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Concerns: Non-inclusion of sulphur dioxide (SO_2) in the annexes of Regulation 98/8

Dear Madam,
Dear Sir,

Banning the marketing of sulphur dioxide (SO_2) as a product-type 4 due to its non-inclusion among the biocidal substances authorized through annexes I, IA or IB of regulation EC 98/8, would bring about dire consequences for the whole wine and cider sectors.

SO_2 is essential to oenology, whether used directly in the winemaking process – which use is thoroughly regulated at European Union level[1]; as a disinfecting agent for containers used in winemaking such as barrels and other wooden containers used for breeding and/or fermentation of wines, ciders and fruit wines; or as a preserving agent for materials in contact with wines, cider and fruit wines such as corks, often marketed in SO_2 atmosphere packaging in order to minimize the development of micro-organisms.

Ever since oenology was born, SO_2 has always been the most efficient preservative for wines, thanks to its bactericidal, antifungal and antioxidant properties. It is also used for treating barrels, to ensure their sanitary condition and prevent the wine from being contaminated by any undesirable leavening (in particular *Brettanomyces*) or bacterial agent. Its specific long-term action is

[1] Council Regulation n°1234/2007 and European Commission Regulation n°606/2009.

particularly interesting in the framework of breeding, which can spread over several months before the wine is bottled. This feature is essential to preventing the development of Brettanomyces (that produce slighting notes in wines also described as animal scents such as "horse sweat"), a sensitive issue for the quality of European wines.

SO_2 can be used in different ways to prepare and disinfect oak barrels:

- most often, a wick or drop containing SO_2 is being burnt inside the barrel, thereby diffusing SO_2 into the container through combustion and disinfecting the wood;
- gaseous SO_2 can be directly injected into the barrel;
- when the barrels are emptied and not immediately refilled with wine, they can be filled with a water and SO_2 solution in order to keep the wood damp, thereby preserving its tightness and make sure micro-organisms do not develop in the wood.

Whichever method is used to treat the barrels, the quantities of SO_2 are small, and more importantly, thanks to the progress made in salvaging and processing wineries' waste, they are not discharged in the environment. In any case, the quantities of sulphur dioxide used in wineries are very small and limited, so as to guarantee a sustainable environmental impact[2]. Also, the quantities of SO_2 used to prepare the barrels can migrate into the wine in full respect of oenological rules (they allow preserving the quality of the wine) and EU regulation (they comply with the maximum total quantities of SO_2 allowed as per annex 1B of regulation EU 606/2009).

Should the use of SO_2 be banned, a great majority of wine-producing units would find themselves in a very difficult situation, since there is currently no substance that could replace SO_2 in disinfecting and preserving wine containers in almost all European winemaking units. Alternative processes are currently being developed, but they appear to be even heavier, since they require special equipment. Therefore, they cannot be used for example by small wineries, which account for a huge majority of European wine-producing units. From an oenological point of view, these techniques do not guarantee the same level of long-term protection (no persistence) and may imply other disinfecting substances (potassium permanganate or other peroxides) that do not feature in the list of products commonly used in winemaking. The use of SO2 therefore offers, in comparison with those other products, many technical advantages and little impact on the environment.

In this framework, the producers of the above-mentioned oenological substances and the whole wine, cider and fruit wine *filières*, in dialogue with the Member

[2] Environmental legislation states that the emission of sulphurous gazes into the atmosphere is considered to have an impact on the environment if it is continuous and exceeds 36 tons per year. According to a study led by the Life Sinergia project, the average quantity of SO2 rejected into the atmosphere by a winery is approximately 4300 mg/Nm3.

States' governments and intergovernmental organisations, have joined their forces to identify potential solutions to this issue, so as to prevent the use of SO_2 as a biocide from being banned, which would prevent a large majority of wine-producing units from using containers made of wood or any other material concerned, thereby causing dire consequences for our sectors.

First of all, preliminary research has been led in order to assess the elements available to start building a dossier in order to allow including SO_2 among the authorized biocidal substances in the annex of Regulation 98/8. It was found out so far that relevant technical and scientific dossiers on this substance had already been built in other fields of the EU or national legislations, such as the extensive technical-scientific dossier built by Grillo-Werke in the framework of REACH, or research regarding toxicological and environmental impacts, such as the toxicological and environmental data sheet of chemical substances produced in France by INERIS (*Institut National de l'Environnement Industriel et des Risques* – *www.ineris.fr*), and the toxicological data sheet produced also in France in 2006 by INRS (*Institut National de Recherche et Sécurité* – *www.inrs.fr*).

As for the International Organisation of Vine and Wine (OIV), which is the leading scientific and technical intergovernmental organisation in the field of vine, wine and other vine products, it has sent a questionnaire to its 44 Member States and their experts, in order to gather relevant information on the use of SO_2 as a biocide and take stock of the available studies, so as to share information and contribute to building a dossier allowing the inclusion of SO_2 among the authorized biocidal substances in annex I of Regulation 98/8. *(See attached the letters sent by OIV to the European Commission)*

Meanwhile, preliminary contacts have also been made with practices specialized in building dossiers regarding biocidal substances.

Once the available technical and scientific evidence has been gathered, a preliminary technical evaluation of the evidence will be launched, so as to build a dossier and present it to a Member State of the European Union by May 2012, as per article 11 of Regulation 98/8.

Finally, as soon as the results of the above-mentioned preliminary technical evaluation are available, a wide consultation process will be launched among the different actors involved in the wine value chain and prepared to bring together the funds needed – i.a. producers and providers of oenological products, containers or contact materials, as well as users among the winemaking and cider *filières*.

We would highly appreciate that you take due consideration of the elements and information in the present letter when assessing the next steps to be taken in order to find a needed and appropriate solution to this issue, which is of utmost importance to us.

Yours sincerely.

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