



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

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards analysis methods for determining the physical, chemical and organoleptic characteristics of grapevine products and notifications of Member States decisions concerning increases in natural alcoholic strength

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.

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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 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 80(5), 91(d) and 223(3) 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- (1) Regulation (EU) No 1308/2013 repealed and replaced Council Regulation (EC) No 1234/2007².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 Those acts should replace the provisions of Commission Regulation (EC) No 606/2009³ which is repealed by Commission Delegated Regulation (EU)⁴ [**oenological Delegated Regulation**].
- (2) Pursuant to Article 80 of Regulation (EU) No 1308/2013 the analysis methods for determining the physical, chemical and organoleptic characteristics of grapevine products and the rules for checking whether those products have been subjected to processes in violation of authorised oenological practice should be those recommended and published by the International Organisation of Vine and Wine (OIV) in the Compendium of International Methods of Analysis of Wines and Musts, unless they would be ineffective or inappropriate in view of the objective pursued by the Union.
- (3) Where special analysis methods are necessary for certain Union grapevine products and they have not been established by the OIV, those special methods should be laid down in the Annex to this Regulation.

¹ OJ L 347, 20.12.2013, p. 671.

² Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organization 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).

⁴ Commission Delegated Regulation (EU) .../... of [...] [...] (OJ L [...]).

- (4) Point 3 of Section A of Part I of Annex VIII of Regulation (EU) No 1308/2013 sets out an obligation for Member States to notify the Commission of any increase in the limits laid down in point 2 of that Section. Details concerning the submission of this information by Member States to the Commission should be laid down.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation lays down rules for the application of Title II, Chapter I of Regulation (EU) No 1308/2013, concerning analysis methods for determining the physical, chemical and organoleptic characteristics of grapevine products and notifications of Member States decisions concerning increases in natural alcoholic strength.

Article 2

Applicable Union analysis methods

1. The analysis methods referred to in point (d) of Article 75(5) of Regulation (EU) No 1308/2013 to be used for verification of the limits applicable to allyl isothiocyanate laid down by Union rules for the production of certain grapevine products are laid down in the Annex to this Regulation.
2. All other methods applicable for verification of the limits and requirements laid down by Union rules for the production of certain grapevine products shall be those described in the Compendium of International Methods of Analysis of Wines and Musts of the International Organisation of Vine, unless they are outdated, inefficient or the methods are not provided for in the Compendium. In this case, the methods and rules used shall be those allowed by the Member States concerned.

Article 3

Notification of Member States decisions allowing an increase in natural alcoholic strength

1. Member States opting to make use of the possibility to allow an increase in the natural alcoholic strength by volume pursuant to point 3 of Section A of Part I of Annex VIII of Regulation (EU) No 1308/2013 shall notify the Commission of this before they adopt the decision. In the notification, the Member States shall specify the percentages by which the limits laid down in Point 2 of Section A of Part I of Annex VIII of Regulation (EU) No 1308/2013 have been raised, the regions and the varieties concerned by the decision and they shall submit data and evidence indicating that the climatic conditions have been exceptionally unfavourable in the regions concerned.

2. The notification shall be made in accordance with Commission Delegated Regulation (EU) 2017/1183⁵ and Commission Implementing Regulation (EU) 2017/1185⁶.

3. The notification shall be communicated by the Commission to the authorities of the other Member States through the information system put in place by the Commission.

Article 4

Entry into force

This Regulation shall enter into force on the twentieth day following 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,

*For the Commission
The President
Jean-Claude Juncker*

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 of the Council with regard to the notifications to the Commission of information and documents (OJ L 171, 4.7.2017, p. 100-102).

⁶ Commission Implementing Regulation (EU) 2017/1185 of 20 April 2017 laying down rules for the application of Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards notifications to the Commission of information and documents and amending and repealing several Commission Regulations (OJ L 171, 4.7.2017, p. 113).