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COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	12 March 2019
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	C(2019) 1866 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 12.3.2019 amending Delegated Regulation (EU) 2018/273 as regards the importation of wine originating in Canada and exempting retailers of holding an inward and outward register

Delegations will find attached document C(2019) 1866 final.

Encl.: C(2019) 1866 final



Brussels, 12.3.2019
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COMMISSION DELEGATED REGULATION (EU) .../...

of 12.3.2019

**amending Delegated Regulation (EU) 2018/273 as regards the importation of wine
originating in Canada and exempting retailers of holding an inward and outward
register**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

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. Delegated Regulation (EU) 2018/273 needs to be amended to take into account the Article 23 of the Agreement concluded between the European Union and Canada on import of wines originating in Canada. It should further 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.

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.

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

3. LEGAL ELEMENTS OF THE DELEGATED ACT

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 Delegated Regulation (EU) 2018/273. This Regulation also includes retailers among the categories of operators exempted from the obligation of keeping an inward and outward register for the wine products as referred to in Article 28 (1) of Delegated Regulation (EU) 2018/273.

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

of 12.3.2019

amending 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 Article 89(a) and Article 147(3)(d) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2018/273² establishes rules for the application of Regulation (EU) No 1308/2013 with regard to the accompanying documents for release of imported wine products into free circulation in the Union.
- (2) Article 23 of the Agreement concluded between the European Union and Canada concerning trade in wines and spirits³ ('the Agreement') provides that wine originating in Canada, which is produced under the supervision and control of one of the competent bodies listed in Annex VI to the Agreement, may be imported in accordance with the simplified certification provisions provided for under Union rules. According to Article 26 of Delegated Regulation (EU) 2018/273, wine producers in

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 Commission Delegated Regulation (EU) 2018/273 of 11 December 2017 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 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).

³ Agreement between the European Community and Canada on Trade in Wines and Spirit Drinks of 16 September 2003 (the '2003 Wines and Spirit Drinks Agreement') as amended and incorporated into the Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part (OJ L 11, 14.1.2017, p. 23).

third countries may draw up and sign the certification document where they are individually authorised to do so by one of the competent bodies of those third countries and are subject to inspection by the latter. In order to implement Article 23 of the Agreement, Delegated Regulation (EU) 2018/273 should be amended to include a provision allowing the use of the simplified procedure laid down in Article 26 of that Regulation for the import of wines originating in Canada into the Union.

- (3) Pursuant to 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. 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, retailers, whose business activity by definition includes the sale of wine and must in small quantities, are not covered by the exemptions.
- (4) Commission Regulation (EC) No 436/2009⁴, which was repealed by Delegated Regulation (EU) 2018/273, exempted retailers from the obligation of keeping an inward and outward register. The obligation to keep an inward and outward register constitutes a significant administrative burden for retailers, while restoring the exemption for retailers does not prevent a satisfactory level of traceability of wine products. It is therefore appropriate to amend Delegated Regulation (EU) 2018/273 to exempt retailers from the obligation of keeping an inward and outward register.
- (5) Given that this Regulation restores the exemption previously granted under Regulation (EC) No 436/2009, it should be avoided that retailers are subject to the obligation of keeping an inward and outward register for the period between the entry into force of Delegated Regulation (EU) 2018/273 and the entry into force of this Regulation. Therefore and in the interest of legal certainty, the exemption should apply retroactively, as from the entry into force of Delegated Regulation (EU) 2018/273,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2018/273 is amended as follows:

(1) in Article 28(1), the following point (c) is added:

‘(c) retailers.’;

(2) Section B of Part IV of Annex VII is replaced by the following:

⁴ Commission Regulation (EC) No 436/2009 of 26 May 2009 laying down detailed rules for the application of Council Regulation (EC) No 479/2008 as regards the vineyard register, compulsory declarations and the gathering of information to monitor the wine market, the documents accompanying consignments of wine products and the wine sector registers to be kept (OJ L 128, 27.5.2009, p.15).

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

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

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*.

Article 1(1) shall apply from 3 March 2018.

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

Done at Brussels, 12.3.2019

For the Commission
The President
Jean-Claude JUNCKER