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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	COUNCIL DECISION establishing the position to be taken on behalf of the Union with regard to certain resolutions to be voted at the 17th General Assembly of the International Organisation for Vine and Wine (OIV), to be held in Geneva (Switzerland), on 19 July 2019

COUNCIL DECISION

establishing the position to be taken on behalf of the Union with regard to certain resolutions to be voted at the 17th General Assembly of the International Organisation for Vine and Wine (OIV), to be held in Geneva (Switzerland), on 19 July 2019

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 19 July 2019.

(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 19 July 2019.

(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[1] and Commission Regulation (EC) No 606/2009[2], 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 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.

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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 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).

(10) Draft Resolution OENO-MICRO 16-594A establishes a new oenological practice. Draft Resolution OENO-MICRO 17-611 updates the objectives of an existing oenological practice. 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 effects.

(11) Draft Resolutions OENO-TECHNO 15-586, 17-612 and 17-613 update the applications and objectives of the corresponding oenological practices. Draft Resolution OENO-TECHNO 14-567B2 classifies the carbon dioxide as an additive or a processing aid according to each oenological function. Draft Resolution OENO-TECHNO 18-633 adds the use of a new substance to carry out the existing oenological practice. Draft Resolution OENO-TECHNO 17-616 establishes a new oenological practice for wine production. In accordance with Article 80(3)(a) and Article 90(2) of Regulation (EU) No 1308/2013, these Resolutions will have legal effects.

(12) Draft Resolutions OENO-SPECIF 17-617, 18-646 and 18-650 update the monographs that establish the purity and identification specifications of 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 Regulation (EC) No 606/2009, these Resolutions will have legal effects.

(13) Draft Resolutions OENO-SCMA 16-596, 17-619, 17-621 and 17-622 establish new methods of analysis. Draft Resolution OENO-SCMA 18-638 establishes a new method of analysis and fixes a new limit as regards the presence of lead in wine. 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, except for draft resolution OENO-TECHNO 14-567B2, on which further discussion is required.

(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, at the 17th General Assembly of the OIV on 19 July 2019 is set out in 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

1. 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-MICRO 16-594A - Reduction of indigenous microorganisms in grapes and musts by discontinuous high pressure processes (high hydrostatic pressure – HHP)
   – OENO-MICRO 17-611 - De-acidification by lactic acid bacteria
   – OENO-TECHNO 15-586 - OIV cellulose gums (carboxymethylcellulose) limit – update
   – OENO-TECHNO 17-612 - Update to the oenological practice on tannin addition in musts
   – OENO-TECHNO 17-613 - Update to the oenological practice on tannin addition in wines
   – OENO-TECHNO 17-616 - Treatment of crushed grapes with ultrasounds to promote the extraction of skin components
   – OENO-TECHNO 18-633 - Update to file 2.3.2. Fermentation activators
   – OENO-SPECIF 18-646 - Update to file E-COEI-1-POTBIS on potassium hydrogen sulfite
   – OENO-SPECIF 18-650 - Revision of file F-COEI-1-OEUALB Egg albumin – dry matter content and pH of egg albumins
   – OENO-SPECIF 17-617 - Update of monograph on colloidal silicon dioxide and relevant sheets of the international code of oenological practices
   – OENO-SCMA 17-619 - Method for the determination of potassium polyaspartate in wine by high-performance liquid chromatography coupled with a fluorescence detector

- OENO-SCMA 17-622 - Determination of d-gluconic acid in wines and musts by automated enzymatic method
- OENO-SCMA 17-621 - Determination of acetic acid in wines by automated enzymatic method
- OENO-SCMA 18-638 - Update of the limit of lead in wines
- OENO-SCMA 16-596 - Validation of analysis of phthalates in wines (OIV OENO 477-2013).

2. The Member States acting jointly in the interest of the Union shall request that the draft resolution OENO-TECHNO 14- 567B2 - Distinction between additives and processing aids – Carbon dioxide be referred back to step 5.