

New rules for organic wine-making

Working document /25 June 2009

(1) Background

The current organic farming legislation R. 834/2007 and relevant implementing regulation 889/2008 applying from 1 January 2009 (and replacing R.2092/91) does not provide for rules on vinification of grapes. This derives from the fact that processed products can be labelled as "organic" only when certain conditions are fulfilled. Those conditions are enumerated in Article 27 of R.889/2008, which provides for reference to Annex VIII - a positive list of substances (food additives, processing aids, non-agricultural ingredients, etc). This Annex VIII is explicitly excluded to be used for wine in Article 27(1), which stipulates that "*only the following substances can be used in processing of food, with the exception of wine*": Therefore no specific organic oenological practices have been established under this Regulation (neither under former R. 2092/91).

As a consequence, organically grown grapes are processed under the good practice of conventional winemaking procedure (recently codified as Reg. 423/2008 and soon to be replaced by Regulation (EC) .../2009.....). Until now in the labelling only "wine made of organic grapes" can be used.

In the European Action Plan (2004) the need to elaborate specific organic wine processing rules has been identified as to meet the organic objectives and principles.

The Commission proposal for a new regulation (COM (2005) 671) announced that detailed rules for organic wine should be laid down by comitology procedure, that means the relevant Regulatory committee the "Standing committee for organic farming" (SCOF) will be asked for opinion. In addition the stakeholder, represented in the advisory group for organic farming will be consulted.

The elaboration of new organic winemaking rules is an entire new area. Up to now little experience exists in the domain. To meet the lack of knowledge an EU-wide research study (ORWINE) was launched in 2006, funded by the EU research programme and concluded in March 2009. This study provides for technical background and information.

(2) Legal basis

In Council Reg. 834/2007 repealing Reg. 2092/91 by 1 January 2009, "wine" is explicitly mentioned amongst the processed products at the 7th whereas clause. Article 19(3) defines general rules for food processing and provides the legal base to establish specific processing methods by the Commission. A technical amendment of R.889/2008 will be required based on Articles 19(3), 21(2), [28], [36,] 38 and [40].

(3) Drafting principles

Organic wine making shall be in line with the objectives and general principles of the organic production. The use of genetically modified organisms as well as the use of ionising radiation is banned. All products and substances, which are needed for processing, have to fulfil the criteria for their authorisation as outlined in Article 21 of R. 834/2007.

The new rules will be without prejudice of both the general rules of wine making, regulated under the wine CMO (Council Regulation (EC) n° 479/2008), and the general Community rules of food law ("SANCO"), like any other organic product.

The organic regulation applies on top of the horizontal Community legislation, which means, e.g. techniques, substances allowed due to the CMO wine, can be prohibited in organic production; *vice versa*, techniques, substances not allowed due to CMO wine, cannot be permitted in organic winemaking.

The new rules should enter into application on 1 July 2010, which is date when the new EU-Logo for organic production will become obligatory.

(4) Calendar

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|-----|--|------------------|
| (a) | Exchange of information about ORWINE project (stakeholders, advisory group for wine, wine committee, SCOF) | 2008 |
| (b) | Results ORWINE project | March 2009 |
| (c) | 1 st working paper | 29 / 30 June |
| (d) | Discussion with MS and stakeholders (Comments) | July – October |
| (e) | Revision of working document | 17 /18 September |
| (f) | Advisory group of organic farming | 22 September |
| (g) | Draft Regulation | October 2009 |
| (h) | Consultation of WTO under TBT rules | |
| (i) | Amending Commission Regulation to be adopted | before end 2009 |

(5) Structure

The following suggestion for structuring the organic wine making rules is:

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Article 1

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

(1) In Chapter 3 of Title II, the following Articles are inserted

"Article 27a

Use of certain products and substances in wine making

1. For the purpose of Article 19(2)(b) of Regulation (EC) No 834/2007 only products and substances as listed in Annex VIIIa can be used for wine making.

2.... ..

Article 27b

Techniques prohibited in organic wine making

All methods and techniques permitted under the Council Regulation (EC) N° 479/2008 and Commission Regulation (EC)N° . . ./2009 – current status - are allowed with the following exceptions:

- (a) micro-filtration
- (b) electro-dialysis
- (c) cationic exchange resins
- (d) reverse osmosis
- (....)

New practices being introduced in Commission Regulation (EC) (EC)No . . ./2009 have to undergo an evaluation process according to Article 21 of 834/2007 to be authorised for use in organic production.

Article 27c

Enrichment

For enrichment only organic concentrated must, rectified concentrated must or sucrose may be used."

(2) The Annexes are amended in accordance with 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 as from 1 July 2010.

ANNEX

The following Annex VIIIa is inserted after Annex VIII:

Certain products and substances for use in organic wine making as referred to in Article 27a.

1. Food additives including carriers

Code	Name	Specific conditions, restrictions within the limits and conditions set out in Annex I.A of Regulation (EC) N° .../2009
E 220	Sulphur dioxide ¹	under specific conditions see footnote
E 224	Potassium bisulfite or potassium metabisulfite ¹	under specific conditions see footnote
E 270	Lactic acid	
E 296	Malic acid	
E 300	L-Ascorbic acid	
E 330	Citric acid	
E 334	L(+)-Tartaric acid	
	Metatartaric acid	
E 414	Arabic gum (= acacia)	Possible in organic form
	Aleppo pine resin	

¹ SO₂:

Winemaker may decide on annual basis or for certain yards or varieties:

- Either: reduce SO₂ by 50% of the maximum SO₂ content as provided for in Annex I.B of Regulation (EC) N° .../2009 (= 75mg/l for red wine, 100mg/l for white and rose wine)→ and label "organic wine"
- Or: use maximum SO₂ content as provided for in Annex I.B of Regulation (EC) N° .../2009→ and label "wine made of organic grapes"
- And: use flexibility rule for exceptional climatic circumstances in concerned wine growing zones under the condition it is authorised in accordance with the procedure of Article 37(2) of 834/2007.

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	Yeast cell walls	
	Tannins	
	Lysozyme	
	

2. Processing aids

Code	Name	Specific conditions, restrictions within the limits and conditions set out in Annex I.A of Regulation (EC) N° .../2009
E 170	Calcium carbonate	
E 336	Potassium tartrate	
	Potassium bitartrate	
E501	Potassium bicarbonate	
	Calcium tartrate	
	Charcoal for oenological use	
	Plant proteins from wheat or peas	
	Casein or potassium caseinate	
	Edible Gelatin	Possible in organic form
	Isinglass	
	Egg albumin	
	Silicon dioxide	
	Bentonite	
	Kaolin	

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	Microcrystalline cellulose	
	Pectolytic enzymes	
	Beta glucanase	
	Urease	
	DL tartaric acid	
	Copper sulphate or cupric citrate	
	Yeast mannoproteins	
	Oak chips	
	Calcium alginate	
E 402	Potassium alginate	
E 941	Nitrogen	
E 938	Argon	
E 948	Oxygen	
	Yeasts	
	Thiamine hydrochloride	
	Ammonium sulfate	
	Lactic bacteria	
	