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European Union

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**NOTE**

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From: General Secretariat of the Council

To: Delegations

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Subject: COUNCIL DECISION establishing the position to be taken on behalf of the Union with regard to certain resolutions to be voted at the 18th General Assembly of the International Organisation for Vine and Wine (OIV), to be held on 26 November 2020

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## COUNCIL DECISION

**establishing the position to be taken on behalf of the Union with regard to certain resolutions to be voted at the 18th General Assembly of the International Organisation for Vine and Wine (OIV), to be held on 26 November 2020**

### 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 have legal effects for the purposes of Article 218(9) TFEU in its next General Assembly of 26 November 2020.
- (2) The Union is not a member of the OIV. However, the OIV has granted to the Union, on 20 October 2017, 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 some of the draft OIV resolutions in the next OIV General Assembly on 26 November 2020.
- (4) 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.

- (5) Pursuant to Regulation (EU) No 1308/2013 of the European Parliament and of the Council<sup>1</sup> and Commission Delegated Regulation (EU) 2019/934<sup>2</sup>, 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 it authorises 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.
- (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 Codex files.

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<sup>1</sup> 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).

<sup>2</sup> 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).

- (10) Draft Resolution OENO-TECHNO 19-659 updates the corresponding oenological practices. Draft Resolutions OENO-TECHNO 17-614A, 17-614B and 18-634 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 effects.
- (11) Draft Resolution OENO-MICRO 16-594B establishes a new oenological practice. In accordance with Article 80(3)(a) and Article 90(2) of Regulation (EU) No 1308/2013, this Resolution will have legal effects.
- (12) Draft Resolutions OENO-SPECIF 18-643, 18-644 and 18-645 establish the identification specifications of certain substances used in oenological practices. In accordance with Article 80(3)(a) and Article 90(2) of Regulation (EU) No 1308/2013, and with Article 9 of Delegated Regulation (EU) 2019/934, these Resolutions will have legal effects.
- (13) Draft Resolutions OENO-SCMA 17-618 and 17-620 establish new 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 effects.
- (14) 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.
- (15) 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 of the Union is set out in the Annex to this Decision and shall be expressed at the 18th General Assembly of the OIV on 26 November 2020 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 to this Decision 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*

ANNEX

The Member States acting jointly in the interest of the Union shall support only, and subject to any future review on the basis of new developments, the following draft resolutions at step 7 on oenological practices, purity and identification specifications of substances used in oenological practices and methods of analysis for determining the composition of the products of the wine sector:

- OENO-TECHNO 17-614A - Treatment of musts using adsorbent Styrene-Divinylbenzene beads
- OENO-TECHNO 17-614B - Treatment of wines using adsorbent Styrene-Divinylbenzene beads
- OENO-TECHNO 18-634 - Treatment of grapes by pulsed electric fields - (PEF)
- OENO-TECHNO 19-659 - Update to sheet 3.3.14. Treatment with Cellulose gums (Carboxymethylcellulose)
- OENO-MICRO 16-594B - Elimination of wild microorganisms in musts by continuous high pressure processes (Ultra High Pressure Homogenisation – UHPH)
- OENO-SPECIF 18-643 - Monograph on adsorbent Styrene-Divinylbenzene beads
- OENO-SPECIF 18-644 - Monograph on Calcium Sulfate
- OENO-SPECIF 18-645 - Method of determination of the mean molecular mass of potassium polyaspartate
- OENO-SCMA 17-618 - Quantitation of glucose, malic acid, acetic acid, fumaric acid, shikimic acid and sorbic acid in wine using quantitative nuclear magnetic resonance spectrometry ( $^1\text{H}$  NMR)

- OENO-SCMA 17-620 - Determination of alkylphenols in wines by gas chromatography-mass spectrometry (GC-MS or GC-MS/MS)
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