Commission Delegated Regulation (EU) 2019/934 of 12 March 2019 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards wine-growing areas where the alcoholic strength may be increased, authorised oenological practices and restrictions applicable to the production and conservation of grapevine products, the minimum percentage of alcohol for by-products and their disposal, and publication of OIV files

COMMISSION DELEGATED REGULATION (EU) 2019/934

of 12 March 2019

supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards wine-growing areas where the alcoholic strength may be increased, authorised oenological practices and restrictions applicable to the production and conservation of grapevine products, the minimum percentage of alcohol for by-products and their disposal, and publication of OIV files

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 Article 75(2) and Article 80(4) 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(1) Regulation (EU) No 1308/2013 repealed and replaced Council Regulation (EC) No 1234/2007[(2)].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 Those acts should replace the provisions of Commission Regulation (EC) No 606/2009[(3)] which should therefore be repealed.

(2) Part II of Annex VII to Regulation (EU) No 1308/2013 listing the categories of grapevine products provides that wine is to have a total alcoholic strength of not more than 15 % volume. However, by way of derogation, that limit may be increased to 20 % volume for wines produced without enrichment in certain wine-growing areas. These areas should be defined.

(3) Articles 80 and 83 of Regulation (EU) No 1308/2013 and Annex VIII thereto lay down general rules on oenological practices and processes and refer to detailed rules to be adopted by the Commission. The permitted oenological practices including the methods for sweetening wines should be defined in a clear and precise manner, and limits on the use of certain substances that may be used for wine-making and the conditions for using some of those substances for wine-making should be laid down.

Changes to legislation: *There are outstanding changes not yet made to Commission Delegated Regulation (EU) 2019/934. 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*

(4) Annex I A to Regulation (EC) No 606/2009 lists authorised oenological practices and processes. The list of authorised oenological practices should be clarified and its coherence should be improved. The list should also be supplemented to take account of technical progress. To improve clarity, the list should be divided into two tables separating oenological processes from oenological compounds.

(5) Table 1 of Part A of Annex I to this Regulation should list the authorised oenological processes as well as the conditions and limits of their use. The authorised processes should be based on the relevant methods recommended by the International Organisation of Vine and Wine (OIV), as contained in the OIV files referred to in the table, and relevant Union legislation referred to in the table.

(6) To ensure that producers of grapevine products using authorised oenological compounds are better informed and acquire a better understanding of relevant rules, Table 2 of Part A of Annex I to this Regulation should list the authorised oenological compounds as well as the conditions and limits of their use. The authorised oenological compounds should be based on the relevant compounds recommended by the OIV, as contained in the OIV files referred to in the table, and relevant Union legislation referred to in the table. The table should moreover clearly identify the international denomination, the E-number if available and/or the Chemical Abstracts Service (CAS) number of the compound. It should further include a classification of the compounds into two categories, according to their use as an additive or as a processing aid, which is necessary in particular for labelling purposes.

(7) To simplify applicable rules and to ensure coherence between the rules laid down in this Regulation and international standards, the former practice of duplicating certain information contained in the files of the OIV Code of Oenological Practices by reproducing the contents in Appendices to Annex I should be discontinued. The conditions and limits of use should follow in principle OIV recommendations, unless additional conditions, limits and derogations to the OIV files are appropriate.

(8) The Commission should publish in the *Official Journal of the European Union* the files of the OIV Code of Oenological Practices referred to in Annex I to this Regulation and ensure that the OIV files concerned are available in all official languages of the Union.

(9) Annex I B to Regulation (EC) No 606/2009 lays down the maximum levels of sulphur dioxide in wines produced in the Union. The limits are aligned with the OIV limits, which are recognised internationally, and the derogations required for certain sweet wines produced in small quantities owing to their higher sugar content and to ensure their good conservation should be maintained. In the light of current scientific studies into the reduction and replacement of sulphites in wine and the sulphite intake from wine in the human diet, the maximum limits could be re-examined at a later date with a view to further reducing them.

(10) The procedures by which Member States may authorise certain oenological practices and processes not provided for by Union rules for a defined period and for experimental purposes should be laid down.

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(11) The production of sparkling wines, quality sparkling wines and quality aromatic sparkling wines requires a number of specific practices in addition to the oenological practices permitted for other grapevine products. For reasons of clarity, those practices should be listed in a separate Annex to this Regulation.

(12) The production of liqueur wines requires a number of specific practices in addition to the oenological practices permitted for other grapevine products and the production of liqueur wines with a protected designation of origin has certain particularities. For reasons of clarity, those practices and restrictions should be listed in a separate Annex to this Regulation.

(13) Coupage is a widespread oenological practice which can have a considerable impact on the quality of grapevine products. Therefore, in order to prevent abuse and to ensure high quality grapevine products whilst also promoting a more competitive sector, the practice should be defined and strictly regulated. As far as rosé wine production is concerned, for the same reasons, this practice should be regulated in particular for certain wines which are not subject to specifications.

(14) Union rules on foodstuffs and the International Oenological Codex of the OIV already lay down specifications concerning purity and identification in relation to a large number of substances used in oenological practices. For the purposes of harmonisation and clarity, those specifications should be adhered to in the first instance and additional rules specific to the situation in the Union should also be provided for.

(15) Wine products that do not comply with the provisions of Section 1 of Chapter I of Title II of Part II of Regulation (EU) No 1308/2013 or the provisions laid down in this Regulation may not be placed on the market and must be destroyed. However, some of these products may be permitted to be used for industrial purposes only and therefore the conditions for their use should be laid down so as to ensure adequate monitoring of their final use. In addition, to avoid financial losses for operators with stocks of certain products produced before the date of entry into force of this Regulation, provision should be made enabling products made in accordance with the rules in force before that date to be released for consumption.

(16) Notwithstanding the general rule laid down in Section D of Part II of Annex VIII to Regulation (EU) No 1308/2013, the pouring of wine or grape must onto lees or grape marc or pressed ‘aszú’ or ‘výber’ pulp is an essential characteristic of the production of certain Hungarian and Slovak wines. The particular rules for such practice must be laid down in accordance with the national provisions in force in the Member States concerned on 1 May 2004.

(17) In order to ensure the quality of the grapevine products, provision should be made for the implementation of the prohibition of over-pressing of grapes. Verifying the correct application of that prohibition requires there to be adequate monitoring of the by-products resulting from winemaking and their final use. To this end, rules on the minimum percentage of alcohol contained in the by-products after the pressing of grapes should be specified, as well as on the conditions for the mandatory disposal of by-products held by any natural or legal person or groups of persons, under the supervision

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of the competent authorities of the Member States. Since those conditions are directly linked to the winemaking process, they should be listed together with the oenological practices and applicable restrictions for the production of wine set out in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation lays down rules supplementing Regulation (EU) No 1308/2013 concerning wine-growing areas where the alcoholic strength may be increased, authorised oenological practices and restrictions applicable to the production and conservation of grapevine products, the minimum percentage of alcohol for by-products and their disposal, and publication of OIV files.

Article 2

Wine-growing areas where wines may have a maximum total alcoholic strength of 20 % vol.

The wine-growing areas referred to in the first indent of point (c) of the second paragraph of point (1) of Part II of Annex VII to Regulation (EU) No 1308/2013 shall be zones C I, C II and C III referred to in Appendix 1 to that Annex and the areas of zone B in which white wines with the following protected geographical indications may be produced: ‘Vin de pays de Franche-Comté’ and ‘Vin de pays du Val de Loire’.

Article 3

Authorised oenological practices

1 The authorised oenological practices and restrictions applicable to the production and conservation of grapevine products falling within the scope of Part II of Annex VII to Regulation (EU) No 1308/2013, referred to in Article 80(1) of that Regulation, are laid down in Annex I to this Regulation.

Table 1 of Part A of Annex I lays down the authorised oenological processes and the conditions and limits of their use.

Table 2 of Part A of Annex I lays down the authorised oenological compounds and the conditions and limits of their use.

2 The Commission shall publish the files of the OIV Code of Oenological Practices referred to in column 2 of Table 1 and in column 3 of Table 2 of Part A of Annex I to this Regulation in the *Official Journal of the European Union*, C series.

3 Part B of Annex I lays down the maximum sulphur dioxide contents of wines.

4 Part C of Annex I lays down the maximum volatile acid contents of wines.

5 Part D of Annex I lays down the rules on sweetening.

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Article 4

Experimental use of new oenological practices

1 For experimental purposes, referred to in Article 83(3) of Regulation (EU) No 1308/2013, each Member State may authorise the use of certain oenological practices or processes not provided for in that Regulation or in this Regulation, for a maximum of five years, on condition that:

a the practices and processes concerned meet the requirements of the third subparagraph of Article 80(1) and Article 80(3)(b) to (e) of Regulation (EU) No 1308/2013;

b such practices and processes are applied to quantities not exceeding 50 000 hectolitres per year for any one experiment;

c the Member State concerned informs the Commission and the other Member States at the beginning of the experiment of the terms of each authorisation;

d the processes shall be entered on the accompanying document referred to in Article 147(1) and in the register referred to in Article 147(2) of Regulation (EU) No 1308/2013.

'Experiment' means an operation or operations carried out in the context of a well-defined research project with a single experimental protocol.

2 The products obtained by the experimental use of such oenological practices and processes may be placed on the market of a Member State other than the Member State concerned provided the Member State authorising the experiment gives prior notification to the competent authorities of the Member State of destination of the terms of the authorisation and the quantities involved.

3 Within a period of three months following the end of the period referred to in paragraph 1, the Member State concerned shall forward to the Commission a report on the authorised experiment and the results thereof. The Commission shall notify the other Member States of those results.

4 Depending on these results, the Member State concerned may apply to the Commission for authorisation to continue the experiment, possibly with a larger quantity of products than in the original experiment, for a further maximum period of three years. The Member State concerned shall submit an appropriate file in support of its application. The Commission shall adopt a decision on the application in accordance with the procedure referred to in Article 229(2) of Regulation (EU) No 1308/2013.

5 The notification of information or documents to the Commission provided for in point (c) of paragraph 1 and in paragraphs 3 and 4 shall be made in accordance with Commission Delegated Regulation (EU) 2017/1183[(4)].

Article 5

Oenological practices applicable to categories of sparkling wines

In addition to the oenological practices and restrictions of general application laid down in Regulation (EU) No 1308/2013 and in Annex I to this Regulation, the authorised specific oenological practices and restrictions, including enrichment, acidification and de-acidification, concerning sparkling wines, quality sparkling wines and quality