

**1.3 Alignment/simplification of Regulations (EC) No 436/2009 (articles 21 to 49), (EC) No 607/2009 (Articles 30 and 63) and (EC) No 555/2008 (Articles 38 to 54).**

- ***Issues paper on the alignment/simplification/merging, following the workshop meeting held on 23 July 2015, presentation and first discussion***

**WORKING DOCUMENT ON VINEYARD REGISTER, COMPULSORY DECLARATIONS & THE GATHERING OF INFORMATION TO MONITOR THE WINE MARKET**

**RECAST OF COMMISSION REGULATIONS (EC) NO 436/2009 (ARTICLES 21 TO 49, ANNEXES VI TO IXB), (EC) NO 607/2009 (ARTICLE 63) AND (EC) NO 555/2008 (ARTICLES 39 TO 54 AND ANNEXES IX TO XII).**

The issues in this working document take into account the following:

- (1) the outcome of the MS workshop on 23 July 2015 on simplification and reduction of administration burden in the wine sector.
- (2) the delegated powers and implementing powers of the Commission.
- (3) the aim for legal simplification, reduction of administrative burden and coherence with other pieces of legislation.

<b>ISSUES</b>	<b>POSSIBLE APPROACHES</b>	<b>ISSUES FOR DISCUSSION</b>	<b>COMMENTS</b>
<b>1. ENTRY PRICE ARRANGEMENTS FOR GRAPE JUICE AND MUST</b> <b>(Articles 38 and 39 of R.555/2008)</b>	Considering the provisions as obsolete	May the provisions be deleted?	

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<p><b>2. DOCUMENTS ACCOMPANYING CONSIGNMENTS OF GRAPEVINE PRODUCTS (Articles 21 to 35 of R.436/2009 and Articles 40 to 54 of R.555/2008)</b></p>			
<p><b>To simplify and update the rules as regards the documents accompanying consignments of grapevine products on the internal market and export.</b></p>	<ul style="list-style-type: none"> <li>- To reduce the list of recognized accompanying documents authorized in the internal market and for export;</li> <li>- To simplify in removing derogations and establishing only one type of accompanying document for goods dispatched between operators in different Member states and to operators in a third country;</li> <li>- To apply to all grapevine products the same rules, in particular for must and grapevine juices.</li> <li>- To streamline the legal text, leaving most details to an Annex</li> </ul>	<p>Use of the of the documents referred to in Article 21(6) or Article 26(1)(a) of Council Directive 2008/118/EC for all grapevine products (subject or not to excise duty)</p> <p>Justifications for keeping current dérogations</p>	<p>Need for further clarification on the discussions regarding:</p> <ul style="list-style-type: none"> <li>- interest on extension of the scope of the EMCS system and use of the system for musts and juice [<b>currently under examination by TAXUD</b>]</li> <li>- justification and interest to maintain the derogations for small producers and general rules for movements of goods at national level as regards consignments between operators in different Member states and to operators in a third country [<b>under CMO and Directive 2008/118</b>]</li> </ul>

<p><b>To simplify and coordinate the rules and procedures applying for imported grapevine products and movements on the internal market of all EU and third countries products.</b></p> <p><b>To harmonize the attestation certifying the quality, characteristics, PDO/PGI, vintage and wine grape variety (ies)</b></p>	<p>- To streamline and possibly merge the rules applicable on the internal market and for trade with third countries (<i>exports and imports</i>)</p> <p>- To streamline the legal texts (R.436/2009 and 555/2008), leaving most details to an Annex</p> <p>- To simplify, harmonize and facilitate the establishment of documents certifying the grapevine products and to make it more readable on the whole EU territory and in third countries.</p>	<p>Merge in one Regulation (<i>Title</i>) all the rules applicable to accompanying documents (AAD/EAD and VI-1) and trade with third countries:</p> <ul style="list-style-type: none"> <li>• List of information required</li> <li>• Attestation and certification</li> <li>• Controls and cooperation</li> </ul>	<p>Need for further clarification on the discussions regarding:</p> <p><b><i>Information on AAD/EAD and VI-1:</i></b></p> <p>- which information shall be required</p> <p><b><i>Attestation and certification</i></b> in view to clarify what shall be the function of the AAD/EAD and the VI-1:</p> <p>- Should these documents be regarded as attestations certifying the quality, characteristics, PDO/PGI, vintage and wine grape variety (ies)?</p> <p>- Is the reference to the ARC number or MVV code on commercial documents clearly understood and used by the operators as attestation certifying the grape vine products?</p>
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			<p>- Are these documents sufficient to prove that the information given is accurate?</p> <p><b>Controls and cooperation:</b></p> <p>- What kind of controls should be made by the competent authorities and bodies?</p> <ul style="list-style-type: none"> <li>• Certification <i>(competent bodies or self-certification)</i></li> <li>• Analyses <i>(official and private laboratories)</i></li> <li>• risk analyses</li> <li>• on the spot</li> <li>• periodicity</li> </ul> <p>- Assistance and cooperation. What kind of cooperation and exchange of information should be maintained, reinforce on the internal market and with Third Countries <i>(Contact points, mail boxes ...)</i></p>
<b>4. REGISTERS (Articles 36 to 49 of</b>			

<b><i>R.436/2009 and 95a of R.555/2008)</i></b>			
<p><b>To check the relevance of rules on keeping registers, exceptions and composition of records (<i>Articles 36 to 38 and 45 to 49) and</i></b></p> <p><b>To check the practical arrangements and access to information held in electronic systems in place (<i>Article 95a of R.555/2008)</i></b></p>	<p>To reduce administrative prescriptions for the operators without reducing or weakening the means and control capabilities.</p> <p>To better integrate the registers with other information available and facilitate coordination between competent authorities and bodies</p>	<p>Subsidiarity: to leave up to the Member States the establishment of the rules for the registers (composition, deadlines for entries, closure, keeping) (articles 38, 45 to 48)</p>	
<p><b>To check the relevance of the mandatory information contained in the registers (<i>Articles 39 to 44)</i></b></p>	<p>To reduce administrative prescriptions for the operators without reducing or weakening the means and control capabilities.</p>	<p>To replace the specific requirements with a general traceability requirement for the production, processing and distribution of grapevine products</p>	<p>Operators shall have in place systems and procedures which allow for this information to be made available to the competent authorities on demand</p>
<p><b>5. NOTIFICATIONS TO BE MADE BY THE MEMBER STATES AND THIRD COUNTRIES</b></p>			
<p><b>Simplify, coordinate and merge the requirements for notifications by Member States and third countries</b></p> <ul style="list-style-type: none"> <li><b><i>Art. 146(2) R.1308/2013: List of national authorities designated by the Member States to be responsible for</i></b></li> </ul>	<p>- To modify the requirement regarding the notification of competent authorities, laboratories and bodies by merging all the existing in one notification for each Member state or Third country, including</p>	<p>Merge in separate process the notifications to be made by Member States and by Third Countries, but with same approach:</p> <ul style="list-style-type: none"> <li>notifications by electronic</li> </ul>	<p>New ISAMM files on notification of current wine lists are examined in this context.</p>

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<p><i>ensuring compliance with Community rules in the wine sector</i></p> <ul style="list-style-type: none"> <li>• <b>Art. 146(2) R.1308/2013:</b> List of laboratories designated by the MSs to be responsible for carrying out official analysis in the wine sector</li> <li>• <b>Art. 52 (2) R.555/2008:</b> lists of official or officially recognised bodies that they propose should issue attestations proving that the wine in question meets the conditions for access to the concessions</li> <li>• <b>Art. 82 (2) R.555/2008:</b> single liaison body responsible for contacts with the liaison bodies of other Member States and with the Commission</li> <li>• <b>Art. 48 R.555/2008:</b> <ol style="list-style-type: none"> <li>1. List of official agencies</li> <li>2. laboratories approved or appointed by the third countries for the purpose of drawing up documents, which must accompany each consignment of wine imported into the Community</li> <li>3. Contact point Cooperation and administrative assistance (List of third countries authorities responsible for liaising with the Commission and with the MS within the framework of the measures to strengthen controls in the wine sector</li> </ol> </li> <li>• <b>Article 49 R. 436/2009:</b> List of competent authorities for the establishment of documents accompanying wine-sector products and keeping the wine sector records</li> </ul>	<ul style="list-style-type: none"> <li>• specific competencies</li> <li>• contact points needed to be able to disseminate information efficiently</li> </ul> <p>- To provide rules on notifications by electronic means for Member States and Third Countries</p> <p>- To provide rules as regard exchange of information between Member states competent authorities and counterpart in third Countries and Commission.</p>	<p>means</p> <ul style="list-style-type: none"> <li>• availability of information to the public or restricted access to competent authorities and bodies of Member States and Third Countries or only member States</li> <li>• mixed approach, part public, part restricted</li> </ul>	
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<ul style="list-style-type: none"> <li>• <b>Article 49 R. 436/2009:</b> List of bodies authorised to certify origin of protected geographical indication in transport documents for wine</li> <li>• <b>Article 30(2) R. 607/2009:</b> List of the members of representative trade organisations established in third country that are entitled to use protected traditional terms</li> </ul>			