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2013/0129 (NLE)

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 via publications and organisation of events and symposiums, (ii) to assist other international organisations involved in standardisation activities and (iii) to contribute to international harmonisation of existing practices and standards. Currently 44 States are members of the OIV, among which 20 are Member States of the Union. The EU is currently not a member of the OIV.

At EU level, pursuant to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation, OJ L 299, p. 1), certain resolutions adopted and published by the OIV affect EU law. The Single CMO provides for references to the OIV resolutions in the following provisions:

- the methods of analysis for determining the composition of the products of the wine sector and 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 120(g) of the Single CMO and Article 9 of Commission Regulation (EC) No 606/2009 of 10 July 2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions, OJ L 193 p. 1);
- oenological practices adopted and published by the OIV upon which the Commission must base itself when it authorises such practices (Article 120(f) of Single CMO); and
- the same oenological practices according to which the EU must accept wines produced in third countries and which therefore become ipso facto binding in the EU (Article 158(a) of the Single CMO).

Similarly, pursuant to the Commission Regulation (EC) No 2870/2000 of 19 December 2000 laying down Community reference methods for the analysis of spirits drinks (OJ L 333, p. 20) certain resolutions adopted and published by the OIV affect EU law. Article 3 of Regulation 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.

On the basis of discussions held within the groups of experts meeting to prepare the General Assembly of the OIV, it can be expected that the following Resolutions, producing legal effect within the EU acquis, will be on the agenda of the General Assembly for adoption:

- The draft Resolutions OENO-TECHNO 11-498 and 11-499 establish new oenological practices. In accordance with Articles 120(f) and 158(a) of Regulation (EC) No 1234/2007, these Resolutions will affect the acquis.
- The draft Resolutions OENO-SCMA 9-418, 10-440, 10-480, 11-477, 11-478, 12-510 and 12-511 establish methods of analysis. In accordance Article 120(g) of Regulation (EC) No 1234/2007, these resolutions will affect the acquis.
- The draft Resolutions OENO-MICRO 11-496 et 11-497, OENO-SPECIF 10-459, 11-481, 11-482, 11-487, 11-488 and 11-495 establish purity and identification specifications of substances used in oenological practices. In accordance with Article 9 of Regulation (EC) No 606/2009, these Resolutions will affect the acquis.
- The draft Resolution OENO-SCMA 12-521 establishes a method of analysis for certain spirit drinks. In accordance with Article 3 of Regulation (EC) No 2870/2000, this Resolution will affect the acquis.

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 standard 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 affecting the acquis 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 and/or amend the present proposal to enable the Council to adopt the position to be taken also for these Resolutions.

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) 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 via publications and organisation of events and symposiums, (ii) to assist other international organisations involved in standardisation activities and (iii) to contribute to international harmonisation of existing practices and standards. Currently 44 States are members of the OIV, among which 20 are Member States of the Union. The EU is currently not a member of the OIV.
- (2) At EU level, pursuant to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation, OJ L 299, p. 1), certain resolutions adopted and published by the OIV affect EU law. The Single CMO provides for references to the OIV resolutions in the following provisions:
  - the methods of analysis for determining the composition of the products of the wine sector and 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 120(g) of the Single CMO and Article 9 of Commission Regulation (EC) No 606/2009 of 10 July 2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions, OJ L 193 p. 1);
  - oenological practices adopted and published by the OIV upon which the Commission must base itself when it authorises such practices (Article 120(f) of Single CMO); and

- the same oenological practices according to which the EU must accept wines produced in third countries and which therefore become ipso facto binding in the EU (Article 158(a) of the Single CMO).

- (3) Similarly, pursuant the Commission Regulation (EC) No 2870/2000 of 19 December 2000 laying down Community reference methods for the analysis of spirits drinks (OJ L 333, p. 20) 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.
- (4) The next meeting of the General Assembly of the OIV will take place on 8 June 2013. On that occasion, the General Assembly will examine and possibly adopt Resolutions which will produce the legal effects referred to.
- (5) It is therefore necessary to adopt, before that meeting of the General Assembly of the OIV, the positions that the Member States which are members of the OIV, acting jointly in the interest of the EU, should take in the General Assembly of the OIV with regard to these Resolutions.
- (6) The draft Resolutions OENO-TECHNO 11-498 and 11-499 establish new oenological practices. In accordance with Articles 120(f) and 158(a) of Regulation (EC) No 1234/2007, these Resolutions will affect the acquis.
- (7) The draft Resolutions OENO-SCMA 9-418, 10-440, 10-480, 11-477, 11-478, 12-510 and 12-511, establish methods of analysis. In accordance Article 120(g) of Regulation (EC) No 1234/2007, these resolutions will affect the acquis.
- (8) The draft Resolutions OENO-MICRO 11-496 et 11-497, OENO-SPECIF 10-459, 11-481, 11-482, 11-487, 11-488 and 11-495 establish purity and identification specifications of substances used in oenological practices. In accordance with Article 9 of Regulation (EC) No 606/2009, these Resolutions will affect the acquis.
- (9) The draft Resolution OENO-SCMA 12-521 establishes a method of analysis for certain spirit drinks. In accordance with Article 3 of Regulation (EC) No 2870/2000, this Resolution will affect the acquis.
- (10) 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 standard and they will set a framework which will ensure fair competition in the trading of wine sector products. They should therefore be supported.
- (11) 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 substance thereof.

HAS ADOPTED THIS DECISION:

*Article 1*

The position of the Union at the General Assembly of the OIV in 2013 shall be in accordance with the Annex to this Decision 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 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 methods of analysis for determining the composition of the products of the wine sector, on purity and identification specifications of substances used in oenological practices and on oenological practices:

OENO-TECHNO 11-498, modification of the files of oenological practices regarding enzymes,

OENO-TECHNO 11-499, dissolved gas management in wine using membrane contactors,

OENO-SCMA 9-418, Practical guide for the assessment, quality control, and uncertainty analysis of an oenological analysis method,

OENO-SCMA 10-440, guidelines for the olfactory and taste evaluation of wine defects,

OENO-SCMA 10-480, determination of methanol by gas chromatography,

OENO-SCMA 11-477, detection and assay of phthalates in wines,

OENO-SCMA 11-478, analysis of mineral elements in wines and spirits using ICP-AES (Inductively Coupled Plasma / Atomic Emission Spectrometry),

OENO-SCMA 12-510, determination by isotope ratio mass spectrometry  $^{13}\text{C}/^{12}\text{C}$  of acetic acid of wine vinegar,

OENO-SCMA 12-511, method for  $^{18}\text{O}/^{16}\text{O}$  isotope ratio determination of water in wine vinegar,

OENO-SCMA 12-521, detection and assay of phthalates in spirit drinks,

OENO-MICRO 11-496, monograph on yeast autolysates,

OENO-MICRO 11-497, cellular yeast hulls – codex,

OENO-SPECIF 10-459, monograph on inactivated yeasts,

OENO-SPECIF 11-481, monograph on ultrafiltration membranes,

OENO-SPECIF 11-482, monograph on nanofiltration membranes,

OENO-SPECIF 11-487, revision of the monograph on measurement of cinnamoyl esterase activity in enzymatic preparations (OIV-OENO 6-2007),

OENO-SPECIF 11-488, revision of the monograph on determination of beta-glucanase ( $\beta$  1-3,  $\beta$  1-6) activity in enzyme preparations (OIV-OENO 340-2010),

OENO-SPECIF 11-495, monograph on protein plant origin - modification of the file.