



EU provisions on control for wine and spirit drinks

Rome, April 15, 2013



EU Legal Framework for controls

- Council Regulation (EC) No 1234/2007
- Commission Regulation (EC) No 555/2008
- Commission Regulation (EC) No 436/2009
- Directive No 2008/118/EC of the European Parliament and the Council
- Commission Regulation (EC) No 684/2009
- Regulation (EC) No 110/2008 of the European Parliament and the Council
- Directive No 2011/91/EC of the European Parliament and the Council
- Regulation (EC) No 882/2004 of the European Parliament and the Council
- Regulation (EC) No 178/2002 of the European Parliament and the Council



Controls

- Checks carried out by Member States competent bodies
- Assistance between competent bodies
- Vineyard register
- Declarations
- Register of entry and withdrawal of wine products
- Accompanying document - EMCS system
- Analytical databank
- Lot number
- Protected denominations of origin and geographical indications
- Audit of Commission officials
- Trade with non-EU countries



Checks

Member States (MS) are obliged to:

- Designate competent bodies for checks
- Carry out administrative and on-the-spot checks to ensure compliance with EU rules
- Ensure systematic or “by sampling” checks



Competent bodies

The competent bodies designated by MS for control are entitled to:

- Have access to production installations
- Have access to commercial premises or warehouses
- Take samples
- Analyse accounting data
- Take appropriate measures in case of fraud or risk for health



Assistance between competent bodies

- Each MS designates a liaison body for contacts with other MS and the Commission
- A MS liaison body may ask information to competent bodies of another MS
- If the concerned product originates in a third country, the European Commission must be notified



Vineyard register

The MS vineyard register contains:

- Identity of the wine-grower
- Location of vineyard
- Area of the vineyard
- Type of vines planted in the vineyard
- Illegal planting

At least every 5 years, MS verify the files of each wine grower and check the correspondence of the situation



Declarations to monitor the wine market

- Producers must declare to their national authorities:
 - Harvest
 - Production
 - Treatment or marketing
 - Stocks

- MS make inspection to check accuracy of declarations

- MS send information to Eurostat for publication



Register (1)

Each person who holds wine products shall record the entry and withdrawal of each batch of those products.

Information to be entered in the register:

- description of the product
- date of the operation
- quantity
- reference of the accompanying document
- optional labelling particulars



Register (2)

Operations to be entered in the register:

- Increasing of alcoholic strength
- Acidification/de-acidification
- Sweetening
- Blending/coupage
- Bottling
- Distillation
- Production of sparkling wine/liqueur wine/ concentrated grape must
- Oenological practices
- Quantity of product used/obtained
- Description of the product before and after operation
- Number of bottles filled



Accompanying document

- Must accompany all wine transported
- Same system as Excise accompanying document
- Must indicate:
 - Type of product
 - Optional particulars, for bulk wine
 - Wine growing area
 - Alcoholic strength
 - Net quantity
 - Operations performed
- Accompanying document certifies a PDO/PGI/Varietal wine/or Vintage



EMCS (Excise Movement and Control System)

A computerized system for monitoring movements of goods

EMCS simplifies the procedures:

- Paperless administration
- Secure movement of goods (Traders' data are checked before the goods are dispatched)
- Quicker release of the guarantee for traders (Evidence that the goods arrived at their destination will come faster in a safer way)
- Effective monitoring with real time information and checks during movements.



Movements of products in the EU Internal market

Jointly by Agricultural and Fiscal (excise) Control authorities and control bodies

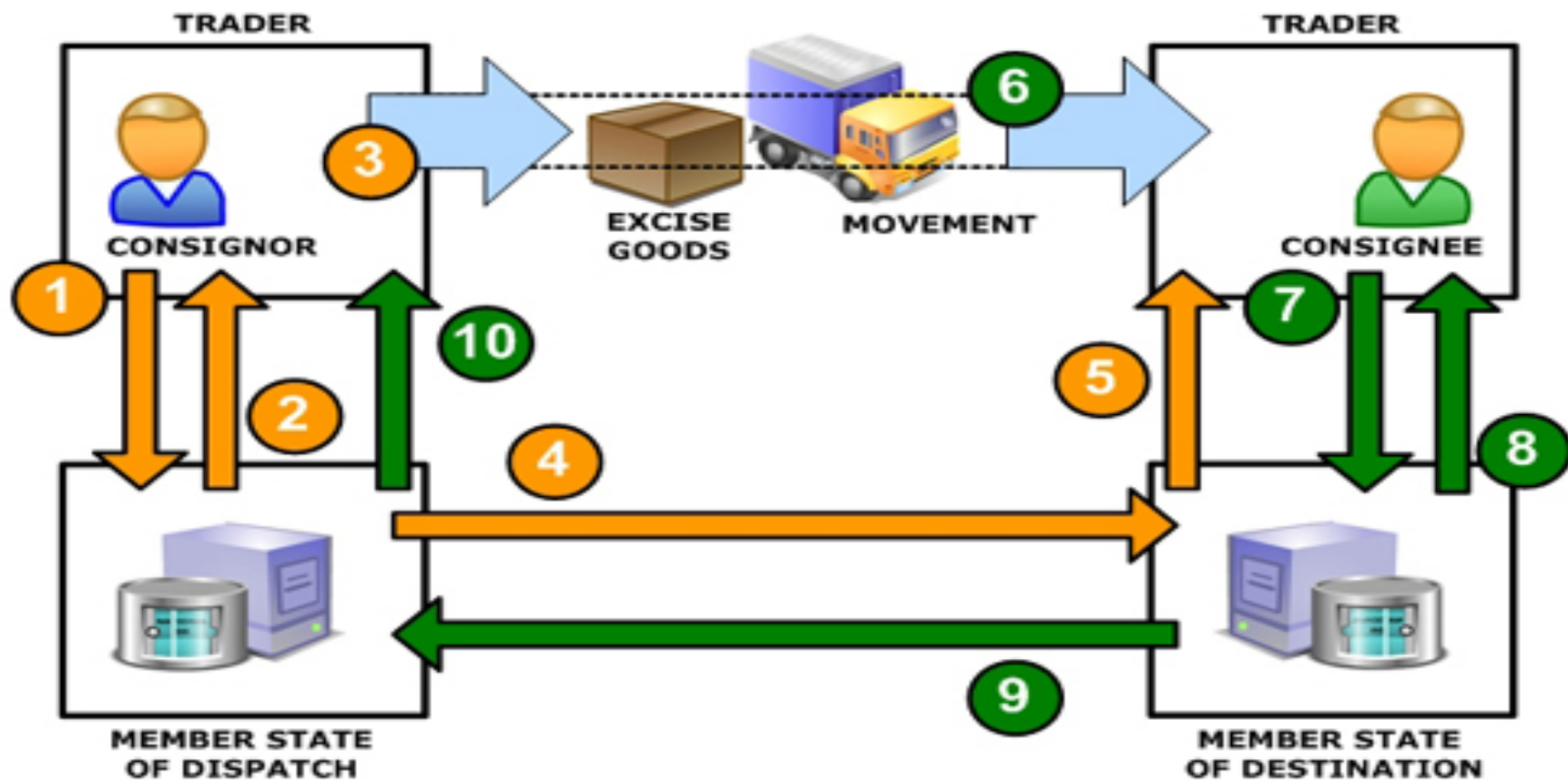
It concerns:

*all movements of wines and spirits, as products subject to excise duties
all operators involved in production, processing and holding of the products*

It works electronically:

*directly from a consignor to a consignee under their responsibility
under the supervision of the control authorities of the Member States
with a Certification attesting that the products respect the specifications of the
PDO/PGI or the variety of grape or the harvest year (Vintage)
linked to a Data base named « SEED » covering all operators and products
concerned*

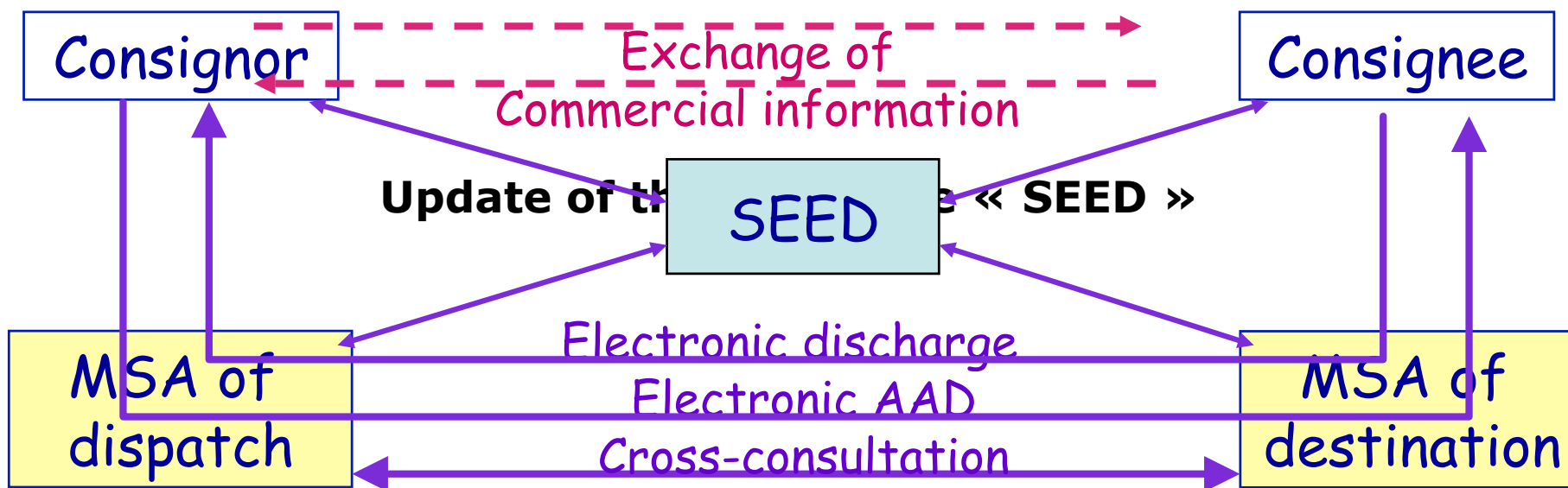




1. The consignor submits the e-AAD.
2. The Member State of dispatch validates the e-AAD and sends it back to the consignor (including the AAD Registration Code - ARC).
3. The consignor dispatches the excise goods.
4. The Member State of dispatch transmits the e-AAD to the Member State of destination.
5. The Member State of destination forwards the e-AAD to the consignee.

6. The excise goods arrive at destination.
7. The consignee submits a report of receipt.
8. The Member State of destination validates the report of receipt and sends it back to the consignee.
9. The Member State of destination transmits the report of receipt to the Member State of dispatch.
10. The Member State of dispatch forwards the report of receipt to the consignor.

EMCS information Flow





EU BORDER MEASURES

Import/Export

EU Customs supervision

It concerns :

Certificates and attestations proving that the wines/spirits meets the conditions

- **for using PDO/PGI's**
- **for access to the concessions provided for in the agreements with third countries**

Actions by the customs authorities when goods are suspected of infringing an intellectual property right, in particular for EU and third countries PDO/PGI's

- *Ex officio*
- *under an application introduced by the right-holder*

EU Commission

draw up and exchange, jointly with the Member States and the Third countries (bilateral agreements) the list of official bodies authorised to draw up the attestations and the equivalent certificate issued

Third countries access rights to information concerning certificates and attestations

[voir avec TAXUD]





Analytical databank (1)

- An analytical databank for wine is managed by the Joint Research Centre (JRC)
- The databank is used for monitoring the application of EU or national legislation
- MS must ensure the taking of samples of grapes and their processing into wine from a defined wine-growing area
- The samples are analysed by laboratories meeting the criteria ISO 17025



Analytical databank (2)

- Analysis report + description sheet is sent to JRC
- Information in databank is available to all laboratories designated by MS
- Samples may be requested in the context of assistance between competent bodies.



Lot number

- General obligation at international level
- A number preceded by the letter "L"
- Identifies the lot to which a foodstuff belongs
- 'Lot' means a batch of sales units of a foodstuff produced, manufactured or packaged under practically the same conditions



Control of wines/spirit drinks with geographical indications (GIs)

- 2 type of controls:
 1. Compliance with specifications (before placing in the market):
 - Annual verification of compliance with technical specifications (by competent authorities or certification bodies)
 - Verification of GIs of non-EU countries carried out by their competent authorities or certification bodies
 - If competent authorities do compliance, they must be accredited in accordance with ISO/IEC Guide 65
 2. Surveillance of protection of GI in the EU market
 - MS designate competent authorities for control
 - Control plan by MS
 - MS inform the European Commission



Commission audit in Member States

- Officials of the European Commission carry out audits in Member States in cooperation with MS competent authorities.
- In the context of audits, the Commission officials verify the compliance with EU legislation.



Trade with non-EU countries

- Imported products must be accompanied by a certificate evincing compliance with EU rules (labelling, definitions, oenological practices, etc.)
- Compliance with EU oenological practices or those recommended by OIV
- Certificate drawn up by a competent body
- Analysis report drawn up by an authorised laboratory in the concerned third country
- In case of suspect of non compliance with EU requirement the European Commission is informed.



For more information

On wine and spirits

http://ec.europa.eu/agriculture/markets/wine/index_en.htm

On EMCS

http://ec.europa.eu/taxation_customs/taxation/excise_duties/circulation_control/index_en.htm

Lists of competent bodies

http://ec.europa.eu/agriculture/markets/wine/lists/index_en.htm