



EUROPEAN COMMISSION

DIRECTORATE-GENERAL
ENVIRONMENT

The Director-General

DIRECTORATE-GENERAL
AGRICULTURE

The Director-General

Brussels, 01.09.2011
JB/PW/ARES 928457Jose Ramón Fernández
Secretary General
CEEV
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Dear Sir,

Subject: Use of sulphur dioxide as disinfectant in wine and cider production

We refer to previous contacts between representatives of your organisations and our Directorates General on the abovementioned issue, and in particular to your letter of 3 May 2011.

The issue was discussed in the meeting of the Management Committee for the Common Organisation of Agricultural Markets of 2 February 2011, where it was claimed that banning sulphur dioxide ('SO₂') from the market for the purpose of barrel disinfection would in reality render such disinfection impossible, since no alternative product for this purpose exists. It was pointed out that SO₂ is also added to the wine as an antimicrobial agent during the wine production process itself, for which purpose it is covered by Regulation 606/2009. As a consequence of this discussion and subsequent contacts with representatives of some of your organisations, the Commission deleted SO₂ for use as food area disinfectant from the proposed decision not to include a number of biocidal active substances in the Biocidal Products Directive (a 'non-inclusion decision'), which was tabled for the meeting of 18 February 2011 of the Standing Committee on Biocidal Products. Subsequently, a number of exchanges of information on the subject have taken place between representatives of some of your organisations and our Directorates General.

By your letter of 3 May 2011, you informed our Directorates General that producers of oenological substances have joined forces with the wine, cider and fruit wine sectors, in dialogue with the Member States' governments and intergovernmental organisations, to prevent the use of SO₂ as food area disinfectant from being banned. Furthermore, you have informed us about your commitment to build a dossier for the inclusion of SO₂ in Annex I to Directive 98/8 and submit it to a Member State of the European Union by May 2012.

The standard practice of the Commission in cases where a dossier has not been submitted within the prescribed period is to adopt a 'non-inclusion decision', in line with the

Biocidal Products Directive's objective to ultimately (after the transitional period of grace for existing active substances) only allow biocidal active substance that have been evaluated. However, we believe that the relevant provision in the Directive (Article 16(2)) gives the Commission certain flexibility in this respect in a case like the one at hand, where – just before the Committee vote on the decision – the Commission gets not only indications that a substance is essential for an important economic sector which appears to have overlooked the requirements of the Biocidal Products Directive, but also a firm commitment to present a dossier for the evaluation within a reasonable time frame.

In the light of this exceptional circumstance, we are therefore postponing the decision whether to propose a 'non-inclusion decision' for SO₂ for use as food area disinfectant until May 2012, to give you the opportunity to submit such a dossier. We look forward to being kept continuously informed about the progress made towards this submission. Should the efforts to submit a dossier by that date fail, we would have no other option but to propose a 'non-inclusion decision'.

Yours sincerely



Karl FALKENBERG

Pour le Directeur Général empêché
Rudolf MOEGELE
Directeur Général Adjoint



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