



Council of the
European Union

011106/EU XXVII.GP
Eingelangt am 13/02/20

Brussels, 13 February 2020
(OR. en)

6034/20

AGRI 56
AGRIORG 13
AGRIFIN 15
DELECT 21

COVER NOTE

| | |
|------------------|--|
| From: | Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director |
| date of receipt: | 13 February 2020 |
| To: | Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union |
| No. Cion doc.: | C(2020) 672 final |
| Subject: | COMMISSION DELEGATED REGULATION (EU) .../... of 13.2.2020 correcting Delegated Regulation (EU) 2019/934 as regards transitional arrangements for the marketing of stocks of grapevine products |

Delegations will find attached document C(2020) 672 final.

Encl.: C(2020) 672 final



Brussels, 13.2.2020
C(2020) 672 final

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

of 13.2.2020

**correcting Delegated Regulation (EU) 2019/934 as regards transitional arrangements for
the marketing of stocks of grapevine products**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Commission Delegated Regulation (EU) 2019/934 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards, among others, authorised oenological practices and restrictions applicable to the production and conservation of grapevine products was adopted on 12 March 2019. Delegated Regulation (EU) 2019/934 replaces and repeals Commission Regulation (EC) No 606/2009 laying down the authorised oenological practices and restrictions applicable to grapevine products in the EU.

This draft Delegated Regulation corrects an error in Article 15 of Delegated Regulation (EU) 2019/934 to ensure that grapevine products produced between the entry into force and the date of application of Delegated Regulation (EU) 2019/934 can be marketed.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

On 10 July 2019, Italy requested the Commission to clarify the dates of repeal of Commission Regulation (EC) No 606/2009 and of entry into force and application of Delegated Regulation (EU) 2019/934. After analysing Articles 15 (transitional arrangements) and 17 (entry into force and application) of Delegated Regulation (EU) 2019/934, the Commission detected an error in Article 15 which should refer to the date of application of Delegated Regulation (EU) 2019/934 instead of the date of entry into force.

Consequently, at the meetings of the Expert Group for the Common Organisation of Agricultural Markets – Wine of 17 July 2019 and 5 December 2019, the Commission informed the experts of the need to correct Delegated Regulation (EU) 2019/934 and of the proposed correction. No objections were raised on those occasions.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Article 15 of Delegated Regulation (EU) 2019/934 needs to be corrected in order to cover products produced in line with the provisions of Commission Regulation (EC) 606/2009 between the date of entry into force of the Delegated Regulation, 27 June 2019, and its date of application, 7 December 2019. The current wording allows for marketing of grapevine products produced in line with Commission Regulation (EC) 606/2009 before the date of entry into force of Delegated Regulation (EU) 2019/934, but not between the date of entry into force and the date of application of that Regulation. In order to allow the marketing of grapevine products from harvest 2019, the reference to ‘date of entry into force’ in Article 15 of Delegated Regulation (EU) 2019/934 needs to be replaced by ‘date of application’.

As this modification affects the substance of the delegated act, the appropriate instrument is a Commission Delegated Regulation correcting Delegated Regulation (EU) 2019/934. It will apply as long as the European Parliament or the Council expresses no objection within a period of two months with the possibility of an extension of this period for another two months.

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

of 13.2.2020

correcting Delegated Regulation (EU) 2019/934 as regards transitional arrangements for the marketing of stocks of grapevine products

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 75(2) and 80(4) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2019/934² replaces and repeals Commission Regulation (EC) No 606/2009³. Following the publication of Delegated Regulation (EU) 2019/934, an error appearing in all language versions of the text was detected.
- (2) The error concerns the transitional arrangements for the marketing of stocks of grapevine products laid down in Article 15 of Delegated Regulation (EU) 2019/934. Regulation (EC) No 606/2009 applied until 6 December 2019. Delegated Regulation (EU) 2019/934 entered into force on 27 June 2019. In order to allow operators sufficient time to adapt to the new rules, it was decided to set the date of application of that Regulation to 7 December 2019.
- (3) The transitional arrangements provided for in Article 15 of Delegated Regulation (EU) 2019/934 were therefore intended to allow grapevine products produced in compliance with Regulation (EC) No 606/2009 before the date of application of Delegated Regulation (EU) 2019/934 to be placed on the market. Article 15, however, references the date of entry into force of Delegated Regulation (EU) 2019/934 instead of referring to the date of application of that Regulation. This has the unintended consequence that the grapevine products of the new harvest 2019, produced in accordance with

¹ OJ L 347, 20.12.2013, p. 671.

² 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).

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).

Regulation (EC) No 606/2009, may not be marketed if they were produced on or after the date of entry into force.

- (4) To allow the marketing of grapevine products produced in accordance with Regulation (EC) No 606/2009 between 27 June and 6 December 2019, the transitional arrangements laid down in Article 15 of Delegated Regulation (EU) 2019/934 should be corrected in order to cover that period.
- (5) Delegated Regulation (EU) 2019/934 should therefore be corrected accordingly.
- (6) The error in Delegated Regulation (EU) 2019/934 requires a correction to allow for the marketing of grapevine products produced between 27 June and 6 December 2019. For that reason, this Correcting Regulation should apply retroactively from 27 June 2019,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2019/934 is corrected as follows:

Article 15 is replaced by the following:

“Article 15

Transitional arrangements

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

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 from 27 June 2019.

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

Done at Brussels, 13.2.2020

For the Commission
The President
Ursula VON DER LEYEN