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CONTRIBUTION

From:	General Secretariat of the Council
To:	Delegations
N° prev. doc.:	14195/18 + REV 1 + REV 2
N° Cion doc.:	9556/18 + REV 1 (en, de, fr) + COR 1
Subject:	Regulation on common market organisation (CMO) of agricultural products - Swedish comments

Delegations will find attached the comments from the Swedish delegation.



13 March 2019

Ministry of Enterprise and Innovation



Swedish comments on the CMO regarding wine and GI:s

Sweden would like to thank the Romanian presidency for the opportunity to send in written comments and would like to point out that Sweden is pleased with the work that has been done on the regulation.

Sweden would like to submit the following comments.

Point 18 – article 119

Regarding nutrition declaration and labelling, Sweden would once again like to point out that we oppose to set out specific provisions on nutrition declaration and list of ingredients only for wine. This issue should be settled horizontally in framework the process based in Regulation (EU) No 1169/2011^[2] on the provision of food information to consumers concerning mandatory list of ingredients and the nutrition declaration for alcoholic beverages containing more than 1,2 % by volume of alcohol. The reasons are several but first and foremost the consumer interest in this must be given priority above any particular industry interest. Also the interest of a level playing field for alcoholic beverages (and other foodstuffs is of importance.) The labelling of spirit drinks, beer, cider and fruit wine or alcopops are not included unless there is a horizontal approach. This is why a horizontal approach is preferable. The derogation in article 16. 4 in regulation (EU) no 1169/2011 should be removed. Should all foodstuffs including other alcoholic beverages have the same possibility to inform about ingredients

^[2] Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004, OJ L 304, 22.11.2011, p. 18.

solely electronically? If that is the case, a horizontal framework is to be preferred. The proposal is not proportional compared to the interest of other food industry. The list of ingredients is not for the producers but for the consumers. The labelling should be present at the label easily reachable, easily visible, clearly legible and indelible.

Point 6 and recital 9 – article 81, paragraph 2

Sweden would like to see point 6 reinstated regarding grape varieties. It should be up to the market and consumers which wine grapes that are used and these grapes also can have a positive impact on the environment. The same goes for recital 9.

Point 9 – Article 93, point 10 – article 94 and point 3a – article 7(1)

Sweden believes that we should go back to the Commissions original wording regarding human factors and that “where relevant” should be reinstated in point 9 and that the text is amended as follows below,

Proposed amendments	General comments and justification
Point 10 – article 94 and point 3a – article 7(1)	
<i>(i) as regards a protected designation of origin, the link between the quality or characteristics of the product and the geographical environment referred to in point (a)(i) of Article 93(1); and, where relevant, the details concerning the human factors of that geographical environment. may, where relevant, be limited to a description of the soil and landscape management, cultivation practices or any other relevant human</i>	Sweden believes that there is no need for this level of detail in describing what human factors are and that this not lead to any simplification of the regulation.

contribution to the maintenance of the natural factors of the geographical environment referred to in Article 93(1);	
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Point 5a (article 64)

Sweden thinks that it is unclear as to what is to gain with the opportunity to favour a company that has been in the sector for at least ten years. Sweden feels that this can create unfair competition and that this opportunity should be deleted.

Point 13a (article 1)

In article 102.2 the reference to article 103 is now changed from art. 103.2 to solely art. 103. As Sweden understands this text this limits the position of trademarks vs. GI:s further and the wording should return to its original wording and reference to art. 103.2.

See proposed amendments below in **bold**.

Proposed amendments	General comments and justification
Point 13a – article 102	
Without prejudice to Article 101(2) of this Regulation, a trade mark the use of which contravenes Article 103.2 of this Regulation, which has been applied for, registered or established by use, if that possibility is provided for by the legislation concerned, in good faith within the territory of the Union, before the date on which the application for protection of the designation of origin or geographical indication is submitted to the Commission, may continue to be used and renewed notwithstanding the registration of a designation of origin or	In order to uphold trademarks relation to GI:s the wording should be changed with reference to article 103.2.

geographical indication, provided that no grounds for the trade mark's invalidity or revocation exist under Directive 2008/95/EC of the European Parliament and of the Council ¹⁵ or under Council Regulation (EC) No 207/2009 ¹⁶ .	
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