

Working document rev2, SCOF 19 and 20 November 2009

Brussels, 16.11.2009

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 grapevine products

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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 grapevine products

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 Title III thereof lays down basic requirements with regard to processing of organic food. Detailed rules for the implementation of these requirements should be laid down by amending Commission Regulation (EC) No 889/2008², which lays down detailed rules for the implementation of Regulation (EC) No 834/2007.
- (2) Specific provisions for the production of organic wine should be introduced, and it appears practical to extend the scope of Regulation (EC) No 889/2008 to other grapevine products. Council Regulation (EC) No 1234/2007³ of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) provides for an exhaustive list of such products, where reference should be made.
- (3) The processing of organic grapevine products requires the use of certain products and substances under well-defined conditions. Such materials should be authorised according to Article 21 of Regulation (EC) No 834/2007 for that purpose. Based on the recommendations of the EU-wide study⁴ 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.

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

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as "ORWINE") certain products and substances should be allowed for the making of organic grapevine products.

- (4) The raw material of agricultural origin of certain products and substances which are used in the making of grapevine products may be derived from organic production. Their availability under the organic form however depends on the development of their demand on the market. To encourage this development, , provision should be made to ban the use of those products and substances from non-organic raw material after a period of transition, and to consider them in the calculation according to Article 23 of Regulation (EC) No 834/2007
- (5) Practices and techniques for the production of grapevine are laid down on Community level in Regulation (EC) No 1234/2007 and its implementing rules in Commission Regulation (EC) No 606/2009⁵ 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. Using these 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.
- (6) Oenological practices which might be misleading regarding the true nature of the products should be excluded in the making of organic grapevine products. 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 and thus change its true nature.
- (7) Certain other practices which are widely used in food processing are also available for wine-making and may also have some effect on the true nature of the product, but since at present no alternative techniques are available to replace them. This applies to heat treatments, reverse osmosis and the use of ion exchange resins. As a consequences they must be available to organic wine-makers, and a possibility for re-examination of that practices should be foreseen in due time.
- (8) Regarding more specifically sulphites, the results of the ORWINE study have shown that a reduction in the maximum level of sulphur dioxides in organic wines is already achieved by organic wine-makers in the EU. As a consequence, the maximum level should be reduced to 100 mg/l for red wines and reduced accordingly to other wine and grapevines products, taking account of the need of higher levels of sulphites in certain wine and grapevine products categories. However, climatic conditions in a given year may be exceptionally bad and provoke difficulties in certain wine-growing areas which make necessary the use of supplementary amounts of sulphites in the preparation of grapevine products to achieve stability of the final product of that year. When such conditions are met, provision should be laid down to allow sulphur dioxide content up to the maximum levels fixed by Regulation (EC) No 606/2009.

⁵ OJ L 193, 24.7.2009, p. 1.

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- (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 Regulation (EEC) No 2092/91 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 allowed for a transition period.
- (10) It appeared that a mistake was made in some language versions of Regulation (EC) No 710/2009⁶ of 5 August 2009 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 aquaculture animal and seaweed production; provision to correct this mistake should be made.
- (11) Regulation (EC) No 889/2008 should therefore be amended accordingly.
- (12) 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) The first part of Paragraph 1 of Article 27 is replaced by the following:

"1. 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 grapevine products: "

⁶ OJ L 204, 5.8.2009, p.15.

(2) In Title II, a new Chapter 3a is inserted:

"CHAPTER 3a
Specific rules for the making of grapevine products

Article 29b
Scope

This Chapter lays down specific rules for grapevine products as listed in Annex XI b of Council Regulation (EC) No 1234/2007.

Article 29c
Use of certain products and substances in grapevine products

1. For the purpose of Article 19(2) of Regulation (EC) No 834/2007 only products and substances as listed in Annex VIIIa can be used for the making of grapevine products.
2. For the purpose of the calculation as referred to in Article 23(4)(a)(ii) of Regulation (EC) No 834/2007 products and substances as listed in Annex VIIIa and marked with an asterisk shall be calculated as ingredients of agricultural origin.

Article 29d
Oenological practices and restrictions

1. Without prejudice of Article 29c and paragraph 2 and 3 of this Article, all oenological practices and restrictions provided in Article 120c of Council Regulation (EC) No 1234/2007 and Articles 3, 5 and 6 of Commission Regulation (EC) No 606/2009 at the time of entry into force of this Regulation are permitted.
2. The use of the following practices is restricted to the following conditions:
 - a. Reverse osmosis according to point b Section B.1 of Annex XVa of Regulation (EC) No 1234/2007 may be used for the production of concentrated grape must and rectified concentrated grape must
 - b. For centrifuging and filtration with or without inert filtering agent according to point 3 of Annex IA of Regulation (EC) No 606/2009, the size of the pores shall be equal or above 1 micrometer.
3. The use of the following practices shall be re-examined before 31 December 2013 with a view to phase out these practices:
 - a. Heat treatments according to point 2 of Annex IA of Regulation (EC) No 606/2009.

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- b. Ion exchange resins according to point 20 of Annex IA of Regulation (EC) No 606/2009.
 4. The use of the following practices is prohibited:
 - a. Partial concentration through cooling according point c, Section B.1 of Annex XVa of Regulation (EC) No 1234/2007.
 - b. Elimination of sulphur dioxide by physical processes according to point 8 of Annex IA of Regulation (EC) No 606/2009.
 - c. Electrodialysis treatment to ensure the tartaric stabilisation of wine according to point 36 of Annex IA of Regulation (EC) No 606/2009.
 - d. Partial dealcoholisation of wine according to point 40 of Annex IA of Regulation (EC) No 606/2009.
 - e. Treatment with cation exchangers to ensure the tartaric stabilisation of the wine according to point 43 of Annex IA of Regulation (EC) No 606/2009.
 5. Any oenological practice introduced or modified in Regulation (EC) No 1234/2007 or Regulation (EC) No 606/2009 after the time of entry into force of [*this Regulation*] has to meet the requirements of Article 19 (3) of Regulation (EC) No 834/2007 and undergo an evaluation process according to Article 21 of Regulation (EC) No 834/2007 to be authorised for use in organic production."
- (3) In Article 47, a new paragraph is added:

"(e) the use of sulphur dioxide up to the maximum levels fixed in Annex IB of Regulation (EC) No 606/2009 when the exceptional climatic conditions of a given harvest year makes this necessary in one or several wine-growing areas."
- (4) In Article 95, a new paragraph is added:

"12. In the labelling of wine obtained from organic grapes, processed and stored or undergoing processing before the entry into application of [*this Regulation*], the EU-logo may be used provided that the wine-making was compliant with [*this Regulation*]. Operators benefiting from that measure shall keep recorded evidence, and the corresponding quantities.

Where such evidence is not available, such wine may be labelled as "wine made from organic grapes" provided it complies with the requirements of Regulation (EC) No 889/2008 before entry in application of [*this Regulation*]. However, it cannot bear the EU logo."
- (5) In the French, Czech, German and Greek language version of Regulation (EC) No 710/2009, Article 2(b) shall be replaced by the following:

"corrective measures as provided for in point 19 of Article 1 and points 1(b) and (c) of the Annex shall apply from entry into application of Regulation (EC) No 889/2008."
- (6) The Annexes are amended in accordance with the Annex to this Regulation.

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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 to wine and grapevine products derived from the first harvest of grapes after 1 July 2010, with the exception of points (4) and (5) 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

The following Annex VIIIa is inserted after Annex VIII:

"Annex VIIIa

Products and substances for use in organic grapevine products referred to in Article 29c.

For the purpose of calculation referred to in Article 23(4)(a)(ii) of Regulation (EC) No 834/2007 products and substances marked with asterisk shall be calculated as ingredients of agricultural origin.

Name	Specific conditions, restrictions within the limits and conditions set out in Regulation (EC) No 1234/2007 and Regulation (EC) No 606/2009
Sulphur dioxide, Potassium bisulphite or potassium metabisulphite	The total sulphur dioxide content, expressed in milligrams per litre (mg/l), should not exceed the amount obtained by deducting 50 mg/l from the levels fixed in Annex I.B of Regulation (EC) No 606/2009, for each category in that Annex at the time of entry into force of this Regulation.
Calcium sulphate	
L-Ascorbic acid	
Citric acid	
Lactic acid	
L(+)-Tartaric acid	
Meta-tartaric acid	
Acacia gum* (= gum arabic)	
Aleppo pine resin*	
Tannins*	
Carbon dioxide	
Calcium carbonate	
Neutral Potassium tartrate	
Potassium bitartrate	
Potassium bicarbonate	

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Charcoal for oenological use	
Plant proteins from wheat or peas*	
Casein	
Potassium caseinate	
Edible gelatine*	
Isinglass*	
Egg white albumin*	
Silicon dioxide	
Bentonite	
Pectolytic enzymes	
Copper sulphate	Authorised until 31 December 2015
Cupric citrate	
Potassium alginate	
Nitrogen	
Oxygen	
Yeasts*	
Thiamine hydrochloride	
Lactic bacteria	
Di-ammonium phosphate	
Perlite	as an inert filtering agent
Cellulose	as an inert filtering agent
Diatomeceous earth	as an inert filtering agent
Fresh lees*	

*) derived from organic raw material as of 31 December 2013