



**COUNCIL OF
THE EUROPEAN UNION**

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INFORMATION NOTE

from: General Secretariat
to: Permanent Representatives Committee/Council
Subject: Proposal for a regulation of the European Parliament and of the Council on amending Council Regulation (EC) No 1215/2009 in relation to tariff quotas for wine
- Outcome of the European Parliament's first reading
(Strasbourg, 21 to 24 October 2013)

I. INTRODUCTION

The Rapporteur, Mr. Iuliu WINKLER (EPP, RO), presented a report on the proposal for a Regulation on tariff quotas for wine, on behalf of the Committee on International Trade. The report contained 2 amendments.

In accordance with the provisions of Article 294 of the TFEU and the joint declaration on practical arrangements for the codecision procedure ¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at first reading, thereby avoiding the need for second reading and conciliation.

In this context, the Committee presented two compromise amendments (amendments 1 and 2) to the proposal for a Regulation. These amendments had been agreed during the informal contacts referred to above.

II. VOTE

When it voted on 22 October 2013, the plenary adopted the compromise amendments. The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto².

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

¹ OJ C 145, 30.6.2007, p.5

² The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in *bold and italics*. The symbol "■" indicates deleted text.

Tariff quotas for wine *I**

European Parliament legislative resolution of 22 October 2013 on the proposal for a regulation of the European Parliament and of the Council on amending Council Regulation (EC) No 1215/2009 in relation to tariff quotas for wine (COM(2013)0187 – C7-0090/2013 – 2013/0099(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0187),
 - having regard to Article 294(2) and Article 207(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0090/2013),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the undertaking given by the Council representative by letter of 16 October 2013 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on International Trade (A7-0293/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P7_TA-COD(2013)0099

Position of the European Parliament adopted at first reading on 22 October 2013 with a view to the adoption of Regulation (EU) No .../2013 of the European Parliament and of the Council amending Council Regulation (EC) No 1215/2009 in relation to tariff quotas for wine

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure¹,

¹ Position of the European Parliament of 22 October 2013.

Whereas:

- (1) Since 2000, the Union has granted unlimited duty-free access to the Union market for almost all products originating in the Western Balkan countries. Currently, this system is provided for in Council Regulation (EC) No 1215/2009¹.
- (2) All of the Western Balkan countries benefit from preferential trade arrangements, including individual tariff quotas, under the Stabilisation and Association Agreements or Interim Agreements on trade and trade-related matters concluded with those countries, with the exception of Kosovo².
- (3) Regulation (EC) No 1215/2009 made available a global tariff quota of 50.000 hl for wine, on a "first-come, first-served" basis to all the beneficiaries, subject to the exhaustion of their individual tariff quotas available under the Stabilisation and Association Agreements or Interim Agreements.

¹ Council Regulation (EC) No 1215/2009 of 30 November 2009 introducing exceptional trade measures for countries participating in or linked to the European Union's Stabilisation and Association process (OJ L 328, 15.12.2009, p. 1).

² This designation is without prejudice to positions on status, and is in line with UNSCR 1244 (1999) and the ICJ opinion on the Kosovo Declaration of Independence.

- (4) Stable access to the market of the Union is necessary for the socio-economic development of Kosovo, which has demonstrated the capacity to export wine. In the absence of an individual tariff quota, Kosovan wine producers lack the necessary predictability for their exports.
- (5) It is appropriate to allocate an individual annual tariff quota of 20 000 hl for wine exports from Kosovo to the Union, and to reduce proportionately the global annual tariff quota for wine available to all the beneficiaries from 50 000 hl to 30 000 hl.
- (6) The allocation of an individual tariff quota is achieved by closing the existing global tariff quota and opening two new ones, whose total volume is equivalent to the volume of the tariff quota closed.
- (7) It is also appropriate to introduce a mechanism which avoids legal uncertainties as regards the tariff quotas available on the date of entry into force of this Regulation, and to prevent the overall volume of the concession from exceeding 50 000 hl.

- (8) As the total volume of the concessions is not modified, this Regulation does not affect the wine sector of the Union. The specific concessions provided for in the Stabilisation and Association Agreements or the Interim Agreements are also not affected by this Regulation.
- (9) This Regulation does not affect the obligations of the Union in the World Trade Organisation (WTO) and does not need to receive a WTO waiver.
- (10) Regulation (EC) No 1215/2009 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EC) No 1215/2009

Regulation (EC) No 1215/2009 is amended as follows:

(1) *In Article 7a, paragraphs 2 and 3 are replaced by the following:*

'2. *The power to adopt delegated acts referred to in Article 7 shall be conferred on the Commission for a period of five years from ...⁺. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

⁺ *OJ: Please insert the date of entry into force of this Regulation.*

3. *The delegation of power referred to in Article 7 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.'*

- (2) Annex I ■ is replaced by the text set out in the Annex to this Regulation.

Article 2

Transitional measures

The following transitional measures shall apply from ...⁺ until 31 December 2013:

- (1) The new tariff quotas under the order numbers 09.1530 and 09.1560 shall inherit proportionally the balance of the tariff quota 09.1515 on ...⁺, as follows:

⁺ OJ: please insert the date of entry into force of this Regulation.

⁺ OJ: please insert the date of entry into force of this Regulation.

(a) The initial volume of the tariff quota 09.1530 shall be calculated using the following formula:

$0,6 \times \text{balance of the tariff quota 09.1515 on ...}^+$

(b) The initial volume of the tariff quota 09.1560 shall be calculated using the following formula:

$0,4 \times \text{balance of the tariff quota 09.1515 on ...}^+$

(c) Both initial volumes shall be rounded to the whole unit (hectoliter).

(2) The pending (not allocated) tariff quota requests for the tariff quota 09.1515 shall be transferred to the tariff quotas 09.1530 and 09.1560 respectively, according to the origin of the wine.

⁺ OJ: please insert the date of entry into force of this Regulation.

Article 3

Entry into force

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX

ANNEX I

TARIFF QUOTAS REFERRED TO IN ARTICLE 3(1)

Notwithstanding the rules for the interpretation of the Combined Nomenclature (CN), the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

Order No	CN Code	Description	Quota volume per year ¹	Beneficiaries	Rate of duty
09.1571	0301 91 10 0301 91 90 0302 11 10 0302 11 20 0302 11 80 0303 14 10 0303 14 20 0303 14 90 0304 42 10 0304 42 50 0304 42 90 ex 0304 52 00 0304 82 10 0304 82 50 0304 82 90 ex 0304 99 21 ex 0305 10 00 ex 0305 39 90 0305 43 00 ex 0305 59 80 ex 0305 69 80	Trout (<i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i>): live; fresh or chilled; frozen; dried, salted or in brine, smoked; fillets and other fish meat; flours, meals and pellets, fit for human consumption	15 tonnes	Customs territory of Kosovo	0 %

¹ One global volume per tariff quota accessible to imports originating in the beneficiaries.

09.1573	0301 93 00	Carp (<i>Cyprinus carpio</i> , <i>Carassius carassius</i> , <i>Ctenopharyngodon idellus</i> , <i>Hypophthalmichthys</i> spp., <i>Cirrhinus</i> spp., <i>Mylopharyngodon piceus</i>): live; fresh or chilled; frozen; dried, salted or in brine, smoked; fillets and other fish meat; flours, meals and pellets, fit for human consumption	20 tonnes	Customs territory of Kosovo	0 %
	0302 73 00				
	0303 25 00				
	ex 0304 39 00				
	ex 0304 51 00				
	ex 0304 69 00				
	ex 0304 93 90				
	ex 0305 10 00				
	ex 0305 31 00				
	ex 0305 44 90				
	ex 0305 59 80				
	ex 0305 64 00				

09.1575	ex 0301 99 85 0302 85 10 0303 89 50 ex 0304 49 90 ex 0304 59 90 ex 0304 89 90 ex 0304 99 99 ex 0305 10 00 ex 0305 39 90 ex 0305 49 80 ex 0305 59 80 ex 0305 69 80	Sea bream (<i>Dentex dentex</i> and <i>Pagellus</i> spp.): live; fresh or chilled; frozen; dried, salted or in brine, smoked; fillets and other fish meat; flours, meals and pellets, fit for human consumption	45 tonnes	Customs territory of Kosovo	0 %
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09.1577	ex 0301 99 85 0302 84 10 0303 84 10 ex 0304 49 90 ex 0304 59 90 ex 0304 89 90 ex 0304 99 99 ex 0305 10 00 ex 0305 39 90 ex 0305 49 80 ex 0305 59 80 ex 0305 69 80	Sea bass (<i>Dicentrarchus labrax</i>): live; fresh or chilled; frozen; dried; salted or in brine, smoked; fillets and other fish meat; flours, meals and pellets, fit for human consumption	30 tonnes	Customs territory of Kosovo	0 %
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09.1530	ex 2204 21 93 ex 2204 21 94 ex 2204 21 95 ex 2204 21 96 ex 2204 21 97 ex 2204 21 98 ex 2204 29 93 ex 2204 29 94 ex 2204 29 95 ex 2204 29 96 ex 2204 29 97 ex 2204 29 98	Wine of fresh grapes, of an actual alcoholic strength by volume not exceeding 15 % vol, other than sparkling wine	30 000 hl	Albania ¹ Bosnia and Herzegovina ² , former Yugoslav Republic of Macedonia, ³ Montenegro ⁴ , Serbia ⁵ , Customs territory of Kosovo ⁶	Exemption
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- ¹ Access for wine originating in Albania to the global tariff quota is subject to the prior exhaustion of the individual tariff quota provided for in the Protocol on wine concluded with Albania. That individual quota is opened under order No 09.1512 and 09.1513.
- ² Access for wine originating in Bosnia and Herzegovina to the global tariff quota is subject to the prior exhaustion of both individual tariff quotas provided for in the Protocol on wine concluded with Bosnia and Herzegovina. Those individual quotas are opened under order Nos 09.1528 and 09.1529.
- ³ Access for wine originating in the former Yugoslav Republic of Macedonia to this global tariff quota is subject to the prior exhaustion of both individual tariff quotas provided for in the Additional Protocol on wine concluded with the former Yugoslav Republic of Macedonia. Those individual tariff quotas are opened under order Nos 09.1558 and 09.1559.
- ⁴ Access for wine originating in Montenegro to the global tariff quota is subject to the prior exhaustion of the individual tariff quota provided for in the Protocol on wine concluded with Montenegro. That individual quota is opened under order No 09.1514.
- ⁵ Access for wine originating in Serbia to the global tariff quota is subject to the prior exhaustion of both individual tariff quotas provided for in the Protocol on wine concluded with Serbia. Those individual quotas are opened under order Nos 09.1526 and 09.1527.
- ⁶ Access for wine originating in the customs territory of Kosovo to the global tariff quota is subject to the prior exhaustion of the tariff quota provided for in this Regulation. That individual quota is opened under order No 09.1560.

09.1560	ex 2204 21 93 ex 2204 21 94 ex 2204 21 95 ex 2204 21 96 ex 2204 21 97 ex 2204 21 98 ex 2204 29 93 ex 2204 29 94 ex 2204 29 95 ex 2204 29 96 ex 2204 29 97 ex 2204 29 98	Wine of fresh grapes, of an actual alcoholic strength by volume not exceeding 15 % vol, other than sparkling wine	20 000 hl	Customs territory of Kosovo	Exemption
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