Commission Implementing Regulation (EU) 2019/935 of 16 April 2019 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards analysis methods for determining the physical, chemical and organoleptic characteristics of grapevine products and notifications of Member States decisions concerning increases in natural alcoholic strength

COMMISSION IMPLEMENTING REGULATION (EU) 2019/935

of 16 April 2019

laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards analysis methods for determining the physical, chemical and organoleptic characteristics of grapevine products and notifications of Member States decisions concerning increases in natural alcoholic strength

THE EUROPEAN COMMISSION,

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

Having regard to 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[(1)] and in particular Articles 80(5), 91(c) and (d) and 223(3) thereof,

Whereas:

(1) Regulation (EU) No 1308/2013 repealed and replaced Council Regulation (EC) No 1234/2007[(2)]. Section 1 of Chapter I of Title II of Part II of Regulation (EU) No 1308/2013 lays down rules on the categories of grapevine products, oenological practices and the applicable restrictions and empowers the Commission to adopt delegated and implementing acts in that respect. In order to ensure the smooth functioning of the wine market in the new legal framework, certain rules have to be adopted by means of such acts. Those acts should replace the provisions of Commission Regulation (EC) No 606/2009[(3)] which is repealed by Commission Delegated Regulation (EU) 2019/934[(4)].

(2) Pursuant to Article 80(5) and Article 91(d) of Regulation (EU) No 1308/2013 the Commission shall, where necessary, lay down rules on the analysis methods for determining the physical, chemical and organoleptic characteristics of grapevine products. The methods shall be based on any relevant methods recommended and published by the International Organisation of Vine and Wine (OIV), unless they would be ineffective or inappropriate. Article 91(c) of Regulation (EU) No 1308/2013 moreover empowers the Commission to lay down rules for checking whether those products have been subjected to processes contrary to the authorised oenological practices in the Union.

Changes to legislation: *There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2019/935. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) The method of analysis for determining whether allyl isothiocyanate is present in the wine product is laid down in the Annex to this Regulation. As regards other methods for determining whether products have undergone processes contrary to the authorised oenological practices, the applicable rules should be those allowed by the Member States concerned.

(4) Point 3 of Section A of Part I of Annex VIII to Regulation (EU) No 1308/2013 sets out an obligation for Member States to notify the Commission of any increase in the limits laid down in point 2 of that Section. Details concerning the submission of this information by Member States to the Commission should be laid down.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation lays down rules for the application of Title II, Chapter I of Regulation (EU) No 1308/2013, concerning analysis methods for determining the physical, chemical and organoleptic characteristics of grapevine products, and notifications of decisions by Member States allowing increases in natural alcoholic strength.

Article 2

Applicable Union analysis methods

The analysis methods referred to in point (d) of Article 75(5) of Regulation (EU) No 1308/2013 to be used for verification of the limits laid down by Union rules to the use of allyl isothiocyanate for the production of certain grapevine products are laid down in the Annex to this Regulation.

Article 3

Notification of Member States decisions allowing an increase in natural alcoholic strength

1 Member States allowing for an increase of the natural alcoholic strength by volume pursuant to point 3 of Section A of Part I of Annex VIII to Regulation (EU) No 1308/2013 shall notify the Commission of this within one month following the granting of the derogation. In the notification, the Member States shall specify the regions and the varieties concerned by the decision and they shall submit data and evidence indicating that the climatic conditions have been exceptionally unfavourable in the regions concerned.

2 The notification shall be made in accordance with Commission Delegated Regulation (EU) 2017/1183[(5)] and Commission Implementing Regulation (EU) 2017/1185[(6)].

3 The Commission shall then inform the other Member States.

***Changes to legislation:** There are outstanding changes not yet made to Commission Implementing Regulation (EU) 2019/935. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Article 4

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 7 December 2019 .

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 16 April 2019.

For the Commission

The President

Jean-Claude JUNCKER