



Brussels, 1.6.2017  
COM(2017) 263 final

2017/0108 (NLE)

Proposal for a

**COUNCIL DECISION**

**laying down a simplified procedure for the drawing up of Union positions in the Council  
of Members of the International Olive Council**

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

The International Agreement on Olive Oil and Table Olives, 2005<sup>1</sup>, which was due to expire on 31 December 2014, was extended until 31 December 2015. In accordance with Article 47(3) thereof, the Agreement remained in force until the entry into force of the new Agreement.

On 19 November 2013, the Council authorised the Commission to open negotiations on behalf of the Union in order to conclude a new international agreement on olive oil and table olives.

During the United Nations Conference for the Negotiation of a Successor Agreement to the International Agreement on Olive Oil and Table Olives, 2005, held at the Palais des Nations in Geneva from 5 to 9 October 2015, the representatives of 24 Member States of the United Nations Conference on Trade and Development (UNCTAD) and two intergovernmental organisations drew up the text of the new Agreement.

The text of the Agreement, which was negotiated in consultation with the Working Party on Commodities (PROBA), duly reflects the negotiating directives issued by the Council.

In accordance with Council Decision (EU) 2016/1892 of 10 October 2016<sup>2</sup>, the International Agreement on Olive Oil and Table Olives, 2015 was signed on behalf of the Union on 28 November 2016 at the United Nations Headquarters in New York, subject to its conclusion at a later date.

The new Agreement entered into force provisionally on 1 January 2017 in accordance with Article 31(2) thereof, and was approved by Council Decision [2017/...] <sup>3</sup>.

Pursuant to Article 218(9) of the Treaty on the Functioning of the European Union, the position to be adopted on behalf of the Union in bodies set up by an international agreement when they are called upon to adopt acts having legal effects, with the exception of acts supplementing or amending their institutional framework, must be adopted by Council Decision, on a proposal from the Commission.

The Agreement establishes a decision-making body, called the ‘Council of Members’, which exercises all powers and performs all the functions necessary to achieve the objectives of the Agreement. In order to facilitate the adoption of decisions by the Council of Members, and ensure the effective functioning of the Agreement, it is necessary to draw up the general principles governing the Union’s position as well as a simplified internal procedure for the drawing up of the Union’s position within the Council of Members as regards certain decisions having legal effects that do not modify the institutional framework of the Agreement.

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<sup>1</sup> OJ L 302, 19.11.2005, p. 47.

<sup>2</sup> Council Decision (EU) 2016/1892 of 10 October 2016 on the signing, on behalf of the European Union, and provisional application of the International Agreement on Olive Oil and Table Olives, 2015 (OJ L 193, 28.10.2016, p. 2).

<sup>3</sup> Council Decision [...]/2017] of [...] on the conclusion of the International Agreement on Olive Oil and Table Olives, 2015 [OJ....]

## **2. PROPOSAL**

In the light of the above, the Commission proposes that the Council provide for a simplified procedure allowing the Commission to draw up certain positions to be adopted on behalf of the Union in the Council of Members with regard to certain decisions having legal effects that do not modify the institutional framework of the Agreement. The conditions to be complied with and the procedure to be followed by the Commission are set out in the Annex. The Union's positions with respect to decisions of the Council of Members having legal effects, for which the Annex does not provide for application of the simplified procedure, shall be drawn up by the Council of the European Union.

## **3. BUDGETARY IMPLICATIONS**

This proposal for a simplified procedure does not have any budgetary implications.

Proposal for a

## COUNCIL DECISION

### **laying down a simplified procedure for the drawing up of Union positions in the Council of Members of the International Olive Council**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 19 November 2013, the Council authorised the Commission to open negotiations on behalf of the Union in order to conclude a new international agreement on olive oil and table olives<sup>4</sup>.
- (2) The text of the new International Agreement on Olive Oil and Table Olives was adopted on 9 October 2015 by the representatives of 24 Member States of the United Nations Conference on Trade and Development (UNCTAD) and two intergovernmental organisations during the United Nations Conference for the Negotiation of a Successor Agreement to the International Agreement on Olive Oil and Table Olives, 2005.
- (3) In accordance with Council Decision (EU) 2016/1892 of 10 October 2016<sup>5</sup>, the International Agreement on Olive Oil and Table Olives, 2015 (hereinafter referred to as ‘the Agreement’) was signed on behalf of the Union on 28 November 2016 at the United Nations Headquarters in New York, subject to its conclusion at a later date.
- (4) The Agreement entered into force provisionally on 1 January 2017 in accordance with Article 31(2) thereof, and was approved by Council Decision (EU) [2017/..]<sup>6</sup>.
- (5) In order to facilitate the adoption of decisions by the Council of Members of the International Olive Council, called the ‘Council of Members’, and ensure the effective functioning of the Agreement, it is necessary to draw up the general principles governing the Union’s position as well as a simplified internal procedure for the drawing up of the Union’s position within the Council of Members as regards certain decisions having legal effects that do not modify the institutional framework of the Agreement.
- (6) In order to have the expertise of the Member States, and in order to ensure maximum coherence between the decisions of the Council of Members and the Union rules that

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<sup>4</sup> COM(2013) 646 final, 19.9.2013.

<sup>5</sup> Council Decision (EU) 2016/1892 of 10 October 2016 on the signing, on behalf of the European Union, and provisional application of the International Agreement on Olive Oil and Table Olives, 2015 (OJ L 293, 28.10.2016, p. 2).

<sup>6</sup> Council Decision (EU) [2017/...] of [...] concerning the conclusion of the International Agreement on Olive Oil and Table Olives, 2015 [OJ...]

will be adopted by means of a delegated act following the decisions of the Council of Members, the Commission, under the simplified procedure, should be assisted by representatives of the Member States, who should be informed from the moment it prepares the positions it plans to take in the name of the Union. As regards the standards applicable to the international trade in olive oil or table olives and the international quality guarantee label ensuring compliance with the international standards of the International Olive Council, provision should be made that if a number of Member States equivalent to the blocking minority laid down by the second paragraph of Article 238(3)(a) of the Treaty oppose the position drawn up by the Commission, the simplified procedure no longer applies. In this case, the Commission should present a proposal for a Council decision, in accordance with Article 218(9) of the Treaty,

HAS ADOPTED THIS DECISION:

*Article 1*

Where the Council of Members set up by the Agreement is called upon to adopt decisions on the issues listed in points 2 and 3 of Part A of the Annex, the Union's position shall be established in accordance with the general principles laid down in part A of the Annex and specified by the Commission under the conditions and according to the procedure set out in Part B of the Annex.

*Article 2*

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

It shall apply until 31 December 2026.

Done at Brussels,

*For the Council  
The President*