

Commission Regulation (EC) No 42/2009 of 20 January 2009 amending Regulation (EC) No 555/2008 laying down detailed rules for implementing Council Regulation (EC) No 479/2008 on the common organisation of the market in wine as regards support programmes, trade with third countries, production potential and on controls in the wine sector

COMMISSION REGULATION (EC) No 42/2009

of 20 January 2009

amending Regulation (EC) No 555/2008 laying down detailed rules for implementing Council Regulation (EC) No 479/2008 on the common organisation of the market in wine as regards support programmes, trade with third countries, production potential and on controls in the wine sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 479/2008 of 29 April 2008 on the common organisation of the market in wine, amending Regulations (EC) No 1493/1999, (EC) No 1782/2003, (EC) No 1290/2005, (EC) No 3/2008 and repealing Regulations (EEC) No 2392/86 and (EC) No 1493/1999⁽¹⁾, and in particular Articles 22, 84 and 107 thereof,

Whereas:

- (1) For the optimal use of funds potentially available to increase competitiveness in the wine sector, it is appropriate to allow, as much as possible, for Member States to make use of possibilities both under the wine support programmes, notably under the restructuring and conversion measure according to Article 11 of Regulation (EC) No 479/2008 and investments according to Article 15 of the same Regulation, and the rural development funds. To ensure exclusion of double funding of the same measure under these two funds, as foreseen in Article 4(3) of Regulation (EC) No 479/2008, a clear demarcation line should be established at the level of the operations.
- (2) In accordance with the second sentence of the second subparagraph of Article 16(1) of Regulation (EC) No 479/2008, no aid shall be paid for the volume of alcohol contained in the by-products to be distilled which exceeds 10 % in relation to the volume of alcohol contained in the wine produced. It should be clarified that Member State can foresee to respect this limit via controls at the level of the individual producers or alternatively at the national level.
- (3) Point (vi) of Article 41(c) of Commission Regulation (EC) No 555/2008⁽²⁾ obliges producers to include information concerning the presence of wine grape varieties obtained from interspecific crossings (direct producer hybrids or other varieties not belonging to the *Vitis vinifera* species) on the analysis report. However, for technical reasons this information should not be required and should therefore be deleted from the said provision.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 42/2009, Introductory Text. (See end of Document for details)

- (4) Article 103(1)(b) of Regulation (EC) No 555/2008 lays down that table 10 of the Annex to Commission Regulation (EC) No 1227/2000⁽³⁾ shall continue to apply unless otherwise provided in an implementing regulation on the labelling and presentation of wines to be adopted on the basis of Article 63 of Regulation (EC) No 479/2008. However, the reference should be made to table 9 of the Annex to Regulation (EC) No 1227/2000.
- (5) Article 5(8), the third paragraph of Article 16 and the second paragraph of Article 20 of Regulation (EC) No 555/2008 foresee that where Member States grant national aids they should communicate those in the relevant part of the form set out in Annex VII to that Regulation. Therefore, Annex VII should be amended to include this information.
- (6) Regulation (EC) No 555/2008 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 42/2009, Introductory Text. (See end of Document for details)*

- (1) OJ L 148, 6.6.2008, p. 1.
- (2) OJ L 170, 30.6.2008, p. 1.
- (3) OJ L 143, 16.6.2000, p. 1.

Changes to legislation:

There are currently no known outstanding effects for the Commission Regulation (EC) No 42/2009, Introductory Text.