



Brussels, **XXX**
[...] (2018) **XXX** draft

COMMISSION DELEGATED REGULATION (EU) .../...

of XXX

supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards wine-growing areas where the alcoholic strength may be increased, authorised oenological practices and restrictions applicable to the production and conservation of grapevine products, the minimum percentage of alcohol for by-products and their disposal, and publication of OIV files, and amending Commission Delegated Regulation (EU) 2018/273 as regards the importation of wine originating in Canada and exempting retailers of holding an inward and outward register

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishes a Union framework for categories of grapevine products, oenological practices and the applicable restrictions at the Union's level.

Regulation (EU) No 1308/2013 of the European Parliament and the Council empowers the Commission to adopt delegated and implementing acts setting out marketing standards for wine.

Regulation (EU) No 606/2009 needs to be aligned to the Treaty on the Functioning of the European Union. The purpose of this delegated act is therefore to supplement Regulation (EU) No 1308/2013 as regards the rules to be followed for the production of wines including the oenological practices, the limits and conditions for the sweetening of wines and the derogations to the maximum sulphur dioxide and the volatile acidity content.

Regulation (EU) 2018/273 supplements Regulation (EU) No 1308/2013 of the European Parliament and the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information and Regulation (EU) No 1306/2013 of the European Parliament and the Council as regards the relevant checks and penalties. Regulation (EU) 2018/273 needs to be amended to take into account the Article 23 of the Agreement concluded between the European Union and Canada¹ on import of wines originating in Canada.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Consultations, involving experts from all the 28 Member States have been carried out within the Group of Experts under the single common organisation of the markets.

During these meetings, the Commission presented amended versions of the text taking broadly into account the observations and comments made in each of the meetings or sent in writing to the Commission services. The experts of the European Parliament were involved as observers in those discussions.

The Commission services had also several meetings with the wine sector stakeholders, both bilaterally and in the context of the Civil Dialogue Group for wine.

This consultation process led to a broad consensus on the draft Delegated Regulation.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

This delegated act contains provisions supplementing certain rules of Regulation (EU) No 1308/2013 that are necessary to ensure the proper functioning of the internal market for grapevine products. In particular, it sets out the legal framework for the oenological practices and compounds that are authorised for the production of all the categories of grapevine products listed in Part II of Annex VII to Regulation (EU) No 1308/2013.

The delegated act provides derogations to the acceptable limits for sulphur dioxides and volatile acidity.

¹ Council Decision of 30 July 2003 on the conclusion of the agreement between the European Community and Canada on trade in wines and spirit drinks (2004/91/EC)

The delegated act clarifies and simplifies the existing provisions. It also increases consistency between this regulation and the international code of oenological practices (OIV code) as regards Annex IA to this regulation.

The delegated act repeals the relevant provisions 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.

As regards Regulation (EU) 2018/273, this Regulation adds Canada to the list of third countries that may benefit from a simplified procedure for the import of their wines as referred to in Article 26 of the same Regulation.

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supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards wine-growing areas where the alcoholic strength may be increased, authorised oenological practices and restrictions applicable to the production and conservation of grapevine products, the minimum percentage of alcohol for by-products and their disposal, and publication of OIV files, and amending Commission Delegated Regulation (EU) 2018/273 as regards the importation of wine originating in Canada and exempting retailers of holding an inward and outward register

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 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 1234/2007¹, and in particular Articles 75(2), Article 80(4) and Article 89 thereof,

Whereas:

- (1) Regulation (EU) No 1308/2013 repealed and replaced Council Regulation (EC) No 1234/2007². Section 1 of Chapter I of Title II of Part II of Regulation (EU) No 1308/2013 lays down rules on the categories of grapevine products, oenological practices and the applicable restrictions and empowers the Commission to adopt delegated and implementing acts in that respect. In order to ensure the smooth functioning of the wine market in the new legal framework, certain rules have to be adopted by means of such acts. Those acts should replace the provisions of Commission Regulation (EC) No 606/2009³ which should therefore be repealed.
- (2) Part II of Annex VII to Regulation (EU) No 1308/2013 listing the categories of grapevine products provides that wine is to have a total alcoholic strength of not more than 15 % volume. However, by way of derogation, that limit may be increased to 20 % volume for wines produced without enrichment in certain wine-growing areas. These areas should be defined.
- (3) Articles 80 and 83 of Regulation (EU) No 1308/2013 and Annex VIII thereto lay down general rules on oenological practices and processes and refer to detailed rules to

¹ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agriculture products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

² 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) (OJ L 299, 16.11.2007, p. 1).

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).

be adopted by the Commission. The permitted oenological practices including the methods for sweetening wines should be defined in a clear and precise manner, and limits on the use of certain substances that may be used for wine-making and the conditions for using some of those substances for wine-making should be laid down.

- (4) Annex I A to Regulation (EC) No 606/2009 lists authorised oenological practices and processes. The list of authorised oenological practices should be clarified and its coherence should be improved. The list should also be supplemented to take account of technical progress. To improve clarity, the list should be divided into two tables separating oenological processes from oenological compounds.
- (5) The table of authorised oenological compounds should include a classification of the compounds into two categories, according to their use as an additive or as a processing aid, which is necessary in particular for labelling purposes.
- (6) The activity, the classification as additive or processing aid, the conditions and limits of use and the categories of grapevine products to which oenological compounds may be added should follow the International Organisation of Vine and Wine (OIV) recommendations, unless they contradict Union law.
- (7) Oenological compounds should be clearly identified by international denominations, an E-number if available and/or a Chemical Abstracts Service (CAS) number.
- (8) To simplify applicable rules and to ensure coherence between the rules laid down in this Regulation and international standards, the former practice of duplicating information contained in the files of the OIV Code of Oenological Practices by reproducing the contents in Appendixes to Annex I should be discontinued. To ensure that producers of grapevine products using authorised oenological compounds are better informed and acquire a better understanding of those rules, the Commission should publish the files of the OIV Code of Oenological Practices referred to in the Annexes to this Regulation and ensure that the OIV files concerned are available in all official languages of the Union.
- (9) Annex I B to Regulation (EC) No 606/2009 lays down the maximum levels of sulphur dioxide in wines produced in the Union which are higher than the limits laid down by the OIV. The limits should be aligned with the OIV limits, which are recognised internationally, and the derogations required for certain sweet wines produced in small quantities owing to their higher sugar content and to ensure their good conservation should be maintained. In the light of current scientific studies into the reduction and replacement of sulphites in wine and the sulphite intake from wine in the human diet, the maximum limits could be re-examined at a later date with a view to further reducing them.
- (10) The procedures by which Member States may authorise certain oenological practices and processes not provided for by Union rules for a defined period and for experimental purposes should be laid down.
- (11) The production of sparkling wines, quality sparkling wines and quality aromatic sparkling wines requires a number of specific practices in addition to the oenological practices permitted for other grapevine products. For reasons of clarity, those practices should be listed in a separate Annex to this Regulation.
- (12) The production of liqueur wines requires a number of specific practices in addition to the oenological practices permitted for other grapevine products and the production of liqueur wines with a protected designation of origin has certain particularities. For

reasons of clarity, those practices and restrictions should be listed in a separate Annex to this Regulation.

- (13) Coupage is a widespread oenological practice which can have a considerable impact on the quality of grapevine products. Therefore, in order to prevent abuse and to ensure high quality grapevine products whilst also promoting a more competitive sector, the practice should be defined and strictly regulated. As far as rosé wine production is concerned, for the same reasons, this practice should be regulated in particular for certain wines which are not subject to specifications.
- (14) Union rules on foodstuffs and the International Oenological Codex of the OIV already lay down specifications concerning purity and identification in relation to a large number of substances used in oenological practices. For the purposes of harmonisation and clarity, those specifications should be adhered to in the first instance and additional rules specific to the situation in the Union should also be provided for.
- (15) Wine products that do not comply with the provisions of Section 1 of Chapter I of Title II of Part II of Regulation (EU) No 1308/2013 or the provisions laid down in this Regulation may not be placed on the market and must be destroyed. However, some of these products may be permitted to be used for industrial purposes only and therefore the conditions for their use should be laid down so as to ensure adequate monitoring of their final use. In addition, to avoid financial losses for operators with stocks of certain products produced before the date of entry into force of this Regulation, provision should be made enabling products made in accordance with the rules in force before that date to be released for consumption.
- (16) Notwithstanding the general rule laid down in Section D of Part II of Annex VIII to Regulation (EU) No 1308/2013, the pouring of wine or grape must onto lees or grape marc or pressed 'aszú' or 'výber' pulp is an essential characteristic of the production of certain Hungarian and Slovak wines. The particular rules for such practice must be laid down in accordance with the national provisions in force in the Member States concerned on 1 May 2004.
- (17) In order to ensure the quality of the grapevine products, provision should be made for the implementation of the prohibition of over-pressing of grapes. Verifying the correct application of that prohibition requires there to be adequate monitoring of the by-products resulting from winemaking and their final use. To this end, rules on the minimum percentage of alcohol contained in the by-products after the pressing of grapes should be specified, as well as on the conditions for the mandatory disposal of by-products held by any natural or legal person or groups of persons, under the supervision of the competent authorities of the Member States. Since those conditions are directly linked to the winemaking process, they should be listed together with the oenological practices and applicable restrictions for the production of wine set out in this Regulation. In order to implement Article 23 of the Agreement concluded between the European Union and Canada concerning the trade in wines and spirits, a provision should be laid down to allow the use of the simplified procedure for the import into the Union of wines originating in Canada. Commission Delegated Regulation (EU) 2018/273⁴ should therefore be amended accordingly.

⁴ Commission Delegated Regulation (EU) 2018/273 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant

- (18) Under Article 147(2) of Regulation (EU) No 1308/2013, natural or legal persons holding wine products in the exercise of their trade are to keep an inward and outward register in respect of those products and the oenological practices, processing or treatments implemented by them. Article 28(1) of Commission Delegated Regulation (EU) 2018/273 lays down exemptions from this obligation with regard to certain categories of operators. The purpose of those exemptions is to free the operators selling or holding stocks of small quantities of wine products from a disproportionate administrative burden. However, the retailers, whose business activity includes, by definition, the sale of wine and must in small quantity, are not covered by the current exemptions. Whereas the previous rules laid down in Article 37 of Regulation (EC) No 436/2009 exempted retailers from the obligation of keeping an inward and outward register and, moreover, in the spirit of the current EU objective of lightening the administrative burden without preventing a satisfactory level of traceability of wine products, the exemption concerning the retailers should be restored. Since those conditions are directly linked to the winemaking and marketing process, they should be listed together with the oenological practices and applicable restrictions for the production of wine set out in this Regulation. Therefore, Delegated Regulation (EU) 2018/273 should be amended to include retailers among the categories of operators exempted from the obligation of keeping an inward and outward register for the wine products and operations. Such exemption should apply retroactively, as from the entry into force of Delegated Regulation (EU) 2018/273,

HAS ADOPTED THIS REGULATION:

Article 1

Scope.

This Regulation lays down rules supplementing Regulation (EU) No 1308/2013 concerning wine-growing areas where the alcoholic strength may be increased, authorised oenological practices and restrictions applicable to the production and conservation of grapevine products, the minimum percentage of alcohol for by-products and their disposal, publication of OIV files, and amends Commission Delegated Regulation (EU) 2018/273 as regards the importation of wine originating in Canada and the exemption for retailers to hold an inward and outward register.

Article 2

Wine-growing areas where wines may have a maximum total alcoholic strength of 20 % vol.

The wine-growing areas referred to in the first indent of point (c) of the second subparagraph of paragraph (1) of Part II of Annex VII to Regulation (EU) No 1308/2013 shall be zones C I, C II and C III referred to in Appendix 1 to that Annex and the areas of zone B in which white wines with the following protected geographical indications may be produced: ‘Vin de pays de Franche-Comté’ and ‘Vin de pays du Val de Loire’.

checks and penalties, amending Commission Regulations (EC) No 555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560 (OJ L 58, 28.2.2018, p. 1-59.).

Article 3

Authorised oenological practices

1. The authorised oenological practices applicable to the production and conservation of grapevine products falling within the scope of Part II of Annex VII to Regulation (EU) No 1308/2013, referred to in Article 80(1) and (2) of that Regulation, are laid down in Annex I hereto.
2. Part A of Annex I lays down the conditions for and the limits on the use of the authorised oenological practices.
3. Part B of Annex I lays down the maximum sulphur dioxide contents of wines.
4. Part C of Annex I lays down the maximum volatile acid contents.
5. Part D of Annex I lays down the rules on sweetening.

Article 4

Experimental use of new oenological practices

1. For experimental purposes, referred to in Article 83(3) of Regulation (EU) No 1308/2013, each Member State may authorise the use of certain oenological practices or processes not provided for in that Regulation or in this Regulation, for a maximum of five years, on condition that:
 - (a) the practices and processes concerned meet the requirements of the third subparagraph of Article 80(1) and Article 80(3)(b) to (e) of Regulation (EU) No 1308/2013;
 - (b) such practices and processes are applied to quantities not exceeding 50 000 hectolitres per year for any one experiment;
 - (c) the Member State concerned informs the Commission and the other Member States at the beginning of the experiment of the terms of each authorisation;
 - (d) the processes shall be entered on the accompanying document referred to in Article 147(1) and in the register referred to in Article 147(2) of Regulation (EU) No 1308/2013.

‘Experiment’ means an operation or operations carried out in the context of a well-defined research project with a single experimental protocol.

2. The products obtained by the experimental use of such oenological practices and processes may be placed on the market of a Member State other than the Member State concerned provided the Member State authorising the experiment gives prior notification to the competent authorities of the Member State of destination of the terms of the authorisation and the quantities involved.
3. Within a period of three months following the end of the period referred to in paragraph 1, the Member State concerned shall forward to the Commission a report on the authorised experiment and the results thereof. The Commission shall notify the other Member States of those results.
4. Depending on these results, the Member State concerned may apply to the Commission for authorisation to continue the experiment, possibly with a larger quantity of products than in the original experiment, for a further maximum period of three years. The Member State

concerned shall submit an appropriate file in support of its application. The Commission shall adopt a decision on the application in accordance with the procedure referred to in Article 229(2) of Regulation (EU) No 1308/2013.

5. The notification of information or documents to the Commission provided for in point (c) of paragraph 1 and in paragraphs 3 and 4 shall be made in accordance with Commission Delegated Regulation (EU) 2017/1183⁵.

Article 5

Oenological practices applicable to categories of sparkling wines

The authorised oenological practices and restrictions, including enrichment, acidification and de-acidification, concerning sparkling wines, quality sparkling wines and quality aromatic sparkling wines, referred to in paragraphs (4), (5) and (6) of Part II of Annex VII to Regulation (EU) No 1308/2013 are listed in Annex II to this Regulation, without prejudice to the oenological practices and restrictions of general application laid down in Regulation (EU) No 1308/2013 and in Annex I to this Regulation.

Article 6

Oenological practices applicable to liqueur wines

The authorised oenological practices and restrictions concerning liqueur wines referred to in paragraph (3) of Part II of Annex VII to Regulation (EU) No 1308/2013 are listed in Annex III to this Regulation, without prejudice to the oenological practices and restrictions of general application laid down in Regulation (EU) No 1308/2013 and in Annex I to this Regulation.

Article 7

Definition of coupage

1. 'Coupage' referred to in point (h) of Article 75(3) and Section C of Part II of Annex VIII to Regulation (EU) No 1308/2013 means the mixing of wines or musts of different origins, different vine varieties, different harvest years or different categories of wine or of must.

2. The following shall be regarded as different categories of wine or must:

- (a) red wine, white wine and the musts or wines suitable for yielding one of these categories of wine;
- (b) wines without a protected designation of origin and wines without protected geographical indication, wines with a protected designation of origin (PDO) and wines with a protected geographical indication (PGI) as well as musts or wines suitable for yielding one of these categories of wine.

For the purposes of this paragraph, rosé wine shall be regarded as red wine.

3. The following processes shall not be regarded as coupage:

- (a) enrichment by the addition of concentrated grape must or rectified concentrated grape must;

⁵ Commission Delegated Regulation (EU) 2017/1183 of 20 April 2017 on supplementing Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and the Council with regard to the notifications to the Commission of information and documents (OJ L 171, 4.7.2017, p. 100).

- (b) sweetening.

Article 8

General rules on blending and coupage

1. A wine may be obtained by blending or coupage only where the constituents of that blending or coupage possess the required characteristics for obtaining wine and comply with Regulation (EU) No 1308/2013 and this Regulation.

Coupage of a non-PDO/PGI white wine with a non-PDO/PGI red wine may not produce a rosé wine.

However, the second subparagraph does not exclude coupage of the type referred to therein where the final product is intended for the preparation of a cuvée as defined in point 12 of Part IV of Annex II to Regulation (EU) No 1308/2013 or intended for the production of semi-sparkling wines.

2. Coupage of a grape must or a wine which has undergone the oenological practice referred to in line item 11.1 of Part A of Annex I to this Regulation with a grape must or a wine which has not undergone that practice shall be prohibited.

Article 9

The purity and identification specifications of substances used in oenological practices

1. Where they are not laid down by Commission Regulation (EU) No 231/2012⁶, the purity and identification specifications of substances used in the oenological practices referred to in Article 75(3)(f) of Regulation (EU) No 1308/2013 shall be those laid down and published in the International Oenological Codex of the International Organisation of Vine and Wine (OIV).

Where necessary, those purity criteria shall be supplemented by the specific requirements provided for in Part A of Annex I to this Regulation.

2. The enzymes and enzymatic preparations used in the authorised oenological practices and processes listed in Part A of Annex I shall meet the requirements of Regulation (EC) No 1332/2008 of the European Parliament and of the Council⁷.

Article 10

Conditions governing the holding, circulation and use of products not complying with Article 80 of Regulation (EU) No 1308/2013 or this Regulation

1. Products referred to in the first subparagraph of Article 80(2) of Regulation (EU) No 1308/2013 shall not be marketed and shall be destroyed. However, Member States may

⁶ Commission Regulation (EU) No 231/2012 of 9 March 2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and the Council (OJ L 83, 22.3.2012, p. 1).

⁷ Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No 258/97 (OJ L 354, 31.12.2008, p. 7).

authorise under certain conditions the use of certain of such products, the characteristics of which they shall determine, by distilleries or vinegar factories or for industrial purposes.

2. Such products may not be held without legitimate cause by producers or traders and they may be moved only to distilleries, vinegar factories, or establishments using them for industrial purposes or products or to elimination plants.

3. Member States may have denaturing agents or indicators added to wines referred to in paragraph 1 in order to make them more easily identifiable. Where justified, they may also prohibit the uses provided for in paragraph 1 and have the products destroyed.

4. Wine produced before 1 August 2009 may be offered or supplied for direct human consumption provided that it complies with the Union or national rules in force prior to that date.

Article 11

General rules applicable to the enrichment, acidification and deacidification of products other than wine

The authorised processes referred to in paragraph 1 of Section D of Part I of Annex VIII to Regulation (EU) No 1308/2013 must be carried out in a single operation. However, Member States may permit some of these processes to be carried out in more than one operation where this improves the vinification of the products concerned. In such cases, the limits laid down in Annex VIII to Regulation (EU) No 1308/2013 shall apply to the whole operation concerned.

Article 12

Pouring of wine or grape must onto lees or grape marc or pressed ‘aszú’/‘výber’ pulp

The pouring of wine or grape must onto lees or grape marc or pressed ‘aszú’/‘výber’ pulp, provided for in paragraph 2 of Section D of Part II of Annex VIII to Regulation (EU) No 1308/2013, shall be carried out as follows, in accordance with the national provisions in force on 1 May 2004:

- (a) ‘Tokaji fordítás’ or ‘Tokajský forditáš’ shall be prepared by pouring must or wine on pressed ‘aszú’/‘výber’ pulp;
- (b) ‘Tokaji máslás’ or ‘Tokajský mášláš’ shall be prepared by pouring must or wine on the lees of ‘szamorodni’/‘samorodné’ or ‘aszú’/‘výber’.

The products concerned must be from the same harvest year.

Article 13

Fixing a minimum percentage of alcohol for by-products

1. Subject to paragraph 1 of Section D of Part II of Annex VIII to Regulation (EU) No 1308/2013, Member States shall fix a minimum percentage for the volume of alcohol that must be contained in the by-product, after its separation from wines, in relation to that contained in the wine produced. Member States may modulate that minimum percentage on the basis of objective and non-discriminatory criteria.

2. Where the relevant percentage fixed by Member States pursuant to paragraph 1 is not reached, the operator concerned shall deliver a quantity of wine from his own production that corresponds to the quantity needed to reach the minimum percentage.

3. For the purpose of determining the volume of alcohol contained in the by-products in relation to that contained in the wine produced, the standard wine natural alcoholic strengths by volume to be applied in the different wine-growing zones shall be:

- (a) 8,0 % for zone A;
- (b) 8,5 % for zone B;
- (c) 9,0 % for zone C I;
- (d) 9,5 % for zone C II;
- (e) 10,0 % for zone C III.

Article 14

Disposal of by-products

1. Producers shall withdraw the by-products of winemaking or of any other processing of grapes under supervision by the competent authorities of the Member States, subject to the requirements on delivery and registration laid down in Article 9(1)(b) of Delegated Regulation (EU) 2018/273 and Article 14(1)(b)(vii) and Article 18 of Commission Implementing Regulation (EU) 2018/274⁸, respectively.

2. Withdrawal shall be carried out without delay and no later than at the end of the wine year in which the by-products were obtained, in compliance with applicable Union legislation, in particular as regards the environment.

3. Member States may decide that producers who, during the wine year in question, do not produce more than 50 hectolitres of wine or must themselves on their own premises are not required to withdraw their by-products.

4. Producers may fulfil the obligation of disposing of all or a part of the by-products of winemaking or any other processing of grapes by delivering the by-products to distillation. Such disposal of the by-products shall be certified by a competent authority of the Member State.

5. Member States may decide that the delivery to distillation of all or a part of the by-products of winemaking or of any other processing of grapes is made compulsory for all or certain producers on their territory on the basis of objective and non-discriminatory criteria.

Article 15

Publication of OIV Files

The Commission shall publish the files of the OIV Code of Oenological Practices referred to in the Annexes to this Regulation in the *Official Journal of the European Union*.

⁸ Commission Implementing Regulation (EU) 2018/274 of 11 December 2017 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council, as regards the scheme of authorisations for vine plantings, certification, the inward and outward register, compulsory declarations and notifications, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and repealing Commission Implementing Regulation (EU) 2015/561 (OJ L 58, 28.2.2018, p. 60).

Article 16

Transitional arrangements

Stocks of grapevine products produced before the date of entry into force of this Regulation in accordance with the rules in force before that date may be released for human consumption.

Article 17

Repeal

Regulation (EC) No 606/2009 is repealed.

Article 18

Amendment to Delegated Regulation (EU) 2018/273

1. Section B of Part IV of Annex VII to Delegated Regulation (EU) 2018/273 is replaced by the following:

'B. List of third countries referred to in Article 26:

- Australia
- Chile
- United States of America
- Canada.'

2. The following point is inserted after point (b) of the first paragraph of Article 28 of Delegated Regulation (EU) 2018/273:

'(c) retailers.'

Article 19

Entry into force

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

2. Article 18(2) of this Regulation shall enter into force on the third of March 2018.

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

Done at Brussels,

For the Commission
The President