



Federal Ministry
of Food
and Agriculture

best practice

“administrative issues” with the focus on accompanying documents

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Bundesministerium
für Ernährung
und Landwirtschaft



Interim Meeting on the REAWG on WIne

26th – 28th March, 2019
Podgorica, Montenegro



best practice – “administrative issues”

today's menu:

1. SWOT
2. Regulation 2018/273
3. other “administrative issues”

best practice – “administrative issues”

today's menu:

- 1. SWOT** with focus on Regulation 2018/273
- 2. Regulation 2018/273** with focus on Retailers, Brazil, Canada, Chile, Japan
- 3. other “administrative issues” with focus on** Commission Implementing Regulation (EU) 2019/34 and questions regarding the future Regulation regarding oenology

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SWOT analysis is a technique for understanding your **S**trengths and **W**eaknesses, and for identifying both the **O**pportunities open to you and the **T**hreats you face.

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SWOT

To reach an agreement is difficult and takes time. Whereas to disagree is simple and can be done right away.

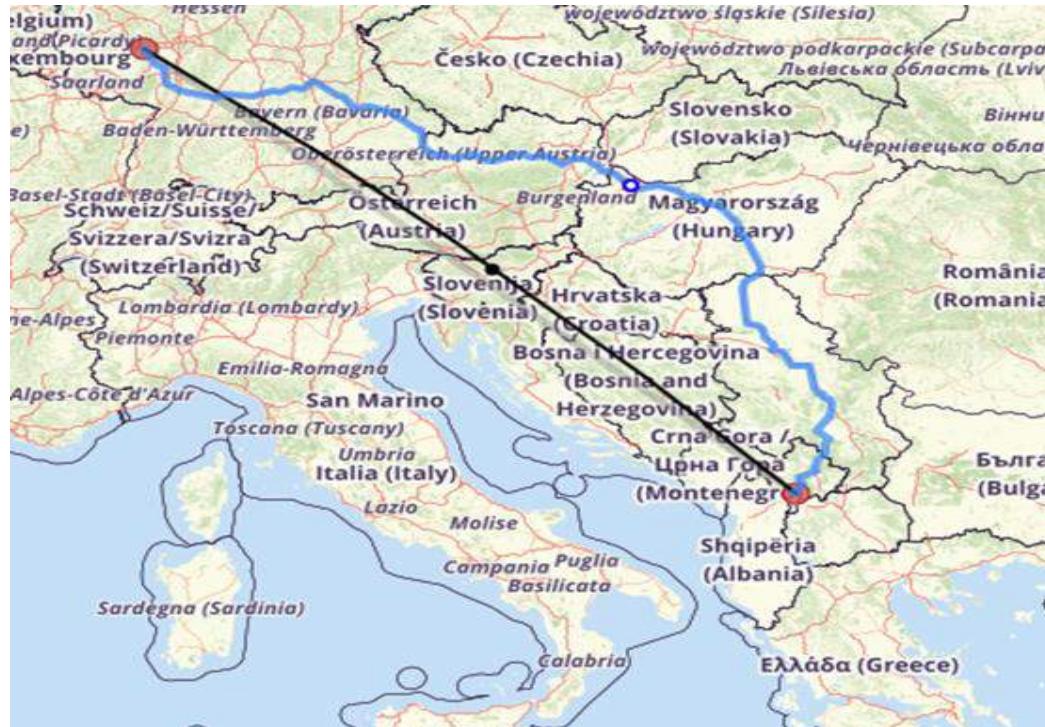
best practice – “administrative issues”

SWOT

In this case it is about producing wine on the BALKAN and selling it at the BALKAN and to the European Union.

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SWOT



best practice – “administrative issues”

SWOT

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. 1–59 or: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1552465765910&uri=CELEX%3A32018R0273>)

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SWOT

Commission Delegated Regulation (EU) 2018/273

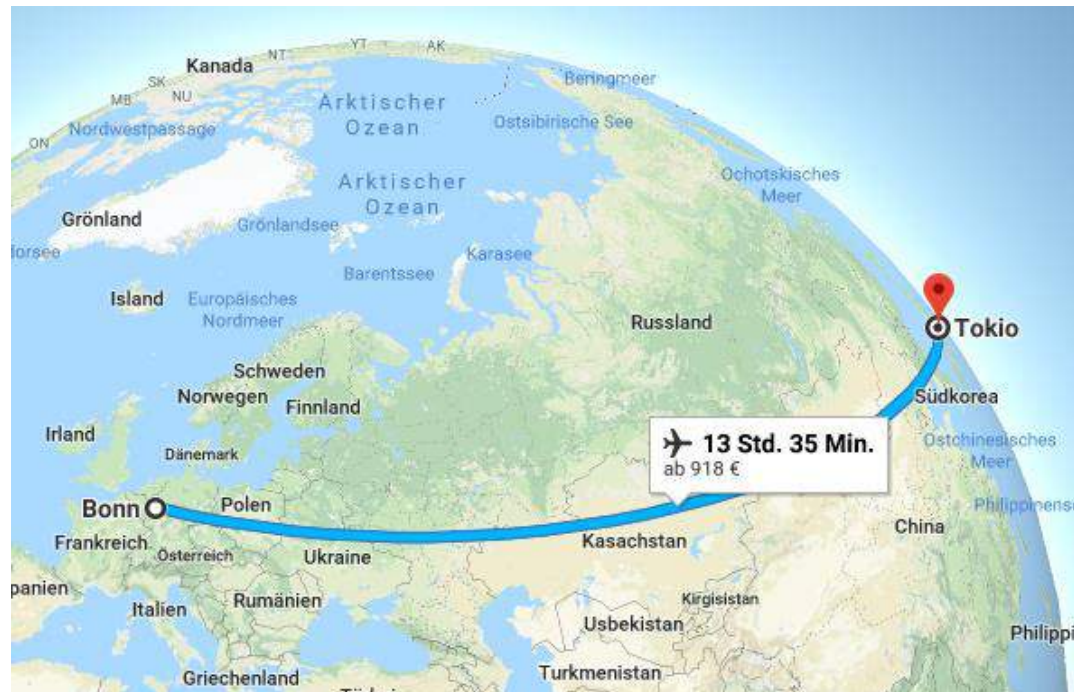
Article 26

Simplified procedure

1. VI-1 documents drawn up by **wine producers in the third countries that have offered special guarantees accepted by the Union**, as listed in **Section B of Part IV of Annex VII**, shall be considered as VI-1 documents drawn up by competent bodies and designated bodies or departments included in the list provided for in Article 51(1) in respect of the third countries concerned, provided that the producers have received individual authorisation from the competent bodies of those third countries and are subject to inspection by the latter.

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SWOT



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SWOT



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SWOT

Commission Delegated Regulation (EU) 2018/273

Section B of Part IV of Annex VII

List of third countries referred to in Article 26:

Australia

Chile

United States of America

Canada

Japan

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SWOT

Commission Delegated Regulation (EU) 2018/273

Section B of Part IV of Annex VII

BALKAN is behind
Canada and Japan

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SWOT

Commission Delegated Regulation (EU) 2018/273

Section B of Part IV of Annex VII

If **BALKAN** don't
speeds up, it might stay behind

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SWOT;))

Commission Delegated Regulation (EU) 2018/273

ANNEX VII, REQUIREMENTS FOR THE VI-1 DOCUMENT AND VI-2 EXTRACTS, PART I:

OIV-methods not obligatory for:

- Total alcoholic strength
- Actual alcoholic strength
- Total dry extract
- Total sulphur dioxide
- Total acidity
- Volatile acidity
- Citric acidity; Zitronensäure :)

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Retailers

Pursuant to Article 147(2) of Regulation (EU) No 1308/2013, natural or legal **persons holding wine products in the exercise of their trade are to keep an inward and outward register** in respect of those products. Delegated **Regulation (EU) 2018/273** lays down exemptions from this obligation with regard to certain categories of operators.

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Retailers

The purpose of those **exemptions is to free the operators** selling or holding stocks of **small quantities of wine products from a disproportionate administrative burden**. However, retailers, whose business activity by definition includes the sale of wine and must in small quantities, are not covered by the exemptions.

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Retailers

Commission Regulation (EC) No 436/2009 , which was repealed by Delegated Regulation (EU) 2018/273, exempted retailers from the obligation of keeping an inward and outward register. The obligation to keep an inward and outward register **constitutes a significant administrative burden for retailers**, while restoring the exemption for retailers does not prevent a satisfactory level of traceability of wine products.

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Retailers

It is therefore appropriate to amend Delegated Regulation (EU) 2018/273 to **exempt retailers** from the obligation of keeping an inward and outward register.

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Retailers

Given that this Regulation restores the exemption previously granted under Regulation (EC) No 436/2009, it should be avoided that retailers are subject to the obligation of keeping an inward and outward register for the **period between the entry into force** of Delegated Regulation (EU) 2018/273 and the entry into force of this Regulation.

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Retailers

Therefore and in the interest of legal certainty, the exemption should apply **retroactively**, as from the entry into force of Delegated Regulation (EU) 2018/273.

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Brazil

plans to introduce an
electronic system for issuing
accompanying documents.

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Brazil

Commission Delegated Regulation (EU) 2018/273 Article 27 Electronic document

1. The **VI-1 document may be replaced by an electronic document** for the import into the Union of wine products from third countries which have in place a system of checks accepted by the Union, in accordance with the second subparagraph, as equivalent to that set up for the same products under Union legislation.

...

Third countries having in place a system of checks accepted by the Union as equivalent in accordance with the second subparagraph shall be included in the **list set out in Section C of Part IV of Annex VII.**

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Brazil

Commission Delegated Regulation (EU) 2018/273

Article 27

Electronic document

The list set out in Section C of Part IV of Annex VII **is empty:**

MIND THE GAP

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Brazil

1. plans to introduce an electronic system for issuing accompanying documents,
2. however EU might not be ready to accept those documents.
3. That might cause problems.

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Canada

Article 23 of the **Agreement** concluded between the European Union and Canada concerning trade in wines and spirits provides that wine originating in Canada, which is produced under the **supervision and control** of one of the competent bodies listed in Annex VI to the Agreement, may be imported in accordance with the **simplified certification provisions** provided for under Union rules.

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Canada

According to Article 26 of Delegated Regulation (EU) 2018/273, **wine producers** in third countries may draw up and sign the certification document where they are individually **authorised** to do so by one of the competent bodies of those third countries and are subject to inspection by the latter. In order to implement Article 23 of the Agreement, Delegated Regulation (EU) 2018/273 should be amended to include a provision **allowing the use of the simplified procedure** laid down in Article 26 of that Regulation for the import of wines originating in Canada into the Union

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Canada

Germany recommended that the **Commission lists up and makes public the authorised wine producers notified by Canada** for the purpose of drawing up such documents.

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Japan

The **Economic Partnership Agreement between the European Union and Japan** entered into force on 1 February 2019. Article 22.4 of the Agreement establishes a **Working Group on Wine**. In accordance with Article 2.28 of the Agreement, a certificate authenticated in conformity with the laws and regulations of Japan, including a **self-certificate established by a producer authorised by the competent authority of Japan**, shall suffice as evidence that the requirements for the importation and sale in the European Union of wine products originating in Japan have been fulfilled.

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Modalities of Self-certification

1 The National Research Institute of Brewing, under the supervision of the Ministry of Finance of Japan,

(i) individually appoints the producers authorised in Japan to draw up the self-certificates referred to in Article 2.28 of the Economic Partnership Agreement between the European Union and Japan;

(ii) supervises and inspects the authorised producers; and

(iii) notifies the European Union:

- twice a year in the months of January and July, of the names and addresses of the authorised producers together with their official registration numbers, and
- without delay, of any modification of the names and addresses or withdrawal of any authorised producers.

2. The European Union publishes and updates without delay the names and addresses of the authorised producers in the list entitled “Third countries’ competent bodies, designated laboratories and authorised wine producers and processors for drawing up VI-1 documents for wine imports into the EU” which is available on the official website of the European Commission:

ec.europa.eu/agriculture/sites/agriculture/files/wine/lists/06.

Pursuant to point (a) of paragraph 2 of Article 2.28 of the Agreement, the forms to be used for certificates and the information to be provided on the certificates are to be adopted by decision of the Working Group on Wine established pursuant to Article 22.4 of the Agreement. Pursuant to point (a) of paragraph 2 of Article 2.35 of the Agreement, the modalities concerning the self-certification are to be adopted by the Working Group on Wine.

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other “administrative issues”

new EU Regulations

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other “administrative issues”

Commission Delegated **Regulation (EU) 2019/33** of 17 October 2018 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards **applications for protection of designations of origin, geographical indications and traditional terms** in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation

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other “administrative issues”

Commission Implementing **Regulation (EU) 2019/34** of 17 October 2018 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for **protection of designations of origin, geographical indications and traditional terms** in the wine sector, the objection procedure, amendments to product specifications, the register of protected names, cancellation of protection and use of symbols, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards an **appropriate system of checks**

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other “administrative issues”

Commission Implementing **Regulation (EU) 2019/34**

The **control bodies** referred to in Article 90(3) of Regulation (EU) No 1306/2013 and the one or more **certification bodies** referred to in point (b) of paragraph 2 of this Article shall comply with, and be **accredited** in accordance with, the International standard ISO/IEC 17065:2012.

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other “administrative issues”

Any questions regarding the future

Regulation regarding **oenology?**



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Thank you

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Wein, Bier, Getränkewirtschaft

Bundesministerium für Ernährung und
Landwirtschaft (BMEL)