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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 - Belgian comments

Delegations will find attached the comments from the Belgian delegation.

Comments from the Belgian delegation

Following the Council Working Party that took place on the 20th of July, we would like to take this opportunity to comment on presidency proposal document 2018/0218 (COD).

Article 51 of the current Regulation (EU) nr. 1151/2012, states that *any natural or legal person having a legitimate interest may lodge a notice of opposition with the Member State in which it is established.*

Our proposal is to harmonize this procedure with the current wine legislation, article 98 of Regulation (EU) nr. 1308/2013.

Article 51, point 1 of Regulation 1151/2012 would then become:

1. *Within three months from the date of publication in the Official Journal of the European Union any Member State or third country, or any natural or legal person having a legitimate interest and resident or established in a Member State other than that applying for the protection or in a third country, may object to the proposed protection by submitting to the Commission a reasoned statement of opposition..*

In the case of natural or legal persons resident or established in third countries, such a statement shall be submitted, either directly or via the authorities of the third country concerned, within the three month period referred to in the first paragraph.

Our motivation:

Belgium and especially Brussels resides a lot of multinational companies and sector representations. In case these entities wish to submit an objection to a published proposal, at the moment, they need to do it via the Belgian authorities. The current approach puts Belgium in a position where it risks to be involved in objection procedures that are of no interest to us leading to (1) additional administrative processing and even to (2) diplomatic sensibilities as Belgium officially appears and is referred to as a country who opposes against another country.

Our request for the above mentioned amendment in the Regulation 1151/2012 is a follow up of the letter sent to the Commission by the Federal Public Service of the Kingdom of Belgium on 2nd March 2018.

Furthermore, It goes without saying that we propose a similar approach to the changes that have been proposed by the European Commission regarding the wine sector.

Belgian comments on amendments on Regulation on common market organisation (CMO) of agricultural products 9556/18 + REV 1 + COR 1 concerning wine, following the discussion on the Working party of 12 September 2018.

- 1) Art 1 (13) which relates to article 98 of the Regulation 1308/2013,

Belgium and especially Brussels resides a lot of multinational companies and sector representations. In case these entities wish to submit an objection to a published application for protection, with this proposal, they need to do it via the Belgian authorities. This approach puts Belgium in a position where it risks to be involved in objection procedures that are of no interest to us leading to (1) additional administrative processing and even to (2) diplomatic sensibilities as Belgium officially appeals and is referred to as a country who opposes against another country. With this proposal there is also a discrepancy of procedures between EU countries and third countries.

Our proposal is the status quo : *any natural or legal person having a legitimate interest* may object to the proposed protection by submitting to the Commission *a notice of opposition*..

A similar request was also asked in the amendment of Regulation 1151/2012, following the WP of Agricultural products of the 20th of July.

- 2) Art 1 § 32, relating to Annex VII, Part II, new definitions of grape product categories, where the dealcoholised and partially dealcoholised terms may be used together with other wine products.

We have some reservations about the use of the term *partially dealcoholised* which makes reference to resolution OIV-ECO 523-2016. The latter mentions a wine with an *alcohol content modified by dealcoholization*. In this case, the alcohol content is reduced by at least 20%, but this remains wine because "the actual alcoholic strength is equal to or greater than the minimum acquired alcoholic strength for the wine". OIV resolution 433-2012 talks about partially dealcoholised wines with an alcohol content greater than 0.5%, but below the content for wine.

For reasons of clarity and transparency the OIV definitions seem more suitable. Knowing that in the future, the mention of alcohol-free wine will be a selling point, the current proposition seem less transparent for consumer on the one hand and on the other hand more difficult to control.

- 3) Article 119 (b)

In Article 119 (b) it is proposed that products that do not comply with the labeling rules should be removed from the market. This seems (depending on the case) very severe and can lead to a non-proportional sanctions. We propose to let member states decide for themselves what to do when there is a minor non-conformity.