



Brussels, 1.6.2017  
COM(2017) 264 final

2017/0107 (NLE)

Proposal for a

**COUNCIL DECISION**

**on the conclusion of the International Agreement on Olive Oil and Table Olives, 2015**

## **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. Article 47(3) thereof provides that 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.

### **2. PROPOSAL**

In the light of the above, the Commission proposes:

that, in accordance with Articles 207(4) and 218(6) TFEU, the President of the Council shall designate the person empowered to proceed, on behalf of the European Union, to the deposit of the instrument of approval provided for in Article 28(4) of the Agreement, in order to express the consent of the European Union to be bound by the Agreement.

It has also been provided that, in accordance with Article 218(7) TFEU, the Council empowers the Commission to draw up the positions to be adopted on behalf of the Union in the Council of Members created by the new agreement, when that body is called upon to adopt amendments to the designations and definitions of oils, olive pomace oils and table olives provided for in annexes B and C to the Agreement, in accordance with Article 19(2) of the Agreement.

### **3. BUDGETARY IMPLICATIONS**

This proposal does not have budgetary implications.

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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 293, 28.10.2016, p. 2).

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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(6) second subparagraph, point (a)(v) and Article 218(7) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

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>3</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>4</sup>, the International Agreement on Olive Oil and Table Olives (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.
- (5) 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. The Commission should be authorised to represent the Union in the Council of Members.
- (6) In accordance with Article 19(2) of the Agreement, the Council of Members may amend the designations and definitions of oils, olive pomace oils and table olives provided for in annexes B and C of the Agreement, and thus amend the Agreement.

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<sup>3</sup> COM(2013) 646 final, 19.9.2013.

<sup>4</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).

- (7) In order to facilitate the adoption of these amendments to the Agreement by the Council of Members, the Commission should be authorised to approve them on behalf of the Union.
- (8) The Commission should adopt the Union's positions regarding the proposed amendments to the Agreement, ensuring that these positions are in the interests of the Union, serve the Union's trade policy objectives, and are not contrary to EU law or international law, without prejudice to the Commission's right to adapt the Union's rules by delegated act to the amendments to the Agreement adopted by the Council of Members, particularly as regards marketing standards in the olive-oil and table-olives sector, referred to in Article 75 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council<sup>5</sup>.
- (9) In order to have the expertise of the Member States, and in order to ensure maximum consistency between the decisions of the Council of Members and the Union rules that will be adopted by means of a delegated act following the decisions of the Council of Members, the Commission 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. Provision should be made that if a number of Member States equivalent to a blocking minority established by the second paragraph of Article 238(3)(a) of the Treaty oppose the position planned by the Commission, the Commission may not take that position.
- (10) The agreement should be approved on behalf of the European Union,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The International Agreement on Olive Oil and Table Olives, 2015, is hereby approved on behalf of the Union.

The text of the agreement is annexed to this Decision.

#### *Article 2*

The President of the Council shall designate the person empowered to proceed, on behalf of the European Union, to the deposit of the instrument of approval provided for in Article 28(4) of the Agreement, in order to express the consent of the Union to be bound by the Agreement.

#### *Article 3*

The Commission shall represent the Union in the Council of Members established by Article 3 of the Agreement.

#### *Article 4*

Where the Council of Members created by the Agreement is called upon to adopt amendments to the designations and definitions of oils, olive pomace oils and table olives

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<sup>5</sup> 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).

provided for in annexes B and C of the Agreement, in accordance with Article 19(2) of the Agreement, the Commission shall be empowered to draw up the positions to be adopted on behalf of the Union concerning the proposed amendments, under the following conditions:

- 1) The Commission should ensure that the positions adopted:
  - are in the interests of the Union;
  - are not contrary to EU law or international law, and in particular are not contrary to Regulation (EU) No 1308/2013, without prejudice to the Commission's right to adapt the Union's rules by delegated act to the amendments to the Agreement adopted by the Council of Members, particularly as regards marketing standards in the olive-oil and table-olives sector, referred to in Article 75 of that Regulation.
- 2) In order to draw up the Union's position, the Commission shall inform the representatives of the Member States within an appropriate period of the position it plans to take on behalf of the Union within the Council of Members.

If a number of Member States equivalent to a blocking minority established by the second paragraph of Article 238(3)(a) of the Treaty oppose the position planned by the Commission, the Commission may not take that position in the Council of Members. In this case, the Commission shall submit an appropriate proposal to the Council in accordance with Article 218(9) of the Treaty.

#### *Article 5*

This Decision shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels,

*For the Council*  
*The President*