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From: Presidency

To: Delegations

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Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products, (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union and (EU) No 229/2013 laying down specific measures for agriculture in favour of the smaller Aegean islands

- *Exchange of views*

With a view to the meeting of the Special Committee on Agriculture on 8 February 2021, delegations will find in the Annex a paper from the PT Presidency presenting three (3) amendments related to Block 2 on wine and geographical indications for consideration:

- Extension of the planting authorization scheme
- Maintaining the ban on certain hybrid and wine varieties
- Dealcoholised and partly dealcoholized wines

1. Extension of authorizations for planting vines until 2045.

The current regime for planting authorizations under Reg. n° 1308/2013 (article 61) is expected to end in 2030. Until that date, the planting of vines, with grape varieties for wine, can only be done through the concession of a planting authorization.

The Commission did not present a proposal and maintains the status quo until 2030, with a mid-term review in 2027. It considers that the end date of 2030 is already very generous compared to other sectors and maintains that flexibility is needed in order to be able to respond to developments in the sector, if necessary. The Commission also referred that the scheme of authorisation for vine plantings restricts the rights of producers, and these restrictions need to be justified, proportional and limited in time. Moreover, it argues that the extension of the regime can make it difficult to respond to climate change and could send the wrong message to the agrifood sector, the wine sector being the only one with quotas and regulation of productive potential.

In the General Approach, the Council proposed to extend the scheme until 2040. The European Parliament's proposal was to extend until 2050.

The CLS has advised that any extension of the scheme beyond 2030 would need to be duly justified in the recitals of the legislative act to develop a stronger legal argument if ever the extension is challenged before the European Court of Justice.

	Commission Proposal	EP Mandate	Council Mandate	Outcome of 2nd CMO trilogue - Ask SCA to consider
Article 1, first paragraph, point (4a), amending provision, article, numbered paragraph				
80c		<p>The scheme of authorisations for vine plantings established in this Chapter shall apply from 1 January 2016 to 31 December 20302050, with a mid-term review to be undertaken by the Commission <u>every ten years and for the first time on 1 January 2023</u> to evaluate the operation of the scheme and, if appropriate, make proposals <u>to improve its effectiveness</u>.</p> <p>Am 63</p>	<p>The scheme of authorisations for vine plantings established in this Chapter shall apply from 1 January 2016 to 31 December 2040, with a mid-term review to be undertaken by the Commission to evaluate the operation of the scheme and, if appropriate, make proposals.</p> <p>"</p>	<p><u>EP compromise proposal to extend the planting authorisation scheme until 2045</u></p>

2. Maintenance of the ban on the use of certain hybrids and wine varieties

Presently, and regarding article 81(2) under Reg. n° 1308/2013, Member States can only classify wine grape varieties that belong to the species *Vitis vinifera* or that come from a cross between the species *Vitis vinifera* and another species of the genus *Vitis*. The grape varieties cannot be any of the following: Noah, Othello, Isabelle, Jacquez, Clinton and Herbemont.

The Commission proposed to allow the authorization of varieties resulting from crosses between species of the genus *Vitis* that do not include *Vitis vinifera*, including the possibility of authorization of the 6 currently prohibited varieties. The main objective of the Commission proposal is to remove the legal obstacle to research and innovation to allow the development of vines resistant to diseases and drought. The “resistant” varieties (not including *Vitis vinifera*), which are authorized for wine grapes, contribute to combat the risk of climate change and it is necessary to give all the instruments to the sector to be able to use all the genetic potential, allowing innovation in the strategy of combating climate change. Member States are not required to authorize such varieties. If Member States consider that such varieties should not be grown on their territory, they could simply not include them in their list of authorized vine varieties.

The European Parliament, on its side, seeks to maintain the prohibition on hybrid varieties, but provides for a derogation in the following terms: “By way of derogation from the second paragraph, Member States may authorize the replanting of *Vitis labrusca* or of the varieties of point (b) thereof in existing historical vineyards as long the existing planted area is not increased.” Thus, it partially eases the current situation, by allowing the replacement of areas currently planted with banned varieties, for historical reasons, without, however, increasing the existing area.

In other hand, some arguments against these varieties are the lower quality and taste, as well as the high content in methanol of such varieties.

	Commission Proposal	EP Mandate	Council Mandate	Outcome of 2nd CMO trilogue - Ask SCA to consider
Article 1, first paragraph, point(6), Amending Provision(2), second subparagraph, introductory part				
87	Member States may classify wine grape varieties where:	Member States may classify wine grape varieties where:	<i>Deleted</i>	
Article 1, first paragraph, point(6), Amending Provision(2), second subparagraph, point(a)				
88	(a) the variety concerned belongs to the <i>species Vitis vinifera</i> or <i>Vitis labrusca</i> ; or	(a) the variety concerned belongs to the species <i>Vitis vinifera</i> or <u>the variety concerned</u> comes from a cross between the species <i>Vitis vinifera</i> and other species of the genus <i>Vitis</i> ,	<i>Deleted</i>	<u>Maintaining the ban on the use of certain hybrid and wine varieties with a derogation as proposed by the European Parliament</u>
Article 1, first paragraph, point(6), Amending Provision(2), second subparagraph, point(b)				
89	(b) the variety concerned comes from a cross between the species <i>Vitis vinifera</i> , <i>Vitis labrusca</i> and other species of the genus <i>Vitis</i> .	(b) the variety is not one of the following: Noah, Othello, Isabelle, Jacquez, Clinton and Herbemont.	<i>Deleted</i>	
Article 1, first paragraph, point(6), Amending Provision(2), second subparagraph a				
89a		<u>By way of derogation from the second subparagraph,</u>		

	Commission Proposal	EP Mandate	Council Mandate	Outcome of 2nd CMO trilogue - Ask SCA to consider
		<u><i>Member States may authorise the replanting of Vitis Labrusca or the varieties from point (b) thereof in existing historical vineyards as long as the existing planted surface is not increased.</i></u>		
<i>Article 1, first paragraph, point(6), Amending Provision(2), third subparagraph</i>				
90	Where a wine grape variety is deleted from the classification referred to in the first subparagraph, grubbing up of this variety shall take place within 15 years of its deletion.	Where a wine grape variety is deleted from the classification referred to in the first subparagraph, grubbing up of this variety shall take place within 15 years of its deletion. <u>Am. 75 & Am. 76</u>	<i>Deleted</i>	

3. Dealcoholized or partially dealcoholized wines

The Commission clarified the intention of its proposal on Annex VII (II) of the Reg. n° 1308/2013, namely that all categories of wine products 1 and 4 to 9 of that annex could be dealcoholized, whether covered by the PDO / PGI or not. Its aim was to allow dealcoholized and partially dealcoholized wines within the existing product categories, and not to create new product categories.

The European Parliament is open to a proposal, including other relevant technical issues relating to labelling and mandatory labelling elements, where the designation "dealcoholized" and "partially dealcoholized" is mandatory information in addition to the category of wine, when it has undergone a dealcoholization process.

In Trilogue of January 27th, the European Parliament presented a proposal to exclude dealcoholized wine products from PDO protection but not from PGI. In other words, partially dealcoholized wine could be both PDO and PGI, while fully dealcoholized wine could only be PGI.

	Commission Proposal	EP Mandate	Council Mandate	Outcome of 2nd CMO trilogue - Ask SCA to consider
<i>Article 1, first paragraph, point (8a), amending provision, numbered paragraph</i>				
108b		<p>"1. Rules on designations of origin, geographical indications and traditional terms laid down in this Section shall apply only to the products referred to in points 1, 3 to 6, 8, 9, 11, 15 and 16 of Part II of Annex VII."</p> <p>Am. 78</p>		<p><u>Technical level compromise proposal:</u></p> <p>1) to redraft Part II of annex VII to make clear that dealcoholized wine products are part of the different grapevine categories and do not constitute separated categories;</p> <p>2) to deal with</p>

	Commission Proposal	EP Mandate	Council Mandate	Outcome of 2nd CMO trilogue - Ask SCA to consider
				<p>labelling requirements for dealcoholized wine products in Art 119 (1) on compulsory labelling particulars, and</p> <p>3) to exclude dealcoholized wine products from PDO protection but not from PGI. In other words, partially dealcoholized wine could be both PDO and PGI, while fully dealcoholized wine could only be PGI.</p>
<i>Article 1, first paragraph, point(9)(a), Amending Provision(a)(Va)</i>				
116a		<p><u><i>(va) which is not 'partially de-alcoholised' or 'de-alcoholised' as referred to in points 18 and 19 of Part II of Annex VII.</i></u></p> <p>Am. 82</p>		