

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No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions (repealed)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

Status: Point in time view as at 03/03/2018.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 606/2009 (repealed). (See end of Document for details)

- 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.

Status: Point in time view as at 03/03/2018.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 606/2009 (repealed). (See end of Document for details)

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.

Status: Point in time view as at 03/03/2018.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 606/2009 (repealed). (See end of Document for details)

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.

Status: Point in time view as at 03/03/2018.

*Changes to legislation: There are currently no known outstanding effects for the
Commission Regulation (EC) No 606/2009 (repealed). (See end of Document for details)*

F²Article 12

[^{F2}Administrative rules applicable to enrichment]

Textual Amendments

- F2** Deleted by [Commission Delegated Regulation \(EU\) 2018/273](#) of 11 December 2017 supplementing [Regulation \(EU\) No 1308/2013](#) of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing [Regulation \(EU\) No 1306/2013](#) of the European Parliament and of the Council as regards the relevant checks and penalties, amending [Commission Regulations \(EC\) No 555/2008](#), [\(EC\) No 606/2009](#) and [\(EC\) No 607/2009](#) and repealing [Commission Regulation \(EC\) No 436/2009](#) and [Commission Delegated Regulation \(EU\) 2015/560](#).

F³Article 12a

Notifications of Member States' decisions allowing an increase in natural alcoholic strength

1 Member States deciding to make use of the possibility to allow an increase in the natural alcoholic strength by volume pursuant to Point 3 of Section A of Part I of Annex VIII of Regulation (EU) No 1308/2013 shall notify the Commission of this before they adopt the decision. In the notification the Member States shall specify the percentages by which the limits laid down in Point 2 of Section A of Part I of Annex VIII of Regulation (EU) No 1308/2013 have been raised, the regions and the varieties concerned by the decision and submit data and evidence showing that the climatic conditions have been exceptionally unfavourable in the regions concerned.

2 The notification shall be made in accordance with [Delegated Regulation \(EU\) 2017/1183^{\(4\)}](#) and [Implementing Regulation \(EU\) 2017/1185^{\(5\)}](#).

3 The notification shall be communicated by the Commission to the authorities of the other Member States through the information system put in place by the Commission.]

Textual Amendments

- F3** Inserted by [Commission Implementing Regulation \(EU\) 2018/1146](#) of 7 June 2018 amending [Implementing Regulation \(EU\) 2017/892](#) laying down rules for the application of [Regulation \(EU\) No 1308/2013](#) of the European Parliament and of the Council with regard to the fruit and vegetables and processed fruit and vegetables sectors and [Regulation \(EC\) No 606/2009](#) 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.

Status: Point in time view as at 03/03/2018.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 606/2009 (repealed). (See end of Document for details)

^{F2}Article 13

[^{F2}Administrative rules applicable to acidification and deacidification]

Textual Amendments

- F2** Deleted by Commission Delegated Regulation (EU) 2018/273 of 11 December 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties, amending Commission Regulations (EC) No 555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560.

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.

^{F4}Article 14a

Fixing a minimum percentage of alcohol for by-products

1 Subject to point 1 of Section D of Part II of Annex VIII to Regulation (EU) No 1308/2013, Member States shall fix a minimum percentage for the volume of alcohol that must be contained in the by-product, after its separation from wines, in relation to that contained in the wine produced. Member States may modulate that minimum percentage on the basis of objective and non-discriminatory criteria.

2 Where the relevant percentage fixed by Member States pursuant to paragraph 1 is not reached, the operator concerned shall deliver a quantity of wine from his own production that corresponds to the quantity needed to reach the minimum percentage.

3 For the purpose of determining the volume of alcohol contained in the by-products in relation to that contained in the wine produced, the standard wine natural alcoholic strengths by volume to be applied in the different wine-growing zones shall be:

Status: Point in time view as at 03/03/2018.

*Changes to legislation: There are currently no known outstanding effects for the
Commission Regulation (EC) No 606/2009 (repealed). (See end of Document for details)*

- a 8,0 % for zone A;
- b 8,5 % for zone B;
- c 9,0 % for zone C I;
- d 9,5 % for zone C II;
- e 10,0 % for zone C III.

Textual Amendments

- F4** Inserted by Commission Delegated Regulation (EU) 2018/273 of 11 December 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties, amending Commission Regulations (EC) No 555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560.

Article 14b

Disposal of by-products

- 1 Producers shall withdraw the by-products of winemaking or of any other processing of grapes under supervision by the competent authorities of the Member States, subject to the requirements on delivery and registration laid down in Article 9(1)(b) of Commission Delegated Regulation (EU) 2018/273⁽⁶⁾ and Article 14(1)(b)(vii) and Article 18 of Commission Implementing Regulation (EU) 2018/274⁽⁷⁾, respectively.
- 2 Withdrawal shall be carried out without delay and no later than at the end of the wine year in which the by-products were obtained, in compliance with applicable Union legislation, in particular as regards the environment.
- 3 Member States may decide that producers who, during the wine year in question, do not produce more than 50 hectolitres of wine or must themselves on their own premises are not required to withdraw their by-products.
- 4 Producers may fulfil the obligation of disposal for all or a part of the by-products of winemaking or any other processing of grapes by delivering the by-products to distillation. Such disposal of the by-products shall be certified by a competent authority of the Member State.
- 5 Member States may decide that the delivery to distillation of all or a part of the by-products of winemaking or of any other processing of grapes is made compulsory for all or certain producers on their territory on the basis of objective and non-discriminatory criteria.]

Textual Amendments

- F4** Inserted by Commission Delegated Regulation (EU) 2018/273 of 11 December 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties, amending Commission Regulations (EC) No

Status: Point in time view as at 03/03/2018.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 606/2009 (repealed). (See end of Document for details)

555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560.

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.

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

Status: Point in time view as at 03/03/2018.

*Changes to legislation: There are currently no known outstanding effects for the
Commission Regulation (EC) No 606/2009 (repealed). (See end of Document for details)*

- (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.
- (4) [^{F3}Commission Delegated Regulation (EU) 2017/1183 of 20 April 2017 on supplementing Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council with regards to the notifications to the Commission of information and documents (OJ L 171, 4.7.2017, p. 100).
- (5) Commission Implementing Regulation (EU) 2017/1185 of 20 April 2017 laying down rules for the application of Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards notifications to the Commission of information and documents and amending and repealing several Commission Regulations (OJ L 171, 4.7.2017, p. 113).]
- (6) [^{F4}Commission Delegated Regulation (EU) 2018/273 of 11 December 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties, amending Commission Regulations (EC) No 555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560 (OJ L 58, 28.2.2018, p. 1).
- (7) Commission Implementing Regulation (EU) 2018/274 of 11 December 2017 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, certification, the inward and outward register, compulsory declarations and notifications, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks, and repealing Commission Implementing Regulation (EU) 2015/561 (OJ L 58, 28.2.2018, p. 60).]

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.
- F3** Inserted by Commission Implementing Regulation (EU) 2018/1146 of 7 June 2018 amending Implementing Regulation (EU) 2017/892 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the fruit and vegetables and processed fruit and vegetables sectors and Regulation (EC) No 606/2009 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.
- F4** Inserted by Commission Delegated Regulation (EU) 2018/273 of 11 December 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties, amending Commission Regulations (EC) No 555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560.

Status:

Point in time view as at 03/03/2018.

Changes to legislation:

There are currently no known outstanding effects for the Commission Regulation (EC) No 606/2009 (repealed).