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REPORT

on the proposal for a regulation of the European Parliament and of the Council concerning the general rules on the definition, description and presentation of aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails (recast)

(COM(2007)0848 – C6-0006/2008 – 2007/0287(COD))

Committee on Legal Affairs

Rapporteur: József Szájer

(Recast – Rule 80a of the Rules of Procedure)

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend the common position
- *** Assent procedure
majority of Parliament's component Members except in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend the common position
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council concerning the general rules on the definition, description and presentation of aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails (recast)

(COM(2007)0848 – C6-0006/2008 – 2007/0287(COD))

(Codecision procedure – recast)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2007)0848),
 - having regard to Articles 251(2), 37 and 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0006/2008),
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts¹,
 - having regard to Rules 80a and 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs and the opinion of the Committee on Agriculture and Rural Development (A6-0216/2008),
- A. whereas, according to the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission, the proposal in question does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the unchanged provisions of existing texts, the proposal contains a straightforward codification of those texts without any change in their substance,
1. Approves the Commission proposal as adapted to the recommendations of the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission and as amended hereunder;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and the Commission.

¹ OJ C 77, 28.3.2002, p. 1.

Amendment 1

Proposal for a regulation Article 2 - paragraph 7

Text proposed by the Commission

7. Detailed rules for the application of this Article shall be adopted in accordance with the *procedures referred to in Article 13(3)*.

Amendment

7. Detailed rules for the application of this Article shall be adopted **by the Commission**.

Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(4).

Justification

As Article 2 deals with definitions and labelling, and as all the measures that could be passed under Article 2(7) (particularly about labelling) concern changing general rules of the Regulation, it is proposed to apply the regulatory procedure with scrutiny.

Amendment 2

Proposal for a regulation Article 4 - paragraph 4

Text proposed by the Commission

4. Detailed rules, **including** the methods to be used for analysing the products covered by this Regulation, shall be adopted in accordance with the procedure referred to in Article 13(2).

Amendment

4. Detailed rules **shall be adopted by the Commission**.

Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(4).

Rules on the methods to be used for analysing the products covered by this Regulation shall be adopted in accordance with the **management** procedure referred to in Article 13(2).

Justification

As far as preparation of drinks and their contents are concerned, the regulatory procedure with scrutiny should be applied as the Commission could otherwise define the applicability of the Regulation without democratic control. Parliament should agree on the foreseen management procedure for analytical methods, provided that any new methods of analyses respect the scope of a Directive or Regulation.

Amendment 3

Proposal for a regulation Article 10 - subparagraph 3

Text proposed by the Commission

The implementing rules and the list of products referred to in the first subparagraph shall be adopted in accordance with the ***procedure*** referred to in ***Article 13(3)***.

Amendment

The implementing rules and the list of products referred to in the first subparagraph shall be adopted ***by the Commission***.

Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the ***regulatory procedure with scrutiny*** referred to in ***Article 13(4)***.

Justification

As Article 10 deals with the implementation of international agreements in the EU, which often generates changes of the existing Community law, this might lead to changes in the general scope of the Regulation.

Amendment 4

Proposal for a regulation Article 11 - paragraph 3

Text proposed by the Commission

3. Detailed rules for the application of this Article, where necessary, shall be adopted in accordance with the ***procedure*** referred to in ***Article 13(3)***.

Amendment

3. Detailed rules for the application of this Article, where necessary, shall be adopted ***by the Commission***.

Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the

regulatory procedure with scrutiny
referred to in ***Article 13(4)***.

Justification

The amendment introduces the regulatory procedure with scrutiny for measures of general scope which are closely linked to implementation of international agreements, that should for reasons of simplification be dealt with under the same procedural rules as applied in Article 10, that also concerns implementation of international agreements.

EXPLANATORY STATEMENT

Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission¹ was amended by Council Decision 2006/512/EC of 17 July 2006². Article 5a of amended Decision 1999/468/EC introduced the new 'regulatory procedure with scrutiny' (RPS) for *'measures of a general scope which seek to amend non-essential elements of a basic instrument adopted in accordance with codecision, inter alia by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements'*.

Following the screening of the existing legislation and on-going procedures³, the European Commission presented inter alia this recast proposal, transformed from a codification in order to incorporate the amendments necessary for the alignment to RPS.

In its decision of 12 December 2007 the Conference of Presidents designated the Committee on Legal Affairs as the lead Committee to deal with this 'comitology alignment' and the specialised committees as opinion-giving committees. The Conference of Committee Chairs agreed on 15 January 2008 on the modalities of cooperation between the Committee on Legal Affairs and the other committees involved.

In view of the fact that the proposed alignment to RPS is not complete, and having consulted the Committee on Agriculture and Rural Development, the Committee on Legal Affairs suggests a limited number of amendments which are inextricably linked to the internal logic of the text - that is the proper introduction of the new comitology procedure - pursuant to Rule 80a (3), third subparagraph, of the Rules of Procedure of the European Parliament. With regard to the recast technique, the inclusion of the technical adaptations suggested by the Consultative Working Party of the Legal Services is also recommended.

¹ OJ C 203, 17.7.1999, p. 1.

² OJ L 200, 22.7.2006, p. 11.

³ COM(2007)0740.

LETTER OF THE COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT

Mr Giuseppe Gargani
Chairman of the Committee on
Legal Affairs
ASP 9 E 206

Subject: Regulation of the European Parliament and of the Council concerning the general rules on the definition, description and presentation of aromatized wines, aromatized win-based drinks and aromatized wine-product cocktails (COM(2007)0848) RECAST

Dear Mr. Gargani,

The Committee on Agriculture and Rural Development has scrutinized the above-mentioned proposal.

1. Article 2(7) of the above-mentioned proposal foresees the regulatory procedure (without scrutiny) for adoption of '*detailed rules for the application of this Article*'. As Article 2 deals with definitions and labelling, and as all the measures that could be passed under Article 2(7) (particularly about labelling) concern changing general rules of the Regulation, we propose to apply the regulatory procedure with scrutiny to measures under Article 2(7).
2. Article 4 refers in paragraph (1) to the procedure laid down in Directive 89/107/EEC (OJ L 40, 11.2.1989, p. 27) and in paragraph (4) to the management procedure. As far as definitions, preparations of drinks and contents of drinks are concerned, we do think that the regulatory procedure with scrutiny should be applied as the Commission could otherwise define the applicability of the Regulation without consulting the EP.
3. The committee agrees to the foreseen management procedure for analytical methods, provided that any new methods of analyses respect the scope of a Directive or Regulation.
4. The committee has no objections to the proposed management procedure in Article 9 (2) as it only concerns documentation measures.

5. In Article 9 (3) a procedure is foreseen for *'measures for the uniform application of the Community's provisions'* that may be adopted by the Council *'acting by a qualified majority on a proposal from the Commission'*.
If this means that a new legal text shall be adopted, the rights of the European Parliament according to Article 251 EC need to be respected. The paragraph should therefore be dropped altogether or changed to make sure that the EP has a possibility to scrutinize and veto the implementing act.
6. In Article 10, the term "regulatory procedure" should be changed to "regulatory procedure with scrutiny", as this article deals with the implementation of international agreements in Europe, which often generates changes of the law in place, meaning that it might lead to changes to the general scope of the legal text, i.e. the recast Regulation.
7. For the same reasons the term "comitology" in Article 11 ought to be changed to "regulatory procedure with scrutiny".
8. Furthermore, it is not quite clear why Recital 12 of the recast Regulation has been dropped from the proposal.
9. Concerning all other procedures the Committee on Agriculture and Rural Development has no objections.

Yours sincerely,

Neil Parish
Chairman

Hans-Peter Mayer
Draftsman

**ANNEX: OPINION IN LETTER FORM OF THE LEGAL SERVICES'
CONSULTATIVE WORKING PARTY**

OPINION

**FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION**

Proposal for a regulation of the European Parliament and of the Council concerning the general rules on the definition, description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails (COM(2007)848 – C6-00006/2008 – 2007/0287(COD))

Having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party, consisting of the respective legal services of the European Parliament, the Council and the Commission, met on 8 January 2008 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.

At that meeting¹, an examination of the proposal for a regulation of the European Parliament and of the Council with a view to the recasting of Regulation (EEC) No 1601/91 of 10 June 1991 concerning the general rules on the definition, description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails resulted in the Consultative Working Party's establishing, by common accord, as follows:

1. In Article 1, the words '*lays down*' should be replaced with the words '*provides for*'.
2. In Article 2(2)(d), the addition of the words 'and/or cinnamon' corrects an error in the French version of the act. That correction is needed in order to enable alignment of the French version with the other versions, such as the English and German. It has been noted that it would have been preferable for that correction to have been indicated by using substance adaptation markers rather than by the adaptation markers used to denote the addition of those words.
3. In Article 3, the title '*Subsidiary definitions*' should be deleted.

In consequence, examination of the proposal has enabled the Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such therein or in the present opinion. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those

¹ The Consultative Working Party had the English, French and German versions of the proposal and worked on the basis of the French version, being the original language version of the working paper.

substantive amendments, that the proposal is indeed confined to straightforward codification, without any substantive changes to the acts in question.

(sgd) C. PENNERA
Jurisconsult

(sgd) J.-C. PIRIS
Jurisconsult

(sgd) M. PETITE
Director-General

PROCEDURE

Title	Aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails (recast version)
References	COM(2007)0848 – C6-0006/2008 – 2007/0287(COD)
Date submitted to Parliament	20.12.2007
Committee responsible Date announced in plenary	JURI 19.2.2008
Committee(s) asked for opinion(s) Date announced in plenary	AGRI 19.2.2008
Rapporteur(s) Date appointed	József Szájer 19.12.2007
Date adopted	28.5.2008
Result of final vote	+: 15 –: 0 0: 0
Members present for the final vote	Marek Aleksander Czarnecki, Bert Doorn, Giuseppe Gargani, Lidia Joanna Geringer de Oedenberg, Katalin Lévai, Hartmut Nassauer, Aloyzas Sakalas, Francesco Enrico Speroni, Diana Wallis, Jaroslav Zvěřina, Tadeusz Zwiefka
Substitute(s) present for the final vote	Sharon Bowles, Brian Crowley, Gabriele Stauner, József Szájer