



Council of the European Union
General Secretariat

**Interinstitutional files:
2018/0218(COD)**

Brussels, 04 October 2018

WK 9083/2018 ADD 10 REV 1

LIMITE

**AGRI
AGRIFIN
AGRIORG
AGRILEG
CODEC
CADREFIN
IA**

WORKING PAPER

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

CONTRIBUTION

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

Delegations will find attached the comments from the Luxembourg delegation.

Luxemburg comments as regards amendments on the CMO regulation

Point 4 of the amended regulation as regards art. 23a):

Since the beginning of the school fruit program, the UK envelope was redistributed to programs of other Member States. Reducing the budget for the school fruit and vegetable program by subtracting the amount equal to the UK envelope will therefore result in an effective reduction of the funds available for the remaining Member States. Therefore, LU asks to keep the EU budgetary envelope of this important program unchanged. The situation for the School milk program is similar, as UK only uses half of its envelope.

Moreover, the Commission proposal concerning article 23a point c) iii) also needs to be amended to keep the status quo on the provisions concerning the transfers between school milk and school fruit programs. By the current wording, transfers between envelopes of 25% are not possible anymore.

1. Article 90a

The flexibility for MS in the application of sanctions, as foreseen in Regulation 1306/2013, should be maintained. In particular, no administrative penalties should be imposed in cases of obvious errors and minor non-compliances, as laid down in articles 64(2) and 89(4) of regulation 1306/2013.

Proposed wording:

“Article

90a

Checks and penalties related to marketing rules

Without prejudice to acts concerning the wine sector that have been adopted pursuant to Article 57 of Regulation (EU) [.../...] (*Horizontal Regulation*), in the event of infringement of Union rules in the wine sector, Member States shall apply proportionate, effective and dissuasive administrative penalties in accordance with Title IV, Chapter I of that Regulation (*Horizontal Regulation*). Such penalties shall not apply where the non-compliance is due to obvious errors and where the non-compliance is of a minor nature.”

2. Article 93 (1) a)

While we can see the advantage of an increased flexibility for choosing the name of a PDO, we consider that the presence of a geographical reference in the name of a PDO should remain mandatory.

Proposed wording:

“Article 93, paragraph 1, point (a)

- '(a) 'a designation of origin' means a name, containing a geographical indication, which identifies a product, referred to in Article 92(1) as originating in a specific place, region or, in exceptional cases, a country:

- (i) whose quality or characteristics are essentially or exclusively due to a particular geographical environment, with its inherent natural factors and, where relevant, human factors;
- ~~(ii) as originating in a specific place, region or, in exceptional cases, a country;~~
- (iii) which is produced from grapes which originate exclusively from that geographical area;
- (iv) the production of which takes place in that geographical area; and
- (v) which is obtained from vine varieties belonging to *Vitis vinifera* or a cross between the *Vitis vinifera* species and other species of the genus *Vitis*!;"

3. Article 93 (4)

The insertion of the wording "*and b(iii)*" seems to create an inconsistency between the definition of the production in paragraph 4 and the possibility for GI's of using a share of up to 15 % of the grapes coming from outside the demarcated region in paragraph 1.b).

4. Article 116a(3)

Regulation 2017/625 does not define the term "*product certification body*" used in paragraph 3.

5. Article 119 (4)

The requirement to withdraw the products from the market in case of non-conform labelling is excessive, and not in line with other Regulations from the foodstuff sector. Paragraph 4 should be deleted.

6. Annex VII – Part II points 18) and 19)

The Luxembourg authorities support the inclusion of a new category of "*de-alcoholised wine*" in Annex VII, based on public health considerations, but express concerns on the new category of "*partially de-alcoholised wine*".

Partial dealcoholisation of wine of 20 %, as proposed by the Commission, is a standard wine making practice with an organoleptic purpose, which is not directly related to public health issues. The name of this new category of wine that may contain up to 12 % of alcohol may mislead the consumer by suggesting that is an alcohol free product. Therefore, clearer criteria as regards the category *partially de-alcoholised wine* should be provided for in the text and a more substantial reduction than the proposed 20 % of the content of alcohol should be required.

We are wondering further on, whether the sales description *partially de-alcoholised wine* is compliant with the provisions of Regulation 1924/2006 on health claims made on foods, which requires a minimum of 30 % reduction of the targeted nutrient for nutrition claims.