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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 110/2008 as regards nominal quantities for placing on the Union market of single distilled shochu produced by pot still and bottled in Japan - Outcome of the European Parliament's first reading (Strasbourg, 10-13 September 2018)

I. INTRODUCTION

The rapporteur, Adina-Ioana VĂLEAN (EPP, RO) presented a report on behalf of the Committee on the Environment, Public Health and Food Safety, aiming at taking over the Commission proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 110/2008 as regards nominal quantities for placing on the Union market of single distilled shochu produced by pot still and bottled in Japan.

II. VOTE

The Parliament adopted its first-reading position on 12 September 2018 by taking over the Commission proposal. This position is contained in its legislative resolution as set out in the Annex hereto.

On 2 July 2018, the Special Committee on Agriculture had approved the Commission's proposal without amendments. The Council should therefore be in a position to approve the European Parliament's position. The legislative act would then be adopted in the wording which corresponds to the European Parliament's position.

Nominal quantities for placing on the Union market of single distilled shochu *I**

European Parliament legislative resolution of 12 September 2018 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 110/2008 as regards nominal quantities for placing on the Union market of single distilled shochu produced by pot still and bottled in Japan (COM(2018)0199 – C8-0156/2018 – 2018/0097(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0199),
 - having regard to Article 294(2) and Article 114(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0156/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 11 July 2018¹,
 - having regard to the undertaking given by the Council representative by letter of 10 July 2018 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 59 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A8-0255/2018),
1. Adopts its position at first reading, hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Not yet published in the Official Journal.

Position of the European Parliament adopted at first reading on 12 September 2018 with a view to the adoption of Regulation (EU) 2018/... of the European Parliament and of the Council amending Regulation (EC) No 110/2008 as regards nominal quantities for the placing on the Union market of single distilled *shochu* produced by pot still and bottled in Japan

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 114(1) thereof,

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee²,

Acting in accordance with the ordinary legislative procedure³,

Whereas:

² OJ C

³ Position of the European Parliament of 12 September 2018.

- (1) On 29 November 2012, the Council adopted a Decision authorising the Commission to open negotiations with Japan on a Free Trade Agreement.
- (2) The negotiations for an Agreement between the European Union and Japan for an Economic Partnership ('the Agreement') were successfully concluded and the Agreement was signed on 17 July 2018.
- (3) Annex 2-D to the Agreement provides that single distilled *shochu*, as defined in subparagraph 10 of Article 3 of the Liquor Tax Law (Law No 6 of 1953) of Japan, produced by pot still and bottled in Japan, is to be allowed to be placed on the Union market in traditional bottles of four go (合) and one sho (升), corresponding to nominal quantities of 720 ml and of 1 800 ml, respectively, provided that other applicable Union legal requirements are fulfilled.
- (4) Directive 2007/45/EC of the European Parliament and of the Council⁴ provides that prepacked products can only be placed on the Union market if they are prepacked in the nominal quantities listed in section 1 of the Annex to that Directive. For spirit drinks, section 1 of the Annex to Directive 2007/45/EC refers to nine nominal quantities on the interval from 100 ml to 2 000 ml. Those nominal quantities do not include the quantities of 720 ml and 1 800 ml, the nominal quantities in which single distilled *shochu* produced by pot still is bottled and marketed in Japan.

⁴ Directive 2007/45/EC of the European Parliament and of the Council of 5 September 2007 laying down rules on nominal quantities for prepacked products, repealing Council Directives 75/106/EEC and 80/232/EEC, and amending Council Directive 76/211/EEC (OJ L 247, 21.9.2007, p. 17).

- (5) A derogation from the nominal quantities set out in the Annex to Directive 2007/45/EC for spirit drinks is therefore necessary to ensure that single distilled *shochu* produced by pot still and bottled in Japan can be placed on the Union market, as set out in Annex 2-D to the Agreement, in bottle sizes of 720 ml and of 1 800 ml that correspond to traditional Japanese bottle sizes four go (合) and one sho (升) , respectively.
- (6) The derogation to Directive 2007/45/EC needs to be introduced by means of an amendment to Regulation (EC) No 110/2008 of the European Parliament and of the Council⁵, in order to ensure that single distilled *shochu* produced by pot still and bottled in Japan can be placed on the market in all Member States simultaneously upon the entry into force of the Agreement.
- (7) Regulation (EC) No 110/2008 should therefore be amended accordingly.
- (8) To ensure implementation of the Agreement as regards the placing on the Union market of single distilled *shochu* produced by pot still and bottled in Japan, this Regulation should apply from the date of entry into force of the Agreement,

⁵ Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 (OJ L 39, 13.2.2008, p. 16).

HAVE ADOPTED THIS REGULATION:

Article 1

The following article is inserted in Chapter IV of Regulation (EC) No 110/2008:

'Article 24a

Derogation from nominal quantities requirements in Directive 2007/45/EC

By way of derogation from Article 3 of Directive 2007/45/EC of the European Parliament and of the Council*, and from the sixth row of section 1 of the Annex to that Directive, single distilled *shochu*** produced by pot still and bottled in Japan, may be placed on the Union market in nominal quantities of 720 ml and 1 800 ml.

* Directive 2007/45/EC of the European Parliament and of the Council of 5 September 2007 laying down rules on nominal quantities for prepacked products, repealing Council Directives 75/106/EEC and 80/232/EEC, and amending Council Directive 76/211/EEC (OJ L 247, 21.9.2007, p. 17).

** As referred to in Annex 2-D to the Agreement between the European Union and Japan for an Economic Partnership.'.

Article 2

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

It shall apply from the date of entry into force of the Agreement.

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

Done at ...,

For the European Parliament

For the Council

The President

The President
