment on whether this is legally possible.

ISSUE N°3: TO SIMPLIFY THE PROCEDURE OF AUTHORISATION OF THE EXPERIMENTAL USE OF NEW OENOLOGICAL PRACTICES

Possible approach

Regulation (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products stipulates that 'Member States may allow the experimental use of unauthorised oenological practices'. Article 4 of Regulation (EU) No 607/2009 limits to 3 years the experimental use of a new oenological practice authorised by a Member State via a notification to the Commission and to the other Member States. We propose:

- to increase this duration by 2 years to be more in line with the actual duration of the procedure by steps at the OIV and
- to allow the Member states to finalize it without going through a Decision of the Commission.

In case of necessity, the current possibility to prolong by 3 additional years (5 + 3) the interim authorisation via an implementing Decision would remain. The authorisation to continue the experiment on a larger quantity than in the original experiment would also require an implementing Decision.

Do Member States share the view that such a modification of the legislation would reduce this administrative burden, while still being in line with the responsibility to take into account the protection of human health?

ISSUE N°4: TO FORESEE ADDITIONAL MODIFICATIONS

Issues for discussion

Do Member States have any additional suggestions as regards simplification and coherence with the horizontal regulations and standards for this Regulation (EC) No 606/2009?

The output from the discussion will be an important contribution in the process of the future redrafting of the Commission Regulation for the oenological practices and the applicable restrictions.