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ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL
Regulatory policy
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E-MAIL

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Number of pages: 1 + 1

Subject: **G/TBT/N/EEC/252 - Draft Commission Regulation laying down detailed rules for implementing Council Regulation (EC) No 479/2008 on the common organisation of the market in wine as regards categories of grapevine products, oenological practices and the applicable restrictions - EC reply to comments from the United States**

Message:

Dear Sir or Madam

Please find attached the reply of the European Communities to your comments received on 18 May concerning the above-mentioned notification.

Could you please acknowledge receipt of this e-mail? Thank you.

Yours faithfully

Ghyslaine Guislophe
Head of Unit

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REPLY FROM THE EUROPEAN COMMUNITIES TO THE COMMENTS RECEIVED FROM THE UNITED STATES OF AMERICA RELATING TO NOTIFICATION

G/TBT/N/EEC/252

DRAFT COMMISSION REGULATION LAYING DOWN CERTAIN DETAILED RULES FOR IMPLEMENTING COMMISSION REGULATION (EC) No 479/2008 AS REGARDS THE CATEGORIES OF GRAPEVINE PRODUCTS, OENOLOGICAL PRACTICES AND THE APPLICABLE RESTRICTIONS

The European Communities (EC) would like to express its appreciation for the US comments relating to the above-mentioned notification.

Firstly, the EC would like to inform the US authorities that the conditions provided for in Article 4(2) and 4(3) of the Draft Commission Regulation concern the potential movement of wine products on the territory of the EU and do not apply to export to third countries. The draft Regulation therefore makes no provision for the export of these products to the United States or other third countries.

Secondly, the EC takes the view that notification TBT/N/EEC/252 is equivalent in its effects to the provisions of Article 5.1 of the bilateral Agreement on trade in wine of 10.03.2006. In connection with notification EEC/252 the Commission agreed to an additional 30-day comment period at the request of the United States (i.e. 90 days in total).

Moreover, the following practices included in Annex I-A (malic L acid, DL malic acid and lactic acid) are not new oenological practices and have been permitted by the International Organisation of Vine and Wine (OIV) since 1999.

"Allyl isothiocyanate" has been permitted in Community regulations since 1979 and appears in Annex IV to Council Regulation (EC) No 1493/1999, cited in point b)-2 of Annex I to the bilateral agreement on trade in wine. The inclusion of the new practices of using cupric citrate and carboxymethylcellulose, permitted by the OIV since June 2008, reflects the alignment of the Community rules on the pertinent international regulations, as provided for in Article 2.4 of the WTO Agreement.

Furthermore, the EC agrees that in Annex I, appendix 7, point 1.4, the term "helium carrier gas flow rate" should indeed be deleted from the text of the EN version. The EC would like to point out that the lists in Annex I-B 2.c), d) and e) include the lists of the wines which appeared in Annex V-A.2 to Regulation (EC) No 1493/1999 and in Annex XII to Regulation (EC) No 1622/2000 (replaced by consolidated Regulation (EC) No 423/2008). The request to add red, white and rosé wines originating in the United States to paragraph 2.d) of Annex I-B is not necessary if the wines concerned comply with the laws and regulations referred to in point a)-2 of Annex I to the bilateral agreement on trade in wine and are therefore admitted onto Community territory under the bilateral Agreement.

Finally, the EC agrees that in Annex IV, part A, "Allyl Isothiocyanate", the term "helium carrier gas flow rate" should indeed be deleted from indents 1 and 2 of point 4 of the text of the EN version of the Regulation, as suggested by the United States.

The EC hopes that the above explanation helps to alleviate the concerns of the US authorities.
