Commission Implementing Regulation (EU) No 144/2013 of 19 February 2013 amending Regulation (EC) No 606/2009 as regards certain oenological practices and the applicable restrictions and Regulation (EC) No 436/2009 as regards the registering of these practices in the documents accompanying consignments of wine products and the wine sector registers to be kept

COMMISSION IMPLEMENTING REGULATION (EU) No 144/2013

of 19 February 2013

amending Regulation (EC) No 606/2009 as regards certain oenological practices and the applicable restrictions and Regulation (EC) No 436/2009 as regards the registering of these practices in the documents accompanying consignments of wine products and the wine sector registers to be kept

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)[(1)], and in particular the third and fourth paragraphs of Article 121, Article 185a, Article 185c(3) and Article 192, in conjunction with Article 4 thereof,

Whereas:

(1) In accordance with Article 3 of Commission Regulation (EC) No 606/2009 of 10 July 2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions[(2)], authorised oenological practices are laid down in Annex I to that Regulation. The International Organisation of Vine and Wine (OIV) has amended the conditions of use of certain oenological practices already authorised in the European Union. In order to provide EU producers with the same possibilities as those available to third-country producers, the conditions of use of these oenological practices should be amended in the EU on the basis of the conditions of use defined by the OIV.

(2) The OIV has adopted new oenological practices. In order to provide EU producers with the new possibilities available to third-country producers, these new oenological practices should be authorised in the EU under the conditions of use defined by the OIV.

(3) Appendix 10 to Annex I A to Regulation (EC) No 606/2009 contains requirements for the partial dealcoholisation of wine. The concept of partial dealcoholisation of wine has been replaced at the OIV by that of the correction of the alcohol content of wine. The text of the Appendix should therefore be amended. The Appendix also stipulates that Member States may provide that the partial dealcoholisation of wine be subject to notification to the competent authorities. In order to ensure efficient controls it should be specified that this is an advance notification before the implementation in practice of the dealcoholisation treatment.

Changes to legislation: *Commission Implementing Regulation (EU) No 144/2013 is up to date with all changes known to be in force on or before 01 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) Wines from Italy of the type 'aleatico' which have the right to the protected designation of origin 'Pergola' and to the traditional expression 'passito', and wines from Hungary with a protected designation of origin or protected geographical indication and having the right to the expression 'jégbor' have a very high sugar content and are produced in small quantities. In order to ensure the preservation of these wines, Italy and Hungary have requested a derogation from the maximum limit on sulphur dioxide content. Maximum limits on sulphur dioxide content of 350 mg/l for the Italian wines and 400 mg/l for the Hungarian wines should be authorised.

(5) Carbon dioxide not originating from alcoholic fermentation of the cuvée may be present in sparkling wines as a result of gaseous exchanges taking place when carbon dioxide is used for transfer by counter-pressure. These gaseous exchanges do not increase the carbon dioxide pressure and therefore should not lead to the conclusion that these products have been aerated. It should be clarified that only gaseous exchanges with carbon dioxide from alcoholic fermentation of the cuvée which are inevitable as a result of transfer by counter-pressure must be accepted.

(6) In accordance with Article 120g of Regulation (EC) No 1234/2007, Annex IV to Regulation (EC) No 606/2009 provides for certain methods of analysis enabling the establishment of the composition of products in the wine sector and rules enabling it to be established whether these products have been subject to treatment in breach of authorised oenological practices, in the absence of methods or rules recommended and published by the OIV. The OIV has adopted certain specific methods to analyse grape sugar (rectified concentrated grape must). The corresponding methods currently included in Annex IV to Regulation (EC) No 606/2009 should be deleted.

(7) Certain oenological practices are particularly exposed to the risk of fraudulent use and must be indicated in the registers and accompanying documents in accordance with Commission Regulation (EC) No 436/2009 of 26 May 2009 laying down detailed rules for the application of Council Regulation (EC) No 479/2008 as regards the vineyard register, compulsory declarations and the gathering of information to monitor the wine market, the documents accompanying consignments of wine products and the wine sector registers to be kept[(3)]. Requirements relating to practices such as correcting the alcohol content of wines, acidification treatment by cation exchanger and electro-membrane treatment specify that these practices should be entered in the registers referred to above. The rules regarding the registration provided for in Regulation (EC) No 436/2009 should be amended to take into account the amendments made to Regulation (EC) No 606/2009 by this Regulation.

(8) Regulations (EC) No 606/2009 and (EC) No 436/2009 should therefore be amended accordingly.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Regulatory Committee established by Article 195(3) of Regulation (EC) No 1234/2007 and the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

***Changes to legislation:** Commission Implementing Regulation (EU) No 144/2013 is up to date with all changes known to be in force on or before 01 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Article 1

Amendment of Regulation (EC) No 606/2009

Regulation (EC) No 606/2009 is amended as follows:

(1) Annex I A is amended in accordance with the text in Annex I to this Regulation;

(2) Annex I B is amended in accordance with the text in Annex II to this Regulation;

(3) Annex II is amended in accordance with the text in Annex III to this Regulation;

(4) Annex IV is amended in accordance with the text in Annex IV to this Regulation.

Article 2

Amendment of Regulation (EC) No 436/2009

Regulation (EC) No 436/2009 is amended as follows:

(1) Article 41(1) is amended as follows:

(a) point (p) is replaced by the following:

(p) treatment by electrodialysis or by cation exchanger to ensure the tartaric stabilisation of the wine or acidification by cation exchanger treatment;;

(b) point (s) is replaced by the following:

(s) correction of the alcohol content of wine;;

(c) the following point (v) is added:

(v) acidification or deacidification by electro-membrane treatment.;

(2) Annex VI is amended in accordance with the text shown in Annex V to this Regulation.

Article 3

Entry into force

This Regulation shall enter into force on the third 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.

Changes to legislation: Commission Implementing Regulation (EU) No 144/2013 is up to date with all changes known to be in force on or before 01 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Done at Brussels, 19 February 2013.

For the Commission

The President

José Manuel BARROSO

***Changes to legislation:** Commission Implementing Regulation (EU) No 144/2013 is up to date with all changes known to be in force on or before 01 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

ANNEX I

Annex I A to Regulation (EC) No 606/2009 is amended as follows:

(1) the table is amended as follows:

(a) in row 10:

(i) in column 1, the following indent is added:
— yeast protein extracts.;

(ii) in column 3, the following text is added:

'For the treatment of musts of white wines and rosé wines the limit on the use of yeast protein extracts shall be 30 g/hl, and for the treatment of red wines it shall be 60 g/hl';

(b) in row 40, the oenological practice in column 1 is replaced by the following text:

'Correction of the alcohol content of wine';

(c) the following rows are inserted:

48	Acidification by treatment with cation exchangers	Conditions and limits laid down in points C and D of Annex XVa to Regulation (EC) No 1234/2007 and Articles 11 and 13 of this Regulation. Under the conditions set out in Appendix 15.	
49	Reduction in sugar content of musts through membrane coupling	For the products defined in point 10 of Annex XIb to Regulation (EC) No 1234/2007, under the conditions stipulated in Appendix 16.	
50	Deacidification by electromembrane treatment	Conditions and limits laid down in points C and D of Annex XVa to Regulation (EC)	