



EUROPEAN
COMMISSION

Brussels, XXX
[...] (2024) XXX draft

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

of XXX

amending Regulation (EU) 2018/848 of the European Parliament and of the Council as regards oenological practices

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) 2021/2117 has amended Regulation (EU) No 1308/2013. In the context of that amendment, de-alcoholised wine has been added to the products of the wine sector listed in Part XII of Annex I to Regulation (EU) No 1308/2013 and a new Section E relating to de-alcoholisation processes has been added to the oenological practices laid down in Part I of Annex VIII to that Regulation.

Since de-alcoholised wine has become a product of the wine sector, specific production rules of the wine sector listed in Part VI of Annex II to Regulation (EU) 2018/848 should apply to the production of organic de-alcoholised wine.

Under Regulation (EU) 2018/848, de-alcoholised wine cannot be produced organically. Pursuant to Part VI of Annex II to Regulation (EU) 2018/848, none of the de-alcoholisation processes listed for the wine sector in Section E of Part I of Annex VIII to Regulation (EU) 1308/2013 are permitted for organic production. Point 3.4 of Part VI of Annex II to Regulation (EU) 2018/848 states that any amendment concerning oenological practices, processes and treatments provided for in Regulation (EU) 1308/2013 may apply to the organic production of wine only after those measures have been included as permitted in Part VI of Annex II to Regulation (EU) 2018/848 and, if required, after an evaluation in accordance with Article 24 of Regulation (EU) 2018/848.

In accordance with the procedure provided for in Article 24(7) of Regulation (EU) 2018/848, one Member State has submitted a dossier to the other Member States and the Commission concerning the use of vacuum distillation to produce de-alcoholised wines in view of its authorisation and inclusion in point 3.3 of Part VI of Annex II to Regulation (EU) 2018/848. That dossier has been evaluated by the Expert Group for Technical Advice on Organic Production (EGTOP) and the Commission.

EGTOP recommended to amend point 3.3 of Part VI of Annex II to Regulation (EU) 2018/848, listing vacuum evaporative techniques among permitted practices, exclusively for the production of totally de-alcoholised wine, provided that the limitations in terms of temperature (75°C) and filtration pores (not smaller than 0.2 micrometres) are fulfilled.

Those vacuum evaporative techniques correspond to the de-alcoholisation process ‘partial vacuum evaporation’ and ‘distillation’, whether used on its own or in combination, referred to in points (a) and (c) of Section E of Part I of Annex VIII to Regulation (EU) 1308/2013.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE DELEGATED ACT

This delegated act was discussed with Member States at the Group of Experts on Organic Production. [After the interservice consultation, WTO partners were notified and the act was published for feedback on the Have your say Portal.]

3. LEGAL ELEMENTS OF THE DELEGATED ACT

This delegated act sets out provisions ensuring that the organic production of de-alcoholised wine may be done via partial vacuum evaporation and updates the legal references to the legislation on wine production laid down in part VI of Annex II to Regulation (EU) 2018/848.

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

of **XXX**

amending Regulation (EU) 2018/848 of the European Parliament and of the Council as regards oenological practices

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007¹, and in particular Article 18(2) thereof,

Whereas:

- (1) Regulation (EU) 2021/2117 of the European Parliament and of the Council² has amended Regulation (EU) No 1308/2013 of the European Parliament and of the Council³. In the context of that amendment, de-alcoholised wine has been added to the products of the wine sector listed in Part XII of Annex I to Regulation (EU) No 1308/2013 and a new Section E relating to de-alcoholisation processes has been added to the oenological practices laid down in Part I of Annex VIII to that Regulation.
- (2) Since de-alcoholised wine has become a product of the wine sector, specific production rules of the wine sector laid down in Part VI of Annex II to Regulation (EU) 2018/848 should apply to the production of organic de-alcoholised wine.
- (3) Under Regulation (EU) 2018/848, de-alcoholised wine cannot be produced organically. Pursuant to Part VI of Annex II to Regulation (EU) 2018/848, none of the de-alcoholisation processes listed for the wine sector in Section E of Part I of Annex VIII to Regulation (EU) 1308/2013 are permitted for organic production. Point 3.4 of Part VI of Annex II to Regulation (EU) 2018/848 provides that any amendment concerning oenological practices, processes and treatments provided for in Regulation (EU) 1308/2013 may apply to the organic production of wine only after those measures have been included as permitted in Part VI of Annex II to Regulation (EU) 2018/848 and, if required, after an evaluation in accordance with Article 24 of Regulation (EU) 2018/848.

¹ Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1, ELI: <http://data.europa.eu/eli/reg/2018/848/oj>).

² Regulation (EU) 2021/2117 of the European Parliament and of the Council of 2 December 2021, amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union (OJ L 435, 6.12.2021, p. 262, ELI: <http://data.europa.eu/eli/reg/2021/2117/oj>).

³ 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 1234/2007 (OJ L 347, 20.12.2013, p. 671, ELI: <http://data.europa.eu/eli/reg/2013/1308/oj>).

- (4) In accordance with the procedure provided for in Article 24(7) of Regulation (EU) 2018/848, one Member State has submitted a dossier to the other Member States and the Commission concerning the use of vacuum distillation to produce de-alcoholised organic wines in view of its authorisation and inclusion in point 3.3 of Part VI of Annex II to Regulation (EU) 2018/848. That dossier has been evaluated by the Expert Group for Technical Advice on Organic Production (EGTOP)⁴ and the Commission.
- (5) EGTOP recommended to amend point 3.3 of Part VI of Annex II to Regulation (EU) 2018/848, listing vacuum evaporative techniques among permitted practices, exclusively for the production of totally de-alcoholised organic wine, providing the limitations in terms of temperature (75°C) and filtration pores (not smaller than 0.2 micrometres) are fulfilled.
- (6) Those vacuum evaporative techniques correspond to the de-alcoholisation process 'partial vacuum evaporation' and 'distillation', whether used on their own or in combination, referred to in points (a) and (c) of Section E of Part I of Annex VIII to Regulation (EU) 1308/2013.
- (7) On this basis, it is appropriate to add the use of partial vacuum evaporation and distillation in point 3.3 of Part VI of Annex II to Regulation (EU) 2018/848 in order to authorise those uses in the production of organic de-alcoholised wine provided that the produced wine has an alcoholic strength by volume not exceeding 0,5 % vol, the temperature used does not exceed 75 °C, the size of the pores for the filtration is not smaller than 0,2 micrometres and that the distillation is used under vacuum.
- (8) Part VI of Annex II to Regulation (EU) 2018/848 refers to Commission Regulations (EC) No 606/2009⁵ and (EC) No 607/2009⁶. Those Regulations have been repealed respectively by Commission Delegated Regulation (EU) 2019/934⁷ and Commission Delegated Regulation (EU) 2019/33⁸. In the interest of clarity, the legal references to those acts should be updated.
- (9) Regulation (EU) 2018/848 should therefore be amended accordingly,

⁴ EGTOP final report on Wine II: https://agriculture.ec.europa.eu/farming/organic-farming/co-operation-and-expert-advice/egtop-reports_en

⁵ 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, ELI: <http://data.europa.eu/eli/reg/2009/606/oj>).

⁶ 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 products (OJ L 193, 24.7.2009, p. 60, ELI: <http://data.europa.eu/eli/reg/2009/607/oj>).

⁷ Commission Delegated Regulation (EU) 2019/934 of 12 March 2019 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 (OJ L 149, 7.6.2019, p. 1, ELI: http://data.europa.eu/eli/reg_del/2019/934/oj).

⁸ Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation, (OJ L 9, 11.1.2019, p. 2, ELI: http://data.europa.eu/eli/reg_del/2019/33/oj).

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EU) 2018/848 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of 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
Ursula VON DER LEYEN