



Brussels, **XXX**
[...](2016) **XXX** draft

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

of **XXX**

supplementing Regulation (EU) No 251/2014 of the European Parliament and of the Council as regards the authorised production processes for obtaining aromatised wine products

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Regulation (EU) No 251/2014 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products empowers the Commission to adopt delegated acts for the establishment of authorised production processes for obtaining aromatised wine products.

The purpose of this delegated act is to establish such authorised production processes, taking into account the production processes recommended by the International Organisation of Vine and Wine (OIV).

This initiative is not included in the REFIT agenda. However, the proposal has been drafted taking into account the guiding principles of 'better regulation'.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

The legal basis for this delegated act is Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products¹ and in particular Article 4(2) thereof.

Member States are responsible for implementing the provisions of that Regulation. However, it is necessary to ensure that the rules on aromatised wines are applied uniformly in all Member States in order to prevent deceptive practices, ensure protection of consumers and avoid unfair competition. Therefore, the Legislator has granted the Commission the power to implement measures, specifically with regard to the production methods authorised for the manufacture of aromatised wine products.

Actions carried out by Member States on their own would not be sufficient to grant coherent and non-discriminatory provisions. Moreover, the need to comply with specific national rules would create excessive burden for aromatised wine products operators and increase their costs. This would also be detrimental for consumers, who could be misled as regards the composition and nature of the final product.

3. EVALUATION, CONSULTATION AND IMPACT ASSESSMENT

Consultations, involving experts from all the 28 Member States have been carried out within the Experts Group for Aromatised Wine Products during the meeting held on 30 May and 19 July 2016 where a draft text was presented and agreed. The draft version of the present act was transmitted to the European Parliament and to the Council when convening the Experts Group meetings.

In addition, the production processes for aromatised wine products have been discussed in context of the Civil Dialogue Group meetings, during which the Commission has gathered information, opinions and recommendations from the aromatised wine products experts.

A consensus exists among Member States and producers of aromatised wine products on the production processes authorised by this delegated act, which have been established by taking into account the production processes recommended and published by the International

¹ OJ L 84, of 20.3.2014, p. 14

Organisation of Vine and Wine (OIV). For this reason, the establishment of an impact assessment has not been considered necessary.

4. BUDGETARY IMPLICATIONS

The proposal will entail no impact on the EU budget.

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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 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products² and in particular Article 4(2) thereof,

Whereas:

- (1) Aromatised wine products are traditionally produced in the Union, constitute an important sector for producers and consumers and are an important outlet for the Union's agriculture. Article 4 of Regulation (EU) No 251/2014 lays down the requirements, restrictions and descriptions in accordance to which aromatised wines are to be produced. It also empowers the Commission to adopt a delegated act in order to establish the production processes for obtaining aromatised wine products.
- (2) In order to attain a high level of consumer protection, prevent deceptive practices and ensure fair competition among producers, clearly defined criteria for the production of aromatised wine products should be set out. Furthermore, in accordance with Article 4 of Regulation (EU) No 251/2014, the Commission is to take into account the production processes recommended and published by the International Organisation of Vine and Wine (OIV).
- (3) The production processes for aromatised wine products recommended and published by the OIV are included in OIV Resolution OENO 439-2012 and should be used as reference for the establishment of the production processes authorised in the Union. However, it emerges from the consultation of experts of Member States and representatives of the aromatised wine products sector that some of those processes do not fully reflect the traditional production practices of the Union. They should therefore be adapted and completed to better respond to producers needs as regards methods of production and consumer expectations as regards the quality of the products.

HAS ADOPTED THIS REGULATION:

Article 1

Production processes for aromatised wine products

The authorised production processes for obtaining aromatised wine products, in accordance with Regulation (EC) No 251/2014, are those listed in the Annex to this Regulation.

² OJ L 84, of 20.3.2014, p. 14

Article 2

Entry into force

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
Jean-Claude JUNCKER