



EUROPEAN COMMISSION

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Proposal for a

COUNCIL DECISION

establishing the position to be adopted on behalf of the European Union with regard to certain resolutions to be voted in the framework of the International Organisation for Vine and Wine (OIV)

EXPLANATORY MEMORANDUM

CONTEXT OF THE PROPOSAL

The International Organisation of Vine and Wine (OIV) is an intergovernmental scientific and technical organisation active in the sector of vine, wine, wine-based drinks, table grapes, raisins and other vine products. The objectives of the OIV are (i) to inform via publications and organisation of events and symposiums, (ii) to assist other international organisations involved in standardisation activities and (iii) to contribute to international harmonisation of existing practices and standards. Currently 44 States are members of the OIV, among which 20 are Member States of the Union. The EU is currently not a member of the OIV.

At EU level, pursuant to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation, OJ L 299, p. 1), certain resolutions adopted and published by the OIV affect EU law. The Single CMO provides for dynamic references to:

- the methods of analysis for determining the composition of the products of the wine sector and certain purity and identification specifications of substances used in oenological practices so that the rules adopted and published by the OIV become ipso facto binding on this matter within the EU (Article 120(g) of the Single CMO and Article 9 of Commission Regulation (EC) No 606/2009 of 10 July 2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions, OJ L 193 p. 1);
- oenological practices adopted and published by the OIV upon which the Commission must base itself when it authorises such practices (Article 120(f) of Single CMO); and
- the same oenological practices according to which the EU must accept wines produced in third countries and which therefore become ipso facto binding in the EU (Article 158(a) of the Single CMO).

On the basis of discussions held within the groups of experts meeting to prepare the General Assembly of the OIV, it can be expected that the following Resolutions, producing legal effect within the EU acquis, will be on the agenda of the General Assembly for adoption:

- The draft Resolutions OENO-TECHNO 08-394A, 08-394B, 10-442, 10-443, 10-450A, 10-450B, 11-483 and 11-484 establish new oenological practices.. In accordance with Articles 120(f) and 158(a) of Regulation (EC) No 1234/2007, these Resolutions will affect the acquis.
- The draft Resolutions OENO-SCMA 08-385, 09-419B, 10-436, 10-437, 10-461, 10-465 and 10-466, establish methods of analysis. In accordance Article 120(g) of Regulation (EC) No 1234/2007, these resolutions will affect the acquis.

- The draft Resolutions OENO-SPECIF 08-363, 08-364, 09-412, 10-451, 10-452, 10-459, 11-485, 11-486B, 11-489, 11-490, 11-491 and 11-494 establish purity and identification specifications of substances used in oenological practices. In accordance with Article 9 of Regulation (EC) No 606/2009, these Resolutions will affect the *acquis*.

The above mentioned resolutions have been extensively discussed between scientific and technical experts of the wine sector. They contribute to the international harmonisation of the wine standard and they will set a framework which will ensure fair competition in the trading of wine sector products. They should therefore be supported.

As in the past, it can be expected that the agenda of the meeting of the General Assembly of the OIV will still evolve and that further Resolutions affecting the *acquis* will be added to the agenda. In order to ensure efficiency of the work of the General Assembly while respecting the rules of the Treaties, the Commission will in due time supplement and/or amend the present proposal to enable the Council to adopt the position to be taken also for these Resolutions.

Proposal for a

COUNCIL DECISION

establishing the position to be adopted on behalf of the European Union with regard to certain resolutions to be voted in the framework of the International Organisation for Vine and Wine (OIV)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The International Organisation of Vine and Wine (OIV) is an intergovernmental scientific and technical organisation active in the sector of vine, wine, wine-based drinks, table grapes, raisins and other vine products. The objectives of the OIV are (i) to inform via publications and organisation of events and symposiums, (ii) to assist other international organisations involved in standardisation activities and (iii) to contribute to international harmonisation of existing practices and standards. Currently 44 States are members of the OIV, among which 20 are Member States of the Union. The EU is currently not a member of the OIV.
- (2) At EU level, pursuant to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation, OJ L 299, p. 1), certain resolutions adopted and published by the OIV affect EU law. The Single CMO provides for dynamic references to:
 - the methods of analysis for determining the composition of the products of the wine sector and certain purity and identification specifications of substances used in oenological practices so that the rules adopted and published by the OIV become ipso facto binding on this matter within the EU (Article 120(g) of the Single CMO and Article 9 of Commission Regulation (EC) No 606/2009 of 10 July 2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions, OJ L 193 p. 1);
 - oenological practices adopted and published by the OIV upon which the Commission must base itself when it authorises such practices (Article 120(f) of Single CMO); and

- the same oenological practices according to which the EU must accept wines produced in third countries and which therefore become ipso facto binding in the EU (Article 158(a) of the Single CMO).
- (3) The next meeting of the General Assembly of the OIV will take place on 22 June 2012. On that occasion, the General Assembly will examine and possibly adopt Resolutions which will produce the legal effects referred to.
 - (4) It is therefore necessary to adopt, before that meeting of the General Assembly of the OIV, the positions that the Member States which are members of the OIV, acting jointly in the interest of the EU, should take in the General Assembly of the OIV with regard to these Resolutions.
 - (5) The draft Resolutions OENO-TECHNO 08-394A, 08-394B, 10-442, 10-443, 10-450A, 10-450B, 11-483 and 11-484 establish new oenological practices. In accordance with Articles 120(f) and 158(a) of Regulation (EC) No 1234/2007, these Resolutions will affect the acquis.
 - (6) The draft Resolutions OENO-SCMA 08-385, 09-419B, 10-436, 10-437, 10-461, 10-465 and 10-466, establish methods of analysis. In accordance Article 120(g) of Regulation (EC) No 1234/2007, these resolutions will affect the acquis.
 - (7) The draft Resolutions OENO-SPECIF 08-363, 08-364, 09-412, 10-451, 10-452, 10-459, 11-485, 11-486B, 11-489, 11-490, 11-491 and 11-494 establish purity and identification specifications of substances used in oenological practices. In accordance with Article 9 of Regulation (EC) No 606/2009, these Resolutions will affect the acquis.
 - (8) The above mentioned resolutions have been extensively discussed between scientific and technical experts of the wine sector. They contribute to the international harmonisation of the wine standard and they will set a framework which will ensure fair competition in the trading of wine sector products. They should therefore be supported.

HAS ADOPTED THIS DECISION:

Article 1

The position of the Union at the General Assembly of the OIV in 2012 shall be in accordance with the Annex to this Decision and shall be expressed by the Member States which are Members of the OIV, acting jointly in the interest of the Union.

Article 2

Where the position referred to in Article 1 is likely to be affected by new scientific or technical information presented before or during the meetings of the OIV on matters which are not yet subject to a Union position, Member States which are Members of the OIV shall refrain from voting in the OIV General Assembly. The voting shall be postponed until the position of the Union is established on the basis of the new elements.

Article 3

This Decision is addressed to the Member States.

Done at Brussels,

*For the Council
The President*

ANNEX

The Member States acting jointly in the interest of the Union shall support only, and subject to any future review on the basis of new developments, the following draft resolutions on methods of analysis for determining the composition of the products of the wine sector, on purity and identification specifications of substances used in oenological practices and on oenological practices:

OENO-TECHNO 08-394A, dealcoholisation of wines

OENO-TECHNO 08-394B, correction of the alcohol content in wines

OENO-TECHNO 10-442, acidification by treatment with cation exchangers – must

OENO-TECHNO 10-443, acidification by treatment with cation exchangers – wine

OENO-TECHNO 10-450A, reduction of the sugar content in musts

OENO-TECHNO 10-450B, reduction of the sugar content in musts through membrane coupling

OENO-TECHNO 11-483, de-acidification using an electromembrane process - musts

OENO-TECHNO 11-484, de-acidification using an electromembrane process - wines

OENO-SPECIF 08-363, determination of pectinmethylesterase activity in enzyme preparations

OENO-SPECIF 08-364, determination of polygalacturonase activity in enzyme preparations

OENO-SPECIF 09-412, determination of endo-arabinanase α -1,5 activity in pectolytic enzyme preparations

OENO-SPECIF 10-451, addition to the monograph relating to the activity of β -d- glucosidase (OENO 5/2007) - codex

OENO-SPECIF 10-452, monograph on yeast protein extracts (type)

OENO-SPECIF 10-459, monograph on inactivated yeasts

OENO-SPECIF 11-485, revision of the monograph on enzymatic preparations (OIV-OENO 365-2009)

OENO-SPECIF 11-486B, revision of the monograph on determination of cellulase activity (OIV-OENO 8-2008)

OENO-SPECIF 11-489, revision of the monograph on determination of glycosidase activity (OIV-OENO 5-2007)

OENO-SPECIF 11-490, revision of the monograph on determination of galactanase activity (OIV-OENO 313-2009)

OENO-SPECIF 11-491, revision of the monograph on determination of pectinlyase activity (OIV-OENO 314-2009)

OENO-SPECIF 11-494, monograph on lactic bacteria - revision of the file

OENO-SCMA 08-385, determination of lysozyme in wine using high-performance capillary electrophoresis

OENO-SCMA 09-419B, specific methods for the analysis of grape sugar (rectified concentrated musts)

OENO-SCMA 10-436, assay of pesticide residues in wine (by gc/ms or lc/ms-ms) following extraction using the quechers method

OENO-SCMA 10-437, update of the method for determining the density of ethanol (method OIV-MA-AS2-01A)

OENO-SCMA 10-461, methods for the determination of natamycin in wine

OENO-SCMA 10-465, supplement to the method for determining dry extract (OIV-oeno 387/2009)

OENO-SCMA 10-466, modification of the method of evaluation by refractometry of the sugar concentration in grapes, musts, concentrated grape musts and rectified concentrated grape musts (oeno 21/2004)

The Member States acting jointly in the interest of the Union may agree to minor changes to these draft resolutions without further decision of the Council.