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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION establishing the position to be taken on behalf of the European Union with regard to certain resolutions to be voted at the 20th General Assembly of the International Organisation of Vine and Wine, to be held on 4 November 2022

COUNCIL DECISION (EU) 2022/...

of ...

**establishing the position to be taken on behalf of the European Union
with regard to certain resolutions to be voted at the 20th General Assembly of
the International Organisation of Vine and Wine, to be held on 4 November 2022**

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 ('draft OIV resolutions') in its next General Assembly on 4 November 2022. Those resolutions will have legal effects for the purposes of Article 218(9) of the Treaty.
- (2) The Union is not a member of the OIV. However, on 20 October 2017 the OIV granted to the Union the particular status provided for in Article 4 of the Rules of Procedure of the OIV.
- (3) 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 those resolutions in the next OIV General Assembly on 4 November 2022.
- (4) It is appropriate to establish the position to be taken on the Union's behalf at the OIV meetings with regard to the draft OIV resolutions in relation to matters within its competence. That position should be expressed at the OIV meetings by the Member States which are members of the OIV, acting jointly in the interest of the Union.

- (5) Pursuant to Regulation (EU) No 1308/2013 of the European Parliament and of the Council¹ and Commission Delegated Regulation (EU) 2019/934², certain resolutions adopted and published by the OIV will have legal effects.
- (6) 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 authorising oenological practices.
- (7) 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.

¹ 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).

² Commission Delegated Regulation (EU) 2019/934 of 12 March 2019 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards wine-growing areas where the alcoholic strength may be increased, authorised oenological practices and restrictions applicable to the production and conservation of grapevine products, the minimum percentage of alcohol for by-products and their disposal, and publication of OIV files (OJ L 149, 7.6.2019, p. 1).

- (8) 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.
- (9) Article 9(1) of Delegated Regulation (EU) 2019/934 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 referred to in column 4 of Table 2 of Part A of Annex I to that Regulation, which refer to OIV recommendations.
- (10) Draft Resolutions OENO-TECHNO 14-567B2, 14-567B4 and 14-567C1 establish the distinction between additives and processing aids for certain oenological compounds. Draft Resolutions OENO-TECHNO 20-684A, 21-689 and 21-708 update certain existing oenological practices. Draft Resolution OENO-TECHNO 20-684B establishes a new oenological practice. Draft Resolution OENO-TECHNO 21-707 withdraws an existing oenological practice. In accordance with Article 80(3)(a) and Article 90(2) of Regulation (EU) No 1308/2013, those Resolutions will have legal effects.

- (11) Draft Resolutions OENO-SPECIF 17-624 and 20-674 update the identification specifications for certain substances used in wine production. Draft Resolutions OENO SPECIF 20-675A, 20-675B, 20-675C, 20-675D and 20-681 establish new identification specifications for certain substances used in wine production. In accordance with Article 80(3)(a) and Article 90(2) of Regulation (EU) No 1308/2013, and with Article 9(1) of Delegated Regulation (EU) 2019/934, those Resolutions will have legal effects.
- (12) Draft Resolution CST-SCMA 20-668 provides the opinion of the OIV on the total dry extract of wine used to detect fraud in wine. Draft Resolutions OENO-SCMA 19-665 and 20-667 establish new methods of analysis. Draft Resolution OENO-SCMA 20-683 updates the method of analysis which quantifies total nitrogen in musts and wines and draft Resolution SECSAN-SECUAL 21-709 updates the criteria for the quantification of allergens. In accordance with Article 80(3)(a) and Article 80(5) of Regulation (EU) No 1308/2013, those Resolutions will have legal effects.

- (13) Those draft OIV resolutions have been extensively discussed between scientific and technical experts of the wine sector. They contribute to the international harmonisation of 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.
- (14) In order to allow for the necessary flexibility during the negotiations ahead of the OIV General Assembly on 4 November 2022, Member States which are members of the OIV should be authorised to agree to changes to those draft OIV resolutions provided that such changes do not alter the substance thereof,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the 20th OIV General Assembly scheduled for 4 November 2022 is set out in the Annex to this Decision.

Article 2

The position referred to in Article 1 shall be expressed by the Member States which are Members of the OIV, acting jointly in the interest of the Union.

Article 3

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 OIV meetings, Member States which are Members of the OIV shall request that the voting in the OIV General Assembly be postponed until the position to be taken on the Union's behalf is established on the basis of the new information.
2. Following coordination meetings and without further decision of the Council establishing the position to be taken on the Union's behalf, the Member States which are Members of the OIV, acting jointly in the interest of the Union, may agree to technical changes to the draft OIV resolutions referred to in the Annex to this Decision which do not alter the substance thereof.

Article 4

This Decision shall enter into force on the date of its adoption.

Done at ...,

For the Council

The President

ANNEX

The Member States of the Union that are Members of the International Organisation for Vine and Wine (OIV), acting jointly in the interest of the Union, shall support the following draft resolutions at step 7 during the OIV General Assembly scheduled for 4 November 2022:

- OENO-TECHNO 14-567B2: Distinction between additives and processing aids – Part 2: Carbon dioxide;
- OENO-TECHNO 14-567B4: Distinction between additives and processing aids - Dimethyl dicarbonate;
- OENO-TECHNO 14-567C1: Distinction between additives and processing aids – Part 3: Skim milk;
- OENO-TECHNO 20-684A: Use of selective plant fibres in wine – update to Resolution OIV-OENO 582-2017;
- OENO-TECHNO 20-684B: Use of selective plant fibres in must;
- OENO-TECHNO 21-689: OIV Maximum limit for gum arabic – update;
- OENO-TECHNO 21-707: Wines – treatment with silver chloride;

- OENO-TECHNO 21-708: Update to file 2.1.14 – flotation;
- OENO-SPECIF 17-624: Update to the monograph on oenological tannins;
- OENO-SPECIF 20-674: Update to the monograph on yeast mannoproteins;
- OENO-SPECIF 20-675A: Specific monographs for procyanidins/prodelphinidins;
- OENO-SPECIF 20-675B: Specific monographs for ellagitannins;
- OENO-SPECIF 20-675C: Specific monographs for gallotannins;
- OENO-SPECIF 20-675D: Specific monographs for proflisetinidins/prorobitenidins;
- OENO-SPECIF 20-681: Food cellulose;
- CST-SCMA 20-668: Opinion of the OIV on total dry extract (total dry extract, total dry extract without sugars, residual extract);
- OENO-SCMA 19-665: Determination of sweeteners in wine by high performance liquid chromatography coupled with a diode array detector and a charged aerosol detector;

- OENO-SCMA 20-667: Operative instructions/guidelines for the determination of chromatic characteristics for ranking and/or comparing musts obtained by grape varieties characterized by high concentrations of colouring pigments;
 - OENO-SCMA 20-683: Update to method OIV-MA-AS323-02B – Quantification of total nitrogen according to the Dumas method (musts and wines);
 - SECSAN-SECUAL 21-709: Update to resolution OIV-OENO 427-2010 – Criteria for quantification of allergens.
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