EUROPEAN
COMMISSION

Brussels, 11.3.2016
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COMMISSION DELEGATED REGULATION (EU) …/...

of 11.3.2016

amending Regulation (EC) No 606/2009 as regards certain oenological practices

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products (CMO Regulation) empowers the Commission to adopt delegated acts.

The purpose of this delegated act is to lay down rules introducing new oenological practices which are included in certain resolutions adopted and published by the International Organisation of Vine and Wine (OIV) related to the use of malolactic fermentation activators, the treatment of wine with glutathione and the treatment of must with glutathione. Since the treatment of wine with glutathione and the treatment of must with glutathione can only be authorised as new oenological practices in the Union once it is included in the Union list of food additives on the basis of a European Food Safety Authority positive opinion, as set out in Article 3(2) of Regulation (EC) No 1331/2008 of the European Parliament and the Council[1], the present act does not include those treatments.

These new oenological practices are included in the resolutions endorsed by Council Decision of 16 June 2015 establishing the position to be adopted on behalf of the European Union with regard to certain resolutions to be voted in the framework of the International Organisation for Vine and Wine (OIV).

This delegated act amends 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 grapewine products, oenological practices and the applicable restrictions.

The adoption of this delegated act does not entail financial implications.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Consultations, involving experts from all the 28 Member States have been carried within the Experts Group for Wine during the meeting held on 9 December 2015 where a draft text was presented and agreed. *The draft version of the present act was transmitted to the European Parliament and to the Council when convening the Experts Group meetings.*

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The act contains an article which modifies Annex I A of Commission Regulation (EC) No 606/2009 with the aim to introduce a new oenological practice adopted by OIV.

[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 (OJ L 354, 31.12.2008, p. 1).

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THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013[2] 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, and in particular Article 75(2) and (3)(g) and Article 147(3)(e) thereof,

Whereas:

(1) In accordance with Article 3 of Commission Regulation (EC) No 606/2009[3], authorised oenological practices are laid down in Annex I A to that Regulation. The International Organisation of Vine and Wine (OIV) has adopted three new oenological practices, concerning the use of malolactic fermentation activators, the treatment of wine with glutathione and the treatment of must with glutathione. In order to take account of technical progress and to provide Union producers with the same possibilities as those available to third-country producers, those new oenological practices should be authorised in the Union under the conditions of use defined by the OIV.

(2) In accordance with Article 80(3)(b) of Regulation (EC) No 1308/2013, when authorising oenological practices for wine, the Commission has to take into account the protection of human health.

(3) Glutathione is used for its antioxidative properties and remains active in the final product, therefore it is used as a food additive. However it is not currently included in the Union list of food additives approved for use in foods set out in Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council[4]. Consequently, the treatment of wine with glutathione and the treatment of must with glutathione cannot be authorised as new oenological practices in the Union until it is included in the Union list of food additives, on the basis of a European Food Safety Authority positive opinion as regards glutathione, as set out in Article 3(2) of Regulation (EC) No 1331/2008 of the European Parliament and the Council[5].

(4) Regulation (EC) No 606/2009 should therefore be amended accordingly,

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2 OJ L 347, 20.12.2013, p. 671.

3 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 (OJ L 193, 24.7.2009, p. 1).

4 Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).

5 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 (OJ L 354, 31.12.2008, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of Regulation (EC) No 606/2009

Annex I A to Regulation (EC) No 606/2009 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the seventh 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.

Done at Brussels, 11.3.2016

For the Commission
The President
Jean-Claude JUNCKER