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EUROPEAN COMMISSION

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Draft

COMMISSION REGULATION (EU) No .../..

of [...]

amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007, as regards laying down detailed rules on organic wine

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THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91¹, and in particular the second subparagraph of Article 19(3), Articles 21(2), 22(1), 38(a), and Article 40 thereof,

Whereas:

- (1) Regulation (EC) No 834/2007 and in particular Chapter 4 of Title III thereof lays down basic requirements with regard to organic production of processed food. The detailed rules for the implementation of those basic requirements have been established by Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control².
- (2) Specific provisions for the production of organic wine should be laid down in Regulation (EC) No 889/2008. Those provisions should apply to the products of the wine sector as referred to in 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)³.
- (3) The processing of organic wine requires the use of certain products and substances as additives or processing aids under well-defined conditions. For that purpose and on the basis of recommendations of the EU-wide study on "Organic viticulture and wine-making: development of environment and consumer friendly technologies for organic wine quality improvement and scientifically based legislative framework" (also known

¹ OJ L 189, 20.7.2007, p. 1.

² OJ L 250, 18.9.2008, p.1.

³ OJ L 299, 16.11.2007 p.1

as "ORWINE")⁴ such products and substances should be allowed according to Article 21 of Regulation (EC) No 834/2007.

- (4) Certain products and substances, which are used as additives and processing aids for oenological practices under 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 restrictions⁵, are derived from raw materials of agricultural origin. In such case the raw material may be available on the market in their organic form. In order to encourage the development of their demand on the market, provision should be made to give preference to the use of additives and processing aids derived from organically farmed raw materials.
- (5) Practices and techniques for the production of wine are laid down on the level of the Union in Regulation (EC) No 1234/2007 and its implementing rules in Regulation (EC) No 606/2009 and in Commission Regulation (EC) No 607/2009 of 14 July 2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products⁶. Using those practices and techniques in organic wine-making may not be in line with the objectives and principles fixed in Regulation (EC) No 834/2007, and in particular with the specific principles applicable to the processing of organic food, mentioned at Article 6 of Regulation (EC) No 834/2007. Therefore specific restrictions and limitations should be set up for certain oenological practices and processes.
- (6) Certain other practices which are widely used in food processing are also available for wine-making and may also have some effect on certain essential characteristics of the organic products, and hence on their true nature, but at present no alternative techniques are available to replace them. This applies to heat treatments, filtration, reverse osmosis and the use of ion exchange resins. As a consequence they must be available to organic wine-makers, but their use should be restricted. A possibility for re-examination of heat treatment and ion exchange resins should be foreseen in due time.
- (7) Oenological practices and processes which might be misleading regarding the true nature of the organic products should be excluded in the making of organic wine. This applies to the concentration by cooling, the dealcoholisation, the elimination of sulphur dioxide by physical process, electro-dialyses and the use of cation exchangers as those oenological practices do significantly modify the composition of the product to the point that they may be misleading as to the true nature of organic wine. For the same purposes, use or addition of some substances might be also misleading regarding the true nature of the organic wine. It is therefore opportune indicating that such substances cannot be used or added under the organic oenological practices and treatment processing.

⁴ <http://www.orwine.org/default.asp?scheda=263>

⁵ OJ L 193, 24.7.2009, p. 1.

⁶ OJ L 193, 24.7.2009, p. 60.

- (8) Regarding more specifically sulphites, the results of the ORWINE study have shown that a reduction in the level of sulphur dioxides in wines made from organic grapes is already achieved by organic producers of wine in the EU, as compared to the maximum sulphur content which is authorised for non-organic wines. Therefore it is appropriate to fix a maximum sulphur content specific to organic wines which should be lower than the level authorised in non-organic wines. However, extreme weather conditions may provoke difficulties in certain wine-growing areas which make it necessary to use supplementary amounts of sulphites in the preparation of wine to achieve stability of the final product of that year. Provision should be laid down to allow the increase of the maximum sulphur dioxide content when such conditions are met.
- (9) Wine is a product with a long shelf-life and certain wine specifications are stored traditionally for several years in barrels or tanks before bringing on the market. Under the conditions of Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs⁷ and consequently under Regulation (EC) No 834/2007 wine could be produced and labelled as "wine from organic grapes". The marketing of such wines by maintaining the labelling requirements under that Regulation should be therefore allowed for a transition period, but some of these wines were produced by a wine-making process which already complied with what are now the organic wine rules fixed in this Regulation. Where this can be proven, the organic logo of the EU should be authorised, to allow for fair comparison and competition between organic wines produced before and after the entry into force of this regulation. When this would not be the case, the wine should be labelled exclusively as "wine made from organic grapes", without logo.
- (10) Regulation (EC) No 889/2008 should therefore be amended accordingly.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the regulatory Committee on organic production,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 889/2008 is amended as follows:

- (1) Title II is amended as follows:
 - (a) in Article 27(1), the introductory phrase is replaced by the following:

"For the purpose of Article 19(2)(b) of Regulation (EC) No 834/2007, only the following substances can be used in the processing of organic food, with the exception of products of the wine sector, for which the provisions of Chapter 3a shall apply:"

⁷ OJ L 198, 22.7.1991, p. 1. Regulation (EEC) No 2092/91 has been repealed and replaced by Regulation (EC) No 834/2007 as from 1 January 2009.

- (b) a new Chapter 3a is inserted:

"CHAPTER 3a

Specific rules for the making of wine

Article 29b

Scope

1. This Chapter lays down specific rules for the organic production of the products of wine sector as referred to in Article 1(1)(l) of Council Regulation (EC) No 1234/2007*.
2. Commission Regulations (EC) No 606/2009** and (EC) No 607/2009*** shall apply, save as otherwise provided for in this Chapter.

Article 29c

Use of certain products and substances

1. For the purpose of Article 19(2)(a) of Regulation (EC) No 834/2007, products of the wine sector shall be produced from organic raw material.
2. For the purpose of Article 19(2)(b) of Regulation (EC) No 834/2007, in addition to the specific conditions and restrictions laid down in Regulation (EC) No 1234/2007 and Regulation (EC) No 606/2009, in particular in Annex I A to that Regulation, only products and substances listed in Annex VIIIa to this Regulation can be used for the making of products of the wine sector, including during the processes and oenological practices.
3. Products and substances listed in Annex VIIIa to this Regulation and marked with an asterisk, derived from organic raw material, shall be used; if available.

Article 29d

Oenological practices and restrictions

1. Without prejudice to Article 29c and to specific prohibitions and restrictions provided for in this Article, only oenological practices, processes and treatments, including the restrictions provided for in Article 120c and 120d of Regulation (EC) No 1234/2007 and in Articles 3, 5 to 9 and 11 to 14 of Regulation (EC) No 606/2009 and in their Annexes, used at the time of entry into force of Regulation (EU) No [this Regulation] are permitted.
2. The use of the following oenological practices, processes and treatments is prohibited:
 - (a) Partial concentration through cooling according to point (c) of Section B.1 of Annex XVa to Regulation (EC) No 1234/2007;
 - (b) Elimination of sulphur dioxide by physical processes according to point 8 of Annex I A to Regulation (EC) No 606/2009;
 - (c) Electrodialysis treatment to ensure the tartaric stabilisation of the wine according to point 36 of Annex I A to Regulation (EC) No 606/2009;
 - (d) Partial dealcoholisation of wine according to point 40 of Annex I A to Regulation (EC) No 606/2009;

(e) Treatment with cation exchangers to ensure the tartaric stabilisation of the wine according to point 43 of Annex I A to Regulation (EC) No 606/2009.

3. The use of the following oenological practices, processes and treatments is permitted under the following conditions:

(a) Reverse osmosis according to point (b) of Section B.1 of Annex XVa to Regulation (EC) No 1234/2007 may be used only for the production of concentrated grape must and rectified concentrated grape must;

(b) For heat treatments according to point 2 of Annex IA to Regulation (EC) No 606/2009, the temperature shall not exceed 65°C;

(c) For centrifuging and filtration with or without an inert filtering agent according to point 3 of Annex IA to Regulation (EC) No 606/2009, the size of the pores shall be not smaller than 0.2 micrometer.

4. The use of the following oenological practices, processes and treatments shall be re-examined by the Commission before 31 December 2013 with a view to phase out or to further restrict these practices:

(a) Heat treatments according to point 2 of Annex I A to Regulation (EC) No 606/2009;

(b) Use of ion exchange resins according to point 20 of Annex I A to Regulation (EC) No 606/2009.

5. Any amendment introduced after 1 August 2010, as regards the oenological practice, processes and treatments provided for in Regulation (EC) No 1234/2007 or Regulation (EC) No 606/2009, may be applicable in the organic production of wine only after the adoption of the measures necessary for the implementation of the production rules provided for in Article 19(3) of Regulation (EC) No 834/2007 and, if required, an evaluation process according to Article 21 of that Regulation .

* OJ L 299, 16.11.2007, p. 1

** OJ L 193, 24.7.2009, p. 1.

*** OJ L 193, 24.7.2009, p. 60."

(c) Article 47 is amended as follows:

(i) the following point is added in the first subparagraph:

"(e) for organic wine, the use of sulphur dioxide content up to the maximum levels fixed in accordance with Annex I B to Regulation (EC) No 606/2009 when the exceptional climatic conditions of a given harvest year makes this necessary"

(ii) the second subparagraph is replaced by the following:

"Upon approval by the competent authority, the individual operators shall keep documentary evidence of the use of the above exceptions. Member States shall inform each other and the Commission on the exceptions they have granted under point (c) and (e) of the first subparagraph."

(2) Title V is amended as follows:

(a) In Article 94 (1), the following point is added:

"(d) within 1 month from their approval , the exceptions granted by the Member States under point (c) and (e) of the first subparagraph of Article 47."

(b) In Article 95, the following paragraph is added:

"12. In the labelling of wine obtained from organic grapes, processed and stored or undergoing processing before 1 August 2010, the Community organic production logo as referred to in Article 25(1) of Regulation (EC) No 834/2007, called from 1 July 2010 the "Organic logo of the EU", may be used provided that the wine-making process complies with Chapter 3a of Title II of this Regulation. Operators using that logo shall keep recorded evidence, for a period of at least 5 years after they placed on the market that wine obtained from organic grapes, including of the corresponding quantities of wine in litres, per wine category and per year.

Where such evidence is not available, such wine may be labelled as "wine made from organic grapes", provided that it complies with the requirements of Regulation (EC) No 889/2008 before entry into application of Regulation (EU) No [this Regulation]. However, it cannot bear the "Organic logo of the EU"

(3) A new Annex VIIIa is inserted, the text of which is set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 August 2010 to products of the wine sector derived from the harvest year 2010, with the exception of point (2)(b) of Article 1 which shall apply the day of entry into force of this Regulation.

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

Done at Brussels, [...]

For the Commission
The President

ANNEX

"Annex VIIIa

Products and substances authorised for use or addition in organic products of the wine sector referred to in Article 29c.

Type of treatment in accordance with Annex I A to Regulation (EC) No 606/2009	Name of products or substances	Specific conditions, within the limits and conditions set out in Regulation 606/2009
<i>Point 1: Use for aeration or oxygenation</i>	- Gaseous oxygen	
<i>Point 4: Use in order to create an inert atmosphere and to handle the product shielded from the air</i>	- Nitrogen - Carbon dioxide	
<i>Points 5, 15 and 21: Use</i>	- Yeasts*	
<i>Point 6: Use</i>	- Di-ammonium phosphate - Thiamine hydrochloride	
<i>Point 7: Use</i>	- Sulphur dioxide, - Potassium bisulphite or potassium metabisulphite	The maximum sulphur dioxide content, expressed in milligrams per litre, shall be: a) 100 mg/l for red wine as referred to in Point 1(a) of Regulation (EC) No 606/2009. b) 150 mg/l for white and rosé wine as referred to in Point 1(b) of Regulation (EC) No 606/2009. c) for all other wine categories, the amount fixed in Annex I A to Regulation (EC) No 606/2009, reduced by 50% from the time of entry into force of this Regulation, reduced by 50%.
<i>Point 9: Use</i>	- Charcoal for oenological use	
<i>Point 10: Clarification</i>	- Edible gelatine* - Plant proteins from wheat or peas* - Isinglass* - Egg white albumin* - Tannins* - Casein - Potassium caseinate - Silicon dioxide - Bentonite - Pectolytic enzymes	
<i>Point 12: Use for acidification purposes</i>	- Lactic acid - L(+)Tartaric acid	
<i>Point 13: Use for deacidification purposes</i>	- L(+)Tartaric acid - Calcium carbonate - Neutral Potassium tartrate - Potassium bicarbonate - Potassium bitartrate	
<i>Point 14: Addition</i>	- Aleppo pine resin	
<i>Point 17: Use</i>	- Lactic bacteria	
<i>Point 19: Addition</i>	- L-Ascorbic acid	
<i>Point 22: Use for bubbling</i>	- Nitrogen	
<i>Point 23: Addition</i>	- Carbon dioxide	
<i>Point 24: Addition for wine stabilisation purposes</i>	- Citric acid	
<i>Point 25: Addition</i>	- Tannins*	
<i>Point 27: Addition</i>	- Meta-tartaric acid	
<i>Point 28: Use</i>	- Acacia gum* (= gum arabic)	
<i>Point 30: Use</i>	- Potassium bitartrate	
<i>Point 31: Use</i>	- Cupric citrate	
<i>Point 31: Use</i>	- Copper sulphate	authorised until 31 December 2015
<i>Point 32: Use</i>	- Perlite - Cellulose	as an inert filtering agent

	- Diatomeaceous earth	
<i>Point 38: Use</i>	- Oak chips	
<i>Point 39: Use</i>	- Potassium alginate	
Type of treatment in accordance with Annex III, point A. 2(b) to Regulation (EC) No 606/2009	- Calcium sulphate	Only for "vino generoso" or "vino generoso de licor"

*) derived from organic raw material by preference

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