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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	8 May 2017
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2017) 221 final
Subject:	Proposal for a COUNCIL DECISION establishing the position to be adopted on behalf of the European Union with regard to certain resolutions to be voted in the framework of the International Organisation for Vine and Wine (OIV)

Delegations will find attached document COM(2017) 221 final.

Encl.: COM(2017) 221 final



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Proposal for a

COUNCIL DECISION

establishing the position to be adopted on behalf of the European Union with regard to certain resolutions to be voted in the framework of the International Organisation for Vine and Wine (OIV)

EXPLANATORY MEMORANDUM

CONTEXT OF THE PROPOSAL

The International Organisation of Vine and Wine (OIV) is an intergovernmental scientific and technical organisation active in the sector of vine, wine, wine-based drinks, table grapes, raisins and other vine products. The objectives of the OIV are (i) to inform of measures whereby the concerns of producers, consumers and other players in the vine and wine products sector may be taken into consideration, (ii) to assist other international organisations involved in standardisation activities and (iii) to contribute to international harmonisation of existing practices and standards. Currently 46 States are members of the OIV, among which 20 are Member States of the Union. The EU is not a member of the OIV.

At EU level, pursuant to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products¹ (CMO Regulation), certain resolutions adopted and published by the OIV affect EU law. The CMO Regulation provides for references to the OIV in the following provisions:

- oenological practices adopted and published by the OIV that the Commission must take into account when it authorises such practices (Article 80(3)(a) of CMO Regulation);
- the same oenological practices where used, prior to their authorisation according to Article 80(3) of CMO Regulation, for the production of wines in third countries (Article 90(2) of CMO Regulation);
- certain purity and identification specifications of substances used in oenological practices so that the rules adopted and published by the OIV become ipso facto binding on this matter within the EU (Article 9 of Commission Regulation (EC) No 606/2009 of 10 July 2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008² as regards the categories of grapevine products, oenological practices and the applicable restrictions);
- certain methods of analysis for determining the composition of the products of the wine sector adopted and published by the OIV upon which the Commission must base itself unless they would be ineffective or inappropriate in view of the objective pursued by the Union (Article 80(5) of CMO Regulation).

Similarly, pursuant to the Commission Regulation (EC) No 2870/2000 of 19 December 2000 laying down Community reference methods for the analysis of spirits drinks³, certain resolutions adopted and published by the OIV affect EU law. Article 3 of Regulation (EC) No 2870/2000 provides for reference to OIV resolutions where Community analytical reference methods are not laid down for the detection and quantification of substances contained in a particular spirit drink.

¹ OJ L 347, p. 671

² OJ L 193 p. 1

³ OJ L 333, p. 20

Finally, Article 4 of Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products⁴ also provides for references to the OIV. Pursuant to this provision, in order to establish authorised production processes the Commission must take into account the production processes recommended and published by the OIV and must adopt methods of analysis based on any relevant methods recommended and published by the OIV, unless they would be ineffective or inappropriate in view of the objective pursued.

On the basis of discussions held within the group of experts meeting to prepare the General Assembly of the OIV, it can be expected that the following resolutions, producing legal effect on Union law, will be on the agenda of the General Assembly for adoption:

- Draft Resolutions OENO-TECHNO 13-532 and OENO-TECHNO 13-533, 15-580, 15-582, 15-583, 14-567B and the draft Resolutions OENO-MICRO 15-576A and 15-576B establish new oenological practices. In accordance with Articles 80(3)(a) and 90(2) of Regulation (EU) No 1308/2013, these Resolutions will have legal effect on Union law.
- Draft Resolutions OENO-SPECIF 15-571, 15-572, 15-574, 15-578 and 16-605 establish the purity and identification specifications of substances used in oenological practices. These oenological practices have been published and recommended by the OIV on the condition that the specifications of the substance used are adopted (OIV International Code of Oenological practices, § 2.1.20 and § 3.4.14). In accordance with Articles 80(3)(a) and 90(2) of Regulation (EU) No 1308/2013, and with Article 9 of Commission Regulation (EC) No 606/2009, these Resolutions will have legal effect on Union law.
- Draft Resolutions OENO-SCMA 11-479, 13-529, 15-587, 15-588, 15-589, 15-590 establish methods of analysis. In accordance with Article 80(3)(a) and (5) of Regulation (EU) No 1308/2013, these resolutions will have legal effect on Union law.

The above mentioned resolutions have been extensively discussed between scientific and technical experts of the wine sector. They contribute to the international harmonisation of the wine standards and they will set a framework which will ensure fair competition in the trading of wine sector products. They should therefore be supported.

As in the past, it can be expected that the agenda of the meeting of the General Assembly of the OIV will still evolve and that further resolutions producing legal effects on Union law will be added to the agenda. In order to ensure efficiency of the work of the General Assembly while respecting the rules of the Treaties, the Commission will in due time supplement or amend the present proposal to enable the Council to adopt the position to be taken also for these Resolutions.

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OJ L 84, 20.3.2014, p. 14–34

Proposal for a

COUNCIL DECISION

establishing the position to be adopted on behalf of the European Union with regard to certain resolutions to be voted in the framework of the International Organisation for Vine and Wine (OIV)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The International Organisation of Vine and Wine (OIV) will examine and possibly adopt resolutions which will affect Union law in its next General Assembly of 2 June 2017.
- (2) The Union is currently not a member of the OIV. 20 Member States are members of the OIV. Those Member States have the possibility to propose amendments to the draft OIV resolutions and will be asked to adopt some of the draft OIV resolutions in the next OIV General Assembly on 2 June 2017.
- (3) The Union position with regard to those resolutions in relation to matters within its competence should therefore be adopted by the Council and expressed at the OIV meetings by the Member States which are members of the OIV, acting jointly in the interest of the Union.
- (4) Pursuant to Regulation (EU) No 1308/2013 of the European Parliament and of the Council⁵ and Commission Regulation (EC) No 606/2009⁶, certain resolutions adopted and published by the OIV affect Union law.
- (5) Article 80(3)(a) of Regulation (EU) No 1308/2013 provides that the Commission is to take into account the oenological practices and methods of analysis recommended and published by the OIV when it authorises oenological practices.

⁵ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

⁶ Commission Regulation (EC) No 606/2009 of 10 July 2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions (OJ L 193, 24.7.2009, p. 1).

- (6) Article 80(5) of Regulation (EU) No 1308/2013 provides that the Commission, when laying down methods of analysis for determining the composition of the products of the wine sector, is to base those methods on any relevant methods recommended and published by the OIV unless they would be ineffective or inappropriate in view of the objective pursued by the Union.
- (7) Article 90(2) of Regulation (EU) No 1308/2013 provides that products of the wine sector imported into the Union are to be produced in accordance with oenological practices authorised by the Union pursuant to that Regulation or, prior to that authorisation, produced in accordance with oenological practices recommended and published by the OIV.
- (8) Article 9 of Regulation (EC) No 606/2009 provides that, where they are not laid down by the Commission, the purity and identification specifications of substances used in oenological practices are to be those laid down and published by the OIV.
- (9) Draft Resolutions OENO-TECHNO 13-532, 13-533, 14-567B, 15-580, 15-582, 15-583, OENO-MICRO 15-576A and 15-576B establish new oenological practices. In accordance with Article 80(3)(a) and Article 90(2) of Regulation (EU) No 1308/2013, these Resolutions will have legal effect on Union law.
- (10) Draft Resolutions OENO-SPECIF 15-571, 15-572, 15-574, 15-578 and 16-605 establish the purity and identification specifications of substances used in oenological practices. These oenological practices have been published and recommended by the OIV on condition that the specifications of the substances used are adopted (OIV International Code of Oenological practices, § 2.1.20 and § 3.4.14). In accordance with Article 80(3)(a) and Article 90(2) of Regulation (EU) No 1308/2013, and with Article 9 of Regulation (EC) No 606/2009, these Resolutions will have legal effect on Union law.
- (11) Draft Resolutions OENO-SCMA 11-479, 13-529, 15-587, 15-588, 15-589 and 15-590 establish methods of analysis. In accordance with Article 80(3)(a) and Article 80(5) of Regulation (EU) No 1308/2013, these Resolutions will have legal effect on Union law.
- (12) These draft resolutions have been extensively discussed between scientific and technical experts of the wine sector. They contribute to the international harmonisation of the wine standards and will set a framework which will ensure fair competition in the trading of products of the wine sector. They should therefore be supported.
- (13) In order to allow for the necessary flexibility during the negotiations ahead of the meeting of the General Assembly of the OIV, Member States which are members of the OIV should be authorised to agree to changes to these Resolutions provided that such changes do not alter the substance thereof,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted, on behalf of the Union, at the General Assembly of the OIV on 2 June 2017 is set out in the Annex and shall be expressed by the Member States which are Members of the OIV, acting jointly in the interest of the Union.

Article 2

1. Where the position referred to in Article 1 is likely to be affected by new scientific or technical information presented before or during the meetings of the OIV, Member States which are Members of the OIV shall request that the voting in the OIV General Assembly be postponed until the position of the Union is established on the basis of the new elements.
2. Following coordination, in particular on the spot, and without further decision of the Council establishing the position of the Union, the Member States which are Members of the OIV, acting jointly in the interest of the Union, may agree to changes to the draft resolutions referred to in the Annex which do not alter the substance thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels,

*For the Council
The President*