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Proposal for a

COUNCIL DECISION

**on the position to be taken on behalf of the European Union in the International
Organisation of Vine and Wine (OIV)**

EXPLANATORY MEMORANDUM

1. SUBJECT MATTER OF THE PROPOSAL

This proposal concerns the decision establishing the position to be taken on the Union's behalf in the General Assembly of the OIV on 16 October 2026 concerning the envisaged adoption of OIV resolutions that may produce legal effects on Union law.

2. CONTEXT OF THE PROPOSAL

2.1. Particular status of the EU within OIV

Currently 50 States are members of the OIV, among which 20 are Member States of the Union. The EU is not a member of the OIV. However, since 20 October 2017, the OIV has granted to the Union the particular status provided for in Article 4 of the Rules of Procedure of the OIV, enabling it to intervene in the works of the Commissions, Sub-Commissions and groups of experts and attend the meetings of the General Assembly and the Executive Committee.

2.2. The OIV

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 of measures whereby the concerns of producers, consumers and other players in the vine and wine products sector may be taken into consideration, (ii) to assist other international organisations involved in standardisation activities and (iii) to contribute to international harmonisation of existing practices and standards.

2.3. The envisaged act of the OIV

The next General Assembly of OIV will be held on 16 October 2026. In that context and on the basis of discussions held at the technical OIV meetings in April 2026, it can be expected that the following resolutions, producing legal effects, will be on the agenda of the General Assembly for adoption:

- Draft Resolution OENO-MICRO 20-669A and B on microbiological stabilization of must and wine, respectively, by pulsed electric fields (PEF);
- Draft Resolution OENO-TECHNO 14-540A and B on specific oenological practices for de-alcoholised and for partially de-alcoholised wine, respectively;
- Draft Resolution OENO-TECHNO 14-544 on the treatment with polydimethylsiloxane;
- Draft Resolution OENO-TECHNO 20-672A on the treatment with a functionalised mesoporous silica (FMS) for the protein stabilisation of musts;
- Draft Resolution OENO-TECHNO 21-706, updating file 3.3.13 “Treatment of wines with yeast mannoproteins”;
- Draft Resolution OENO-TECHNO 23-730 on limit of sorbic acid in wine;
- Draft Resolution OENO-TECHNO 23-734 on treatment of white must with adsorbent styrene-divinylbenzene beads to eliminate polyphenolic compounds responsible for browning;

- Draft Resolution OENO-TECHNO 23-735 on the treatment of white wine with adsorbent styrene-divinylbenzene beads to eliminate polyphenolic compounds responsible for browning;
- Draft Resolution OENO-TECHNO 25-761, updating file 3.4.21 “Malolactic fermentation activators”;
- Draft Resolution OENO-SPECIF 21-695, defining the monograph on chelating resins of styrene-divinylbenzene with iminodiacetic functional group;
- Draft Resolution OENO-SPECIF 23-727, updating of monograph of citric acid;
- Draft Resolution OENO-SCMA 24-754, on the analytical method for the determination of strontium isotopic ratio ($^{87}\text{Sr}/^{86}\text{Sr}$) in wines (Method type IV);
- Draft Resolution SECSAN-SECUAL 23-722, updating of the classification of oenological tannins as additive or processing aid.

It can be expected that the agenda of the meeting of the General Assembly of the OIV will still evolve and that further resolutions producing legal effects on Union law 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 or amend the present proposal to enable the Council to adopt the position to be taken also for these resolutions.

3. POSITION TO BE TAKEN ON THE UNION'S BEHALF

Most of the draft resolutions that will be submitted to the vote of the next General Assembly of OIV have been extensively discussed between scientific and technical experts of the wine sector. They contribute to the international harmonisation of the wine standards and they will set a framework which will ensure fair competition in the trading of wine sector products. They should therefore be supported.

However, the draft resolution OENO-TECHNO 14-540A that would allow the addition of glycerol (E 422) in de-alcoholised wine at a maximum concentration level of 50 g/L, has been considered in a recent scientific opinion¹ adopted by the European Food Safety Authority (‘the Authority’) concluding that the acute reference dose (ARfD) would be exceeded in all population groups. The scientific opinion further provides for the theoretical maximum concentrations of glycerol (E 422) in de-alcoholised wine at which exposure does not exceed the ARfD for different population groups. In the light of this new evidence, there is the necessity to define a proper risk management and scientifically assess the quantity of exogenous glycerol (E 422) in relation to its technological function within the new safety range. Therefore this resolution should only be supported if the specific treatment referring to the addition of glycerol is removed from the resolution so as to allow for proper scientific assessment of the technological function of glycerol (E 422) while taking into account the scientific opinion of the Authority.

¹ Safety of acute exposure to the food additive glycerol (E 422) from beverages.
<https://efsa.onlinelibrary.wiley.com/doi/10.2903/j.efsa.2026.10057>

4. LEGAL BASIS

4.1. Procedural legal basis

4.1.1. Principles

Article 218(9) of the Treaty on the Functioning of the European Union (TFEU) provides for decisions establishing *‘the positions to be adopted on the Union’s behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement.’*

Article 218(9) TFEU applies regardless of whether the Union is a member of the body or a party to the agreement².

The concept of *‘acts having legal effects’* includes acts that have legal effects by virtue of the rules of international law governing the body in question. It also includes instruments that do not have a binding effect under international law, but that are *‘capable of decisively influencing the content of the legislation adopted by the EU legislature’*³.

4.1.2. Application to the present case

Pursuant to Regulation (EU) No 1308/2013 of the European Parliament and of the Council and Commission Delegated Regulation (EU) 2019/934, certain resolutions adopted and published by the OIV may have legal effect on EU law, in particular those concerning the oenological practices and methods of analyses recommended. The Union position with regard to those resolutions in relation to matters within its competence should therefore be adopted by the Council and expressed at the OIV meetings by the Member States which are members of the OIV, acting jointly in the interest of the Union.

Therefore, the procedural legal basis for the proposed decision is Article 218(9) TFEU.

4.2. Substantive legal basis

4.2.1. Principles

The substantive legal basis for a decision under Article 218(9) TFEU depends primarily on the objective and content of the envisaged act in respect of which a position is taken on the Union's behalf. If the envisaged act pursues two aims or has two components and if one of those aims or components is identifiable as the main one, whereas the other is merely incidental, the decision under Article 218(9) TFEU must be founded on a single substantive legal basis, namely that required by the main or predominant aim or component.

4.2.2. Application to the present case

The main objective of the envisaged draft resolutions relates to the harmonisation of wine standards and thus to the implementation of a common agricultural policy. Therefore, the substantive legal basis of the proposed decision comprises Article 43 of the TFEU.

4.3. Conclusion

The legal basis of the proposed decision should be Article 43, in conjunction with Article 218(9) TFEU.

² Judgment of the Court of Justice of 7 October 2014, Germany v Council, C-399/12, ECLI:EU:C:2014:2258, paragraph 64.

³ Judgment of the Court of Justice of 7 October 2014, Germany v Council, C-399/12, ECLI:EU:C:2014:2258, paragraphs 61 to 64.

5. PUBLICATION OF THE ENVISAGED ACT

Not applicable.

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COUNCIL DECISION

on the position to be taken on behalf of the European Union in the International Organisation of 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) will examine and possibly adopt resolutions ('draft OIV resolutions') at its next General Assembly on 16 October 2026. Those resolutions will have legal effects for the purposes of Article 218(9) of the Treaty.
- (2) The Union is not a member of the OIV. However, on 20 October 2017, the OIV granted to the Union the particular status provided for in Article 4 of the Rules of Procedure of the OIV.
- (3) 20 Member States are members of the OIV. Those Member States have the possibility to propose amendments to the draft OIV resolutions and will be asked to adopt those resolutions in the next OIV General Assembly on 16 October 2026.
- (4) It is appropriate to establish the position to be taken on the Union's behalf at the OIV meetings with regard to the draft OIV resolutions in relation to matters within its competence. That position should be expressed at the OIV meetings by the Member States which are members of the OIV, acting jointly in the interest of the Union.
- (5) Pursuant to Regulation (EU) No 1308/2013 of the European Parliament and of the Council¹ and Commission Delegated Regulation (EU) 2019/934², certain resolutions adopted and published by the OIV will have legal effects.
- (6) Article 80(3), point (a), of Regulation (EU) No 1308/2013 provides that the Commission is to take into account the oenological practices and methods of analysis recommended and published by the OIV when authorising oenological practices.

¹ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671, ELI: <http://data.europa.eu/eli/reg/2013/1308/oj>).

² Commission Delegated Regulation (EU) 2019/934 of 12 March 2019 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards wine-growing areas where the alcoholic strength may be increased, authorised oenological practices and restrictions applicable to the production and conservation of grapevine products, the minimum percentage of alcohol for by-products and their disposal, and publication of OIV files (OJ L 149, 7.6.2019, p. 1, ELI: http://data.europa.eu/eli/reg_del/2019/934/oj).

- (7) Article 80(5) of Regulation (EU) No 1308/2013 provides that the Commission, when laying down methods of analysis for determining the composition of the products of the wine sector, is to base those methods on any relevant methods recommended and published by the OIV unless they would be ineffective or inappropriate in view of the objective pursued by the Union.
- (8) Article 90(2) of Regulation (EU) No 1308/2013 provides that products of the wine sector imported into the Union are to be produced in accordance with oenological practices authorised by the Union pursuant to that Regulation or, prior to that authorisation, produced in accordance with oenological practices recommended and published by the OIV.
- (9) Article 9(1) of Delegated Regulation (EU) 2019/934 provides that, where they are not laid down by the Commission, the purity and identification specifications of substances used in oenological practices are to be those referred to in column 4 of Table 2 of Part A of Annex I to that Regulation, which refer to OIV recommendations.
- (10) Draft Resolutions OENO-MICRO 20-669A and OENO-MICRO 20-669B propose to expand the application of pulsed electric fields, currently allowed for grapes, also to must and wine respectively, for microbiological stabilisation. Draft resolution OENO-TECHNO 14-540B establishes specific oenological practices for partially de-alcoholised wines. Draft resolutions OENO-TECHNO 23-734 and OENO-TECHNO 23-735 propose to extend the treatment with styrene-divinylbenzene adsorbent bed for white must and white wine respectively, to the removal of oxidised and oxidisable polyphenolic compounds responsible for browning. Draft resolution OENO-TECHNO 14-544 proposes the addition of dimethyl polysiloxane during alcoholic fermentation of must to prevent the formation of foam. Draft resolution OENO-TECHNO 20-672A proposes the use of functionalised mesoporous silica in must in order to remove unstable proteins in a selective way. Draft resolution OENO-TECHNO 21-706 updates the treatment of wines with yeast mannoproteins by defining the objectives for white and rosé wines and its maximum dose. Draft Resolution OENO-TECHNO 23-730 increases the maximum acceptable limit of sorbic acid concentration in wine from 200 to 250 mg/L specifically for *Vitis labrusca* and their hybrids thereof and for special qualitative factors or traditions specific to certain countries, as established by national legislation. Draft resolution OENO-TECHNO 25-761 updates the file 3.4.21 on malolactic fermentation activator by specifying the nature of the cellulose activator. In accordance with Article 80(3), point (a) of Regulation (EU) No 1308/2013 and Article 9(1) of Delegated Regulation (EU) 2019/934, these resolutions will have legal effects.
- (11) Draft resolution OENO-SPECIF 21-695 adds the monograph on chelating resins of styrene-divinylbenzene with iminodiacetic functional group to the International Oenological Codex; and draft resolution OENO-SPECIF 23-727 updates the monograph of citric acid, mainly by distinguishing the two forms monohydrate and anhydrous. In accordance with Article 9 of Delegated Regulation (EU) 2019/934, these resolutions will have legal effects.
- (12) Draft resolution OENO-SCMA 24-754 proposes to add a methodology for the determination of strontium isotopic ratio ($^{87}\text{Sr}/^{86}\text{Sr}$) in wines to the Compendium of International Methods of Wine and Must Analysis. In accordance with Article 80(5) of Regulation (EU) No 1308/2013, this resolution will have legal effects.
- (13) Draft resolution SECSAN-SECUAL 23-722 updates the classification of oenological tannins by defining the cases in which they can be considered as additive or as

processing aid. In accordance with Article 80(3), point (a) of Regulation (EU) No 1308/2013, and with Article 9 of Delegated Regulation (EU) 2019/934, this resolution will have legal effects.

- (14) Those draft OIV resolutions have been extensively discussed between scientific and technical experts of the wine sector. They contribute to the international harmonisation of the wine standards and will set a framework which will ensure fair competition in the trading of products of the wine sector. They should therefore be supported.
- (15) Another draft resolution producing legal effects on Union law in accordance with Article 80(3), point (a) of Regulation (EU) No 1308/2013 to be submitted for adoption of the General Assembly, is draft resolution OENO-TECHNO 14-540A. This resolution lists oenological practices allowed for the production of de-alcoholised wine. Specifically for the treatment “6.34 Addition of glycerol”, the draft resolution recommends that the total concentration of glycerol in the de-alcoholised wine must not exceed 50 g/L. The European Food Safety Authority (‘the Authority’) published recently a scientific opinion³ on the safety of acute exposure to the food additive glycerol (E 422) from beverages, including de-alcoholised wines. The opinion concludes that a concentration of 50 g/L in de-alcoholised wines would exceed the acute reference dose (ARfD) in all population groups. The opinion also provides for the theoretical maximum concentrations of total glycerol (E 422) in de-alcoholised wine, at which exposure does not exceed the ARfD, for different population groups and associated volumes of single consumption event. In the light of these findings, before fixing any level of glycerol in the resolution, there is the need for an additional comprehensive assessment based on experimental data, including the identification of the method of analysis, the relation with the initial presence of glycerol in the product, the impact of the de-alcoholisation process on its concentration, the minimum level of exogenous glycerol in relation to its technological function and the definition of a proper risk management strategy. This resolution should therefore be supported only if the specific treatment “6.34 Addition of glycerol” is removed from the resolution, so as to allow for the comprehensive scientific assessment mentioned above.
- (16) In order to allow for the necessary flexibility during the negotiations ahead of the OIV General Assembly on 16 October 2026, Member States which are members of the OIV should be authorised to agree changes to those draft OIV resolutions provided that such changes do not alter the substance thereof,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union’s behalf in the OIV General Assembly scheduled for 16 October 2026 is set out in the Annex to this Decision.

Article 2

The position referred to in Article 1 shall be expressed by the Member States of the Union which are Members of the OIV, acting jointly in the interest of the Union.

³ Safety of acute exposure to the food additive glycerol (E 422) from beverages.
<https://efsa.onlinelibrary.wiley.com/doi/10.2903/j.efsa.2026.10057>

Article 3

1. Where the position referred to in Article 1 is likely to be affected by new scientific or technical information presented before or during the OIV meetings, Member States which are Members of the OIV shall request that the voting in the OIV General Assembly be postponed until the position of the Union is established on the basis of the new information.
2. Following coordination and without further decision of the Council establishing the position to be taken on the Union's behalf, the Member States which are Members of the OIV, acting jointly in the interest of the Union, may agree to technical changes to the draft OIV resolutions referred to in the Annex to this Decision which do not alter the substance thereof.

Article 4

This Decision shall enter into force on the date of its adoption

Done at Brussels,

*For the Council
The President*