

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No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions (repealed)

Article 1

Purpose

This Regulation lays down detailed rules for the application of Title III, Chapters I and II of Regulation (EC) No 479/2008.

Article 2

Wine-growing areas where wines may have a maximum total alcoholic strength of 20 % vol.

The wine-growing areas referred to in the first indent of point (c) of the second subparagraph of paragraph 1 of Annex IV to Regulation (EC) No 479/2008 shall be zones C I, C II and C III referred to in Annex IX to that Regulation and the areas of zone B in which white wines with the following protected geographical indications may be produced: ‘Vin de pays de Franche-Comté’ and ‘Vin de pays du Val de Loire’.

Article 3

Authorised oenological practices and restrictions

- 1 The authorised oenological practices and restrictions applicable to the production and conservation of products covered by Regulation (EC) No 479/2008, referred to in Article 29(1) thereof, are laid down in Annex I hereto.
- 2 The authorised oenological practices and the conditions for and the limits on their use are set out in Annex I A.
- 3 The maximum sulphur dioxide contents of wines are given in Annex I B.
- 4 The maximum volatile acid contents are given in Annex I C.
- 5 The rules on sweetening are laid down in Annex I D.

Article 4

Experimental use of new oenological practices

- 1 For experimental purposes as referred to in Article 29(2) of Regulation (EC) No 479/2008, each Member State may authorise the use of certain oenological practices or processes not provided for in that Regulation or in this Regulation, for a maximum of three years, on condition that:
 - a the practices and processes concerned meet the requirements of Articles 27(2) and 30(b) to (e) of Regulation (EC) No 479/2008;

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- b such practices and processes are applied to quantities not exceeding 50 000 hectolitres per year for any one experiment;
- c the Member State concerned informs the Commission and the other Member States at the beginning of the experiment of the terms of each authorisation;
- d the processes shall be entered on the accompanying document referred to in Article 112(1) and in the register referred to in Article 112(2) of Regulation (EC) No 479/2008.

‘Experiment’ shall mean an operation or operations carried out in the context of a well-defined research project with a single experimental protocol.

2 The products obtained by the experimental use of such practices and processes may be placed on the market of a Member State other than the Member State concerned provided the Member State authorising the experiment gives prior notification to the competent authorities of the Member State of destination of the terms of the authorisation and the quantities involved.

3 During the three months following the end of the period referred to in paragraph 1, the Member State concerned shall forward to the Commission a report on the authorised experiment and the results thereof. The Commission shall notify the other Member States of those results.

4 Depending on these results, the Member State concerned may apply to the Commission for authorisation to continue the experiment, possibly with a larger quantity than in the original experiment, for a further maximum period of three years. The Member State shall submit an appropriate dossier in support of its application. The Commission, in accordance with the procedure referred to in Article 113(2) of Regulation (EC) No 479/2008, shall decide on the application to continue the experiment.

[^{F15} The notification of information or documents to the Commission provided for in point (c) of paragraph 1 and paragraphs 3 and 4 shall be made in accordance with Commission Regulation (EC) No 792/2009⁽¹⁾.]

Textual Amendments

- F1** Inserted by [Commission Implementing Regulation \(EU\) No 565/2013 of 18 June 2013 amending Regulations \(EC\) No 1731/2006, \(EC\) No 273/2008, \(EC\) No 566/2008, \(EC\) No 867/2008, \(EC\) No 606/2009, and Implementing Regulations \(EU\) No 543/2011 and \(EU\) No 1333/2011 as regards the notification obligations within the common organisation of agricultural markets and repealing Regulation \(EC\) No 491/2007.](#)

Article 5

Oenological practices applicable to categories of sparkling wines

The authorised oenological practices and restrictions, including enrichment, acidification and de-acidification, concerning sparkling wines, quality sparkling wines and quality aromatic sparkling wines, referred to in point (b) of the second paragraph of Article 32 of Regulation (EC) No 479/2008 are listed in Annex II hereto, without prejudice to the oenological practices and restrictions of general application laid down in Regulation (EC) No 479/2008 and in Annex I hereto.

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Article 6

Oenological practices applicable to liqueur wines

The authorised oenological practices and restrictions concerning liqueur wines referred to in point (c) of the second paragraph of Article 32 of Regulation (EC) No 479/2008 are listed in Annex III hereto, without prejudice to the oenological practices and restrictions of general application laid down in Regulation (EC) No 479/2008 and in Annex I hereto.

Article 7

Definition of coupage

1 Within the meaning of point (d) of the second paragraph of Article 32 of Regulation (EC) No 479/2008, 'coupage' shall mean the mixing of wines or musts of different origins, different vine varieties, different harvest years or different categories of wine or of must.

- 2 The following shall be regarded as different categories of wine or must:
- a red wine, white wine and the musts or wines suitable for yielding one of these categories of wine;
 - b wines without a protected designation of origin or geographical indication, wines with a protected designation of origin (PDO) and wines with a protected geographical indication (PGI) as well as musts or wines suitable for yielding one of these categories of wine.

For the purposes of this paragraph, rosé wine shall be regarded as red wine.

- 3 The following processes shall not be regarded as coupage:
- a enrichment by the addition of concentrated grape must or rectified concentrated grape must;
 - b sweetening.

Article 8

General rules on blending and coupage

1 A wine may be obtained by blending or coupage only where the constituents of that blending or coupage possess the required characteristics for obtaining wine and comply with Regulation (EC) No 479/2008 and this Regulation.

Coupage of a non-PDO/PGI white wine with a non-PDO/PGI red wine cannot produce a rosé wine.

However, the second subparagraph does not exclude coupage of the type referred to therein where the final product is intended for the preparation of a cuvée as defined in Annex I to Regulation (EC) No 479/2008 or intended for the production of semi-sparkling wines.

2 Coupage of a grape must or a wine which has undergone the oenological practice referred to in paragraph 14 of Annex I A to this Regulation with a grape must or a wine which has not undergone that practice shall be prohibited.

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Article 9

The purity and identification specifications of substances used in oenological practices

1 Where they are not laid down by Commission Directive 2008/84/EC⁽²⁾, the purity and identification specifications of substances used in the oenological practices referred to in point (e) of the second paragraph of Article 32 of Regulation (EC) No 479/2008 shall be those laid down and published in the International Oenological Codex of the International Organisation of Vine and Wine.

Where necessary, those purity criteria shall be supplemented by the specific requirements provided for in Annex I A hereto.

2 The enzymes and enzymatic preparations used in the authorised oenological practices and processes listed in Annex I A shall meet the requirements of Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes⁽³⁾.

Article 10

Conditions governing the holding, circulation and use of products not complying with Chapter II of Title III of Regulation (EC) No 479/2008 or this Regulation

1 Products not complying with Chapter II of Title III of Regulation (EC) No 479/2008 or this Regulation shall be destroyed. However, Member States may authorise the use of certain products, the characteristics of which they shall determine, by distilleries or vinegar factories or for industrial purposes.

2 Such products may not be held without legitimate cause by producers or traders and they may be moved only to distilleries, vinegar factories, or establishments using them for industrial purposes or products or elimination plants.

3 Member States may have denaturing agents or indicators added to wines as referred to in paragraph 1 in order to make them more easily identifiable. Where justified, they may also prohibit the uses provided for in paragraph 1 and have the products disposed of.

4 Wine produced before 1 August 2009 may be offered or supplied for direct human consumption provided that it complies with the Community or national rules in force prior to that date.

Article 11

General rules applicable to the enrichment, acidification and deacidification of products other than wine

The processes referred to in paragraph 1 of point D of Annex V to Regulation (EC) No 479/2008 must be carried out in a single operation. However, Member States may permit some of these processes to be carried out in more than one operation where this improves the vinification of the products concerned. In such cases, the limits laid down in Annex V to Regulation (EC) No 479/2008 shall apply to the whole operation concerned.

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Article 12

Administrative rules applicable to enrichment

1 Notifications as referred to in paragraph 4 of point D of Annex V to Regulation (EC) No 479/2008 relating to operations to increase alcoholic strength shall be made by the natural or legal persons carrying out the operations concerned and in compliance with suitable time limits and control conditions set by the competent authority of the Member State on whose territory the operation takes place.

2 Notifications as referred to in paragraph 1 shall be made in writing and shall include the following information:

- a the name and address of the person making the notification;
- b the place where the operation is to be carried out;
- c the date and time when the operation is to commence;
- d the description of the product undergoing the operation;
- e the process used for the operation, with details of the type of product to be used.

3 Member States may allow prior notifications covering several operations or a specified period to be sent to the competent authorities. Such notifications shall be accepted only if the person making the notification keeps a written record of each enrichment operation as provided for in paragraph 6 and of the information required by paragraph 2.

4 Where the person concerned is prevented by reasons of force majeure from carrying out the notified operation in due time, Member States shall specify the conditions under which that person is to submit a new notification to the competent authority so that the necessary checks can be carried out.

5 The notification referred to in paragraph 1 shall not be required in Member States in which the competent inspection authorities carry out systematic analytical checks of all batches of products turned into wine.

6 The particulars relating to operations to increase alcoholic strength shall be entered in the registers referred to in Article 112(2) of Regulation (EC) No 479/2008 immediately after the operation is completed.

In cases where prior notifications covering several operations do not indicate the date and time when the operations are to commence, an entry must also be made in those registers before each operation commences.

Article 13

Administrative rules applicable to acidification and deacidification

1 In the case of acidification and deacidification, operators shall make notifications as referred to in paragraph 4 of point D of Annex V to Regulation (EC) No 479/2008 not later than the second day following the first operation carried out in any wine year. Such notifications shall be valid for all operations in that wine year.

2 Notifications as referred to in paragraph 1 shall be made in writing and shall include the following information:

- a the name and address of the person making the notification;

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- b the type of operation involved;
- c the place where the operation took place.

3 The particulars relating to each acidification and deacidification operation shall be entered in the registers referred to in Article 112(2) of Regulation (EC) No 479/2008.

Article 14

Pouring of wine or grape must to lees or grape marc or pressed ‘aszú’/‘výber’ pulp

The pouring of wine or grape must to lees or grape marc or pressed ‘aszú’/‘výber’ pulp, provided for in paragraph 2 of point D of Annex VI to Regulation (EC) No 479/2008, shall be carried out as follows, in accordance with the national provisions in force on 1 May 2004:

- (a) ‘Tokaji fordítás’ or ‘Tokajský forditáš’ shall be prepared by pouring must or wine on pressed ‘aszú’/‘výber’ pulp;
- (b) ‘Tokaji máslás’ or ‘Tokajský másláš’ shall be prepared by pouring must or wine on the lees of ‘szamorodni’/‘samorodné’ or ‘aszú’/‘výber’.

The products concerned must be from the same harvest year.

Article 15

Applicable Community analysis methods

1 The analysis methods referred to in the second paragraph of Article 31 of Regulation (EC) No 479/2008 applicable for the verification of certain wine products and certain limits laid down at Community level are set out in Annex IV hereto.

2 The Commission shall publish in the C Series of the *Official Journal of the European Union* the list and description of the analysis methods referred to the first paragraph of Article 31 of Regulation (EC) No 479/2008 and described in the Compendium of International Methods of Analysis of Wines and Musts of the International Organisation of Vine and Wine and applicable for verification of the limits and requirements laid down by Community rules for the production of wine products.

Article 16

Repeal

Regulations (EEC) No 2676/90 and (EC) No 423/2008 are repealed.

References to the repealed Regulations and to Regulation (EC) No 1493/1999 shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex V.

Article 17

This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 August 2009.

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

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- (1) [^{F1}OJ L 228, 1.9.2009, p. 3.]
- (2) OJ L 253, 20.9.2008, p. 1.
- (3) OJ L 354, 31.12.2008, p. 7.

Textual Amendments

- F1** Inserted by Commission Implementing Regulation (EU) No 565/2013 of 18 June 2013 amending Regulations (EC) No 1731/2006, (EC) No 273/2008, (EC) No 566/2008, (EC) No 867/2008, (EC) No 606/2009, and Implementing Regulations (EU) No 543/2011 and (EU) No 1333/2011 as regards the notification obligations within the common organisation of agricultural markets and repealing Regulation (EC) No 491/2007.

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