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Subject:	Regulation on common market organisation (CMO) of agricultural products - Polish comments

Delegations will find attached the comments from the Polish delegation.



**MINISTRY OF AGRICULTURE AND RURAL
DEVELOPMENT**

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Warsaw, 03.01.2018

**COMMENTS OF POLISH DELEGATION AFTER WORKING PARTY ON
AGRICULTURAL PRODUCTS ON 12 DECEMBER 2018**

Working document: ST 9556/1/18 REV 1 COR 1¹

**Amendments to Regulation (EU) No 1308/2013 except for wine related provisions.
(Article 1 (paragraphs 1 to 4, 21 and 23 to 30) and Articles 4 to 7)**

Article 1 (1)

We should be careful with deletion of “marketing year” definition due to the existing data notification on agricultural markets and monitoring of markets (balance sheets) as well as links from other EU legislation to this definition. For instance there is the definition of “marketing year” in Regulation 2017/1185 (ISAMM communication). This definition is also covered by Regulation 2018/273.

Article 1 (23)

The article 189 regarding rules for the imports of hemp should be maintained due to the prevention of drug addiction. In accordance with Commission Implementing Regulation No 2016/1239, the obligation to obtain import licence for hemp has been maintained as these are special plants. Bearing in mind that there are different provisions for cannabis cultivation and trade in individual Member States, the internal EU market should be protected against import of hemp into the EU.

Article 1 (25)

In Poland’s opinion the Commission should be careful with suspension of import duties for molasses (article 193a). In our opinion this instrument should be used only as part of crisis management. In addition, the suspension of import duties for molasses should be preceded by an opinion of a Committee made up of representatives of the Member States. Meanwhile, the European Commission is in favour of the procedure without the Committee.

¹ 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)

Article 1 (26)

We do not support deletion of articles concerning export refunds (articles 196 – 204). Status quo should be maintained.

Poland proposes **to repeal Article 77 of Regulation (EU) No 1308/2013** because rules on **certification of hops** are unnecessary for the functioning of this sector. The certification of hops is complicated and expensive for all parties involved in it. Regulations on certification cover 100% control of quality parameters (humidity and extraneous matter content in hops).

The certification of hops is a derogation from the general provisions connected with quality issues in agricultural markets. This is a procedure that is not justified by, for example, compliance with provisions on food safety or tax regulations (hops are not excise goods).

Amendments to Geographical indications (Article 1 concerning wine GIs (paragraphs 9 to 17) and Articles 2 to 3)

Poland support changes made by Presidency.

Amendments to the remaining provisions related to the wine sector (Article 1, paragraphs 5 to 8, 18 to 20, 22 and 31 to 33)

Article 1 (6)

Poland support direction of Presidency changes in the context of wine grape varieties. This change gives possibility to Member States to adjust:

- crosses between the species *Vitis vinifera*, *Vitis Labrusca* and other species of *Vitis*,
- 6 banned varieties

to the changing climate conditions. Moreover such possibility could lower the use of pesticides.

Article 1 (8)

Checks and penalties related to marketing rules for wine products (products referred to in Article 119(1) of regulation No 1308/2013)) should be treated on the basis of horizontal rules concerning checks and penalties for foodstuffs.

Article 1 (18) (a)

We believe that nutritional information limited to energy value and the list of ingredients should be harmonised for all alcoholic beverages including wines, spirit drinks, aromatised wine products, beers as well as alcopops. The link to Art. 9 is not enough in this case. It is not clear whether the list of ingredients should refer to raw material, intermediate products, alcohol, spirit and water, etc.), so individual provisions of Regulation No 1169/2011 is insufficient.

The proposed option of listing components only in electronic form is also questionable, as Regulation No 1169/2011 does not provide such type of labelling.

The adoption of such change only for wine products would introduce inequality in labelling requirements among different alcoholic products available on the market and will create confusion for consumers.

We should wait for horizontal rules for all alcoholic beverages created on the basis of Regulation No 1169/2011.

Article 1 (19)

In Article 120 (1) point (h) should be added, allowing the use the name of geographical unit on the label of wine without PDO/PGI, when such information would be allowed by Member States and would not jeopardise the reputation of PDO/PGI. It should be allowed for such wines to inform consumers about place where grapes were grown. It would be in line with regulation No 1169/2011.

Proposal:

“(h) Member States may introduce possibility to use the name of geographical unit for wines without a protected designation of origin or a protected geographical indication. Any confusion with protected designation of origin or a protected geographical indication shall be avoided.”

Article 1 (32)

We support introduction of the definition “*de-alcoholised*” and “*partially de-alcoholised*” as well as changes made by the Presidency. It is needed to harmonise that issue on EU level.

However in the definition of “*partially de-alcoholised*” minimum alcoholic strength should be adjusted from 0,5 % vol. to 1,2 % vol. to harmonise the system with other rules:

- 1) labelling rules (Article 9 (1)(k) of Regulation No 1169/2011), where indication of alcoholic volume is placed on the label when alcoholic strength is higher than 1,2 % vol.
- 2) excise rules (Article 8 of Council Directive 92/83/EEC of 19 October 1992 on the harmonization of the structures of excise duties on alcohol and alcoholic beverages), where alcoholic strength by volume for still wines and sparkling wines are exceeding 1,2 % vol.

In Council Directive 92/83/EEC lower level of 1,2 % vol. is also indicated for fermented beverages other than wine and beer, intermediate products and ethyl alcohol (including spirit drinks).

Such change will harmonise the system.

Proposal:

(c) has an actual alcoholic strength of more than 1,2 0,5% by volume and less than the alcohol content stipulated for products under point (a). Following the processes specified in Section E of Part I of Annex VIII, the actual alcoholic strength of the product is reduced by more than 20% compared to its initial total alcoholic strength.

Additional change

Fruit wine and cider definition

The possibility of creating a definition of **cider** and **fruit wine** should be considered.

At the moment, on the forum of Working Party on Tax Questions (Indirect Taxation - Excise Duties) *Proposal for a Council Directive amending Directive 92/83/EEC on the harmonization of the structures of excise duties on alcohol and alcoholic beverages* is discussed. This document with Presidency changes (WK 14242/2018 INIT) introduce the definition of cider. If such definition will enter into force it would be the only cider definition in EU law. Such definition, as well as definition of fruit wine, due to the need of harmonisation is needed on EU level but it should be created on the basis of regulation No 1308/2013.