

WORLD TRADE ORGANIZATION

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Committee on Sanitary and Phytosanitary Measures

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COMMUNICATION FROM THE OFFICE INTERNATIONAL DE LA VIGNE ET DU VIN

The following communication was received from the Office International de la Vigne et du Vin on 1 February 2000.

Further to your request of 19 November 1999, I am sending you a note describing the changes contained in the draft agreement for the review of the International Agreement of 29 November 1924 for the creation, in Paris, of an Office International du Vin.

While I think that the OIV already fulfils all requirements set up by the WTO for the granting of observer status, the new improvements of the Draft Agreement should remove all ambiguity concerning the specific missions and procedures of the OIV.

I have noted that two countries had notified the SPS Committee about projects of regulations concerning wine (G/SPS/N/ALB/2 and G/SPS/N/THA/19) by indicating that there were no standards, guidelines or international recommendations in this field.

I feel that this error of appreciation is prejudicial to the vine and wine's international trade and obviously demonstrates the need for a greater collaboration between our organizations which notably requires the granting of observer status as soon as possible.

You may circulate this letter and its accompanying note in order to ensure better information of the Members of the Committee.

NOTE

Improvements brought about by the Agreement for the review of the International Agreement of November 1924, for the creation, in Paris, of an Office International de la Vigne et du Vin

The member States of the OIV initiated, in 1997, a review process in order to undertake the adaptation of the missions, means in personnel and functioning rules of the OIV.

This procedure, which was carried out by an external Review firm based on the works of an "ad hoc" review committee gathering 12 representative countries, led to the development of a draft agreement for the review of the Agreement of 29 November 1924 for the creation, in Paris, of an Office International du Vin. The circulation of this text is limited to the member States of the OIV and is currently being examined by them. It will have to be submitted to the approval of a Conference of member states convened by the French government at the request of 36 States.

The most notable changes contained in this draft agreement concern the missions, decision-making procedures of the OIV and its structures.

I. MISSIONS

The precise and clearly-defined missions of Article 1 of the Agreement of 29 November 1924 were reconsidered within a more general framework which entrusts the OIV with broader missions in its field of competence: the grapevine and its products.

To this end, it is provided that the OIV should assist, in its capacity of reference organization, the other intergovernmental organizations and contribute to the international harmonization of existing practices and standards as well as the development of new international standards. In order to reach these objectives, the OIV draws up and makes specific recommendations and contributes to facilitate the mutual recognition of the existing regulations.

It participates in the protection of consumer health through a specialised scientific watch that enables the characteristics of wines and other vine-related products to be assessed, and by promoting and guiding research on the appropriate nutritional and health-related aspects.

II. DECISION-MAKING PROCEDURE

Since the role of the OIV as an international standardization organization is clearly recognised in this draft project, contrary to the text of 1924, the OIV has laid down as a principle that consensus should be the normal decision-making process for the adoption of the proposed resolutions of a general, scientific, technical, economic or legal scope. The President of the OIV takes all initiatives for the consultation or co-ordination of member states in order to reach consensus. Qualified majority voting, i.e. more than two thirds of the weighted votes of the present or represented members, will only intervene in last resort.

This provision is similar to the recent amendment adopted in July 1999 by the Commission of the Codex Alimentarius which provides that "The Commission shall make every effort to reach agreement on the adoption or amendment of standards by consensus. Decisions to adopt or amend standards may be taken by voting only if such efforts to reach consensus have failed". However, it may be noted that in case of a failure in reaching consensus, the OIV has recourse to a two-third qualified majority voting, whereas the Codex Alimentarius only suggests a simple majority voting.

For the administrative decisions of the OIV, it is provided to have recourse to a qualified majority voting of two thirds of the weighted voted of members present or represented. For the election of the President and the Director General, this voting rule is even coupled with a representativeness rule since at least half of the members present or represented must have expressed themselves in favour of a candidate.

III. STRUCTURES, MEMBERS AND VOTE

The organization structure remains roughly the same (General Assembly, Executive Committee, Bureau). The voting structure has been changed in order to ensure an objective distribution of the weighted votes which no longer depend on the choice of the member country based on their contribution. Each country has two basic votes to which are added a number of additional votes calculated on the basis of objective criteria which determine the rank of each country in the world vitivinicultural sector (production, area, consumption). This new system avoids the direct link which previously existed between contributions and voting rights.

Moreover, the draft agreement provides for the possibility of accepting as member any regional organization of integrated economy, under specific conditions.

Finally, while French remains the reference language, English and Spanish are recognised as official languages.
