

ROADMAP

Title of the initiative: **Aromatized Wines Regulation**
Type of initiative (CWP/Catalogue/Comitology): CWP 2010 Annex III Simplification
Lead DG/contact person/details: DG AGRI
Expected date of adoption of the initiative (month/year): November 2010
Date of modification: 19 July 2010
Version No: 2

Initial IA screening & planning of further work

A. Context and problem definition

(i) What is the political context of the initiative? (ii) How does this initiative relate to past and possible future initiatives, and to other EU policies?

This initiative is part of the Simplification Rolling Programme and should lead to a regulation proposal to replace the existing Council Regulation (EEC) No 1601/91 of 10 June 1991 laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails.

For the sake of clarity, it is necessary to update the references to the wine provisions modified in 2008 and introduced in the single Common Market Organisation (CMO) regulation (Council Regulation (EC) No 1234/2007). The readability will also be improved by consolidating the original legal act with all subsequent modifying acts.

Furthermore it will allow the alignment of the text to the requirement of the Lisbon Treaty (implementing powers and delegated powers). This initiative will also adapt the provisions on Geographical Indication to the Trade-Related Aspects of Intellectual Property Rights agreement (TRIPs agreement) and it will be ensured that those adapted provisions will be fully coherent with the revision of the PDO/PGI legislation foreseen by the Agricultural Product Quality Package.

What are the main problems identified?

The references to the old CMO wine regulation create some uncertainties regarding the origin of the wine which may be used. Following 2008 wine reform, the provisions regarding wines used for aromatised drinks no longer distinguish wine according to the origin of the products. As a consequence, from a legal perspective, wines from third countries may now be used to produce aromatised drinks.

The procedure to modify the specifications for aromatised drinks is not adapted to the technicality of the subject: Specification regarding aromatized drinks need to be adapted quickly to the new production methods developed by the sector to facilitate the adaptation of the products to new market opportunities.

The rules of Geographical Indication are not in line with the TRIPs agreement; in particular, provisions regarding criteria for the introduction of new geographical indications should be introduced

Who is affected? The existing regulation is mainly a framework for aromatized drinks, setting product definitions and labelling. It affects directly the producers of such products and, to a lesser extent, the consumers via the labelling of such product.

(i) Is EU action justified on grounds of subsidiarity? (ii) Why can the objectives of the proposed action not be achieved sufficiently by Member States (necessity test)? (iii) As a result of this, can objectives be better achieved by action by the Community (test of EU Value Added)?

A community approach exists already for aromatised drinks and is justified to facilitate free circulation of goods in the single market.

B. Objectives of EU initiative

What are the main policy objectives?

To ensure the exact reference to single CMO regulation.

To introduce flexibility to amend the technical definition and requirements for aromatised drinks.

To ensure the same rules of production at EU level.

To adapt the regulation to WTO requirements, TRIPS in particular, for the provisions on GI.

To align to the Lisbon Treaty.

Do the objectives imply developing EU policy in new areas or in areas of strategic importance? No, the scope for the initiative is identical to the existing regulation on aromatised drinks.

C. Options

(i) What are the policy options? (ii) What legislative or 'soft law' instruments could be considered?

The only alternative option could be to repeal the existing regulation on aromatized drinks (Council Regulation 1601/91), yet this has been rejected by the sector, producers of such products.

(iii) Would any legislative initiatives go beyond routine up-date of existing legislation?

No, this initiative is a necessary up-date for readability and clarity of the existing regulation

Does the action proposed in the options cut across several policy areas or impact on action taken/planned by other Commission departments?

No

Explain how the options respect the proportionality principle

Present regulation is adapted to the necessity to have common rules at European level and is supported by the sector. The new regulation will be limited to the simplification and minor adaptation of the existing legal framework.

D. Initial assessment of impacts

What are the significant impacts likely to result from each policy option (cf. list of impacts in the Impact Assessment Guidelines pages 32-37), even if these impacts would materialise only after subsequent Commission initiatives?

No significant impacts are expected; it is an adaptation to obligation already taken on by the EU. The main European producers and national organisations were consulted informally and did not expect significant impacts.

Could the options have impacts on the EU-Budget (above 5 Mio €) and/or should the IA also serve as the ex-ante evaluation, required by the Financial Regulation?

No

Could the options have significant impacts on (i) simplification, (ii) administrative burden or on (iii) relations with third countries? There is no significant impact, however, the proposed option will increase the readability of the legislation and will facilitate the adaptation of the product specifications and so participate to the simplification of EU legislation.

E. Planning of further impact assessment work

When will the impact assessment work start?

There is no impact assessment foreseen. This initiative does not change the scope of the existing rules for the sector: it is a revision which will clarify the existing rules including minor adjustments for definitions and classifications introducing coherence with the existing products on the market.

(i) What information and data are already available? (ii) Will this impact assessment build on already existing impact assessment work or evaluations carried out? (iii) What further information needs to be gathered? (iv) How will this be done (e.g. internally or by an external contractor) and by when?

(v) What type and level of analysis will be carried out (cf. principle of proportionate analysis)?

The sector (national and European representatives) has carried out an analysis of the different products present on the market. They have communicated information to the Commission on minor adjustments of definitions and specification of aromatized drinks which are necessary to adapt the rules to the existing products on the market. and there is no necessity to collect further information

Which stakeholders & experts have been/will be consulted, how and at what stage? At this stage, the main European producers and national organisations were consulted via the CEEV (Comité Européen des Entreprises Vins). A consensus exists among the producers of Aromatised drinks to keep the same framework and similar rules; only minor adjustments seem to be necessary and have been communicated to the Commission services via the CEEV.