

AMENDMENTS 001-228

by the Committee on Agriculture and Rural Development

Report**Eric Andrieu****A8-0198/2019**

Common agricultural policy – amendment of the CMO and other Regulations

Proposal for a regulation (COM(2018)0394 – C8-0246/2018 – 2018/0218(COD))

Amendment 1**Proposal for a regulation****Recital 1***Text proposed by the Commission*

(1) The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled ‘The Future of Food and Farming’ of 29 November 2017 sets out the challenges, objectives and orientations for the future Common Agricultural Policy (CAP) after 2020. These objectives include, inter alia, the need for the CAP to be more result-driven, to boost modernisation and sustainability, including the economic, social, environmental and climate sustainability of the agricultural, forestry and rural areas, and to help reducing the Union legislation-related administrative burden for beneficiaries.

Amendment

(1) The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled ‘The Future of Food and Farming’ of 29 November 2017 sets out the challenges, objectives and orientations for the future Common Agricultural Policy (CAP) after 2020. These objectives include, inter alia, the need for the CAP to be more result-driven, to boost, ***in line with the 2030 Agenda for Sustainable Development and the Paris Climate Agreement***, modernisation and sustainability, including the economic, social, environmental and climate sustainability of the agricultural, forestry and rural areas (***including through an***

*increased focus on agri-forestry), to mitigate food waste and promote education on healthy eating habits, to produce healthy food, and to help reducing the Union legislation-related administrative burden for beneficiaries. **The Communication also stresses the global dimension of the CAP and states the Union’s commitment to enhance Policy Coherence for Sustainable Development (PCSD).***

Amendment 2

Proposal for a regulation Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) The development of trade agreements will lead, on the one hand, to increased competition between agricultural producers abroad, while at the same time opening up new opportunities for them. In order to maintain fair competition and ensure reciprocity in international trade, the Union should enforce production standards that are consistent with those established for its own producers, in particular in the environmental and health fields, subject to reciprocity.

Amendment 3

Proposal for a regulation Recital 2

Text proposed by the Commission

Amendment

(2) Since the CAP needs to sharpen its responses to the challenges and opportunities as they manifest themselves at Union, international, national, regional,

(2) Since the CAP needs to sharpen its responses to the challenges and opportunities as they manifest themselves at Union, international, national, regional,

local and farm levels, it is necessary to streamline the governance of the CAP and improve its delivery on the Union objectives and to significantly decrease the administrative burden. In the CAP based on delivery of performance ('delivery model'), the Union should set the basic policy parameters, such as objectives of the CAP and basic requirements, while Member States **should** bear greater responsibility as to how they meet the objectives and achieve targets. Enhanced subsidiarity makes it possible to better take into account local conditions and needs, tailoring the support to maximise the contribution to Union objectives.

local and farm levels, it is necessary to streamline the governance of the CAP and improve its delivery on the Union objectives and to significantly decrease the administrative burden. In the CAP based on delivery of performance ('delivery model'), **and bearing in mind as a primary focus the objective of providing a sustainable income for producers**, the Union should set the basic policy parameters, such as objectives of the CAP and basic requirements, while Member States bear greater responsibility as to how they meet the objectives and achieve targets. Enhanced subsidiarity makes it possible to better take into account local conditions and needs, tailoring the support to maximise the contribution to Union objectives.

Justification

While Member States may be given more autonomy in the way it distributes CAP finances, some are still using an unfair area-based system, with no account taken of those most in need, the smaller farmers.

Amendment 4

Proposal for a regulation Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Nevertheless, growing price volatility and falling farmer incomes, which have been exacerbated by the CAP's increasing focus on markets, are giving rise to the need to create new public instruments for regulating supply that ensure fair distribution of production between countries and farmers.

Amendment 5

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) To ensure coherence of the CAP, all interventions of the future CAP should be part of a strategic support plan which would include certain sectoral interventions that were laid down in Regulation (EU) No 1308/2013 of the European Parliament and of the Council¹⁰.

¹⁰ 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).

Amendment 6

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3) To ensure coherence of the CAP, all interventions of the future CAP ***should respect the principles of sustainable development, gender equality and fundamental rights, and*** should be part of a strategic support plan which would include certain sectoral interventions that were laid down in Regulation (EU) No 1308/2013 of the European Parliament and of the Council¹⁰.

¹⁰ 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).

(3a) In order to give substance to the objectives of the CAP as established by Article 39 of the Treaty on the Functioning of the European Union (TFEU), as well as to ensure that the Union adequately addresses its most recent challenges, it is appropriate to provide for a set of general objectives reflecting the orientations given in the Communication on ‘The Future of Food and Farming’. Without prejudice to the specific objectives set out in the CAP

strategic plans, a series of additional objectives specific to the common organisation of agricultural markets should also be established.

Justification

This amendment aims to set specific objectives for the common organisation of the markets and should be read in conjunction with the proposal for a new Article 1a.

Amendment 7

Proposal for a regulation Recital 4

Text proposed by the Commission

(4) Annex II to Regulation (EU) No 1308/2013 sets out certain definitions concerning sectors falling within the scope of that Regulation. Definitions concerning the sugar sector set out in Section B of Part II of that Annex should be deleted because they are no longer applicable. In order to update definitions concerning other sectors referred to in that Annex, in light of new scientific knowledge or market developments, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the **amendment** of those definitions. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council. Consequently, the individual empowerment delegated to the Commission in point 4 of section A of Part II of that Annex to amend the definition of inulin syrup should be deleted.

Amendment

(4) Annex II to Regulation (EU) No 1308/2013 sets out certain definitions concerning sectors falling within the scope of that Regulation. Definitions concerning the sugar sector set out in Section B of Part II of that Annex should be deleted because they are no longer applicable. In order to update definitions concerning other sectors referred to in that Annex, in light of new scientific knowledge or market developments, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the **updating** of those definitions, **without adding new ones**. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council. Consequently, the individual empowerment delegated to the Commission in point 4 of section A of Part II of that Annex to amend the definition of

inulin syrup should be deleted.

Justification

This amendment aims to clarify that the purpose of this empowerment is to update the definitions to reflect market developments as much as possible.

Amendment 8

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) ***In view of*** the decrease in the actual area planted with vines in several Member States in the years 2014-2017, and ***in view of*** the potential loss in production ensuing, when establishing the area for new planting authorisations referred to in Article 63(1) of Regulation (EU) No 1308/2013, Member States should be able to choose between the existing basis and a percentage of the total area actually planted with vines in their territory on 31 July 2015 increased by an area corresponding to the planting rights under Regulation (EC) No 1234/2007 available for conversion into authorisations in the Member State concerned on 1 January 2016.

Amendment

(8) ***Without calling into question the fact that a too-rapid increase in the number of new vine plantations to meet the expected growth of international demand could lead, once again, to a situation of overcapacity in supply in the medium term, it is necessary to take into account*** the decrease in the actual area planted with vines in several Member States in the years 2014-2017 and the potential loss in production ensuing, when establishing the area for new planting authorisations referred to in Article 63(1) of Regulation (EU) No 1308/2013. Member States should be able to choose between the existing basis and a percentage of the total area actually planted with vines in their territory on 31 July 2015 increased by an area corresponding to the planting rights under Regulation (EC) No 1234/2007 available for conversion into authorisations in the Member State concerned on 1 January 2016.

Justification

This amendment aims to highlight the situation that has led to the sustainable maintenance of a system for authorising plantations in the wine sector.

Amendment 9

Proposal for a regulation Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) In order to respond to cases of circumvention not provided for in this Regulation, Member States should be authorised to adopt measures to avoid the circumvention of eligibility or priority criteria by applicants of authorisations where the actions are not already covered by the specific anti-circumvention provisions laid down in this Regulation with regard to the specific eligibility and priority criteria.

Justification

This amendment should be read in conjunction with the amendments introduced to Articles 63 and 64 authorising member states to exercise their regulatory power to ensure that operators do not seek to circumvent restrictive measures on the one hand, and eligibility and priority criteria on the other.

Amendment 10

Proposal for a regulation Recital 9

Text proposed by the Commission

Amendment

(9) Rules for classifying wine grape varieties by Member States should be modified to include the wine grape varieties Noah, Othello, Isabelle, Jacquez, Clinton and Herbemont, previously excluded. To ensure that wine production in the Union develops a higher resistance to diseases and that it uses vine varieties better adapted to changing climatic conditions, provision should be made allowing Vitis Labrusca varieties and varieties stemming from crosses between

deleted

Vitis vinifera, Vitis Labrusca and other species of the genus Vitis to be planted for wine production in the Union.

Amendment 11

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) Provisions concerning certificates of compliance and analysis reports for imports of wine should be applied in light of the international agreements concluded in accordance with the Treaty on the Functioning of the European Union ('TFEU').

Amendment

(11) Provisions concerning certificates of compliance and analysis reports for imports of wine should be applied in light of the international agreements concluded in accordance with the Treaty on the Functioning of the European Union, ***ensuring that the traceability and quality standards comply with the European standards*** ('TFEU').

Amendment 12

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) The definition of a designation of origin should be aligned with the definition in the Agreement on Trade-Related Aspects of Intellectual Property Rights¹² ('TRIPS Agreement'), approved by Council Decision 94/800/EC¹³, in particular with Article 22(1) thereof, in that the name is to identify the product as originating in a specific region or a specific place.

Amendment

deleted

¹² *Uruguay Round of Multilateral Trade Negotiations (1986- 1994) - Annex 1 - Annex 1C - Agreement on Trade-Related Aspects of Intellectual Property Rights*

(WTO) (OJ L 336, 23.12.1994, p. 214).

¹³ Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986-1994) (OJ L 336, 23.12.1994, p. 1).

Justification

Since we have retained the definition of a designation of origin given in the international Lisbon Agreement, this recital becomes inappropriate as it refers to another definition of designation of origin that features in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

Amendment 13

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) To ensure coherent decision-making as regards applications for protection and objection submitted in the preliminary national procedure referred to in Article 96 of Regulation (EU) No 1308/2013, the Commission should be informed in a timely and regular manner when procedures are launched before national courts or other bodies concerning an application for protection forwarded by the Member State to the Commission, as referred to in Article 96(5) of Regulation (EU) No 1308/2013. ***Implementing powers should be conferred on the Commission in order to, in those circumstances and where appropriate, suspend the examination of the application until the national court or other national body has adjudicated on the challenge to the Member State's assessment of the application in the preliminary national***

Amendment

(13) To ensure coherent decision-making as regards applications for protection and objection submitted in the preliminary national procedure referred to in Article 96 of Regulation (EU) No 1308/2013, the Commission should be informed in a timely and regular manner when procedures are launched before national courts or other bodies concerning an application for protection forwarded by the Member State to the Commission, as referred to in Article 96(5) of Regulation (EU) No 1308/2013.

procedure.

Justification

This amendment aims to reject the Commission's proposal, which would lead to a significant increase in court cases relating to the PDO/GI system and could paralyse the entire system, in view of the time required for legal proceedings to be carried out. In addition to creating legal uncertainty for operators, this is contrary to the principle that actions for annulment before national or European courts should not have a suspensive effect.

Amendment 14

Proposal for a regulation

Recital 14

Text proposed by the Commission

Amendment

(14) Registration of geographical indications should be made simpler and faster by separating the assessment of compliance with intellectual property rules from the assessment of compliance of the product specifications with the requirements laid down in the marketing standards and labelling rules.

deleted

Justification

This amendment aims to reject the Commission's proposal, considering that the EU's quality policy cannot be defined solely as a simple mechanism for protecting the intellectual property of geographical indications.

Amendment 15

Proposal for a regulation

Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) The Member States which acceded to the Union since 2004 should be encouraged to start the procedures for registration of the geographical indications by facilitating the exchange of

best practice among Member States.

Amendment 16

Proposal for a regulation

Recital 14 b (new)

Text proposed by the Commission

Amendment

(14b) Partners in developing countries should thus be helped to develop a system of geographical indications and labels. Those indications and labels should also be recognised by the Union and its Member States.

Amendment 17

Proposal for a regulation

Recital 15

Text proposed by the Commission

Amendment

(15) The assessment carried out by the competent authorities of Member States is an essential step in the procedure. Member States have knowledge, expertise and access to data and facts that make them the best placed to verify whether the information provided in the application is correct and truthful. Therefore, Member States should guarantee that the result of that assessment, which is to be faithfully recorded in a single document summarising the relevant elements of the product specification, is reliable and accurate. Having regard to the principle of subsidiarity, the Commission should subsequently scrutinise applications to ensure that there are no manifest errors and that Union law and the interests of stakeholders outside the Member State of application are taken into account.

(15) The assessment carried out by the competent authorities of Member States is an essential step in the procedure. Member States have knowledge, expertise and access to data and facts that make them the best placed to verify whether the information provided in the application is correct and truthful. Therefore, Member States should guarantee that the result of that assessment, which is to be faithfully recorded in a single document summarising the relevant elements of the product specification, is reliable and accurate. Having regard to the principle of subsidiarity, the Commission should subsequently scrutinise applications to ensure that there are no manifest errors and that Union law and the interests of stakeholders outside the Member State of application ***and outside the Union*** are taken into account.

Amendment 18

Proposal for a regulation Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) Experience gained in the context of the protection of designations of origin and geographical indications in the wine sector has shown that the procedures in force for the registration, amendment and cancellation of designations of origin and geographical indications of the Union or third countries can be complex, cumbersome and lengthy. Regulation (EU) No 1308/2013 created legal loopholes, in particular as regards the procedure to be followed for requests for amendments to the product specifications. The procedural rules concerning designations of origin and geographical indications in the wine sector do not comply with the rules applicable to quality systems in the foodstuffs, spirit drinks and aromatised wines sectors under Union law. This situation has led to inconsistencies in the way in which that category of intellectual property rights is applied. Those inconsistencies should be addressed in light of the right to intellectual property protection laid down in Article 17(2) of the Charter of Fundamental Rights of the European Union. This Regulation should therefore simplify, clarify, supplement and harmonise the procedures concerned. The procedures should, to the greatest extent possible, be established along the lines of effective and duly proven procedures for the protection of intellectual property rights in respect of agricultural products and foodstuffs, as laid down in Regulation (EU) No 1151/2012 and the implementing

***regulations adopted pursuant thereto,
while taking the specificities of the wine
sector into account.***

Justification

This amendment aims to align the text of the Single CMO with the adoption by the European Commission of the Delegated Regulation (EU) of 17 October 2018 adopted under Regulation (EU) No 1308/2013 and to introduce into this basic act the political principles underlying this revision. This amendment corresponds to Recital 2 of the said Delegated Regulation.

Amendment 19

**Proposal for a regulation
Recital 17 b (new)**

Text proposed by the Commission

Amendment

***(17b) Designations of origin and
geographical indications are intrinsically
linked to the territory of the Member
States. National and local authorities
have the greatest expertise with respect to
the relevant facts and are the most
familiar with them. This should be taken
into account in the relevant procedural
rules, having regard to the principle of
subsidiarity established by Article 5(3)
TFEU.***

Justification

This amendment aims to align the text of the Single CMO with the adoption by the European Commission of the Delegated Regulation (EU) of 17 October 2018 adopted under Regulation (EU) No 1308/2013 and to introduce into this basic act the political principles underlying this revision. This amendment corresponds to Recital 3 of the said Delegated Regulation.

Amendment 20

**Proposal for a regulation
Recital 17 c (new)**

Text proposed by the Commission

Amendment

(17c) The assessment carried out by the competent authorities of Member States is an essential step in the procedure. Member States have knowledge, expertise and access to data and facts that make them the best placed to verify whether an application for a designation of origin or a geographical indication meets the conditions for protection. Member States should therefore ensure that the results of that assessment, recorded in a single document summarising the relevant elements of the product specification, are reliable and accurate. Having regard to the principle of subsidiarity, the Commission should subsequently scrutinise applications to ensure that there are no manifest errors and that Union law and the interests of stakeholders outside the Member State making the application are taken into account.

Justification

This amendment aims to align the text of the Single CMO with the adoption by the European Commission of the Delegated Regulation (EU) of 17 October 2018 adopted under Regulation (EU) No 1308/2013 and to introduce into this basic act the political principles underlying this revision. This amendment corresponds to Recital 9 of the said Delegated Regulation.

Amendment 21

Proposal for a regulation Recital 17 d (new)

Text proposed by the Commission

Amendment

(17d) Producers of grapevine products bearing a protected name as a designation of origin or a geographical indication are operating in a changing and demanding market. Although they need procedures

that permit them to adapt swiftly to market demands, they are instead penalised by the length and complexity of the amendment procedure currently in force, which limits their ability to react to the market. Producers of grapevine products bearing a protected name as a designation of origin or a geographical indication should also be able to take developments in scientific and technical knowledge and environmental changes into account. In order to reduce the number of steps involved in those procedures and to apply the principle of subsidiarity in that area, it is important that decisions on amendments which do not concern essential elements of the product specification can be approved at Member State level. Producers should be able to apply those amendments as soon as the national procedure is concluded. It should not be necessary for the application to be reviewed for approval at Union level.

Justification

This amendment aims to align the text of the Single CMO with the adoption by the European Commission of the Delegated Regulation (EU) of 17 October 2018 adopted under Regulation (EU) No 1308/2013 and to introduce into this basic act the political principles underlying this revision. This amendment corresponds to Recital 15 of the said Delegated Regulation.

Amendment 22

Proposal for a regulation Recital 17 e (new)

Text proposed by the Commission

Amendment

(17e) However, in order to protect the interests of third parties established in Member States other than the one in which the grapevine products are produced, it is important that the approval of amendments requiring an opposition procedure at Union level should continue

to be the responsibility of the Commission. It is therefore necessary to introduce a new classification of amendments: standard amendments, which do not give rise to opposition procedures at Union level and therefore apply as soon as they are approved by the Member State; and Union level amendments, which apply only after approval by the Commission, after the conclusion of the opposition procedure at Union level.

Justification

This amendment aims to align the text of the Single CMO with the adoption by the European Commission of the Delegated Regulation (EU) of 17 October 2018 adopted under Regulation (EU) No 1308/2013 and to introduce into this basic act the political principles underlying this revision. This amendment corresponds to Recital 16 of the said Delegated Regulation.

Amendment 23

Proposal for a regulation Recital 17 f (new)

Text proposed by the Commission

Amendment

(17f) The concept of a ‘temporary amendment’ should be introduced so that grapevine products bearing a protected designation of origin or a protected geographical indication can continue to be marketed under those protected names in the event of natural disasters or adverse weather conditions or in the event of the adoption of sanitary or phytosanitary measures that temporarily prevent operators from complying with the product specification. Due to their urgency, it is important that the temporary amendments apply as soon as they are approved by the Member State. The list of urgent reasons justifying the adoption of temporary amendments is exhaustive, due to the exceptional nature of those amendments.

Justification

This amendment aims to align the text of the Single CMO with the adoption by the European Commission of the Delegated Regulation (EU) of 17 October 2018 adopted under Regulation (EU) No 1308/2013 and to introduce into this basic act the political principles underlying this revision. This amendment corresponds to Recital 17 of the said Delegated Regulation.

Amendment 24

Proposal for a regulation Recital 17 g (new)

Text proposed by the Commission

Amendment

(17g) It is important that Union amendments follow the procedure governing applications for protection so that they have the same effectiveness and the same guarantees. They should apply mutatis mutandis, with the exception of certain steps, which should be eliminated in order to reduce the administrative burden. The procedure to be followed for standard and temporary amendments should be defined in order to allow Member States to assess applications appropriately and to ensure a consistent approach across Member States. The assessment carried out by the Member States should be equivalent, in terms of rigour and completeness, to the assessment carried out under the procedure governing applications for protection.

Justification

This amendment aims to align the text of the Single CMO with the adoption by the European Commission of the Delegated Regulation (EU) of 17 October 2018 adopted under Regulation (EU) No 1308/2013 and to introduce into this basic act the political principles underlying this revision. This amendment corresponds to Recital 18 of the said Delegated Regulation.

Amendment 25

Proposal for a regulation

Recital 17 h (new)

Text proposed by the Commission

Amendment

(17h) It is important that standard and temporary amendments relating to protected designations of origin and protected geographical indications of third countries are made in accordance with the approach laid down for Member States and that approval decisions are taken in accordance with the system in force in the third country concerned.

Justification

This amendment aims to align the text of the Single CMO with the adoption by the European Commission of the Delegated Regulation (EU) of 17 October 2018 adopted under Regulation (EU) No 1308/2013 and to introduce into this basic act the political principles underlying this revision. This amendment corresponds to Recital 19 of the said Delegated Regulation.

Amendment 26

Proposal for a regulation

Recital 17 i (new)

Text proposed by the Commission

Amendment

(17i) In order to protect the legitimate interests of operators while taking into account the principle of competition and the obligation to provide appropriate information to consumers, rules should be adopted on the temporary labelling and presentation of grapevine products whose name has been the subject of an application for a protected designation of origin or protected geographical indication.

Justification

This amendment aims to align the text of the Single CMO with the adoption by the European Commission of the Delegated Regulation (EU) of 17 October 2018 adopted under Regulation (EU) No 1308/2013 and to introduce into this basic act the political principles underlying this

revision. This amendment corresponds to Recital 21 of the said Delegated Regulation.

Amendment 27

Proposal for a regulation

Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) When point gb of Article 119(1) on the mandatory inclusion on the label of the list of ingredients contained in the wine is applied by delegated act, this list should not be submitted by lot.

Justification

When taking measures to enforce the inclusion on the label of the list of ingredients contained in the wine, care must be taken not to overcomplicate the task of the winegrowers by ensuring that information is provided for the entire production for the year and not on each lot sold at different times of the year.

Amendment 28

Proposal for a regulation

Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) In order to ensure legal certainty for the sustainable development of European Union milk production and to take to account the shrinking of the single market following the United Kingdom's exit from the European Union, it is necessary to update the applicable European Union quantitative limits to provide for the possibility for producer organisations set up by dairy producers or their associations to collectively negotiate the terms of contracts, including prices, for part or all of their members' raw milk production with a dairy.

Justification

This amendment should be read in conjunction with the proposed amendments to Article 149, which aim to make a technical adjustment to the rules allowing milk producers to conduct contractual negotiations provided that the volume of raw milk does not exceed 3.5% of total Union production. However, as a result of the United Kingdom's exit from the Union, the internal market will be smaller, so it is simply proposed that the volume of raw milk in the internal market of 27 Member States be adjusted upwards from 3.5% to 4%.

Amendment 29

Proposal for a regulation Recital 23 b (new)

Text proposed by the Commission

Amendment

(23b) In order to take into account recent legislative developments as laid down in Regulation (EU) 2017/2393 and to put an end to certain specific rules which have become restrictive in relation to the general regime, it should be specified that producer organisations set up by dairy producers or their associations may be recognised under Articles 152 and 161 of Regulation (EU) No 1308/2013 and that the specific rules relating to recognised interbranch organisations in the milk and milk products sector, concerning their recognition and the rules for with drawing such recognition, should be deleted.

Justification

This amendment should be read in conjunction with the amendments to Articles 150, 157, 158 and 163, which aim to clarify the possibilities for the recognition of dairy producer organisations and to align in part the derogation regime for interbranch organisations in the milk and milk products sector with the general regime for interbranch organisations. This last differentiation, which originated with the Milk Package, is no longer necessary and its deletion will enable interbranch dairy organisation to access certain new powers.

Amendment 30

Proposal for a regulation

Recital 23 c (new)

Text proposed by the Commission

Amendment

(23c) The rules on the recognition of transnational producer organisations, transnational associations of producer organisations and transnational interbranch organisations, as well as the rules clarifying the responsibility of the Member States involved, should be codified. In order to respect freedom of establishment while acknowledging the difficulties facing such organisations in being recognised by the Member State in which they have a significant number of members or in which they have a significant volume or value of marketable production, or, for interbranch organisations, for the Member State in which they are established to decide on their recognition, it is appropriate to grant responsibility for the recognition of such organisations and associations to the Commission and to establish rules for the provision of the necessary administrative assistance by Member States to each other and to the Commission so that it can determine whether an organisation or association fulfils the conditions for recognition and can address cases of non-compliance.

Justification

This amendment should be read in conjunction with the proposal for a new Article 158b, which aims to codify in the basic act the rules relating to recognised transnational organisations (POs, PDOs or IOs) contained in Delegated Regulation No 2016/232. However, it makes an important change aimed at granting the European Commission the power to decide on these transnational organisations, the principles of administrative cooperation between Member States for the recognition of such entities having failed to prove their worth.

Amendment 31

Proposal for a regulation Recital 23 d (new)

Text proposed by the Commission

Amendment

(23d) In order to enable agricultural producers to respond to the growing concentration of other links throughout the agricultural supply value chain, it should be made possible for associations of producer organisations to participate in the creation of associations of producer organisations. Similarly, to meet the same objectives, interbranch organisations should be allowed to set up associations of interbranch organisation.

Justification

This amendment should be read in conjunction with the amendments to Article 156 and the proposal for a new Article 158a, which aim to authorise associations of producer organisations to participate in the creation of associations of producer organisations, and to introduce into Regulation No 1308/2013 the possibility of recognising associations of interbranch organisations on the model of associations of producer organisations.

Amendment 32

Proposal for a regulation Recital 23 e (new)

Text proposed by the Commission

Amendment

(23e) In view of the importance of protected designations of origin (PDOs) and protected geographical indications (PGIs) in Union agricultural production, and in view of the success of the introduction of supply management rules for cheeses and dry-cured hams with quality marks to guarantee the added value and preserve the quality of these products, the benefits of these rules should be extended to all agricultural

products with quality marks. Member States should therefore be authorised to apply these rules to regulate the overall supply of quality agricultural products produced in a defined geographical area at the request of an interbranch organisation, producer organisation or group as defined in Regulation (EU) No 1151/2012, provided that a large majority of the producers of that product and, where applicable, of agricultural producers in the geographical area concerned, support those rules.

Justification

This amendment should be read in conjunction with the amendments introduced in Article 172 and is intended to acknowledge the success of the mechanisms for managing the supply of cheese and ham provided for in Articles 150 and 172 of this Regulation, and to extend the possibilities to other agricultural products with a protected designation of origin or protected geographical indication under Article 5(1) and (2) of Regulation (EU) No 1151/2012. However, it maintains the existing specific characteristics for cheeses in Article 150.

Amendment 33

Proposal for a regulation Recital 23 f (new)

Text proposed by the Commission

Amendment

(23f) In order to foster the improved transmission of market signals and to strengthen the links between producer prices and added value throughout the supply chain, it is necessary to extend the mechanisms for value sharing between farmers, including farmers' associations, with their first purchasers to the remainder of those product sectors that have a quality mark recognised by Union and national law. Farmers, including farmers' associations, should be authorised to agree on value sharing clauses, including market gains and losses, with actors operating at different

stages of production, processing and marketing.

Amendment 34

Proposal for a regulation Recital 23 g (new)

Text proposed by the Commission

Amendment

(23g) In order to ensure the effective use of all types of value sharing clauses, it should be specified that such clauses may be based, in particular, on economic indicators relating to the relevant costs of production and marketing and their development, the prices of agricultural and food products recorded on the market or markets concerned and their evolution, or on the quantities, composition, quality, traceability or, where applicable, compliance with the product specifications.

Amendment 35

Proposal for a regulation Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) In order to achieve the objective of contributing to the stability of agricultural markets, the instruments providing for the transparency of agricultural markets should be strengthened. As the experience of the various European sectoral observatories for agricultural markets has proved positive in informing the choices of economic operators and public authorities as a whole as well as in facilitating the observation and recording of market developments, a European observatory for agricultural product

markets should be set up and a notification system for reporting the information needed for the observatory's work should be put in place.

Justification

This amendment should be read in conjunction with the proposal for a new Article 218a, which aims to introduce into the Single CMO Regulation an observatory on agricultural product markets based on the work of the various sectoral observatories and to set up a notification system for reporting the information necessary for the observatory's work.

Amendment 36

**Proposal for a regulation
Recital 27 b (new)**

Text proposed by the Commission

Amendment

(27b) In order to inform the choices of Union bodies and institutions and to enhance the effectiveness of measures to prevent and manage market disturbances, provision should be made for an early warning mechanism whereby the European Observatory for Agricultural Markets would notify the European Parliament, the Council and the Commission of threats of market disturbances and, where appropriate, make recommendations on the measures to be adopted. The Commission, the only body with the power of initiative in this area, would have 30 days to present to the European Parliament and the Council the appropriate measures to deal with those market disruptions or to justify their absence.

Justification

This amendment should be read in conjunction with the proposal to create a new Article 218b to establish an early warning mechanism to alert the Commission, the European Parliament and the Council of threats of market disruption and calling on the European Commission to propose measures or justify their absence within 30 days of notification to the European

Amendment 37

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) In view of the repeal of Regulation (EU) No 1306/2013 of the European Parliament and of the Council¹⁷ by Regulation (EU).... (CAP Strategic Plan Regulation), provisions concerning checks and penalties related to marketing standards and protected designations of origin, geographical indications and traditional terms should be integrated in Regulation (EU) No 1308/2013.

¹⁷ Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549).

Amendment

(29) In view of the repeal of Regulation (EU) No 1306/2013 of the European Parliament and of the Council¹⁷ by Regulation (EU).... (**Horizontal Regulation**), provisions concerning checks and penalties related to marketing standards and protected designations of origin, geographical indications and traditional terms should be integrated in Regulation (EU) No 1308/2013, **while specifying, in the interests of efficiency, that such checks may consist of documentary and on-the-spot checks which would only be necessary where the product specification contains requirements that cannot be verified in a secure manner by a documentary check.**

¹⁷ Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549).

Justification

This amendment is purely technical and aims to correct a drafting error by the Commission and to clarify, in connection with the new paragraph 3a proposed in the context of Article 116a, that, in the interests of efficiency, such checks would consist of documentary and on-the-spot checks and that the on-the-spot checks would only be necessary where the product

specification contains requirements that cannot be verified in a secure manner by a documentary check.

Amendment 38

Proposal for a regulation

Recital 30 a (new)

Text proposed by the Commission

Amendment

(30a) In order to continue to support the sugar sector in its development and transition following the end of the quota system, it should be specified that market price notifications also cover ethanol, authorise the use of conciliation and mediation mechanisms as an alternative to arbitration, and codify the value sharing clause in this Regulation.

Justification

This amendment should be read in conjunction with the amendments introduced in Article 126 and Annex X.

Amendment 39

Proposal for a regulation

Recital 33 a (new)

Text proposed by the Commission

Amendment

(33a) Legal mechanisms should be provided for to ensure that products bearing the optional quality term ‘mountain product’ are present on the market of another country only if they do not violate the requirements for the use of that quality term in the given country, if such requirements exist.

Amendment 40

Proposal for a regulation Recital 34 a (new)

Text proposed by the Commission

Amendment

(34a) The list of products that can be protected as PDO or PGI should be expanded with products that are finding an increasing demand from Union consumers, such as beeswax, which is finding an ever wider application in the food and cosmetics industry.

Amendment 41

Proposal for a regulation Recital 35

Text proposed by the Commission

Amendment

(35) The amounts of financial resources available to finance measures under Regulations (EU) No 228/2013²⁰ and (EU) No 229/2013 of the European Parliament and of the Council²¹ should be **updated**.

(35) The amounts of financial resources available to finance measures under Regulations (EU) No 228/2013²⁰ and (EU) No 229/2013 of the European Parliament and of the Council²¹ should be ***maintained***.

²⁰ Regulation (EU) No 228/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in the outermost regions of the Union and repealing Council Regulation (EC) No 247/2006 (OJ L 78, 20.3.2013, p. 23).

²¹ Regulation (EU) No 229/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in favour of the smaller Aegean islands and repealing Council Regulation (EC) No 1405/2006 (OJ L 78, 20.3.2013, p. 41).

²⁰ Regulation (EU) No 228/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in the outermost regions of the Union and repealing Council Regulation (EC) No 247/2006 (OJ L 78, 20.3.2013, p. 23).

²¹ Regulation (EU) No 229/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in favour of the smaller Aegean islands and repealing Council Regulation (EC) No 1405/2006 (OJ L 78, 20.3.2013, p. 41).

Justification

This amendment aims to restore the amounts allocated to the outermost regions under the POSEI, in line with the European Parliament's Resolution of 14 November 2018 on the multiannual financial framework for the period 2021-2027 – Position of the European Parliament with a view to an agreement and the commitments made by Commission President Jean-Claude Juncker in Cayenne on 27 October 2017.

Amendment 42

Proposal for a regulation Recital 35 a (new)

Text proposed by the Commission

Amendment

(35a) The interbranch organisations recognised under Article 157 of Regulation (EU) 1308/2013 are operators which play a vital role in the development of diversified agricultural sectors in the outermost regions, in particular in the livestock sectors. Given their very small size and their island location, local markets in the outermost regions are particularly vulnerable to price fluctuations linked to import flows from the rest of the Union or third countries. Those interbranch organisations bring together all operators active on the market at every stage and, as such, take collective measures, in particular for compiling data and disseminating information, designed to ensure that local crops remain competitive on the market in question. To that end, Articles 28, 29 and 110 TFEU notwithstanding, and without prejudice to Articles 164 and 165 of Regulation (EU) No 1308/2013, it is appropriate to allow, in the context of extended interbranch agreements, the Member State concerned, after consultation with the actors concerned, to make liable individual operators or groups of operators who are not members of the organisation and who operate on the local market, irrespective

of their origin, including in cases where the proceeds of these contributions fund measures to maintain only local production or where the contributions are levied at a different stage in the marketing process.

Justification

This amendment aims to adapt the rules for extending the interbranch rules to the realities of the outermost regions. These organisations are essential operators for the development of the sectors in the outermost regions, whose markets are exposed to price variations. These organisations set up data collection and dissemination actions and the contributions collected under these agreements should be extendable by the Member State to all agricultural products placed on the local markets, irrespective of their origin.

Amendment 43

Proposal for a regulation

Article 1 – paragraph 1 – point -1 (new)

Regulation (EU) No 1308/2013

Recital 25 a (new)

Text proposed by the Commission

Amendment

(-1) The following recital is inserted:

“(25a) The aid under the school scheme allocated for the distribution of product should, when possible, promote short supply chain products.”

Amendment 44

Proposal for a regulation

Article 1 – paragraph 1 – point -1 a (new)

Regulation (EU) No 1308/2013

Recital 127 a (new)

Text proposed by the Commission

Amendment

(-1a) The following recital is inserted:

“(127a) Written contracts in the milk and milk products sector which may be

compulsory in some Member States or which producers, producer organisations or association of producer organisations have in any case the right to request, should among other elements set out the price payable for the delivery, which would ideally cover the production cost and which may be calculated based upon easily accessible and comprehensible indicators of production and market costs that Member States may determine in accordance with objective criteria and based on studies about production and the food chain.”

Amendment 45

Proposal for a regulation

Article 1 – paragraph 1 – point -1 b (new)

Regulation (EU) No 1308/2013

Recital 139 a (new)

Text proposed by the Commission

Amendment

(-1b) The following recital is inserted:

“(139a) Written contracts which may be compulsory in some Member States or which producers, producer organisations or association of producer organisations have in any case the right to request, should among other elements set out the price payable for the delivery, which would ideally cover the production cost and which may be calculated based upon easily accessible and comprehensible indicators of production and market costs that Member States may determine in accordance with objective criteria and based on studies about production and the food chain.”

Amendment 46

Proposal for a regulation

Article 1 – paragraph 1 – point -1 c (new)

Regulation (EU) No 1308/2013

Article 1

Present text

Article 1

Scope

1. This Regulation establishes a common organisation of the markets for agricultural products, which means all the products listed in Annex I to the Treaties with the exception of the fishery and aquaculture products as defined in Union legislative acts on the common organisation of the markets in fishery and aquaculture products.

2. Agricultural products as defined in paragraph 1 shall be divided into the following sectors as listed in the respective parts of Annex I:

- (a) cereals, Part I;
- (b) rice, Part II;
- (c) sugar, Part III;
- (d) dried fodder, Part IV;
- (e) seeds, Part V;
- (f) hops, Part VI;
- (g) olive oil and table olives, Part VII;
- (h) flax and hemp, Part VIII;
- (i) fruit and vegetables, Part IX;

Amendment

(-1c) Article 1 is replaced by the following:

"Article 1

Scope

1. This Regulation establishes a common organisation of the markets for agricultural products, which means all the products listed in Annex I to the Treaties with the exception of the fishery and aquaculture products as defined in Union legislative acts on the common organisation of the markets in fishery and aquaculture products. ***This Regulation defines the public standards, market transparency rules and crisis management tools that will allow public authorities, in particular the Commission, to ensure the surveillance, management and regulation of agricultural markets***

2. Agricultural products as defined in paragraph 1 shall be divided into the following sectors as listed in the respective parts of Annex I:

- (a) cereals, Part I;
- (b) rice, Part II;
- (c) sugar, ***sugar beet and sugar cane***, Part III;
- (d) dried fodder, Part IV;
- (e) seeds, Part V;
- (f) hops, Part VI;
- (g) olive oil and table olives, Part VII;
- (h) flax and hemp, Part VIII;
- (i) fruit and vegetables, Part IX;

(j) processed fruit and vegetable products, Part X;
 (k) bananas, Part XI;
 (l) wine, Part XII;
 (m) live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage, Part XIII;
 (n) tobacco, Part XIV;
 (o) beef and veal, Part XV;
 (p) milk and milk products, Part XVI;
 (q) pigmeat, Part XVII;
 (r) sheepmeat and goatmeat, Part XVIII;
 (s) eggs, Part XIX;
 (t) poultrymeat, Part XX;
 (u) ethyl alcohol of agricultural origin, Part XXI;
 (v) apiculture products, Part XXII;
 (w) silkworms, Part XXIII;
 (x) other products, Part XXIV.

(j) processed fruit and vegetable products, Part X;
 (k) bananas, Part XI;
 (l) wine, Part XII;
 (m) live trees and other plants, bulbs, roots and the like, cut flowers and ornamental foliage, Part XIII;
 (n) tobacco, Part XIV;
 (o) beef and veal, Part XV;
 (p) milk and milk products, Part XVI;
 (q) pigmeat, Part XVII;
 (r) sheepmeat and goatmeat, Part XVIII;
 (s) eggs, Part XIX;
 (t) poultrymeat, Part XX;
 (u) ethyl alcohol of agricultural origin, Part XXI;
 (v) apiculture products, Part XXII;
 (w) silkworms, Part XXIII;
 (x) other products, Part XXIV. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 47

Proposal for a regulation

Article 1 – paragraph 1 – point -1 d (new)

Regulation (EU) No 1308/2013

Article 1 a (new)

Text proposed by the Commission

Amendment

(-1d) The following Article is inserted:

“Article 1a

Specific objectives

Without prejudice to the application of the general and specific objectives defined in Articles 5 and 6 of Regulation (EU) .../...

[CAP Strategic Plans], and pursuant to Article 39 TFEU, the common organisation of the markets in agricultural products referred to in Article 1 shall contribute to the achievement of the following specific objectives:

(a) participate in the stabilisation of agricultural markets and enhance their transparency;

(b) promote the proper functioning of the agri-food supply chain and ensure a fair income for agricultural producers;

(c) improve the position of producers in the value chain and promote the concentration of agricultural supply;

(d) contribute to the improvement of economic conditions for the production and marketing of agricultural products and strengthen the quality of European agricultural production.”

Justification

This amendment aims to introduce objectives for the CAP Common Market Organisation, which would apply without prejudice to the application of the objectives set out in Regulation (EU) [CAP Strategic Plans] and in line with Article 39 TFEU.

Amendment 48

Proposal for a regulation

Article 1 – paragraph 1 – point -1 e (new)

Regulation (EU) No 1308/2013

Article 2

Present text

Article 2

General common agricultural policy (CAP) provisions

Regulation (EU) **No 1306/2013** and the

Amendment

(-1e) Article 2 is replaced by the following:

“Article 2

General common agricultural policy (CAP) provisions

Regulation (EU) [.../...] ***[Horizontal***

provisions adopted pursuant to it shall apply in relation to the measures set out in this Regulation.

Regulation] and the provisions adopted pursuant to it shall apply in relation to the measures set out in this Regulation.”

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20180101&from=EN>)

Justification

This amendment is just a technical amendment linked to the ongoing reform of the CAP horizontal regulation.

Amendment 49

Proposal for a regulation

Article 1 – paragraph 1 – point 1 – point b

Regulation (EU) No 1308/2013

Article 3 – paragraph 4

Text proposed by the Commission

The Commission shall be empowered to adopt delegated acts in accordance with Article 227 **amending** the definitions concerning the sectors set out in Annex II **to the extent necessary to update the definitions in light of market developments**.

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 227 **amending, in order to update, in the light of market developments**, the definitions concerning the sectors set out in Annex II, **without creating new** definitions.

Amendment 50

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU) No 1308/2013

Article 6

Text proposed by the Commission

(3) Article 6 is deleted;

Amendment

deleted

Amendment 51

Proposal for a regulation

Article 1 – paragraph 1 – point 3 a (new)

Regulation (EU) No 1308/2013

Article 6

Present text

Article 6

Marketing years

The following marketing years shall be established:

- (a) 1 January to 31 December of a given year for the fruit and vegetables, processed fruit and vegetables and banana sectors;
- (b) 1 April to 31 March of the following year for the dried fodder and silkworm sectors;
- (c) 1 July to 30 June of the following year for:
 - (i) the cereals sector;
 - (ii) the seeds sector;
 - (iii) the ***olive oil and table olives sector***;
 - (iv) the*** flax and hemp sector;
 - (v)*** the milk and milk products sector;
- (d) 1 August to 31 July of the following year for the wine sector;
- (e) 1 September to 31 August of the following year for the rice ***sector***;
- (f) 1 October to 30 September of the following year for the sugar ***sector***.

Amendment

(3a) Article 6 is replaced by the following:

"Article 6

Marketing years

The following marketing years shall be established:

- (a) 1 January to 31 December of a given year for the fruit and vegetables, processed fruit and vegetables and banana sectors;
- (b) 1 April to 31 March of the following year for the dried fodder and silkworm sectors;
- (c) 1 July to 30 June of the following year for:
 - (i) the cereals sector;
 - (ii) the seeds sector;
 - (iii) the flax and hemp sector;
 - (iv) the milk and milk products sector;***
- (d) 1 August to 31 July of the following year for the wine sector;
- (e) 1 September to 31 August of the following year for the rice ***and table olives sectors***;
- (f) 1 October to 30 September of the following year for the sugar ***and olive oil sectors***. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 52

Proposal for a regulation

Article 1 – paragraph 1 – point 3 b (new)

Regulation (EU) No 1308/2013

Article 11

Present text

Article 11

Products eligible for public intervention

Public intervention shall apply in respect of the following products in accordance with the conditions laid down in this Section and any additional requirements and conditions that may be determined by the Commission, by means of delegated acts pursuant to Article 19 and implementing acts pursuant to Article 20:

- (a) common wheat, durum wheat, barley and maize;
- (b) paddy rice;
- (c) fresh or chilled meat of the beef and veal sector falling within CN codes 0201 10 00 and 0201 20 20 to 0201 20 50 ;
- (d) butter produced directly and exclusively from pasteurised cream obtained directly and exclusively from cow's milk in an approved undertaking in the Union of a minimum butterfat content, by weight, of 82 % and of a maximum water content, by weight, of 16 %;
- (e) skimmed milk powder of top quality made from cow's milk in an approved undertaking in the Union by the spray process, with a minimum protein content of 34,0 % by weight of the fat free dry matter.

Amendment

(3b) Article 11 is replaced by the following:

"Article 11

Products eligible for public intervention

Public intervention shall apply in respect of the following products in accordance with the conditions laid down in this Section and any additional requirements and conditions that may be determined by the Commission, by means of delegated acts pursuant to Article 19 and implementing acts pursuant to Article 20:

- (a) common wheat, durum wheat, barley and maize;
- (b) paddy rice;
- (c) fresh or chilled meat of the beef and veal sector falling within CN codes 0201 10 00 and 0201 20 20 to 0201 20 50 ;
- (d) butter produced directly and exclusively from pasteurised cream obtained directly and exclusively from cow's milk in an approved undertaking in the Union of a minimum butterfat content, by weight, of 82 % and of a maximum water content, by weight, of 16 %;
- (e) skimmed milk powder of top quality made from cow's milk in an approved undertaking in the Union by the spray process, with a minimum protein content of 34,0 % by weight of the fat free dry matter;

(ea) white sugar;

(eb) sheep meat falling within CN code

0104 10 30 or 0204;

**(ec) pig meat, fresh, chilled or frozen,
falling within CN code 0203;**

**(ed) chicken, fresh, chilled or frozen,
falling within CN code 0207. "**

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 53

Proposal for a regulation

Article 1 – paragraph 1 – point 3 c (new)

Regulation (EU) No 1308/2013

Article 12

Present text

Article 12

Public intervention periods

Public intervention shall be available **for**:

**(a) common wheat, durum wheat, barley
and maize, from 1 November to 31 May;**

(b) paddy rice, from 1 April to 31 July;

(c) beef and veal, throughout the year;

**(d) butter and skimmed milk powder, from
1 March to 30 September.**

Amendment

**(3c) Article 12 is replaced by the
following:**

"Article 12

Public intervention periods

Public intervention shall be available
throughout the year **for products listed in
Article 11. "**

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 54

Proposal for a regulation

Article 1 – paragraph 1 – point 3 d (new)

Present text

Article 13

Opening and closing of public intervention

1. During the periods referred to in Article 12, public intervention:

(a) shall be open for **common wheat**, butter and skimmed milk powder;

(b) may be opened by the Commission, by means of implementing acts, for durum wheat, barley, maize and paddy rice (including specific varieties or types of paddy rice), if the market situation so requires. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2);

(c) may be opened for the beef and veal sector by the Commission, by means of implementing acts adopted without applying the procedure referred to in Article 229(2) or (3), if, over a representative period determined pursuant to point (c) of the first paragraph of Article 20 the average market price in a Member State or in a region of a Member State, recorded on the basis of the Union scale for the classification of carcasses of bovine animals referred to in point A of Annex IV, is below 85 % of the reference threshold laid down in point (d) of Article 7(1).

2. The Commission may adopt implementing acts closing public intervention for the beef and veal sector where, over a representative period determined pursuant to point (c) of the first paragraph of Article 20, the conditions

Amendment

(3d) Article 13 is replaced by the following:

"Article 13

Opening and closing of public intervention

1. During the periods referred to in Article 12, public intervention:

(a) shall be open for butter and skimmed milk powder;

(b) may be opened by the Commission, by means of implementing acts, for **common wheat**, durum wheat, barley, maize and paddy rice (including specific varieties or types of paddy rice), **white sugar, sheep meat, pig meat or chicken** if the market situation so requires. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2);

(c) may be opened for the beef and veal sector by the Commission, by means of implementing acts adopted without applying the procedure referred to in Article 229(2) or (3), if, over a representative period determined pursuant to point (c) of the first paragraph of Article 20 the average market price in a Member State or in a region of a Member State, recorded on the basis of the Union scale for the classification of carcasses of bovine animals referred to in point A of Annex IV, is below 85 % of the reference threshold laid down in point (d) of Article 7(1).

2. The Commission may adopt implementing acts closing public intervention for the beef and veal sector where, over a representative period determined pursuant to point (c) of the first paragraph of Article 20, the conditions

provided for in point (c) of paragraph 1 of this Article are no longer fulfilled. Those implementing acts shall be adopted without applying the procedure referred to in Article 229(2) or (3).

provided for in point (c) of paragraph 1 of this Article are no longer fulfilled. Those implementing acts shall be adopted without applying the procedure referred to in Article 229(2) or (3). "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 55

Proposal for a regulation

Article 1 – paragraph 1 – point 3 e (new)

Regulation (EU) No 1308/2013

Article 14

Present text

Article 14

Buying-in at a fixed price or tendering

Where public intervention is open pursuant to Article 13(1), ***measures on*** fixing buying-in prices for the products referred to in Article 11 ***as well as, where applicable, measures on quantitative limitations where buying-in is carried out at a fixed price,*** shall be taken by the Council in accordance with Article 43(3) TFEU.

Amendment

(3e) Article 14 is replaced by the following:

Article 14

Buying-in at a fixed price or tendering

‘Where public intervention is open pursuant to Article 13(1), ***arrangements for*** fixing buying-in prices for the products referred to in Article 11 shall be taken by the Council in accordance with Article 43(3) TFEU. ’

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20180101&from=EN>)

Justification

This amendment aims to improve the intervention to make the instruments more responsive and effective.

Amendment 56

Proposal for a regulation

Article 1 – paragraph 1 – point 3 f (new)
Regulation (EU) No 1308/2013
Article 15 – paragraph 1

Present text

1. Public intervention price means:

(a) the price at which products shall be bought in under public intervention where this is done at a fixed price; or

(b) the maximum price at which products eligible for public intervention may be bought in where this is done by tendering.

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20180101&from=EN>)

Justification

This amendment aims to improve the intervention to make the instruments more responsive and effective.

Amendment 57

Proposal for a regulation
Article 1 – paragraph 1 – point 3 g (new)
Regulation (EU) No 1308/2013
Article 15 – paragraph 2

Present text

2. The *measures on* fixing the level of the public intervention price, including the amounts of increases and reductions, shall be taken by the Council in accordance with Article 43(3) TFEU.

Amendment

(3g) In Article 15, paragraph 2 is replaced by the following:

‘2. The *arrangements for* fixing the level of the public intervention price, including the amounts of increases and reductions, shall be taken by the Council in accordance with Article 43(3) TFEU. ’

Justification

This amendment aims to improve the intervention to make the instruments more responsive and effective.

Amendment 58

Proposal for a regulation

Article 1 – paragraph 1 – point 3 h (new)

Regulation (EU) No 1308/2013

Article 16 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(3h) In Article 16, the following paragraph is added:

“3a. Member States shall notify the Commission of information on the identity of companies that have used public intervention as well as buyers of public intervention stock so as to be in a position to respond to paragraphs 1 and 3.”

Justification

Information on the identity of buyers of public intervention stock is not systematically communicated to the Commission; the latter is therefore not able to characterise market disturbance effects or to ensure compliance with international agreements. This is all the more important considering that tender procedures allow stock to be sold at a much lower level than the purchase price, where the differential is considered as a form of support.

Amendment 59

Proposal for a regulation

Article 1 – paragraph 1 – point 3 i (new)

Regulation (EU) No 1308/2013

Article 17 – paragraph 1 – point b

Present text

Amendment

(b) olive oil;

(3i) In the first paragraph of Article 17, point (b) is amended as follows:

"(b) olive oil **and table olives**; "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20180101&from=FR>)

Amendment 60

Proposal for a regulation

Article 1 – paragraph 1 – point 3 j (new)

Regulation (EU) No 1308/2013

Article 17 – paragraph 1 – point i a (new)

Text proposed by the Commission

Amendment

(3j) In the first paragraph of Article 17, the following point is added:

"(ia) rice. "

Amendment 61

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point c – point ii

Regulation (EU) No 1308/2013

Article 23a – paragraph 2 – subparagraph 3 – last sentence

Text proposed by the Commission

Amendment

(ii) in the third subparagraph of paragraph 2, the last sentence is deleted; **deleted**

Amendment 62

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point c – point iii – introductory part

Regulation (EU) No 1308/2013

Article 23a – paragraph 4

Text proposed by the Commission

(iii) paragraph 4 is replaced by the following:

Amendment

(iii) **in** paragraph 4, **the first subparagraph** is replaced by the following:

Amendment 63

Proposal for a regulation

Article 1 – paragraph 1 – point 4 a (new)

Regulation (EU) No 1308/2013

Article 61

Present text

Article 61

Duration

The scheme of authorisations for vine plantings established in this Chapter shall apply from 1 January 2016 to 31 December **2030**, with a **mid-term** review to be undertaken by the Commission to evaluate the operation of the scheme and, if appropriate, make proposals.

Amendment

(4a) Article 61 is replaced by the following:

"Article 61

Duration

The scheme of authorisations for vine plantings established in this Chapter shall apply from 1 January 2016 to 31 December **2050**, with a review to be undertaken by the Commission **every ten years and for the first time on 1 January 2023** to evaluate the operation of the scheme and, if appropriate, make proposals **to improve its effectiveness.** "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 64

Proposal for a regulation

Article 1 – paragraph 1 – point 4 b (new)

Regulation (EU) No 1308/2013

Article 62 – paragraph 4

Present text

Amendment

(4b) Article 62, paragraph 4 is replaced

4. This Chapter shall not apply to the planting or replanting of areas intended for experimental purposes or for graft nurseries, to areas whose wine or vine products are intended solely for the consumption by the wine-grower's household or to areas to be newly planted as a result of compulsory purchases in the public interest under national law.

by the following:

"4. This Chapter shall not apply to the planting or replanting of areas intended for experimental purposes or for graft nurseries, ***to the planting or replanting of areas whose vine products are intended solely for the production of grape juice***, to areas whose wine or vine products are intended solely for the consumption by the wine-grower's household or to areas to be newly planted as a result of compulsory purchases in the public interest under national law. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 65

Proposal for a regulation

Article 1 – paragraph 1 – point 5

Regulation (EU) No 1308/2013

Article 63 – paragraph 1

Text proposed by the Commission

Amendment

(5) in Article 63, paragraph 1 is replaced by the following:

deleted

‘1. Member States shall make available each year authorisations for new plantings corresponding to either:

(a) 1% of the total area actually planted with vines in their territory, as measured on 31 July of the previous year; or

(b) 1% of an area comprising the area actually planted with vines in their territory, as measured on 31 July 2015, and the area covered by planting rights granted to producers in their territory in accordance with Article 85h, Article 85i or Article 85k of Regulation (EC) No 1234/2007 and available for conversion into authorisations on 1 January 2016, as

referred to in Article 68 of this Regulation.; '

Amendment 66

Proposal for a regulation

Article 1 – paragraph 1 – point 5 a (new)

Regulation (EU) No 1308/2013

Article 63

Present text

Article 63

Safeguard mechanism for new plantings

1. Member States shall make available each year authorisations for new plantings corresponding to **1** % of the total area actually planted with vines in their territory, as measured on 31 July of the previous year.

2. Member States may:

(a) apply at national level a lower percentage than the percentage set out in paragraph 1;

(b) limit the issuing of authorisations at

Amendment

(5a) Article 63 is replaced by the following:

"Article 63

Safeguard mechanism for new plantings

1. Member States shall make available each year authorisations for new plantings corresponding to ***either:***

(a) 1 % of the total area actually planted with vines in their territory, as measured on 31 July of the previous year; or

(b) 1 % of an area comprising the area actually planted with vines in their territory, as measured on 31 July 2015, and the area covered by planting rights granted to producers in their territory in accordance with Article 85h, Article 85i or Article 85k of Regulation (EC) No 1234/2007 and available for conversion into authorisations on 1 January 2016, as referred to in Article 68 of this Regulation.

2. Member States may:

(a) apply at national level a lower percentage than the percentage set out in paragraph 1,

(b) limit the issuing of authorisations at

regional level, for specific areas eligible for the production of wines with a protected designation of origin, for areas eligible for the production of wines with a protected geographical indication, or for areas without a geographical indication.

3. Any of the limitations referred to in paragraph 2 shall contribute to an orderly growth of vine plantings, shall be set above 0 %, and shall be justified on one or more of the following specific grounds:

(a) the need to avoid a well-demonstrated risk of oversupply of wine products in relation to market prospects for those products, not exceeding what is necessary to satisfy this need;

(b) the need to avoid a well-demonstrated risk of **significant** devaluation of a particular protected designation of origin or a protected geographical indication.

4. Member States shall make public any decisions adopted pursuant to paragraph 2, which shall be duly justified. Member States shall notify the Commission forthwith of those decisions and justifications.

regional level, for specific areas eligible for the production of wines with a protected designation of origin, for areas eligible for the production of wines with a protected geographical indication, or for areas without a geographical indication; ***those authorisations should be used in those regions.***

3. Any of the limitations referred to in paragraph 2 shall contribute to an orderly growth of vine plantings, shall be set above 0 %, and shall be justified on one or more of the following specific grounds:

(a) the need to avoid a well-demonstrated risk of oversupply of wine products in relation to market prospects for those products, not exceeding what is necessary to satisfy this need;

(b) the need to avoid a well-demonstrated risk of devaluation of a particular protected designation of origin or a protected geographical indication;

(ba) the wish to contribute to the development of the products in question while preserving their quality.

3a. Member States may take any necessary regulatory measures to prevent circumvention by the operators of the restrictive measures taken pursuant to paragraphs 2 and 3.

4. Member States shall make public any decisions adopted pursuant to paragraph 2, which shall be duly justified. Member States shall notify the Commission forthwith of those decisions and justifications.

4a. Authorisations exceeding the limits provided for in this Article may be issued by Member States for plantings intended for conservation of vine genetic resources.
"

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308->

Amendment 67

Proposal for a regulation

Article 1 – paragraph 1 – point 5 b (new)

Regulation (EU) No 1308/2013

Article 64

Present text

Article 64

Granting of authorisations for new plantings

1. If the total area covered by the eligible applications in a given year does not exceed the area made available by the Member State, all such applications shall be accepted.

Member States may, for the purpose of this Article, apply one or more of the following objective and non-discriminatory eligibility criteria:

(a) the applicant shall have an agricultural area which is not smaller than the area for which he requests the authorisation;

(b) the applicant shall possess adequate occupational skills and competence;

(c) the application shall not pose a significant risk of misappropriation of the reputation of specific protected designations of origin, which shall be presumed unless the existence of such risk is demonstrated by the public authorities;

(ca) the applicant does not have vines planted without authorisation as referred to in Article 71 of this Regulation or without a planting right as referred to in Articles 85a and 85b of Regulation (EC) No

Amendment

(5b) Article 64 is replaced by the following:

" Article 64

Granting of authorisations for new plantings

1. If the total area covered by the eligible applications in a given year does not exceed the area made available by the Member State, all such applications shall be accepted.

Member States may, for the purpose of this Article, apply ***at national or regional level*** one or more of the following objective and non-discriminatory eligibility criteria:

(a) the applicant shall have an agricultural area which is not smaller than the area for which he requests the authorisation;

(b) the applicant shall possess adequate occupational skills and competence;

(c) the application shall not pose a significant risk of misappropriation of the reputation of specific protected designations of origin, which shall be presumed unless the existence of such risk is demonstrated by the public authorities;

(ca) the applicant does not have vines planted without authorisation as referred to in Article 71 of this Regulation or without a planting right as referred to in Articles 85a and 85b of Regulation (EC) No

1234/2007;

(d) where duly justified, one or more of the criteria referred to in paragraph 2, provided that they are applied in an objective and non-discriminatory manner.

2. If the total area covered by the eligible applications referred to in paragraph 1 in a given year exceeds the area made available by the Member State, authorisations shall be granted according to a pro-rata distribution of hectares to all applicants on the basis of the area for which they have requested the authorisation. Such granting may establish a minimum and/or a maximum area by applicant and also be partially or completely made in accordance with one or more of the following objective and non-discriminatory priority criteria:

(a) producers who are setting up vine plantings for the first time, and who are established as the head of the holding (new entrants);

(b) areas where vineyards contribute to the preservation of the environment;

(c) areas to be newly planted in the framework of land consolidation projects;

(d) areas facing natural or other specific constraints;

(e) the sustainability of projects of development or replantations on the basis of an economic evaluation;

(f) areas to be newly planted which contribute to increasing the competitiveness *at farm* holding *and* regional level;

(g) projects with the potential to improve the quality of products with geographical indications;

(h) areas to be newly planted in the framework of increasing the size of small

1234/2007;

(d) where duly justified, one or more of the criteria referred to in paragraph 2, provided that they are applied in an objective and non-discriminatory manner.

2. If the total area covered by the eligible applications referred to in paragraph 1 in a given year exceeds the area made available by the Member State, authorisations shall be granted according to a pro-rata distribution of hectares to all applicants on the basis of the area for which they have requested the authorisation. Such granting may establish a minimum and/or a maximum area by applicant and also be partially or completely made in accordance with one or more of the following objective and non-discriminatory priority criteria:

(a) producers who are setting up vine plantings for the first time, and who are established as the head of the holding (new entrants);

(b) areas where vineyards contribute to the preservation of the environment *or the conservation of vine genetic resources*;

(c) areas to be newly planted in the framework of land consolidation projects;

(d) areas facing natural or other specific constraints;

(e) the sustainability of projects of development or replantations on the basis of an economic evaluation;

(f) areas to be newly planted which contribute to increasing the competitiveness *of the* holding, *at* regional, *national and international* level;

(g) projects with the potential to improve the quality of products with geographical indications;

(h) areas to be newly planted in the framework of increasing the size of small

and medium-sized holdings.

2a. If the Member State decides to apply one or more of the criteria referred to in paragraph 2, the Member State may add the additional condition that the applicant shall be a natural person who is no more than 40 years of age in the year of submission of the application.

3. Member States shall make public the criteria referred to in paragraphs 1, 2 and 2a that they apply and shall notify them forthwith to the Commission.

and medium-sized holdings.

2a. If the Member State decides to apply one or more of the criteria referred to in paragraph 2, the Member State may add the additional condition that the applicant shall be a natural person who is no more than 40 years of age in the year of submission of the application.

2b. Member States may take any necessary regulatory measures to prevent the circumvention by the operators of the restrictive criteria that they apply pursuant to paragraphs 1, 2 and 2a.

3. Member States shall make public the criteria referred to in paragraphs 1, 2 and 2a that they apply and shall notify them forthwith to the Commission.

3a. Should there be a limitation in accordance with point (b) of Article 63(2) on a regional level, priority and eligibility criteria may be applied on that level that are deemed to be in line with Article 64. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 68

Proposal for a regulation

Article 1 – paragraph 1 – point 5 c (new)

Regulation (EU) No 1308/2013

Article 65 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(5 c) In Article 65, the following paragraph is inserted after the first paragraph:

When applying Article 63(2), a Member State shall establish a preliminary procedure that enables it to consider the opinions of representative trade organisations recognised at regional level

in accordance with the legislation of that Member State.

Justification

It is important to associate national and regional trade organisations in the authorisation procedure for new plantings provided for in Article 63(2).

Amendment 69

Proposal for a regulation

Article 1 – paragraph 1 – point 5 d (new)

Regulation (EU) No 1308/2013

Article 69 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(5d) In Article 69, the following point is added:

(ea) criteria relating to the conservation of vine genetic resources.

Justification

The Commission should be empowered to define, by delegated act, criteria relating to the conservation of vine genetic resources.

Amendment 70

Proposal for a regulation

Article 1 – paragraph 1 – point 5 e (new)

Regulation (EU) No 1308/2013

Article 73

Present text

Amendment

(5e) Article 73 is replaced by the following:

Article 73

“Article 73

Scope

Scope

Without prejudice to any other provisions applicable to agricultural products, as well as to the provisions adopted in the

Without prejudice to any other provisions applicable to agricultural products, as well as to the provisions adopted in the

veterinary, phytosanitary and food sectors to ensure that products comply with hygiene and health standards and to protect animal, plant and human health, this Section lays down the rules concerning marketing standards.

veterinary, phytosanitary and food sectors to ensure that products comply with hygiene and health standards and to protect animal, plant and human health, ***and to ensure fair competition between Union producers and producers in third countries***, this Section lays down the rules concerning marketing standards.

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02013R1308-20180101>)

Justification

The CMO lays down the marketing rules for a large number of products. Products cannot be placed on the EU market without adhering to these rules. These marketing standards must guarantee fair competitive conditions for European producers compared to those of third countries, to ensure the principle of equivalence.

Amendment 71

Proposal for a regulation

Article 1 – paragraph 1 – point 5 f (new)

Regulation (EU) No 1308/2013

Article 75

Present text

Article 75

Establishment and content

1. Marketing standards may apply to one or more of the following sectors and products:

- (a) olive oil and table olives;
- (b) fruit and vegetables;
- (c) processed fruit and vegetable products;
- (d) bananas;
- (e) live plants;
- (f) eggs;

Amendment

(5f) Article 75 is replaced by the following:

"Article 75

Establishment and content

1. Marketing standards may apply to one or more of the following sectors and products:

- (a) olive oil and table olives;
- (b) fruit and vegetables;
- (c) processed fruit and vegetable products;
- (d) bananas;
- (e) live plants;
- (f) eggs;

- (g) poultrymeat;
- (h) spreadable fats intended for human consumption;
- (i) hops.

2. In order to take into account the expectations of consumers and to improve the economic conditions for the production and marketing as well as the quality of the agricultural products covered by paragraphs 1 and 4 of this Article, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 on marketing standards by sectors or products, at all stages of the marketing, as well as derogations and exemptions from such standards in order to adapt to constantly changing market conditions, to evolving consumer demands, to developments in relevant international standards and to avoid creating obstacles to product innovation.

3. Without prejudice to Article 26 of Regulation (EU) No 1169/2011 of the European Parliament and of the Council (¹⁰), the marketing standards referred to in paragraph 1 may cover one or more of the following, to be determined on a sectoral or product basis and based on the characteristics of each sector, the need to regulate the placing on the market and the conditions defined in paragraph 5 of this Article:

- (a) the technical definitions, designation and sales descriptions for sectors other than those set out in Article 78;

- (g) poultrymeat;
- (h) spreadable fats intended for human consumption;
- (i) hops;

(ia) rice;

(ib) milk and milk products;

(ic) honey and beehive products;

(id) beef and veal;

(ie) sheepmeat;

(if) pigmeat.

2. In order to take into account the expectations of consumers and to improve the economic conditions for the production and marketing as well as the quality of the agricultural products covered by paragraphs 1 and 4 of this Article, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 on marketing standards by sectors or products, at all stages of the marketing, as well as derogations and exemptions from such standards in order to adapt to constantly changing market conditions, to evolving consumer demands, to developments in relevant international standards and to avoid creating obstacles to product innovation.

3. Without prejudice to Article 26 of Regulation (EU) No 1169/2011 of the European Parliament and of the Council (¹⁰), the marketing standards referred to in paragraph 1 may cover one or more of the following, to be determined on a sectoral or product basis and based on the characteristics of each sector, the need to regulate the placing on the market and the conditions defined in paragraph 5 of this Article:

- (a) the technical definitions, designation and sales descriptions for sectors other than those set out in Article 78;

- (b) classification criteria such as grading into classes, weight, sizing, age and category;
- (c) the species, plant variety or animal race or the commercial type;
- (d) the presentation, labelling linked to obligatory marketing standards, packaging, rules to be applied in relation to packing centres, marking, year of harvesting and use of specific terms, without prejudice to Articles 92 to 123;
- (e) criteria such as appearance, consistency, conformation, product characteristics and the percentage of water content;
- (f) specific substances used in production, or components or constituents, including their quantitative content, purity and identification;
- (g) the type of farming and production method including oenological practices and advanced systems of sustainable production;
- (h) coupage of must and wine including definitions thereof, blending and restrictions thereof;
- (i) the frequency of collection, delivery, preservation and handling, the conservation method and temperature, storage and transport;
- (j) the place of farming and/or origin, ***excluding poultrymeat and spreadable fats***;
- (k) restrictions as regards the use of certain substances and practices;
- (l) specific use;
- (m) the conditions governing the disposal, the holding, circulation and use of products not in conformity with the marketing standards adopted pursuant to paragraph 1 or with the definitions, designations and

- (b) classification criteria such as grading into classes, weight, sizing, age and category;
- (c) the species, plant variety or animal race or the commercial type;
- (d) the presentation, labelling linked to obligatory marketing standards, packaging, rules to be applied in relation to packing centres, marking, year of harvesting and use of specific terms, without prejudice to Articles 92 to 123;
- (e) criteria such as appearance, consistency, conformation, product characteristics and the percentage of water content;
- (f) specific substances used in production, or components or constituents, including their quantitative content, purity and identification;
- (g) the type of farming and production method including oenological practices, ***animal feeding practices*** and advanced systems of sustainable production;
- (h) coupage of must and wine including definitions thereof, blending and restrictions thereof;
- (i) the frequency of collection, delivery, preservation and handling, the conservation method and temperature, storage and transport;
- (j) the place of farming and/or origin,
- (k) restrictions as regards the use of certain substances and practices;
- (l) specific use;
- (m) the conditions governing the disposal, the holding, circulation and use of products not in conformity with the marketing standards adopted pursuant to paragraph 1 or with the definitions, designations and

sales descriptions as referred to in Article 78, as well as the disposal of by-products.

4. In addition to paragraph 1, marketing standards may apply to the wine sector. Points (f), (g), (h), (k) and (m) of paragraph 3 shall apply to that sector.

5. The marketing standards by sectors or products adopted pursuant to paragraph 1 of this Article shall be established without prejudice to Articles 84 to 88 and Annex IX and shall take into account:

- (a) the specific characteristics of the product concerned;
- (b) the need to ensure the conditions to facilitate the placing of the products on the market;
- (c) the interest of producers to communicate the product and farming characteristics, and the interest of consumers to receive adequate and transparent product information, including the place of farming to be determined on a case-by-case basis at the appropriate geographical level, after conducting an evaluation, in particular, of the costs and administrative burdens for operators and the benefits offered to producers and the end consumer;
- (d) the methods available for determining physical, chemical and organoleptic characteristics of the products;
- (e) the standard recommendations adopted by international bodies;
- (f) the need to preserve the natural and essential characteristics of products and to avoid causing a substantial change in the composition of the product concerned.

6. In order to take into account the expectations of consumers and the need to improve the quality and the economic conditions for the production and

sales descriptions as referred to in Article 78, as well as the disposal of by-products.

(ma) animal welfare.

4. In addition to paragraph 1, marketing standards may apply to the wine sector. Points (f), (g), (h), (k) and (m) of paragraph 3 shall apply to that sector.

5. The marketing standards by sectors or products adopted pursuant to paragraph 1 of this Article shall be established without prejudice to Articles 84 to 88 and Annex IX and shall take into account:

- (a) the specific characteristics of the product concerned;
- (b) the need to ensure the conditions to facilitate the placing of the products on the market;
- (c) the interest of producers to communicate the product and farming characteristics, and the interest of consumers to receive adequate and transparent product information, including the place of farming to be determined on a case-by-case basis at the appropriate geographical level, after conducting an evaluation, in particular, of the costs and administrative burdens for operators and the benefits offered to producers and the end consumer;
- (d) the methods available for determining physical, chemical and organoleptic characteristics of the products;
- (e) the standard recommendations adopted by international bodies;
- (f) the need to preserve the natural and essential characteristics of products and to avoid causing a substantial change in the composition of the product concerned.

6. In order to take into account the expectations of consumers and the need to improve the quality and the economic conditions for the production and

marketing of agricultural products, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 to modify the list of sectors in paragraph 1. Such delegated acts shall be strictly limited to demonstrated needs resulting from evolving consumer demand, technical progress or the need for product innovation, and shall be subject to a Commission report to the European Parliament and to the Council evaluating, in particular, the needs of the consumer, the costs and administrative burdens for operators, including the impact on the internal market and on international trade, and the benefits offered to producers and to the end consumer.

¹⁰ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18).

marketing of agricultural products, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 to modify the list of sectors in paragraph 1. Such delegated acts shall be strictly limited to demonstrated needs resulting from evolving consumer demand, technical progress or the need for product innovation, and shall be subject to a Commission report to the European Parliament and to the Council evaluating, in particular, the needs of the consumer, the costs and administrative burdens for operators, including the impact on the internal market and on international trade, and the benefits offered to producers and to the end consumer.

¹⁰ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18). "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 72

Proposal for a regulation

Article 1 – paragraph 1 – point 5 g (new)

Regulation (EU) No 1308/2013

Article 78

Article 78

Definitions, designations and sales descriptions for certain sectors and products

1. In addition, where relevant, to the applicable marketing standards, the definitions, designations and sales descriptions provided for in Annex VII shall apply to the following sectors or products:

- (a) beef and veal;
- (b) wine;
- (c) milk and milk products intended for human consumption;
- (d) poultrymeat;
- (e) eggs;
- (f) spreadable fats intended for human consumption; and
- (g) olive oil and table olives.

2. The definitions, designations or sales descriptions provided for in Annex VII may be used in the Union only for the marketing of a product which conforms to the corresponding requirements laid down in that Annex.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 227 concerning the modifications,

(5g) Article 78 is replaced by the following:

"Article 78

Definitions, designations and sales descriptions for certain sectors and products

1. In addition, where relevant, to the applicable marketing standards, the definitions, designations and sales descriptions provided for in Annex VII shall apply to the following sectors or products:

- (a) beef and veal;
- (aa) *sheep and lamb***
- (b) wine;
- (c) milk and milk products intended for human consumption;
- (d) poultrymeat;
- (e) eggs;
- (f) spreadable fats intended for human consumption; and
- (g) olive oil and table olives.

2. The definitions, designations or sales descriptions provided for in Annex VII may be used in the Union only for the marketing ***and promotion*** of a product which conforms to the corresponding requirements laid down in that Annex. ***Annex VII may prescribe the conditions under which such designations or sales descriptions are protected, at the time that they are marketed or promoted, against unlawful commercial use, misuse, imitation or evocation.***

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 227 concerning the modifications,

derogations or exemptions to the definitions and sales descriptions provided for in Annex VII. Those delegated acts shall be strictly limited to demonstrated needs resulting from evolving consumer demand, technical progress or the need for product innovation.

4. In order to ensure that operators and Member States have a clear and proper understanding of the definitions and sales descriptions provided for in Annex VII, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 concerning the rules on their specification and application.

5. In order to take into account the expectations of consumers and the evolution of the milk products market, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 to specify the milk products in respect of which the animal species from which the milk originates is to be stated, if it is not bovine, and to lay down the necessary rules.

derogations or exemptions to the definitions and sales descriptions provided for in Annex VII. Those delegated acts shall be strictly limited to demonstrated needs resulting from evolving consumer demand, technical progress or the need for product innovation.

4. In order to ensure that operators and Member States have a clear and proper understanding of the definitions and sales descriptions provided for in Annex VII, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 concerning the rules on their specification and application.

5. In order to take into account the expectations of consumers and the evolution of the milk products market, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 to specify the milk products in respect of which the animal species from which the milk originates is to be stated, if it is not bovine, and to lay down the necessary rules. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 73

Proposal for a regulation

Article 1 – paragraph 1 – point 5 h (new)

Regulation (EU) No 1308/2013

Article 79 a (new)

Text proposed by the Commission

Amendment

(5h) The following Article is inserted:

Article 79a

Mixing olive oil with other vegetable oils

1. The mixing of olive oil with other

vegetable oils shall be prohibited.

2. The Commission is empowered to adopt delegated acts in accordance with Article 227 in order to supplement this Regulation by establishing sanctions for operators who do not comply with paragraph 1 of this Article.

Justification

It is impossible to measure the percentage of each type of oil in oil mixtures composed of olive oil and other types of vegetable oils. In order not to mislead the consumer, it is necessary to prohibit these mixtures.

Amendment 74

Proposal for a regulation

Article 1 – paragraph 1 – point 5 i (new)

Regulation (EU) No 1308/2013

Article 79 b (new)

Text proposed by the Commission

Amendment

(5i) The following Article is inserted:

Article 79b

Marketing rules concerning the olives and olive oil sectors

In order to take account of the specific characteristics of the olives and olive oil sectors, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 in order to supplement this Regulation by harmonising marketing rules for table olives and olive oil.

Amendment 75

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EU) No 1308/2013

Article 81 – paragraph 2

Text proposed by the Commission

Amendment

(6) in Article 81, paragraph 2 is replaced by the following:

deleted

'2. Subject to paragraph 3, Member States shall classify which wine grape varieties may be planted, replanted or grafted in their territories for the purpose of wine production.

Member States may classify wine grape varieties where:

(a) the variety concerned belongs to the species *Vitis vinifera* or *Vitis Labrusca*; or

(b) the variety concerned comes from a cross between the species *Vitis vinifera*, *Vitis Labrusca* and other species of the genus *Vitis*.

Where a wine grape variety is deleted from the classification referred to in the first subparagraph, grubbing up of this variety shall take place within 15 years of its deletion.; '

Amendment 76

Proposal for a regulation

Article 1 – paragraph 1 – point 6 a (new)

Regulation (EU) No 1308/2013

Article 81 – paragraph 2

Present text

Amendment

2. Subject to paragraph 3, Member States shall classify which wine grape varieties may be planted, replanted or grafted **on** their territories for the purpose of wine **production**.

Only wine grape varieties **meeting the following conditions may be classified by**

(6a) In Article 81, paragraph 2 is replaced by the following:

"2. Subject to paragraph 3, Member States shall classify which wine grape varieties may be planted, replanted or grafted **in** their territories for the purpose of wine **making**.

Member States may classify wine grape

Member States:

(a) the variety concerned belongs to the species *Vitis vinifera* or comes from a cross between the species *Vitis vinifera* and other species of the genus *Vitis*;

(b) the variety is not one of the following: Noah, Othello, Isabelle, Jacquez, Clinton and Herbemont.

Where a wine grape variety is deleted from the classification referred to in the first subparagraph, grubbing up of this variety shall take place within 15 years of its deletion.

varieties ***where:***

(a) the variety concerned belongs to the species *Vitis vinifera* or ***the variety concerned*** comes from a cross between the species *Vitis vinifera*, and other species of the genus *Vitis*.

(b) the variety is not one of the following: Noah, Othello, Isabelle, Jacquez, Clinton and Herbemont.

By way of derogation from the second subparagraph, Member States may authorise the replanting of Vitis Labrusca or the varieties from point (b) thereof in existing historical vineyards as long as the existing planted surface is not increased.

Where a wine grape variety is deleted from the classification referred to in the first subparagraph, grubbing up of this variety shall take place within 15 years of its deletion. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 77

Proposal for a regulation

Article 1 – paragraph 1 – point 8

Regulation (EU) No 1308/2013

Article 90a – paragraph 2 – point a

Text proposed by the Commission

(a) the establishment of an analytical databank of isotopic data to help detect fraud to be constructed on the basis of samples collected by Member States;

Amendment

(a) the establishment ***or maintenance*** of an analytical databank of isotopic data to help detect fraud to be constructed on the basis of samples collected by Member States;

Justification

An analytical databank of isotopic data already exists in some Member States, so maintaining this databank will suffice rather than creating a new one.

Amendment 78

Proposal for a regulation

Article 1 – paragraph 1 – point 8 a (new)

Regulation (EU) No 1308/2013

Article 92 – paragraph 1

Present text

1. Rules on designations of origin, geographical indications and traditional terms laid down in this Section shall apply to the products referred to in points 1, 3 to 6, 8, 9, 11, 15 and 16 of Part II of Annex VII.

Amendment

(8a) In Article 92, paragraph 1 is amended as follows:

1. Rules on designations of origin, geographical indications and traditional terms laid down in this Section shall apply ***only*** to the products referred to in points 1, 3 to 6, 8, 9, 11, 15 and 16 of Part II of Annex VII.

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 79

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point a

Regulation (EU) No 1308/2013

Article 93 – paragraph 1 – point a – introductory part

Text proposed by the Commission

(a) 'a designation of origin' means ***a name which identifies*** a product, referred to in Article 92(1):

Amendment

(a) 'a designation of origin' means ***the name of a region, a specific place or, in exceptional and duly justifiable cases, a country used to describe*** a product, referred to in Article 92(1):

Amendment 80

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point a

Regulation (EU) No 1308/2013
Article 93 – paragraph 1 – point a – point i

Text proposed by the Commission

(i) whose quality or characteristics are essentially or exclusively due to a particular geographical environment, with its ***inherent*** natural factors and, ***where relevant***, human factors;

Amendment

(i) whose quality or characteristics are essentially or exclusively due to a particular geographical environment, with its natural factors and human factors;

Amendment 81

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point a

Regulation (EU) No 1308/2013

Article 93 – paragraph 1 – point a – point ii

Text proposed by the Commission

(ii) ***as originating in a specific place, region or, in exceptional cases, a country;***

Amendment

deleted

Amendment 82

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point a

Regulation (EU) 1308/2013

Article 93 – paragraph 1 – point a – point v a (new)

Text proposed by the Commission

Amendment

(va) which is not ‘partially de-alcoholised’ or ‘de-alcoholised’ as referred to in points 18 and 19 of Part II of Annex VII.

Amendment 83

Proposal for a regulation

Article 1 – paragraph 1 – point 10

Text proposed by the Commission

(10) in Article 94(1), the introductory sentence is replaced by the following:

‘Applications for protection of names as designations of origin or geographical indications shall include:’

Amendment

deleted

Amendment 84

Proposal for a regulation

Article 1 – paragraph 1 – point 10 a (new)

Regulation (EU) No 1308/2013

Article 94

Present text

Article 94

Applications for protection

1. Applications for protection of names as designations of origin or geographical indications shall include ***a technical file containing:***

- (a) the name to be protected;
- (b) the name and address of the applicant;
- (c) a product specification, as referred to in paragraph 2; and
- (d) a single document summarising the product specification referred to in paragraph 2.

2. The product specification shall enable interested parties to verify the relevant conditions of production relating to the designation of origin or geographical indication. The product specification shall at least consist of:

Amendment

(10a) Article 94 is replaced by the following:

Article 94

Applications for protection

"1. Applications for protection of names as designations of origin or geographical indications shall include:

- (a) the name to be protected;
- (b) the name and address of the applicant;
- (c) a product specification, as referred to in paragraph 2; and
- (d) a single document summarising the product specification referred to in paragraph 2.

2. The product specification shall enable interested parties to verify the relevant conditions of production relating to the designation of origin or geographical indication. The product specification shall at least consist of:

- (a) the name to be protected;
- (b) a description of the wine or wines:
 - (i) in respect of a designation of origin, the principal analytical and organoleptic characteristics;
 - (ii) in respect of a geographical indication, the principal analytical characteristics as well as an evaluation or indication of its organoleptic characteristics;
- (c) where applicable, the specific oenological practices used to make the wine or wines, as well as the relevant restrictions on making them;
- (d) the demarcation of the geographical area concerned;
- (e) the maximum yields per hectare;
- (f) an indication of the wine grape variety or varieties that the wine or wines are obtained from;
- (g) the details bearing out the link referred to in point (a)(i) or, as the case may be, in point (b)(i) of Article 93(1);

- (a) the name to be protected;
- (b) a description of the wine or wines:
 - (i) in respect of a designation of origin, the principal analytical and organoleptic characteristics;
 - (ii) in respect of a geographical indication, the principal analytical characteristics as well as an evaluation or indication of its organoleptic characteristics;
- (c) where applicable, the specific oenological practices used to make the wine or wines, as well as the relevant restrictions on making them;
- (d) the demarcation of the geographical area concerned;
- (e) the maximum yields per hectare;
- (f) an indication of the wine grape variety or varieties that the wine or wines are obtained from;
- (g) the details bearing out the link referred to in point (a)(i) or, as the case may be, in point (b)(i) of Article 93(1):

(i) as regards a protected designation of origin, the link between the quality or characteristics of the product and the geographical environment referred to in point (a)(i) of Article 93(1) the details concerning the human factors of that geographical environment may, where relevant, be limited to a description of the soil and landscape management, cultivation practices or other relevant human contribution to the maintenance of the natural factors of the geographical environment referred to in Article 93(1);

(ii) as regards a protected geographical indication, the link between a specific quality, the reputation or other characteristic of the product and the geographical origin referred to in Article 93(2);

(h) applicable requirements laid down in Union or national legislation or, where provided for by Member States, by an organisation which manages the protected designation of origin or the protected geographical indication, having regard to the fact that such requirements must be objective, non-discriminatory and compatible with Union law;

(i) the name and address of the authorities or bodies verifying compliance with the provisions of the product specification, and their specific tasks.

3. Where the application for protection concerns a geographical area in a third country, it shall contain, in addition to the elements provided for in paragraphs 1 and 2, proof that the name concerned is protected in its country of origin.

(h) applicable requirements laid down in Union or national legislation or, where provided for by Member States, by an organisation which manages the protected designation of origin or the protected geographical indication, having regard to the fact that such requirements must be objective, non-discriminatory and compatible with Union law;

(i) the name and address of the authorities or bodies verifying compliance with the provisions of the product specification, and their specific tasks.

3. Where the application for protection concerns a geographical area in a third country, it shall contain, in addition to the elements provided for in paragraphs 1 and 2, proof that the name concerned is protected in its country of origin. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 85

Proposal for a regulation

Article 1 – paragraph 1 – point 10 a (new)

Regulation (EU) No 1308/2013

Article 96 – paragraph 5 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

(10a) In Article 96, paragraph 5, the following subparagraph is added:

When forwarding the application for protection to the Commission under the first subparagraph of this paragraph, the Member State shall include a statement that it considers that the application submitted by the applicant fulfils the conditions relating to the protection provided for in this Section and that it certifies that the single document referred to in point (d) of Article 94(1) constitutes

a true summary of the product specification.

Member States shall inform the Commission of any admissible oppositions submitted under the national procedure.

Amendment 86

Proposal for a regulation

Article 1 – paragraph 1 – point 11

Regulation (EU) No 1308/2013

Article 96 – paragraph 7

Text proposed by the Commission

Amendment

7. Where appropriate, the Commission may adopt implementing acts to suspend the examination of the application referred to in Article 97(2) until a national court or other national body has adjudicated on a challenge to an application for protection where the Member State has considered that the requirements are fulfilled in a preliminary national procedure in accordance with paragraph 5.

deleted

Those implementing acts shall be adopted without applying the procedure referred to in Article 229(2) or (3).';

Amendment 87

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EU) No 1308/2013

Article 97 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

The Commission shall examine applications for protection that it receives in accordance with Articles 94 and 96(5). It shall scrutinise them for manifest errors,

The Commission shall examine applications for protection that it receives in accordance with Articles 94 and 96(5). It shall scrutinise them for manifest errors,

taking into account the outcome of the preliminary national procedure carried out by the Member State concerned.

taking into account the outcome of the preliminary national procedure carried out by the Member State concerned. ***That examination shall focus in particular on the single document referred to in point (d) of Article 94(1).***

Justification

This amendment aims to align the text of the single CMO with the adoption by the European Commission of Delegated Regulation (EU) of 17 October 2018 adopted under Regulation (EU) No 1308/2013 and to introduce into the basic act the political principles underlying this revision. This amendment corresponds to Article 10 of the said Delegated Regulation.

Amendment 88

Proposal for a regulation

Article 1 – paragraph 1 – point 14

Regulation (EU) No 1308/2013

Article 103 – paragraph 4

Text proposed by the Commission

Amendment

(14) in Article 103, the following paragraph 4 is added:

deleted

‘4. The protection referred to in paragraph 2 shall also apply with regard to goods entering the customs territory of the Union without being released for free circulation within the customs territory of the Union and with regard to goods sold through means of electronic commerce in the Union.;’

Amendment 89

Proposal for a regulation

Article 1 – paragraph 1 – point 14 a (new)

Regulation (EU) No 1308/2013

Article 103

Article 103

Protection

1. A protected designation of origin and a protected geographical indication may be used by any operator marketing a wine which has been produced in conformity with the corresponding product specification.
2. A protected designation of origin and a protected geographical indication, as well as the wine using that protected name in conformity with the product specifications, shall be protected against:
 - (a) any direct or indirect commercial use of that protected name;
 - (i) by comparable products not complying with the product specification of the protected name; or
 - (ii) in so far as such use exploits the reputation of a designation of origin or a geographical indication;
- (b) any misuse, imitation or evocation, even if the true origin of the product or service is indicated or if the protected name is translated, transcribed or transliterated or accompanied by an expression such as "style", "type", "method", "as produced in", "imitation", "flavour", "like" or similar;
- (c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product, on the inner or outer packaging, advertising material or documents relating to the wine

(14a) Article 103 is replaced by the following:

"Article 103

Protection

1. A protected designation of origin and a protected geographical indication may be used by any operator marketing a wine which has been produced in conformity with the corresponding product specification.
2. A protected designation of origin and a protected geographical indication, as well as the wine using that protected name in conformity with the product specifications, shall be protected against:
 - (a) any direct or indirect commercial use of that protected name;
 - (i) by comparable products not complying with the product specification of the protected name; or
 - (ii) in so far as such use exploits, ***weakens or dilutes*** the reputation of a designation of origin or a geographical indication, ***including when a registered name is used as an ingredient***;
- (b) any misuse, imitation or evocation, even if the true origin of the product or service is indicated or if the protected name is translated, transcribed or transliterated or accompanied by an expression such as "style", "type", "method", "as produced in", "imitation", "flavour", "like" or similar, ***including when those registered names are used as an ingredient***;
- (c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product, on the inner or outer packaging, advertising material or documents relating to the wine

product concerned, as well as the packing of the product in a container liable to convey a false impression as to its origin;

(d) any other practice liable to mislead the consumer as to the true origin of the product.

3. Protected designations of origin and protected geographical indications shall not become generic in the Union within the meaning of Article 101(1).

product concerned, as well as the packing of the product in a container liable to convey a false impression as to its origin;

(d) any other practice liable to mislead the consumer as to the true origin of the product.

(da) any indication, in bad faith, of a domain name that is similar or that may be confused, in full or part, with a protected name.

3. Protected designations of origin and protected geographical indications shall not become generic in the Union within the meaning of Article 101(1).

3a. The protection referred to in paragraph 2 shall also apply with regard to goods entering the customs territory of the Union without being released for free circulation within the customs territory of the Union and with regard to goods sold through means of electronic commerce in the Union. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 90

Proposal for a regulation

Article 1 – paragraph 1 – point 14 b (new)

Regulation (EU) No 1308/2013

Article 105

Present text

Article 105

Amendments to product specifications

An applicant satisfying the conditions laid down in Article 95 may apply for approval of an amendment to the product

Amendment

(14b) Article 105 is replaced by the following:

"Article 105

Amendments to product specifications

1. An applicant satisfying the conditions laid down in Article 95 may apply for approval of an amendment to the

specification of a protected designation of origin or of a protected geographical indication, in particular to take account of developments in scientific and technical knowledge or to redemarcate the geographical area referred to in point (d) of the second subparagraph of Article 94(2). Applications shall describe and state reasons for the amendments requested.

product specification of a protected designation of origin or of a protected geographical indication, in particular to take account of developments in scientific and technical knowledge or to redemarcate the geographical area referred to in point (d) of the second subparagraph of Article 94(2). Applications shall describe and state reasons for the amendments requested.

1a. Amendments to a product specification shall be classified into two categories as regards their importance: amendments requiring an objection procedure at Union level ('Union amendments') and amendments to be dealt with at Member State or third country level ('standard amendments').

An amendment shall be considered to be a Union amendment where:

(a) it includes a change in the name of the protected designation of origin or the protected geographical indication;

(b) it consists of a change, a deletion or an addition of a category of grapevine products referred to in Part II of Annex VII;

(c) it could potentially void the link referred to in points (a)(i) or point (b)(i) of Article 93(1);

(d) it entails further restrictions on the marketing of the product.

Applications for Union amendments submitted by third countries or by third country producers shall contain proof that the requested amendment complies with the laws on the protection of designations of origin or geographical indications in force in those third countries.

All other amendments shall be considered to be standard amendments.

1b. A temporary amendment shall be a standard amendment concerning a

temporary change in the product specification resulting from the imposition of obligatory sanitary and phytosanitary measures by the public authorities or linked to natural disasters or adverse weather conditions formally recognised by the competent authorities. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 91

Proposal for a regulation

Article 1 – paragraph 1 – point 14 c (new)

Regulation (EU) No 1308/2013

Article 105 a (new)

Text proposed by the Commission

Amendment

(14c) The following Article is inserted:

Article 105a

Amendments at Union level

1. An application for approval of a Union amendment to the product specifications shall follow mutatis mutandis the procedure laid down in Articles 94 and 96 to 99. Applications for approval of a Union amendment to the product specifications shall be considered admissible if they are submitted in accordance with Article 105 and if they are complete, exhaustive and duly completed. The approval by the Commission of an application for approval of a Union amendment to the product specifications shall only cover the amendments submitted in the application itself.

2. Where, based on the examination carried out pursuant to Article 97(2), the Commission considers that the conditions laid down in Article 97(3) are met, it shall

publish the application for Union amendment in the Official Journal of the European Union. The final decision on the approval of the amendment shall be adopted without applying the examination procedure referred to in Article 229(2), unless an admissible objection has been lodged or the application for amendment is rejected, in which case Article 99(2) shall apply.

3. If the application is considered inadmissible, the competent authorities of the Member State or those of the third country or applicant established in a third country shall be informed of the reasons for the inadmissibility.

4. Applications for approval of Union amendments shall contain Union amendments exclusively. If an application for Union amendment also contains standard or temporary amendments, the procedure for Union amendments shall only apply to Union amendments. The standard or temporary amendments shall be deemed as not submitted.

5. In examining the application for amendments, the Commission shall focus on the proposed amendments.

Amendment 92

Proposal for a regulation

Article 1 – paragraph 1 – point 14 d (new)

Regulation (EU) No 1308/2013

Article 105 b (new)

Text proposed by the Commission

Amendment

(14d) The following Article is inserted:

Article 105b

Standard amendments

1. Standard amendments shall be

approved and made public by Member States in which the geographical area of the designation of origin or geographical indication relates.

Application for approval of a standard amendment to a product specification shall be submitted to the authorities of the Member State to whom the geographical area of the designation or indication relates. Applicants shall satisfy the conditions laid down in Article 95. If the application for approval of a standard amendment to a product specification does not come from the applicant which has submitted the application for protection of the name or names to which the product specification refers, the Member State shall give that applicant the opportunity to comment on the application, if the applicant still exists.

The application for a standard amendment shall provide a description of the standard amendments, provide a summary of the reasons for which the amendments are required, and demonstrate that the proposed amendments qualify as standard in accordance with Article 105.

2. Where the Member State considers that the requirements are met, it may approve and make public the standard amendment. The approval decision shall include the modified consolidated single document, where relevant, and the modified consolidated product specification.

The standard amendment shall be applicable in the Member State once it has been made public. The Member State shall communicate standard amendments to the Commission not later than one month following the date on which the national decision of approval was made public.

3. Decisions approving standard amendments concerning grapevine products originating in third countries shall be taken in accordance with the system in force in the third country concerned and shall be communicated to the Commission by a single producer or group of producers having a legitimate interest, either directly to the Commission or via the authorities of that third country, not later than one month following the date on which they are made public.

4. If the geographical area covers more than one Member State, the Member States concerned shall apply the procedure for standard amendments separately for the part of the area which falls within their territory. The standard amendment shall be applicable after the last national decision of approval becomes applicable. The Member State last approving the standard amendment shall send it to the Commission not later than one month following the date on which its decision approving the standard amendment is made public.

If one or more Member States concerned do not adopt the national decision of approval referred to in the first subparagraph, any of Member State concerned may submit an application under the Union amendment procedure. Such a rule shall also apply mutatis mutandis when one or more of the countries concerned is a third country.

Amendment 93
Proposal for a regulation
Article 1 – paragraph 1 – point 14 e (new)
Regulation (EU) No 1308/2013
Article 105 c (new)

(14e) The following Article is inserted:

Article 105c

Temporary amendments

- 1. Temporary amendments shall be approved and made public by Member State to which the geographical area of the designation of origin or geographical indication relates. They shall be communicated to the Commission together with the reasons supporting the temporary amendments, not later than one month following the date on which the national decision of approval was made public. A temporary amendment shall be applicable in the Member State once it has been made public.***
- 2. When the geographical area covers more than one Member State, the procedure for temporary amendment shall apply separately in the Member States concerned for the part of the area which falls within their territory. Temporary amendments shall be applicable only when the last national decision of approval becomes applicable. The Member State last approving the temporary amendment shall communicate it to the Commission not later than one month following the date upon which its decision of approval is made public. That rule applies mutatis mutandis also when one or more of the countries concerned is a third country.***
- 3. Temporary amendments concerning grapevine products originating in third countries shall be communicated to the Commission, together with the reasons supporting the temporary amendments, to a single producer or a group of producers having a legitimate interest, , either directly or via the authorities of that third***

country, not later than one month following the date of their approval.

4. The Commission shall make public such amendments within three months from the date of which the communication is received from the Member State, third country or third country single producer or group of producers. A temporary amendment shall be applicable in the territory of the Union once it has been made public by the Commission.

Amendment 94

Proposal for a regulation

Article 1 – paragraph 1 – point 15

Regulation (EU) No 1308/2013

Article 106

Text proposed by the Commission

Amendment

(15) Article 106 is replaced by the following:

deleted

‘Article 106

Cancellation

The Commission may, on its own initiative or at the duly substantiated request of a Member State, a third country, or a natural or legal person having a legitimate interest, adopt implementing acts cancelling the protection of a designation of origin or a geographical indication in one or more of the following circumstances:

(a) where compliance with the corresponding product specification is no longer guaranteed;

(b) where no product has been placed on the market bearing the designation of origin or geographical indication for at least seven consecutive years;

(c) where an applicant satisfying the conditions laid down in Article 95 declares that it no longer wants to maintain the protection of a designation of origin or a geographical indication.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).; ’

Amendment 95

Proposal for a regulation

Article 1 – paragraph 1 – point 15 a (new)

Regulation (EU) No 1308/2013

Article 106

Present text

Article 106

Cancellation

The Commission may, on its own initiative or ***on a*** duly substantiated request ***by*** a Member State, a third country or a natural or legal person having a legitimate interest, adopt implementing acts cancelling the protection of a designation of origin or a geographical indication ***if*** compliance with the corresponding product specification is no longer ***ensured***. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

Amendment

(15a) Article 106 is replaced by the following:

"Article 106

Cancellation

1. The Commission may, on its own initiative or ***at the*** duly substantiated request ***of*** a Member State, a third country, or a natural or legal person having a legitimate interest, adopt implementing acts cancelling the protection of a designation of origin or a geographical indication ***in one or more of the following circumstances:***

(a) where compliance with the corresponding product specification is no longer ***guaranteed***;

(b) where no product has been placed on the market bearing the designation of origin or geographical indication for at least seven consecutive years;

(c) where an applicant satisfying the conditions laid down in Article 95 declares that it no longer wants to maintain the protection of a designation of origin or a geographical indication.
Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

1a. Where the Commission considers that the cancellation request is not admissible, it shall inform the Member State or the third country authority or the natural or legal person that submitted the request of the reasons supporting the finding of inadmissibility.

1b. Substantiated statements of objection to the cancellation shall be admissible only where they show commercial reliance by an interested person on the registered name. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 96

Proposal for a regulation

Article 1 – paragraph 1 – point 15 b (new)

Regulation (EU) No 1308/2013

Article 106 a (new)

Text proposed by the Commission

Amendment

(15b) The following Article is inserted:

Article 106a

Temporary labelling and presentation

After an application for the protection of a designation of origin or geographical indication has been forwarded to the Commission, producers may indicate it in labelling and presentation and use national logos and indications, in compliance with Union law and in

particular with Regulation (EU) No 1169/2011.

Union symbols indicating the protected designation of origin or protected geographical indication, the Union indications ‘protected designation of origin’ or ‘protected geographical indication’ and the Union abbreviations ‘PDO’ or ‘PGI’ may appear on the labelling only after the publication of the decision conferring protection on that designation of origin or geographical indication.

Where the application is rejected, any grapevine products labelled in accordance with the first paragraph may be marketed until the stocks are exhausted.

Amendment 97

Proposal for a regulation

Article 1 – paragraph 1 – point 15 c (new)

Regulation (EU) No 1308/2013

Article 107 a (new)

Text proposed by the Commission

Amendment

(15c) The following Article is added:

“Article 107a

Application of a product specification to areas producing wine spirits

Member States may apply a product specification within the meaning of Article 94(2) to areas producing wine suitable for producing wine spirits with a geographical indication as registered in accordance with Annex III to Regulation (EC) No 110/2008.”

Justification

This new Article aims to enable Member States to apply a product specification within the meaning of Article 94(2) to areas producing wine suitable for producing wine spirits with a

geographical indication registered in accordance with Annex III to the Regulation on Spirit Drinks, to ensure that supply is better matched with demand.

Amendment 98

Proposal for a regulation

Article 1 – paragraph 1 – point 17

Regulation (EU) No 1308/2013

Article 116a – paragraph 3

Text proposed by the Commission

3. Within the Union, the competent authority referred to in paragraph 2 or one or more delegated bodies within the meaning of point (5) of Article 3 of Regulation (EU) 2017/625 operating as a product certification body in accordance with the criteria laid down in Chapter III of Title II of that Regulation, shall verify annual compliance with the product specification, during the wine production and during or after conditioning.

Amendment

3. Within the Union, the competent authority referred to in paragraph 2 or one or more delegated bodies within the meaning of point (5) of Article 3 of Regulation (EU) 2017/625 operating as a product certification body in accordance with the criteria laid down in Chapter III of Title II of that Regulation, shall verify annual compliance with the product specification, during the wine production and during or after conditioning ***including in the Member State in which the production of the wine takes place.***

Amendment 99

Proposal for a regulation

Article 1 – paragraph 1 – point 17

Regulation (EU) No 1308/2013

Article 116a – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The checks referred to in paragraph 3 shall consist of administrative and on-the-spot checks. Those checks may be limited to administrative controls only when they are secure and make it possible to ensure full compliance with the requirements and conditions laid down in the product specifications.

Amendment 100

Proposal for a regulation

Article 1 – paragraph 1 – point 17

Regulation (EU) No 1308/2013

Article 116a – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. To verify compliance with product specifications, the competent authorities or control bodies referred to in paragraph 3 may audit operators established in another Member State if they intervene in the conditioning of a product bearing a PDO registered on their territory. Taking into consideration the trust that they may place in operators and their products with regard to the results of previous verifications, the control bodies referred to in paragraph 3 may focus their actions on the main aspects to be verified in the product specifications previously defined and brought to the attention of those operators.

Amendment 101

Proposal for a regulation

Article 1 – paragraph 1 – point 18

Regulation (EU) No 1308/2013

Article 119 – paragraphs 1 and 4

Text by the Commission

Amendment

(18) Article 119 is amended as follows

deleted

(a) in paragraph 1, the introductory sentence is replaced by the following:

'Labelling and presentation of the products referred to in points 1 to 11, 13, 15, 16, 18 and 19 of Part II of Annex VII marketed in the Union or for export shall contain the following compulsory particulars: ';

(b) the following paragraph 4 is added:

'4. Member States shall take measures to ensure that the products referred to in paragraph 1 which are not labelled in conformity with the provisions of this Regulation are not placed on the market, or are withdrawn from it if already placed on the market.'

Amendment 102

Proposal for a regulation

Article 1 – paragraph 1 – point 18 a (new)

Regulation (EU) No 1308/2013

Article 119

Present text

Article 119

Compulsory particulars

1. Labelling and presentation of the products referred to in points 1 to 11, 13, 15 **and 16** of Part II of Annex VII marketed in the Union or for export shall contain the following compulsory particulars:

(a) the designation for the category of the grapevine product in accordance with Part II of Annex VII;

(b) for wines with a protected designation of origin or a protected geographical indication:

(i) the term "protected designation of origin" or "protected geographical indication"; and

(ii) the name of the protected designation of origin or the protected geographical indication;

(c) the actual alcoholic strength by volume;

Amendment

(18a) Article 119 is replaced by the following:

"Article 119

Compulsory particulars

1. Labelling and presentation of the products referred to in points 1 to 11, 13, 15, **16, 18 and 19** of Part II of Annex VII marketed in the Union or for export shall contain the following compulsory particulars:

(a) the designation for the category of the grapevine product in accordance with Part II of Annex VII;

(b) for wines with a protected designation of origin or a protected geographical indication:

(i) the term "protected designation of origin" or "protected geographical indication";

and (ii) the name of the protected designation of origin or the protected geographical indication;

(c) the actual alcoholic strength by volume;

- (d) an indication of provenance;
- (e) an indication of the bottler or, in the case of sparkling wine, aerated sparkling wine, quality sparkling wine or quality aromatic sparkling wine, the name of the producer or vendor;
- (f) an indication of the importer in the case of imported wines; *and*
- (g) in the case of sparkling wine, aerated sparkling wine, quality sparkling wine or quality aromatic sparkling wine, an indication of the sugar content.

2. By way of derogation from point (a) of paragraph 1, the reference to the category of the grapevine product may be omitted for wines whose labels include the name of a protected designation of origin or a protected geographical indication.

3. By way of derogation from point (b) of paragraph 1, the reference to the terms "protected designation of origin" or "protected geographical indication" may be omitted in the following cases:

- (a) where a traditional term in accordance with point (a) of Article 112 is displayed on the label in accordance with the product specification referred to in Article 94(2);
- (b) in exceptional and duly justified circumstances to be determined by the Commission by means of delegated acts adopted in accordance with Article 227 in order to ensure compliance with existing labelling practices.

- (d) an indication of provenance;
- (e) an indication of the bottler or, in the case of sparkling wine, aerated sparkling wine, quality sparkling wine or quality aromatic sparkling wine, the name of the producer or vendor;
- (f) an indication of the importer in the case of imported wines;
- (g) in the case of sparkling wine, aerated sparkling wine, quality sparkling wine or quality aromatic sparkling wine, an indication of the sugar content;

(ga) the nutrition declaration, the content of which may be limited to the energy value only; and

(gb) the list of ingredients.

2. By way of derogation from point (a) of paragraph 1, the reference to the category of the grapevine product may be omitted for wines whose labels include the name of a protected designation of origin or a protected geographical indication.

3. By way of derogation from point (b) of paragraph 1, the reference to the terms "protected designation of origin" or "protected geographical indication" may be omitted in the following cases:

- (a) where a traditional term in accordance with point (a) of Article 112 is displayed on the label in accordance with the product specification referred to in Article 94(2);
- (b) in exceptional and duly justified circumstances to be determined by the Commission by means of delegated acts adopted in accordance with Article 227 in order to ensure compliance with existing labelling practices.

3a. To ensure a uniform application of point (ga) of paragraph 1, the energy value shall be:

(a) expressed with numbers and words or

symbols, and notably the symbol (E) for Energy;

(b) calculated using the conversion factor listed in Annex XIV to Regulation (EU) 1169/2011;

(c) expressed in the form of average values in kcal based on:

(i) the producer's analysis of the wine; or

(ii) a calculation from generally established and accepted data based on average values of typical and characteristic wines;

(d) expressed per 100ml. In addition, it may be expressed per consumption unit, easily recognisable by the consumer, provided that the unit used is quantified on the label and that the number of units contained in the package is stated.

3b. *By way of derogation from point (gb) of paragraph 1, the list of ingredients may also be provided by other means than on the label affixed to the bottle or to any other type of container, provided that a clear and direct link is indicated on the label. It may not be displayed together with other information intended for sales or marketing purposes.*

3c. *Member States shall take measures to ensure that the products referred to in paragraph 1 which are not labelled in conformity with the provisions of this Regulation are not placed on the market, or are withdrawn from it if already placed on the market.*

3d. *Operators who voluntarily wish to communicate to consumers the calories for wine products from a marketing year beginning before the entry into force of this Regulation, shall apply Article 119 in its entirety. "*

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308->

Amendment 103

Proposal for a regulation

Article 1 – paragraph 1 – point 19 a (new)

Regulation (EU) No 1308/2013

Article 120 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(19a) The following point is inserted:

(fa) terms relating to the conservation of the genetic resources of the vine;

Amendment 104

Proposal for a regulation

Article 1 – paragraph 1 – point 20

Regulation (EU) No 1308/2013

Article 122 – paragraph 1 – points b, c and d

Text proposed by the Commission

Amendment

(20) in Article 122, paragraph 1 is amended as follows:

deleted

(a) in point (b), point (ii) is deleted;

(b) in point (c), the following point (iii) is added:

‘ (iii) terms referring to a holding and the conditions for their use.; ’

(c) in point (d), point (i) is replaced by the following:

‘ (i) the conditions of use of certain bottle shapes and of closures, and a list of certain specific bottle shapes;; ’

Amendment 105

Proposal for a regulation

Article 1 – paragraph 1 – point 20 a (new)

Regulation (EU) No 1308/2013

Article 122

Present text

Article 122

Delegated powers

1. In order to take into account the specific characteristics of the wine sector, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 concerning rules and restrictions on:

(a) the presentation and use of labelling particulars other than those provided for in this Section;

(b) compulsory particulars concerning:

(i) terms to be used to formulate the compulsory particulars and their conditions of use;

(ii) terms referring to a holding and the conditions for their use;

(iii) provisions allowing the producing Member States to establish additional rules relating to compulsory particulars;

(iv) provisions allowing further derogations in addition to those referred to in Article 119(2) as regards the omission of the reference to the category of the grapevine product; ***and***

(v) provisions on the use of languages;

(c) optional particulars concerning:

(i) terms to be used to formulate the

Amendment

(20a) Article 122 is replaced by the following:

"Article 122

Delegated powers

1. In order to take into account the specific characteristics of the wine sector, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 concerning rules and restrictions on:

(a) the presentation and use of labelling particulars other than those provided for in this Section;

(b) compulsory particulars concerning:

(i) terms to be used to formulate the compulsory particulars and their conditions of use;

(iii) provisions allowing the producing Member States to establish additional rules relating to compulsory particulars;

(iv) provisions allowing further derogations in addition to those referred to in Article 119(2) as regards the omission of the reference to the category of the grapevine product;

(v) provisions on the use of languages; ***and***

(va) the provisions relating to point (gb) of Article 119(1);

(c) optional particulars concerning:

(i) terms to be used to formulate the

optional particulars and their conditions of use;

(ii) provisions allowing the producing Member States to establish additional rules relating to optional particulars;

(d) the presentation concerning:

(i) the conditions of use of certain bottle shapes, and a list of certain specific bottle shapes;

(ii) the conditions of use of "sparkling wine"-type bottles and closures;

(iii) provisions allowing the producing Member States to establish additional rules relating to presentation;

(iv) provisions on the use of languages.

2. In order to ensure the protection of the legitimate interests of operators, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 concerning rules as regards temporary labelling and presentation of wines bearing a designation of origin or a geographical indication, where that designation of origin or geographical indication fulfils the necessary requirements.

3. In order to ensure that economic operators are not prejudiced, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 concerning transitional provisions as regards wine placed on the market and labelled in accordance with the relevant rules applying before 1 August 2009.

4. In order to take account of the specific characteristics in trade between the

optional particulars and their conditions of use;

(ii) provisions allowing the producing Member States to establish additional rules relating to optional particulars;

(iia) terms referring to a holding and the conditions for their use;

(d) the presentation concerning:

(i) the conditions of use of certain bottle shapes ***and of closures***, and a list of certain specific bottle shapes;

(ii) the conditions of use of "sparkling wine"-type bottles and closures;

(iii) provisions allowing the producing Member States to establish additional rules relating to presentation;

(iv) provisions on the use of languages.

The Commission shall adopt the delegated acts referred to in point (b)(va) no later than 18 months after ... [the date of entry into force of this Regulation].

2. In order to ensure the protection of the legitimate interests of operators, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 concerning rules as regards temporary labelling and presentation of wines bearing a designation of origin or a geographical indication, where that designation of origin or geographical indication fulfils the necessary requirements.

3. In order to ensure that economic operators are not prejudiced, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 concerning transitional provisions as regards wine placed on the market and labelled in accordance with the relevant rules applying before 1 August 2009.

4. In order to take account of the specific characteristics in trade between the

Union and certain third countries, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 concerning derogations from this Section as regards products to be exported where required by the law of the third country concerned.

Union and certain third countries, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 concerning derogations from this Section as regards products to be exported where required by the law of the third country concerned. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 106

Proposal for a regulation

Article 1 – paragraph 1 – point 21 – point b a (new)

Regulation (EU) No 1308/2013

Article 125 – title

Present text

Amendment

(ba) In Article 125, the title is replaced by the following:

Sugar sector agreements

‘Sugar ***beet and sugar cane*** sector agreements’

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20180101&from=EN>)

Justification

This amendment aims to clearly include the terms ‘sugar beet’ and ‘sugar cane’ to reflect the current market situation and secondary legislation, in line with the definition of the sugar sector set out in Annex I, Part III to this Regulation.

Amendment 107

Proposal for a regulation

Article 1 – paragraph 1 – point 21 – point b b (new)

Regulation (EU) No 1308/2013

Article 126 – title

Present text

Amendment

(bb) in Article 126, the title is replaced by

the following:

Price reporting in the *sugar market*

Price reporting in the *markets*⁴

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20180101&from=EN>)

Justification

This amendment aims to clearly include the terms ‘sugar beet’ and ‘sugar cane’ to reflect the current market situation and secondary legislation, in line with the definition of the sugar sector set out in Annex I, Part III to this Regulation. It is also proposed that ethanol be included in the price reporting obligations, as ethanol represents a key market for the balance of the sugar market.

Amendment 108

Proposal for a regulation

Article 1 – paragraph 1 – point 21 – point b c (new)

Regulation (EU) No 1308/2013

Article 126 – paragraph 1

Present text

The Commission may adopt implementing acts establishing a system for reporting **sugar** market prices, including arrangements for publishing the price levels for this market. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2). The system referred to in the first subparagraph shall be based on information submitted by undertakings producing **white** sugar or by other operators involved in the sugar trade. This information shall be treated as confidential.

Amendment

(bc) in Article 126, the first paragraph is replaced by the following:

“The Commission may adopt implementing acts establishing a system for reporting market prices **for the sugar beet and cane sugar market on the one hand, and for the sugar and ethanol market on the other**, including arrangements for publishing the price levels for this market. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2). The system referred to in the first subparagraph shall be based on information submitted by undertakings producing sugar **or ethanol** or by other operators involved in the sugar **or ethanol** trade. This information shall be treated as confidential.”

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308->

Justification

This amendment aims to clearly include the terms 'sugar beet' and 'sugar cane' to reflect the current market situation and secondary legislation, in line with the definition of the sugar sector set out in Annex I, Part III to this Regulation. It is also proposed that ethanol be included in the price reporting obligations, as ethanol represents a key market for the balance of the sugar market.

Amendment 109

Proposal for a regulation

Article 1 – paragraph 1 – point 22 a (new)

Regulation (EU) No 1308/2013

Article 148

Present text

Amendment

Article 148

Contractual relations in the milk and milk products sector

1. Where a Member State decides that every delivery of raw milk in its territory by a farmer to a processor of raw milk must be covered by a written contract between the parties and/or decides that first purchasers must make a written offer for a contract for the delivery of raw milk by the farmers, such contract and/or such offer for a contract shall fulfil the conditions laid down in paragraph 2.

Where a Member State decides that deliveries of raw milk by a farmer to a processor of raw milk must be covered by a written contract between the parties, it shall also decide which stage or stages of the delivery shall be covered by such a contract if the delivery of raw milk is made through one or more collectors.

For the purposes of this Article, a

(22a) Article 148 is replaced by the following:

" Article 148

Contractual relations in the milk and milk products sector

1. Where a Member State decides that every delivery of raw milk in its territory by a farmer to a processor of raw milk must be covered by a written contract between the parties and/or decides that first purchasers must make a written offer for a contract for the delivery of raw milk by the farmers, such contract and/or such offer for a contract shall fulfil the conditions laid down in paragraph 2.

Where a Member State decides that deliveries of raw milk by a farmer to a processor of raw milk must be covered by a written contract between the parties, it shall also decide which stage or stages of the delivery shall be covered by such a contract if the delivery of raw milk is made through one or more collectors.

For the purposes of this Article, a

"collector" means an undertaking which transports raw milk from a farmer or another collector to a processor of raw milk or another collector, where the ownership of the raw milk is transferred in each case.

1a. Where Member States do not make use of the possibilities provided for in paragraph 1 of this Article, a producer, a producer organisation, or an association of producer organisations may require that any delivery in raw milk to a processor of raw milk be the subject of a written contract between the parties and/or be the subject of a written offer for a contract from the first purchasers, under the conditions laid down in the first subparagraph of paragraph 4 of this Article.

If the first purchaser is a micro, small or medium-sized enterprise within the meaning of Recommendation 2003/361/EC, the contract and/or the contract offer is not compulsory, without prejudice to the possibility for the parties to make use of a standard contract drawn up by an interbranch organisation.

2. The contract and/or the offer for a contract referred to in paragraphs 1 and 1a shall:

- (a) be made in advance of the delivery,
- (b) be made in writing, and
- (c) include, in particular, the following elements:
 - (i) the price payable for the delivery, which shall:
 - be static and be set out in the contract, and/or
 - be calculated by combining various factors set out in the contract, which may include *market* indicators reflecting changes in market conditions, the volume delivered and the quality or composition of

"collector" means an undertaking which transports raw milk from a farmer or another collector to a processor of raw milk or another collector, where the ownership of the raw milk is transferred in each case.

1a. Where Member States do not make use of the possibilities provided for in paragraph 1 of this Article, a producer, a producer organisation, or an association of producer organisations may require that any delivery in raw milk to a processor of raw milk be the subject of a written contract between the parties and/or be the subject of a written offer for a contract from the first purchasers, under the conditions laid down in the first subparagraph of paragraph 4 of this Article.

If the first purchaser is a micro, small or medium-sized enterprise within the meaning of Recommendation 2003/361/EC, the contract and/or the contract offer is not compulsory, without prejudice to the possibility for the parties to make use of a standard contract drawn up by an interbranch organisation.

2. The contract and/or the offer for a contract referred to in paragraphs 1 and 1a shall:

- (a) be made in advance of the delivery,
- (b) be made in writing, and
- (c) include, in particular, the following elements:
 - (i) the price payable for the delivery, which shall:
 - be static and be set out in the contract and/or
 - be calculated by combining various factors set out in the contract, which may include *objective indicators of production and market costs that are easily accessible and comprehensible* reflecting changes in

the raw milk delivered,

(ii) the volume of raw milk which may **and/or** must be delivered and the timing of such deliveries,

(iii) the duration of the contract, which may include either a definite or an indefinite duration with termination clauses,

(iv) details regarding payment periods and procedures,

(v) arrangements for collecting or delivering raw milk, and

(vi) rules applicable in the event of force majeure.

3. By way of derogation from paragraphs 1 and 1a, a contract and/or an offer for a contract shall not be required where raw milk is delivered by a member of a cooperative to the cooperative of which he is a member if the statutes of that cooperative or the rules and decisions provided for in or derived from these statutes contain provisions having similar effects to the provisions set out in points (a), (b) and (c) of paragraph 2.

4. All elements of contracts for the delivery of raw milk concluded by farmers, collectors or processors of raw milk, including the elements referred to in point (c) of paragraph 2, shall be freely negotiated between the parties.

market conditions, the volume delivered and the quality or composition of the raw milk delivered.

To that effect, Member States having decided to apply paragraph 1 may determine indicators, in accordance with objective criteria and based on studies carried out on production and the food chain, in order to determine these at any time,

(ii) the volume of raw milk which may **/or** must be delivered and the timing of such deliveries. ***It shall not be possible to lay down penalty clauses for monthly breaches,***

(iii) the duration of the contract, which may include either a definite or an indefinite duration with termination clauses,

(iv) details regarding payment periods and procedures,

(v) arrangements for collecting or delivering raw milk, and

(vi) rules applicable in the event of force majeure.

3. By way of derogation from paragraphs 1 and 1a, a contract and/or an offer for a contract shall not be required where raw milk is delivered by a member of a cooperative to the cooperative of which he is a member if the statutes of that cooperative or the rules and decisions provided for in or derived from these statutes contain provisions having similar effects to the provisions set out in points (a), (b) and (c) of paragraph 2.

4. All elements of contracts for the delivery of raw milk concluded by farmers, collectors or processors of raw milk, including the elements referred to in point (c) of paragraph 2, shall be freely negotiated between the parties.

Notwithstanding the first subparagraph, one or more of the following shall apply:

(a) where a Member State decides to make a written contract for the delivery of raw milk compulsory in accordance with paragraph 1, it may establish:

(i) an obligation for the parties to agree on a relationship between a given quantity delivered and the price payable for that delivery;

(ii) a minimum duration, applicable only to written contracts between a farmer and the first purchaser of raw milk; such a minimum duration shall be at least six months, and shall not impair the proper functioning of the internal market;

(b) where a Member State decides that the first purchaser of raw milk must make a written offer for a contract to the farmer in accordance with paragraph 1, it may provide that the offer must include a minimum duration for the contract, set by national law for this purpose; such a minimum duration shall be at least six months, and shall not impair the proper functioning of the internal market.

The second subparagraph shall be without prejudice to the farmer's right to refuse such a minimum duration provided that he does so in writing. In such a case, the parties shall be free to negotiate all elements of the contract, including the elements referred to in point (c) of paragraph 2.

5. The Member States which make use of the options referred to in this Article shall notify the Commission of how they are applied.

6. The Commission may adopt implementing acts laying down measures necessary for the uniform application of points (a) and (b) of paragraph 2 and paragraph 3 of this Article and measures

Notwithstanding the first subparagraph, one or more of the following shall apply:

(a) where a Member State decides to make a written contract for the delivery of raw milk compulsory in accordance with paragraph 1, it may establish:

(i) an obligation for the parties to agree on a relationship between a given quantity delivered and the price payable for that delivery;

(ii) a minimum duration, applicable only to written contracts between a farmer and the first purchaser of raw milk; such a minimum duration shall be at least six months, and shall not impair the proper functioning of the internal market;

(b) where a Member State decides that the first purchaser of raw milk must make a written offer for a contract to the farmer in accordance with paragraph 1, it may provide that the offer must include a minimum duration for the contract, set by national law for this purpose; such a minimum duration shall be at least six months, and shall not impair the proper functioning of the internal market.

The second subparagraph shall be without prejudice to the farmer's right to refuse such a minimum duration provided that he does so in writing. In such a case, the parties shall be free to negotiate all elements of the contract, including the elements referred to in point (c) of paragraph 2.

5. The Member States which make use of the options referred to in this Article shall notify the Commission of how they are applied.

6. The Commission may adopt implementing acts laying down measures necessary for the uniform application of points (a) and (b) of paragraph 2 and paragraph 3 of this Article and measures

relating to notifications to be made by the Member States in accordance with this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

relating to notifications to be made by the Member States in accordance with this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2). "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 110

Proposal for a regulation

Article 1 – paragraph 1 – point 22 b (new)

Regulation (EU) No 1308/2013

Article 149

Present text

Article 149

Contractual negotiations in the milk and milk products sector

1. A producer organisation in the milk and milk products sector which is recognised under Article 161(1) may negotiate on behalf of its farmer members, in respect of part or all of their joint production, contracts for the delivery of raw milk by a farmer to a processor of raw milk, or to a collector within the meaning of the third subparagraph of Article 148(1).

2. The negotiations by the producer organisation may take place:

(a) whether or not there is a transfer of ownership of the raw milk by the farmers to the producer organisation;

(b) whether or not the price negotiated is the same as regards the joint production of some or all of the farmer members;

(c) provided that, for a particular producer

Amendment

(22b) Article 149 is replaced by the following:

"Article 149

Contractual negotiations in the milk and milk products sector

1. A producer organisation in the milk and milk products sector which is recognised under Article 161(1) may negotiate on behalf of its farmer members, in respect of part or all of their joint production, contracts for the delivery of raw milk by a farmer to a processor of raw milk, or to a collector within the meaning of the third subparagraph of Article 148(1).

2. The negotiations by the producer organisation may take place:

(a) whether or not there is a transfer of ownership of the raw milk by the farmers to the producer organisation;

(b) whether or not the price negotiated is the same as regards the joint production of some or all of the farmer members;

(c) provided that, for a particular producer

organisation, all of the following conditions are fulfilled:

(i) the volume of raw milk covered by such negotiations does not exceed **3,5 %** of total Union production,

(ii) the volume of raw milk covered by such negotiations which is produced in any particular Member State does not exceed 33 % of the total national production of that Member State, and

(iii) the volume of raw milk covered by such negotiations which is delivered in any particular Member State does not exceed 33 % of the total national production of that Member State;

(d) provided that the farmers concerned are not members of any other producer organisation which also negotiates such contracts on their behalf; however, Member States may derogate from this condition in duly justified cases where farmers hold two distinct production units located in different geographic areas;

(e) provided that the raw milk is not covered by an obligation to deliver arising from the farmer's membership of a cooperative in accordance with the conditions set out in the cooperative's statutes or the rules and decisions provided for in or derived from these statutes; and

(f) provided that the producer organisation notifies the competent authorities of the Member State or Member States in which it operates of the volume of raw milk covered by such negotiations.

3. Notwithstanding the conditions set out in of point (c)(ii) and (iii) of paragraph 2, a producer organisation may negotiate pursuant to paragraph 1 provided that, with regard to that producer organisation, the volume of raw milk covered by the negotiations which is produced in or delivered in a Member State having a total

organisation, all of the following conditions are fulfilled:

(i) the volume of raw milk covered by such negotiations does not exceed **4,5%** of total Union production,

(ii) the volume of raw milk covered by such negotiations which is produced in any particular Member State does not exceed 33 % of the total national production of that Member State, and

(iii) the volume of raw milk covered by such negotiations which is delivered in any particular Member State does not exceed 33 % of the total national production of that Member State;

(d) provided that the farmers concerned are not members of any other producer organisation which also negotiates such contracts on their behalf; however, Member States may derogate from this condition in duly justified cases where farmers hold two distinct production units located in different geographic areas;

(e) provided that the raw milk is not covered by an obligation to deliver arising from the farmer's membership of a cooperative in accordance with the conditions set out in the cooperative's statutes or the rules and decisions provided for in or derived from these statutes; and

(f) provided that the producer organisation notifies the competent authorities of the Member State or Member States in which it operates of the volume of raw milk covered by such negotiations.

3. Notwithstanding the conditions set out in of point (c)(ii) and (iii) of paragraph 2, a producer organisation may negotiate pursuant to paragraph 1 provided that, with regard to that producer organisation, the volume of raw milk covered by the negotiations which is produced in or delivered in a Member State having a total

annual raw milk production of less than 500 000 tonnes does not exceed 45 % of the total national production of that Member State.

4. For the purposes of this Article, references to producer organisations include associations of such producer organisations.

5. For the purposes of applying point (c) of paragraph 2 and paragraph 3, the Commission shall publish, by such means as it considers appropriate, the amounts of raw milk production in the Union and the Member States using the most up-to-date information available.

6. By way of derogation from point (c) of paragraph 2 and paragraph 3, even where the thresholds set out therein are not exceeded, the competition authority referred to in the second subparagraph of this paragraph may decide in an individual case that a particular negotiation by the producer organisation should either be reopened or should not take place at all if it considers that this is necessary in order to prevent competition from being excluded or in order to avoid seriously damaging SME processors of raw milk in its territory.

For negotiations covering more than one Member State, the decision referred to in the first subparagraph shall be taken by the Commission without applying the procedure referred to in Article 229(2) or (3). In other cases, that decision shall be taken by the national competition authority of the Member State to which the negotiations relate.

The decisions referred to in this paragraph shall not apply earlier than the date of their notification to the undertakings concerned.

7. For the purposes of this Article:

(a) a "national competition authority" means the authority referred to in Article 5

annual raw milk production of less than 500 000 tonnes does not exceed 45 % of the total national production of that Member State.

4. For the purposes of this Article, references to producer organisations include associations of such producer organisations.

5. For the purposes of applying point (c) of paragraph 2 and paragraph 3, the Commission shall publish, by such means as it considers appropriate, the amounts of raw milk production in the Union and the Member States using the most up-to-date information available.

6. By way of derogation from point (c) of paragraph 2 and paragraph 3, even where the thresholds set out therein are not exceeded, the competition authority referred to in the second subparagraph of this paragraph may decide in an individual case that a particular negotiation by the producer organisation should either be reopened or should not take place at all if it considers that this is necessary in order to prevent competition from being excluded or in order to avoid seriously damaging SME processors of raw milk in its territory.

For negotiations covering more than one Member State, the decision referred to in the first subparagraph shall be taken by the Commission without applying the procedure referred to in Article 229(2) or (3). In other cases, that decision shall be taken by the national competition authority of the Member State to which the negotiations relate.

The decisions referred to in this paragraph shall not apply earlier than the date of their notification to the undertakings concerned.

7. For the purposes of this Article:

(a) a "national competition authority" means the authority referred to in Article 5

of Council Regulation (EC) No 1/2003 ²²

(b) a "SME" means a micro, small or medium-sized enterprise within the meaning of Recommendation 2003/361/EC.

8. The Member States in which negotiations take place in accordance with this Article shall notify the Commission of the application of point (f) of paragraph 2 and of paragraph 6.

²² Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 101 and 102 of the Treaty (OJ L 1, 4.1.2003, p. 1).

of Council Regulation (EC) No 1/2003 ²²

(b) a "SME" means a micro, small or medium-sized enterprise within the meaning of Recommendation 2003/361/EC.

8. The Member States in which negotiations take place in accordance with this Article shall notify the Commission of the application of point (f) of paragraph 2 and of paragraph 6.

²² Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 101 and 102 of the Treaty (OJ L 1, 4.1.2003, p. 1). "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 111

Proposal for a regulation

Article 1 – paragraph 1 – point 22 c (new)

Regulation (EU) No 1308/2013

Article 150

Present text

Article 150

Regulation of supply for cheese with a protected designation of origin or protected geographical indication

1. Upon the request of a producer organisation recognised under Article **152(3)**, an interbranch organisation recognised under Article **157(3)** or a group of operators referred to in Article 3(2) of Regulation (EU) No 1151/2012, Member States may lay down, for a limited period

Amendment

(22c) Article 150 is replaced by the following:

"Article 150

Regulation of supply for cheese with a protected designation of origin or protected geographical indication

1. Upon the request of a producer organisation recognised under Article **152(1)or Article 161(1)**, an interbranch organisation recognised under Article **157(1)** or a group of operators referred to in Article 3(2) of Regulation (EU) No 1151/2012, Member States may lay down,

of time, binding rules for the regulation of the supply of cheese benefiting from a protected designation of origin or from a protected geographical indication under Article 5(1) and (2) of Regulation (EU) No 1151/2012.

2. The rules referred to in paragraph 1 of this Article shall be subject to the existence of a prior agreement between the parties in the geographical area referred to in point (c) of Article 7(1) of Regulation (EU) No 1151/2012. Such an agreement shall be concluded between at least two-thirds of the milk producers or their representatives representing at least two thirds of the raw milk used for the production of the cheese referred to in paragraph 1 of this Article and, where relevant, at least two-thirds of the producers of that cheese **representing** at least two thirds of the production of that cheese in the geographical area referred to in point (c) of Article 7(1) of Regulation (EU) No 1151/2012.

3. For the purpose of paragraph 1, concerning cheese benefiting from a protected geographical indication, the geographical area of origin of the raw milk, as set in the product specification for the cheese, shall be the same as the geographical area referred to in point (c) of Article 7(1) of Regulation (EU) No 1151/2012 relating to that cheese.

4. The rules referred to in paragraph 1:

- (a) shall only cover the regulation of supply of the product concerned and shall have the aim of adapting the supply of that cheese to demand;
- (b) shall have effect only on the product concerned;
- (c) may be made binding for no more than **three** years and may be renewed after this

for a limited period of time, binding rules for the regulation of the supply of cheese benefiting from a protected designation of origin or from a protected geographical indication under Article 5(1) and (2) of Regulation (EU) No 1151/2012.

2. The rules referred to in paragraph 1 of this Article shall be subject to the existence of a prior agreement between the parties in the geographical area referred to in point (c) of Article 7(1) of Regulation (EU) No 1151/2012. Such an agreement shall be concluded between at least two-thirds of the milk producers or their representatives representing at least two thirds of the raw milk used for the production of the cheese referred to in paragraph 1 of this Article and, where relevant, at least two-thirds of the producers of that cheese **or their representatives, accounting for** at least two thirds of the production of that cheese in the geographical area referred to in point(c) of Article 7(1) of Regulation (EU) No 1151/2012.

3. For the purpose of paragraph 1, concerning cheese benefiting from a protected geographical indication, the geographical area of origin of the raw milk, as set in the product specification for the cheese, shall be the same as the geographical area referred to in point (c) of Article 7(1) of Regulation (EU)No 1151/2012 relating to that cheese.

4. The rules referred to in paragraph 1:

- (a) shall only cover the regulation of supply of the product concerned and shall have the aim of adapting the supply of that cheese to demand;
- (b) shall have effect only on the product concerned;
- (c) may be made binding for no more than **five** years and may be renewed after this

period, following a new request, as referred to in paragraph 1;

(d) shall not damage the trade in products other than those concerned by those rules;

(e) shall not relate to any transaction after the first marketing of the cheese concerned;

(f) shall not allow for price fixing, including where prices are set for guidance or recommendation;

(g) shall not render unavailable an excessive proportion of the product concerned that would otherwise be available;

(h) shall not create discrimination, constitute a barrier for new entrants in the market, or lead to small producers being adversely affected;

(i) shall contribute to maintaining the quality and/or the development of the product concerned;

(j) shall be without prejudice to Article 149.

5. The rules referred to in paragraph 1 shall be published in an official publication of the Member State concerned.

6. Member States shall carry out checks in order to ensure that the conditions laid down in paragraph 4 are complied with, and, where it has been found by the competent national authorities that such conditions have not been complied with, shall repeal the rules referred to in paragraph 1.

7. Member States shall notify the Commission forthwith of the rules referred to in paragraph 1 which they have adopted. The Commission shall inform other Member States of any notification of such rules.

8. The Commission may at any time

period, following a new request, as referred to in paragraph 1;

(d) shall not damage the trade in products other than those concerned by those rules;

(e) shall not relate to any transaction after the first marketing of the cheese concerned;

(f) shall not allow for price fixing, including where prices are set for guidance or recommendation;

(g) shall not render unavailable an excessive proportion of the product concerned that would otherwise be available;

(h) shall not create discrimination, constitute a barrier for new entrants in the market, or lead to small producers being adversely affected;

(i) shall contribute to maintaining the quality and/or the development of the product concerned;

(j) shall be without prejudice to Article 149.

5. The rules referred to in paragraph 1 shall be published in an official publication of the Member State concerned.

6. Member States shall carry out checks in order to ensure that the conditions laid down in paragraph 4 are complied with, and, where it has been found by the competent national authorities that such conditions have not been complied with, shall repeal the rules referred to in paragraph 1.

7. Member States shall notify the Commission forthwith of the rules referred to in paragraph 1 which they have adopted. The Commission shall inform other Member States of any notification of such rules.

8. The Commission may at any time

adopt implementing acts requiring that a Member State repeal the rules laid down by that Member State pursuant to paragraph 1 if the Commission finds that those rules do not comply with the conditions laid down in paragraph 4, prevent or distort competition in a substantial part of the internal market or jeopardise free trade or the attainment of the objectives of Article 39 TFEU. Those implementing acts shall be adopted without applying the procedure referred to in Article 229(2) or (3) of this Regulation.

adopt implementing acts requiring that a Member State repeal the rules laid down by that Member State pursuant to paragraph 1 if the Commission finds that those rules do not comply with the conditions laid down in paragraph 4, prevent or distort competition in a substantial part of the internal market or jeopardise free trade or the attainment of the objectives of Article 39 TFEU. Those implementing acts shall be adopted without applying the procedure referred to in Article 229(2) or (3) of this Regulation. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 112

Proposal for a regulation

Article 1 – paragraph 1 – point 22 d (new)

Regulation (EU) No 1308/2013

Article 151

Present text

Article 151

Compulsory declarations in the milk and milk products sector

From 1 April 2015, the first purchasers of raw milk shall declare to the competent national authority the quantity of raw milk that has been delivered to them each month.

Amendment

(22d) Article 151 is replaced by the following:

"Article 151

Compulsory declarations in the milk and milk products sector

From 1 April 2015, the first purchasers of raw milk shall declare to the competent national authority the quantity of raw milk that has been delivered to them each month ***and the average price paid. A distinction shall be made between organic and non-organic agricultural products. If the first purchaser is a cooperative, the average price shall be communicated at the end of the marketing year referred to in point (c)(v) of Article 6.***

The information on the average price

shall be deemed confidential and the competent authority shall ensure that specific average prices or names of individual economic operators are not published.

For the purposes of this Article and Article 148, a "first purchaser" means an undertaking or group which buys milk from producers in order to:

- (a) subject it to collecting, packing, storing, chilling or processing, including under a contract;
- (b) sell it to one or more undertakings treating or processing milk or other milk products.

Member States shall notify the Commission of the quantity of raw milk referred to in the first subparagraph.

The Commission may adopt implementing acts laying down rules on the content, format and timing of such declarations and measures relating to the notifications to be made by the Member States in accordance with this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

For the purposes of this Article and Article 148, a "first purchaser" means an undertaking or group which buys milk from producers in order to:

- (a) subject it to collecting, packing, storing, chilling or processing, including under a contract;
- (b) sell it to one or more undertakings treating or processing milk or other milk products.

Member States shall notify the Commission of the quantity of raw milk **and the average price** referred to in the first subparagraph.

The Commission may adopt implementing acts laying down rules on the content, format and timing of such declarations and measures relating to the notifications to be made by the Member States in accordance with this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2). "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 113

Proposal for a regulation

Article 1 – paragraph 1 – point 22 e (new)

Regulation (EU) No 1308/2013

Article 152

Present text

Amendment

(22e) Article 152 is replaced by the following:

Article 152

Producer organisations

1. Member States may, on request, recognise producer organisations, which:

(a) are constituted, and controlled in accordance with point (c) of Article 153(2), by producers in a specific sector listed in Article 1(2);

(b) are formed on the initiative of the producers and which carry out at least one of the following activities:

(i) joint processing;

(ii) joint distribution, including by joint selling platforms or joint transportation;

(iii) joint packaging, labelling or promotion;

(iv) joint organising of quality control;

(v) joint use of equipment or storage facilities;

(vi) joint management of waste directly related to the production;

(vii) joint procurement of inputs;

(viii) any other joint service activities pursuing one of the objectives listed in point (c) of this paragraph;

(c) pursue a specific aim which may include at least one of the following objectives:

(i) ensuring that production is planned and adjusted to demand, particularly in terms of quality and quantity;

(ii) concentration of supply and the placing on the market of the products produced by its members, including through direct marketing;

(iii) optimising production costs and returns on investments in response to environmental and animal welfare standards, and stabilising producer prices;

"Article 152

Producer organisations

1. Member States may, on request, recognise producer organisations, which:

(a) are constituted, and controlled in accordance with point (c) of Article 153(2), by producers in a specific sector listed in Article 1(2);

(b) are formed on the initiative of the producers and which carry out at least one of the following activities:

(i) joint processing;

(ii) joint distribution, including by joint selling platforms or joint transportation;

(iii) joint packaging, labelling or promotion;

(iv) joint organising of quality control;

(v) joint use of equipment or storage facilities;

(vi) joint management of waste directly related to the production;

(vii) joint procurement of inputs;

(viii) any other joint service activities pursuing one of the objectives listed in point (c) of this paragraph;

(c) pursue a specific aim which may include at least one of the following objectives:

(i) ensuring that production is planned and adjusted to demand, particularly in terms of quality and quantity;

(ii) concentration of supply and the placing on the market of the products produced by its members, including through direct marketing;

(iii) optimising production costs and returns on investments in response to environmental and animal welfare standards, and stabilising producer prices;

(iv) carrying out research and developing initiatives on sustainable production methods, innovative practices, economic competitiveness and market developments;

(v) promoting, and providing technical assistance for, the use of environmentally sound cultivation practices and production techniques, and sound animal welfare practices and techniques;

(vi) promoting, and providing technical assistance for, the use of production standards, improving product quality and developing products with a protected designation of origin, with a protected geographical indication or covered by a national quality label;

(vii) the management of by-products and of waste in particular to protect the quality of water, soil and landscape and preserving or encouraging biodiversity;

(viii) contributing to a sustainable use of natural resources and to climate change mitigation;

(ix) developing initiatives in the area of promotion and marketing;

(x) managing of the mutual funds *referred to in operational programmes in the fruit and vegetables sector referred to in point (d) of Article 33(3) of this Regulation and under Article 36 of Regulation (EU) No 1305/2013*;

(xi) providing the necessary technical assistance for the use of the futures markets and of insurance schemes.

1a. By way of derogation from Article 101(1) TFEU, a producer organisation recognised under paragraph 1 of this Article may plan production, optimise the production costs, place on the market and negotiate contracts for the supply of

(iv) carrying out research and developing initiatives on sustainable production methods, innovative practices, economic competitiveness and market developments;

(v) promoting, and providing technical assistance for, the use of environmentally sound cultivation practices and production techniques, and sound animal welfare practices and techniques;

(vi) promoting, and providing technical assistance for, the use of production standards, improving product quality and developing products with a protected designation of origin, with a protected geographical indication or covered by a national quality label;

(vii) the management *and valorisation* of by-products, *residual flows* and of waste in particular to protect the quality of water, soil and landscape and preserving or encouraging biodiversity *and boosting circularity*;

(viii) contributing to a sustainable use of natural resources and to climate change mitigation;

(ix) developing initiatives in the area of promotion and marketing;

(x) managing of the mutual funds;

(xi) providing the necessary technical assistance for the use of the futures markets and of insurance schemes.

1a. By way of derogation from Article 101(1) TFEU, a producer organisation recognised under paragraph 1 of this Article may plan production, optimise the production costs, place on the market and negotiate contracts for the supply of

agricultural products, on behalf of its members for all or part of their total production.

The activities referred to in the first subparagraph may take place:

(a) provided that one or more of the activities referred to in point (b)(i) to (vii) of paragraph 1 is genuinely exercised, thus contributing to the fulfilment of the objectives set out in Article 39 TFEU;

(b) provided that the producer organisation concentrates supply and places the products of its members on the market, whether or not there is a transfer of ownership of agricultural products by the producers to the producer organisation;

(c) whether or not the price negotiated is the same as regards the aggregate production of some or all of the members;

(d) provided that the producers concerned are not members of any other producer organisation as regards the products covered by the activities referred to in the first subparagraph;

(e) provided that the agricultural product is not covered by an obligation to deliver arising from the farmer's membership of a cooperative, which is not itself a member of the producer organisations concerned, in accordance with the conditions set out in the cooperative's statutes or the rules and decisions provided for in or derived from those statutes.

However, Member States may derogate from the condition set out in point (d) of the second subparagraph in duly justified cases where producer members hold two distinct production units located in different geographical areas.

1b. For the purposes of this Article, references to producer organisations shall also include associations of producer

agricultural products, on behalf of its members for all or part of their total production.

The activities referred to in the first subparagraph may take place:

(a) provided that one or more of the activities referred to in point (b)(i) to (vii) of paragraph 1 is genuinely exercised, thus contributing to the fulfilment of the objectives set out in Article 39 TFEU;

(b) provided that the producer organisation concentrates supply and places the products of its members on the market, whether or not there is a transfer of ownership of agricultural products by the producers to the producer organisation;

(c) whether or not the price negotiated is the same as regards the aggregate production of some or all of the members;

(d) provided that the producers concerned are not members of any other producer organisation as regards the products covered by the activities referred to in the first subparagraph;

(e) provided that the agricultural product is not covered by an obligation to deliver arising from the farmer's membership of a cooperative, which is not itself a member of the producer organisations concerned, in accordance with the conditions set out in the cooperative's statutes or the rules and decisions provided for in or derived from those statutes.

However, Member States may derogate from the condition set out in point (d) of the second subparagraph in duly justified cases where producer members hold two distinct production units located in different geographical areas.

1b. For the purposes of this Article, references to producer organisations shall also include associations of producer

organisations recognised under Article 156(1) if such associations meet the requirements set out in paragraph 1 of this Article.

1c. The national competition authority referred to in Article 5 of Regulation (EC) No 1/2003 may decide in individual cases that, for the future, one or more of the activities referred to in the first subparagraph of paragraph 1a are to be modified, discontinued or not take place at all if it considers that this is necessary in order to prevent competition from being excluded or if it considers that the objectives set out in Article 39 TFEU are jeopardised.

For negotiations covering more than one Member State, the decision referred to in the first subparagraph of this paragraph shall be taken by the Commission without applying the procedure referred to in Article 229(2) or (3).

When acting under the first subparagraph of this paragraph, the national competition authority shall inform the Commission in writing before or without delay after initiating the first formal measure of the investigation and shall notify the Commission of the decisions without delay after their adoption.

The decisions referred to in this paragraph shall not apply earlier than the date of their notification to the undertakings concerned.

2. A producer organisation recognised under paragraph 1 may continue to be recognised if it engages in the marketing of products falling within CN code ex 22 08 other than those referred to in Annex I to the Treaties, provided that the proportion of such products does not exceed 49 % of the total value of marketed production of the producer organisation and that such products do not benefit from Union support. Those products do not count, for

organisations recognised under Article 156(1) if such associations meet the requirements set out in paragraph 1 of this Article.

1c. The national competition authority referred to in Article 5 of Regulation (EC) No 1/2003 may decide in individual cases that, for the future, one or more of the activities referred to in the first subparagraph of paragraph 1a are to be modified, discontinued or not take place at all if it considers that this is necessary in order to prevent competition from being excluded or if it considers that the objectives set out in Article 39 TFEU are jeopardised.

For negotiations covering more than one Member State, the decision referred to in the first subparagraph of this paragraph shall be taken by the Commission without applying the procedure referred to in Article 229(2) or (3).

When acting under the first subparagraph of this paragraph, the national competition authority shall inform the Commission in writing before or without delay after initiating the first formal measure of the investigation and shall notify the Commission of the decisions without delay after their adoption.

The decisions referred to in this paragraph shall not apply earlier than the date of their notification to the undertakings concerned.

2. A producer organisation recognised under paragraph 1 may continue to be recognised if it engages in the marketing of products falling within CN code ex 2208 other than those referred to in Annex I to the Treaties, provided that the proportion of such products does not exceed 49 % of the total value of marketed production of the producer organisation and that such products do not benefit from Union support. Those products do not count, for

producer organisations in the fruit and vegetables sector, towards the calculation of the value of marketed production for the purposes of Article 34(2).

producer organisations in the fruit and vegetables sector, towards the calculation of the value of marketed production for the purposes of Article 34(2). "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 114

Proposal for a regulation

Article 1 – paragraph 1 – point 22 f (new)

Regulation (EU) No 1308/2013

Article 153

Present text

Article 153

Statutes of producer organisations

1. The statutes of a producer organisation shall require its producer members, in particular, to:

(a) apply the rules adopted by the producer organisation relating to production reporting, production, marketing and protection of the environment;

(b) be members of only one producer organisation for any given product of the holding; however Member States may derogate from this condition in duly justified cases where producer members hold two distinct production units located in different geographical areas;

(c) provide the information requested by the producer organisation for statistical purposes.

2. The statutes of a producer

Amendment

(22f) Article 153 is replaced by the following:

"Article 153

Statutes of producer organisations

1. The statutes of a producer organisation shall require its producer members, in particular, to:

(a) apply the rules adopted by the producer organisation relating to production reporting, production, marketing and protection of the environment;

(b) be members of only one producer organisation for any given product of the holding; however Member States may derogate from this condition in duly justified cases where producer members hold two distinct production units located in different geographical areas, ***or where the given products of the producer members are clearly identified and intended for different uses;***

(c) provide the information requested by the producer organisation for statistical purposes.

2. The statutes of a producer

organisation shall also provide for:

(a) procedures for determining, adopting and amending the rules referred to in point (a) of paragraph 1;

(b) the imposition on members of financial contributions needed to finance the producer organisation;

(c) rules enabling the producer members to scrutinise democratically their organisation and its decisions;

(d) penalties for infringement of obligations under the statutes, particularly for non-payment of financial contributions, or of the rules laid down by the producer organisation;

(e) rules on the admission of new members, and in particular the minimum period of membership which may not be less than one year;

(f) the accounting and budgetary rules necessary for the operation of the organisation.

3. Paragraphs 1 and 2 shall not apply to producer organisations in the milk and milk products sector.

organisation shall also provide for:

(a) procedures for determining, adopting and amending the rules referred to in point (a) of paragraph 1;

(b) the imposition on members of financial contributions needed to finance the producer organisation;

(c) rules enabling the producer members to scrutinise democratically their organisation and its decisions ***as well as its accounts and budgets***;

(d) penalties for infringement of obligations under the statutes, particularly for non-payment of financial contributions, or of the rules laid down by the producer organisation;

(e) rules on the admission of new members, and in particular the minimum period of membership which may not be less than one year;

(f) the accounting and budgetary rules necessary for the operation of the organisation.

3. Paragraphs 1 and 2 shall not apply to producer organisations in the milk and milk products sector. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 115

Proposal for a regulation

Article 1 – paragraph 1 – point 22 g (new)

Regulation (EU) No 1308/2013

Article 154

Present text

Amendment

(22g) Article 154 is replaced by the following:

Article 154

Recognition of producer organisations

1. In order to be recognised by a Member State, the producer organisation applying for such recognition shall be a legal entity or clearly defined part of a legal entity which:

(a) fulfils the requirements laid down in points (a), (b) and (c) of Article 152(1);

(b) has a minimum number of members and/or covers a minimum volume or value of marketable production, to be laid down by the Member State concerned, in the area where it operates;

(c) provides sufficient evidence that it can carry out its activities properly, both over time and in terms of effectiveness, provision of human, material and technical support to its members, and as appropriate concentration of supply;

(d) has statutes that are consistent with points (a), (b) and (c) of this paragraph.

1a. Member States may, on request, decide to grant more than one recognition to a producer organisation operating in several sectors referred to in Article 1(2) provided the producer organisation fulfils the conditions referred to in paragraph 1 of this Article for each sector for which it seeks recognition.

2. Member States may decide that producer organisations which have been recognised before 1 January 2018 and which fulfil the conditions laid down in paragraph 1 of this Article shall be deemed to be recognised as producer organisations pursuant to Article 152.

3. Where producer organisations have been recognised before 1 January 2018 but

"Article 154

Recognition of producer organisations

1. In order to be recognised by a Member State, the producer organisation applying for such recognition shall be a legal entity or clearly defined part of a legal entity which:

(a) fulfils the requirements laid down in points (a), (b) and (c) of Article 152(1);

(b) has a minimum number of members and/or covers a minimum volume or value of marketable production, to be laid down by the Member State concerned, in the area where it operates. ***Such provisions shall not prevent the recognition of producer organisations which are dedicated to marginal production;***

(c) provides sufficient evidence that it can carry out its activities properly, both over time and in terms of effectiveness, provision of human, material and technical support to its members, and as appropriate concentration of supply;

(d) has statutes that are consistent with points (a), (b) and (c) of this paragraph.

1a. Member States may, on request, decide to grant more than one recognition to a producer organisation operating in several sectors referred to in Article 1(2) provided the producer organisation fulfils the conditions referred to in paragraph 1 of this Article for each sector for which it seeks recognition.

2. Member States may decide that producer organisations which have been recognised before 1 January 2018 and which fulfil the conditions laid down in paragraph 1 of this Article shall be deemed to be recognised as producer organisations pursuant to Article 152.

3. Where producer organisations have been recognised before 1 January 2018 but

do not fulfil the conditions set out in paragraph 1 of this Article, Member States shall withdraw their recognition no later than 31 December 2020.

4. Member States shall:

(a) decide whether to grant recognition to a producer organisation within four months of the lodging of an application, accompanied by all the relevant supporting evidence; this application shall be lodged with the Member State where the organisation has its headquarters;

(b) carry out, at intervals to be determined by them, checks to verify that recognised producer organisations are complying with this Chapter;

(c) in the event of non-compliance or irregularities in the application of the measures provided for in this Chapter, impose on those organisations and associations the applicable penalties they have laid down and, if necessary, decide whether recognition should be withdrawn;

(d) inform the Commission by 31 March of each year, of every decision to grant, refuse or withdraw recognition taken during the previous calendar year.

do not fulfil the conditions set out in paragraph 1 of this Article, Member States shall withdraw their recognition no later than 31 December 2020.

4. Member States shall:

(a) decide whether to grant recognition to a producer organisation within four months of the lodging of an application, accompanied by all the relevant supporting evidence; this application shall be lodged with the Member State where the organisation has its headquarters;

(b) carry out, at intervals to be determined by them, checks to verify that recognised producer organisations are complying with this Chapter;

(c) in the event of non-compliance or irregularities in the application of the measures provided for in this Chapter, impose on those organisations and associations the applicable penalties they have laid down and, if necessary, decide whether recognition should be withdrawn;

(d) inform the Commission by 31 March of each year, of every decision to grant, refuse or withdraw recognition taken during the previous calendar year. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 116

Proposal for a regulation

Article 1 – paragraph 1 – point 22 h (new)

Regulation (EU) No 1308/2013

Article 156

Present text

Amendment

(22h) Article 156 is replaced by the following:

Article 156

Associations of producer organisations

1. Member States may, on request, recognise associations of producer organisations in a specific sector listed in Article 1(2) which are formed at the initiative of recognised producer organisations. Subject to the rules adopted pursuant to Article 173, associations of producer organisations may carry out any of the activities or functions of producer organisations.

2. By way of derogation from paragraph 1, Member States may, on request, recognise an association of recognised producer organisations in the milk and milk products sector if the Member State concerned considers that the association is capable of carrying out effectively any of the activities of a recognised producer organisation, and that it fulfils the conditions laid down in Article 161(1).

"Article 156

Associations of producer organisations

1. Member States may, on request, recognise associations of producer organisations in a specific sector listed in Article 1(2) which are formed at the initiative of recognised **producer organisations and /or associations of** producer organisations. Subject to the rules adopted pursuant to Article 173, associations of producer organisations may carry out any of the activities or functions of producer organisations.

2. By way of derogation from paragraph 1, Member States may, on request, recognise an association of recognised producer organisations in the milk and milk products sector if the Member State concerned considers that the association is capable of carrying out effectively any of the activities of a recognised producer organisation, and that it fulfils the conditions laid down in Article 161(1). "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 117

Proposal for a regulation

Article 1 – paragraph 1 – point 22 i (new)

Regulation (EU) No 1308/2013

Article 157

Present text

Article 157

Interbranch organisations

1. Member States may, on request,

Amendment

(22i) Article 157 is replaced by the following:

"Article 157

Interbranch organisations

1. Member States may, on request,

recognise interbranch organisations in a specific sector listed in Article 1(2) which:

(a) are constituted of representatives of economic activities linked to the production and to at least one of the following stages of the supply chain: the processing of or trade in, including distribution of, products in one or more sectors;

(b) are formed on the initiative of all or some of the organisations or associations which constitute them;

(c) pursue a specific aim taking account of the interests of their members and of consumers, which may include, in particular, one of the following objectives:

(i) improving knowledge and the transparency of production and the market, including by publication of aggregated statistical data on production costs, prices, including, where appropriate, price indices, volumes and duration of contracts which have been previously concluded, and by providing analyses of potential future market developments at regional, national or international level;

(ii) forecasting of production potential, and recording public market prices;

(iii) helping to coordinate better the way the products are placed on the market, in particular by means of research and market studies;

(iv) exploring potential export markets;

(v) without prejudice to Articles 148 and 168, drawing up standard forms of contract, compatible with Union rules, for the sale of agricultural products to purchasers and/or the supply of processed products to distributors and retailers, taking into account the need to achieve fair competitive conditions and to avoid market distortions;

recognise interbranch organisations in a specific sector listed in Article 1(2) which:

(a) are constituted of representatives of economic activities linked to the production and to at least one of the following stages of the supply chain: the processing of or trade in, including distribution of, products in one or more sectors;

(b) are formed on the initiative of all or some of the organisations or associations which constitute them;

(c) pursue a specific aim taking account of the interests of ***all*** their members and of consumers, which may include, in particular, one of the following objectives:

(i) improving knowledge and the transparency of production and the market, including by publication of aggregated statistical data on production costs, prices, including, where appropriate, price indices, volumes and duration of contracts which have been previously concluded, and by providing analyses of potential future market developments at regional, national or international level;

(ii) forecasting of production potential, and recording public market prices;

(iii) helping to coordinate better the way the products are placed on the market, in particular by means of research and market studies;

(iv) exploring potential export markets;

(v) without prejudice to Articles 148 and 168, drawing up standard forms of contract, compatible with Union rules, for the sale of agricultural products to purchasers and/or the supply of processed products to distributors and retailers, taking into account the need to achieve fair competitive conditions and to avoid market distortions. ***Those standard forms of***

contract may involve two or more undertakings each of which operates at a different level of the production, processing or distribution chain and contain relevant indicators and economic indices based on relevant production costs and their development, but also take account of product categories and their different market opportunities, product valuation indicators, the prices of agricultural and food products observed on the markets and variations therein, and criteria pertaining to the composition, quality, traceability and content of product specifications;

(vi) exploiting to a fuller extent the potential of the products, including at the level of market outlets, and developing initiatives to strengthen economic competitiveness and innovation;

(vii) providing the information and carrying out the research necessary to innovate, rationalise, improve and adjust production and, where applicable, the processing and marketing, towards products more suited to market requirements and consumer tastes and expectations, in particular with regard to product quality, including the specific characteristics of products with a protected designation of origin or a protected geographical indication, and protection of the environment;

(viii) seeking ways of restricting the use of animal-health or plant protection products, better managing other inputs, ensuring product quality and soil and water conservation, promoting food safety, in particular through traceability of products, and improving animal health and welfare;

(ix) developing methods and instruments for improving product quality at all stages of production and, where applicable, of

(vi) exploiting to a fuller extent the potential of the products, including at the level of market outlets, and developing initiatives to strengthen economic competitiveness and innovation;

(vii) providing the information and carrying out the research necessary to innovate, rationalise, improve and adjust production and, where applicable, the processing and marketing, towards products more suited to market requirements and consumer tastes and expectations, in particular with regard to product quality, including the specific characteristics of products with a protected designation of origin or a protected geographical indication, and protection of the environment, ***climate action, animal health and animal welfare***;

(viii) seeking ways of restricting the use of animal-health or plant protection products, better managing other inputs, ensuring product quality and soil and water conservation, promoting food safety, in particular through traceability of products, and improving animal health and welfare;

(ix) developing methods and instruments for improving product quality at all stages of production and, where applicable, of

processing and marketing;

(x) taking all possible actions to uphold, protect and promote organic farming and designations of origin, quality labels and geographical indications;

(xi) promoting and carrying out research into integrated, sustainable production or other environmentally sound production methods;

(xii) encouraging healthy and responsible consumption of the products on the internal market and/or informing about the harm linked to hazardous consumption patterns;

(xiii) promoting consumption of, and/or furnishing information concerning, products on the internal market and external markets;

(xiv) contributing to the management of by-products and the reduction and management of waste;

(xv) establishing standard value sharing clauses *within the meaning of Article 172a*, including market bonuses and losses, determining how any evolution of relevant market prices of the products concerned or other commodity markets is to be allocated between *them*;

(xvi) implementing measures to prevent and manage animal health, plant-protection and environmental risks.

processing and marketing;

(x) taking all possible actions to uphold, protect and promote organic farming and designations of origin, quality labels and geographical indications;

(xi) promoting and carrying out research into integrated, sustainable production or other environmentally sound production methods;

(xii) encouraging healthy and responsible consumption of the products on the internal market and/or informing about the harm linked to hazardous consumption patterns;

(xiii) promoting consumption of, and/or furnishing information concerning, products on the internal market and external markets;

(xiv) contributing to the management *and developing initiatives for the valorisation* of by-products and the reduction and management of waste.

(xv) establishing standard value sharing clauses, including market bonuses and losses, determining how any evolution of relevant market prices of the products concerned or other commodity markets is to be allocated between *operators in the supply chain*;

(xv a) establishing standard clauses for fair compensation of the costs incurred by farmers for meeting extra-legal requirements with regard to environment, climate, animal health and animal welfare, including methods to calculate these costs;

(xvi) implementing measures to prevent and manage animal health, plant-protection and environmental risks *or promote phytosanitary prevention and control, including by setting up and managing of mutual funds.*

(xvi a) contributing to the transparency of

1a. Member States may, on request, decide to grant more than one recognition to an interbranch organisation operating in several sectors referred to in Article 1(2) provided the interbranch organisation fulfils the conditions referred to in paragraph 1 and, where applicable, paragraph 3 for each sector for which it seeks recognition.

2. In duly justified cases, Member States may decide on the basis of objective and non-discriminatory criteria that the condition in point (c) of Article 158(1) is fulfilled by limiting the number of interbranch organisations on a regional or national level if so provided for by national rules in place before 1 January 2014, and where this does not impair the proper functioning of the internal market.

3. By way of derogation from paragraph 1, as regards the milk and milk products sector, Member States may recognise interbranch organisations which:

(a) have formally requested recognition and are made up of representatives of economic activities linked to the production of raw milk and linked to at least one of the following stages of the supply chain: the processing of or trade in, including distribution of, products of the milk and milk products sector;

(b) are formed on the initiative of all or some of the representatives referred to in point (a);

(c) carry out, in one or more regions of the Union, taking into account the interests of the members of those

trade relations between the various stages in the chain, in particular through the design, implementation and compliance control of technical standards by members of the sector.

1a. Member States may, on request, decide to grant more than one recognition to an interbranch organisation operating in several sectors referred to in Article 1(2) provided the interbranch organisation fulfils the conditions referred to in paragraph 1 and, where applicable, paragraph 3 for each sector for which it seeks recognition.

2. In duly justified cases, Member States may decide on the basis of objective and non-discriminatory criteria that the condition in point (c) of Article 158(1) is fulfilled by limiting the number of interbranch organisations on a regional or national level if so provided for by national rules in place before 1 January 2014, and where this does not impair the proper functioning of the internal market.

"

interbranch organisations and of consumers, one or more of the following activities:

(i) improving the knowledge and the transparency of production and the market, including by publication of statistical data on the prices, volumes and durations of contracts for the delivery of raw milk which have been previously concluded, and by providing analyses of potential future market developments at regional, national and international level;

(ii) helping to coordinate better the way the products of the milk and milk products sector are placed on the market, in particular by means of research and market studies;

(iii) promoting consumption of, and providing information on, milk and milk products in both internal and external markets;

(iv) exploring potential export markets;

(v) drawing up standard forms of contract compatible with Union rules for the sale of raw milk to purchasers or the supply of processed products to distributors and retailers, taking into account the need to achieve fair competitive conditions and to avoid market distortions;

(vi) providing the information and carrying out the research necessary to adjust production in favour of products more suited to market requirements and consumer tastes and expectations, in particular with regard to product quality and protection of the environment;

(vii) maintaining and developing the production potential of the dairy sector, inter alia, by promoting innovation and supporting programmes for applied research and development in order to exploit the full potential of milk and milk products, especially in order to create

products with added value which are more attractive to the consumer;

(viii) seeking ways of restricting the use of animal health products, improving the management of other inputs and enhancing food safety and animal health;

(ix) developing methods and instruments for improving product quality at all stages of production and marketing;

(x) exploiting the potential of organic farming and protecting and promoting such farming as well as the production of products with designations of origin, quality labels and geographical indications; and

(xi) promoting integrated production or other environmentally sound production methods;

(xii) establishing standard value sharing clauses within the meaning of Article 172a, including market bonuses and losses, determining how any evolution of relevant market prices of the products concerned or other commodity markets is to be allocated between them; and

(xiii) implementing measures to prevent and manage animal health, plant-protection and environmental risks.

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 118

Proposal for a regulation

Article 1 – paragraph 1 – point 22 j (new)

Regulation (EU) No 1308/2013

Article 158 a (new)

Text proposed by the Commission

Amendment

(22j) In Section 1 of Chapter III, the

following Article is inserted:

“Article 158a

Associations of interbranch organisations

Member States may, on request, recognise associations of interbranch organisations in a specific sector listed in Article 1(2) which are formed at the initiative of recognised interbranch organisations.

Subject to the rules adopted pursuant to Article 173, associations of producer organisations may carry out any of the activities or functions of interbranch organisations.

Justification

This amendment aims to introduce into Regulation No 1308/2013 the possibility of recognising associations of interbranch organisations modelled on associations of producer associations.

Amendment 119

Proposal for a regulation

Article 1 – paragraph 1 – point 22 k (new)

Regulation (EU) No 1308/2013

Article 158 b (new)

Text proposed by the Commission

Amendment

(22k) In Section 1 of Chapter III, the following Article is inserted:

Article 158b

Transnational producer organisations and their transnational associations and translational interbranch organisations

1. For the purposes of this Regulation, references to producer organisations, associations of producer organisations and interbranch organisations shall also include transnational producer organisations, transnational associations of producer organisations and

transnational interbranch organisations recognised under this Article.

2. The following definitions shall apply for the purposes of this Regulation:

(a) ‘transnational producer organisation’ means any producer organisation whose member producers’ holdings are located in more than one Member State;

(b) ‘transnational association of producer organisations’ means any association of producer organisations whose member organisations are located in more than one Member State;

(c) ‘transnational interbranch organisation’ means any interbranch organisation whose members carry out a production, processing or marketing activity of the products covered by the organisation’s activities in more than one Member State.

3. The Commission shall decide on the recognition of transnational producer organisations, transnational associations of producer organisations and transnational interbranch organisation.

The general rules on recognition referred to in Articles 154, 156 and 158 and the specific rules on recognition in the milk and milk products sector referred to in Articles 161 and 163 shall apply mutatis mutandis.

4. The Member State in which a transnational producer organisation or a transnational association of producer organisations has a significant number of members or member organisations or has marketable production of a significant volume or value, or the Member State in which the headquarters of a transnational interbranch organisation is located, as well as the other Member States in which the members of that organisation or association are located, shall submit to the

Commission the information necessary to enable it to verify compliance with the conditions for recognition and shall grant it all necessary administrative assistance.

5. The Commission and the Member State referred to in paragraph 4 shall make available all relevant information upon request of another Member State in which members of such organisation or association are located.

Justification

This amendment aims to codify in the basic act the rules relating to recognised transnational organisation (POs, APOs and IOs) contained in Delegated Regulation (EU) No 2016/232. However, it makes a significant change, aimed at granting the European Commission the power to decide on these transnational organisations, as the principles of administrative cooperation between Member States for the recognition of such entities have failed to prove their worth.

Amendment 120

Proposal for a regulation

Article 1 – paragraph 1 – point 22 l (new)

Regulation (EU) No 1308/2013

Article 160

Present text

Article 160

Producer organisations in the fruit and vegetables sector

In the fruit and vegetables sector producer organisations shall pursue at least one of the objectives set out in points (c)(i), (ii) and (iii) of Article 152(1).

The statutes of a producer organisation in the fruit and vegetables sector shall require its producer members to market their entire production concerned through the producer

Amendment

(22 l) Article 160 is replaced by the following:

"Article 160

Producer organisations in the fruit and vegetables sector

1. In the fruit and vegetables sector producer organisations shall pursue at least one of the objectives set out in points (c)(i), (ii) and (iii) of Article 152(1).

1a. The statutes of a producer organisation in the fruit and vegetables sector shall require its producer members to market their entire production concerned

organisation.

through the producer organisation.

By way of derogation from the first subparagraph, where the producer organisation so authorises in its statutes, the producer members may:

(a) sell products directly or outside their holdings to consumers for their personal needs;

(b) market by themselves or through another producer organisation designated by their own producer organisation, quantities of products which, in terms of volume or value, are marginal compared to the volume or value of marketable production of their organisation of the products concerned;

(c) market by themselves or through another producer organisation designated by their own producer organisation, products which because of their characteristics or because of the limited production in volume or in value of the producer members, are normally not covered by the commercial activities of the producer organisation.

2. The percentage of the production in volume or in value of the marketable production of each producer member that the producer members market outside the producer organisation, shall not exceed the percentage fixed by the delegated act referred in Article 173 of this Regulation.

However, Member States may set a lower percentage of the production that the producer members may market outside the producer organisation than the one set out in the delegated act referred in first subparagraph but not less than 10 %.

3. In the case of products covered by Council Regulation (EC) No 834/2007 or where producer members market their production through another producer organisation designated by their own

producer organisation the percentage of the production that the producer members market outside the producer organisation, as referred to in paragraph 1a, shall not exceed the percentage fixed by the delegated act referred in Article 173 of this Regulation in volume or in value of the marketable production of each producer member.

However, Member States may set a lower percentage of the production that these producer members may market outside the producer organisation than the one set out in the delegated act referred in the first subparagraph but not less than 10 %.

Producer organisations and associations of producer organisations in the fruit and vegetables sector shall be deemed to be acting in the name and on behalf of their members in economic matters within their terms of reference.

Producer organisations and associations of producer organisations in the fruit and vegetables sector shall be deemed to be acting in the name and on behalf of their members in economic matters within their terms of reference. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 121

Proposal for a regulation

Article 1 – paragraph 1 – point 22 m (new)

Regulation (EU) No 1308/2013

Article 163

Present text

Article 163

Recognition of interbranch organisations in the milk and milk products sector

1. Member States may recognise interbranch organisations in the milk and milk products sector provided that such

Amendment

(22m) *Article 163 is replaced by the following:*

"Article 163

Recognition of interbranch organisations in the milk and milk products sector

1. Member States may recognise interbranch organisations in the milk and milk products sector provided that such

organisations:

- (a) fulfil the requirements laid down in Article 157(3);
- (b) carry out their activities in one or more regions in the territory concerned;
- (c) account for a significant share of the economic activities referred to in point (a) of Article 157(3);
- (d) do not themselves engage in the production of, the processing of, or the trade in, products in the milk and milk products sector.

2. Member States may decide that interbranch organisations which have been recognised before 2 April 2012 on the basis of national law and which fulfil the conditions laid down in paragraph 1 are to be considered to be recognised as interbranch organisations under Article 157(3).

3. Where Member States make use of the option to recognise an interbranch organisation in accordance with paragraph 1 or 2, they shall:

- (a) decide whether to grant recognition to the interbranch organisation within four months of the lodging of an application, accompanied by all the relevant supporting evidence; this application shall be lodged with the Member State where the organisation has its headquarters;
- (b) carry out, at intervals to be determined by them, checks to verify that recognised interbranch organisations are complying with the conditions governing their recognition;
- (c) in the event of non-compliance or irregularities in the implementation of the measures provided for in this Regulation, impose on those organisations the applicable penalties they have laid down and, if necessary, decide whether

organisations:

- (a) fulfil the requirements laid down in Article 157(3);
- (b) carry out their activities in one or more regions in the territory concerned;
- (c) account for a significant share of the economic activities referred to in point (a) of Article 157(3);
- (d) do not themselves engage in the production of, the processing of, or the trade in, products in the milk and milk products sector.

2. Member States may decide that interbranch organisations which have been recognised before 2 April 2012 on the basis of national law and which fulfil the conditions laid down in paragraph 1 are to be considered to be recognised as interbranch organisations under Article 157(3).

3. Where Member States make use of the option to recognise an interbranch organisation in accordance with paragraph 1 or 2, they shall:

- (a) decide whether to grant recognition to the interbranch organisation within four months of the lodging of an application, accompanied by all the relevant supporting evidence; this application shall be lodged with the Member State where the organisation has its headquarters;
- (b) carry out, at intervals to be determined by them, checks to verify that recognised interbranch organisations are complying with the conditions governing their recognition;
- (c) in the event of non-compliance or irregularities in the implementation of the measures provided for in this Regulation, impose on those organisations the applicable penalties they have laid down and, if necessary, decide whether

recognition should be withdrawn;

(d) withdraw recognition if:

(i) the requirements and conditions for recognition laid down in this Article are no longer fulfilled;

(ii) the interbranch organisation takes part in any of the agreements, decisions and concerted practices referred to in Article 210(4); such withdrawal of recognition shall be without prejudice to any other penalties to be imposed pursuant to national law;

(iii) the interbranch organisation fails to comply with the notification obligation referred to in point (a) of the first subparagraph of Article 210(2);

(e) inform the Commission by 31 March of each year of every decision to grant, refuse or withdraw recognition taken during the previous calendar year.

recognition should be withdrawn;

(d) withdraw recognition if the requirements and conditions for recognition laid down in this Article are no longer fulfilled;

(e) inform the Commission by 31 March of each year of every decision to grant, refuse or withdraw recognition taken during the previous calendar year. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 122

Proposal for a regulation

Article 1 – paragraph 1 – point 22 n (new)

Regulation (EU) No 1308/2013

Article 164

Present text

Article 164

Extension of rules

1. In cases where a recognised producer

Amendment

(22n) Article 164 is replaced by the following:

"Article 164

Extension of rules

1. In cases where a recognised producer

organisation, a recognised association of producer organisations or a recognised interbranch organisation operating in a specific economic area or areas of a Member State is considered to be representative of the production of or trade in, or processing of, a given product, the Member State concerned may, at the request of that organisation, make binding for a limited period of time some of the agreements, decisions or concerted practices agreed within that organisation on other operators acting in the economic area or areas in question, whether individuals or groups, who do not belong to the organisation or association.

2. For the purposes of this Section, an "economic area" means a geographical zone made up of adjoining or neighbouring production regions in which production and marketing conditions are homogeneous.

3. An organisation or association shall be deemed representative where, in the economic area or areas concerned of a Member State, it accounts for:

(a) as a proportion of the volume of production of, or of trade in, or of processing of the product or products concerned:

(i) for producer organisations in the fruit and vegetables sector, at least 60 %, or

(ii) in other cases, at least two thirds; and

(b) in the case of producer organisations, more than 50 % of the producers concerned.

However, where, in the case of interbranch organisations, the determination of the proportion of the volume of production, or of trade in, or of processing of the product or products concerned gives rise to practical difficulties, a Member State may lay down national rules for determining the

organisation, a recognised association of producer organisations or a recognised interbranch organisation operating in a specific economic area or areas of a Member State is considered to be representative of the production of or trade in, or processing of, a given product, the Member State concerned may, at the request of that organisation, make binding for a limited period of time some of the agreements, decisions or concerted practices agreed within that organisation on other operators acting in the economic area or areas in question, whether individuals or groups, who do not belong to the organisation or association.

2. For the purposes of this Section, an "economic area" means a geographical zone made up of adjoining or neighbouring production regions in which production and marketing conditions are homogeneous.

3. An organisation or association shall be deemed representative where, in the economic area or areas concerned of a Member State, it accounts for:

(a) as a proportion of the volume of production of, or of trade in, or of processing of the product or products concerned:

(i) for producer organisations in the fruit and vegetables sector, at least 60 %, or

(ii) in other cases, at least two thirds; and

(b) in the case of producer organisations, more than 50 % of the producers concerned.

However, where, in the case of interbranch organisations, the determination of the proportion of the volume of production, or of trade in, or of processing of the product or products concerned gives rise to practical difficulties, a Member State may lay down national rules for determining the

specified level of representativeness referred to in point (a)(ii) of the first subparagraph.

Where the request for an extension of its rules to other operators covers more than one economic area, the organisation or association shall demonstrate the minimum level of representativeness as defined in the first subparagraph for each of the branches it groups in each of the economic areas concerned.

4. The rules for which extension to other operators may be requested as provided for in paragraph 1 shall have one of the following aims:

- (a) production and market reporting;
- (b) stricter production rules than those laid down in Union or national rules;
- (c) the drawing up of standard contracts which are compatible with Union rules;
- (d) marketing;
- (e) protecting the environment;
- (f) measures to promote and exploit the potential of products;
- (g) measures to protect organic farming as well as designations of origin, quality labels and geographical indications;
- (h) research to add value to the products, in particular through new uses which do not pose a threat to public health;
- (i) studies to improve the quality of products;
- (j) research, in particular into methods of cultivation permitting reduced use of plant protection or animal health products and guaranteeing conservation of the soil and conservation or improvement of the environment;

specified level of representativeness referred to in point (a)(ii) of the first subparagraph.

Where the request for an extension of its rules to other operators covers more than one economic area, the organisation or association shall demonstrate the minimum level of representativeness as defined in the first subparagraph for each of the branches it groups in each of the economic areas concerned.

4. The rules for which extension to other operators may be requested as provided for in paragraph 1 shall have one of the following aims:

- (a) production and market reporting;
- (b) stricter production rules than those laid down in Union or national rules;
- (c) the drawing up of standard contracts ***and value-sharing and fair compensation clauses*** which are compatible with Union rules;
- (d) marketing;
- (e) protecting the environment;
- (f) measures to promote and exploit the potential of products;
- (g) measures to protect organic farming as well as designations of origin, quality labels and geographical indications;
- (h) research to add value to the products, in particular through new uses which do not pose a threat to public health;
- (i) studies to improve the quality of products;
- (j) research, in particular into methods of cultivation permitting reduced use of plant protection or animal health products and guaranteeing conservation of the soil and conservation or improvement of the environment;

(k) the definition of minimum qualities and definition of minimum standards of packing and presentation;

(l) the use of certified seed and monitoring of product quality;

(m) animal health, plant health or food safety;

(n) the management of by-products.

Those rules shall not cause any damage to other operators in the Member State concerned or the Union and shall not have any of the effects listed in Article 210(4) or be otherwise incompatible with Union law or national rules in force.

5. The extension of the rules referred to in paragraph 1 shall be brought to the attention of operators by publication in full in an official publication of the Member State concerned.

6. Member States shall notify the

(k) the definition of minimum qualities and definition of minimum standards of packing and presentation;

(l) the use of certified seed and monitoring of product quality;

(m) animal health, plant health or food safety;

(n) the management *and valorisation* of by-products;

(na) design, implementation and control of technical standards for the precise evaluation of a product's characteristics.

Those rules shall not cause any damage to other ***operators including the organic operators, nor prevent entry of new*** operators in the Member State concerned or the Union and shall not have any of the effects listed in Article 210(4) or be otherwise incompatible with Union law or national rules in force.

4a. When the Commission adopts an implementing act pursuant to Article 222 of this Regulation authorising the non-application of Article 101(1) TFEU to the agreements and decisions referred to in Article 222(1) of this Regulation, such agreements and decisions may be extended under the conditions of this Article.

4b. Where the Member State extends the rules referred to in paragraph 1, the organisation concerned shall provide for proportionate measures to ensure compliance with the rules of such agreements made mandatory by extension.

5. The extension of the rules referred to in paragraph 1 shall be brought to the attention of operators by publication in full in an official publication of the Member State concerned.

6. Member States shall notify the

Commission of any decisions taken under this Article

Commission of any decisions taken under this Article"

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 123

Proposal for a regulation

Article 1 – paragraph 1 – point 22 o (new)

Regulation (EU) No 1308/2013

Article 165

Present text

Article 165

Financial contributions of non-members

Where rules of a recognised producer organisation, a recognised association of producer organisations or a recognised interbranch organisation are extended under Article 164 and the activities covered by those rules are in the general economic interest of economic operators whose activities relate to the products concerned, the Member State which has granted recognition may, after consulting the relevant stakeholders, decide that individual economic operators or groups which are not members of the organisation but which benefit from those activities shall pay the organisation all or part of the financial contributions paid by its members to the extent that such contributions are intended to cover costs **directly** incurred as a result of pursuing **the** activities **in question**.

Amendment

(22o) Article 165 is replaced by the following:

"Article 165

Financial contributions of non-members

Where rules of a recognised producer organisation, a recognised association of producer organisations or a recognised interbranch organisation are extended under Article 164 and the activities covered by those rules are in the general economic interest of economic operators whose activities relate to the products concerned, the Member State which has granted recognition may, after consulting the relevant stakeholders, decide that individual economic operators or groups which are not members of the organisation but which benefit ***in practice***, from those activities shall pay the organisation all or part of the financial contributions paid by its members to the extent that such contributions are intended to cover costs incurred as a result of pursuing ***one or more*** activities ***referred to in Article 164(4)***. ***The detailed budgets related to the pursuit of these activities shall be made available in a transparent way so that all contributing economic operators or groups, whether they are members of the***

organisation or not, can examine them. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&qid=1553179697934&from=EN>)

Amendment 124

Proposal for a regulation

Article 1 – paragraph 1 – point 22 p (new)

Regulation (EU) No 1308/2013

Article 166 a (new)

Text proposed by the Commission

Amendment

(22p) The following Article is inserted:

“Article 166a

Regulation of supply of agricultural products with a protected designation of origin or protected geographical indication other than cheese, wine and ham

1. Without prejudice to Articles 150, 167 and 172, Member States may, upon the request of a producer organisation recognised under Article 152(1) of this Regulation, an interbranch organisation recognised under Article 157(1) of this Regulation or a group of operators referred to in Article 3(2) of Regulation (EU) No 1151/2012, lay down, for a limited period of time, binding rules for the regulation of the supply of agricultural products benefiting from a protected designation of origin or from a protected geographical indication under Article 5(1) and (2) of Regulation (EU) No 1151/2012 other than cheese, wine and ham.

2. The rules referred to in paragraph 1 of this Article shall be subject to the existence of a prior agreement between the parties in the geographical area referred to in point (c) of Article 7(1) of

Regulation (EU) No 1151/2012.

That agreement shall be concluded between:

(a) at least two-thirds of the producers of that product or of the raw material used to produce that product, or their representatives, in the geographical area referred to in point (c) of Article 7(1) of Regulation (EU) No 1152/2012; and

(b) where applicable, at least two-thirds of the processors of that agricultural product representing at least two thirds of the production of that product, or their representatives, in the geographical area referred to in that point.

In duly justified cases where the levels of representativeness referred to in points (a) and/or (b) of this subparagraph cannot be achieved in the geographical area referred to in point (c) of Article 7(1) of Regulation (EU) No 1151/2012 or where the determination of the latter poses practical problems, Member States may lay down national rules to determine adequate levels of representativeness and the arrangements for consultation with a view to prior agreement between the parties.

3. The rules referred to in paragraph 1:

(a) shall only cover the regulation of supply of the product concerned and shall have the aim of adapting the supply of the product concerned to demand;

(b) shall have effect only on the product concerned;

(c) may be made binding for no more than three years and may be renewed after this period, following a new request, as referred to in paragraph 1;

(d) shall not damage the trade in products other than those concerned by those

rules;

(e) shall not relate to any transaction after the first marketing of the product concerned;

(f) shall not allow for price fixing, including where prices are set for guidance or recommendation;

(g) shall not render unavailable an excessive proportion of the product concerned that would otherwise be available;

(h) shall not create discrimination, constitute a barrier for new entrants in the market, or lead to small producers being adversely affected;

(i) shall contribute to preserving the quality (including in terms of health) and/or to the development of the product concerned.

4. The rules referred to in paragraph 1 shall be published in an official publication of the Member State concerned.

5. Member States shall carry out checks in order to ensure that the conditions laid down in paragraph 3 are complied with, and, where it has been found by the competent national authorities that such conditions have not been complied with, shall repeal the rules referred to in paragraph 1.

6. Member States shall notify the Commission forthwith of the rules referred to in paragraph 1 which they have adopted. The Commission shall inform other Member States of any notification of such rules.

7. The Commission may at any time adopt implementing acts requiring that a Member State repeal the rules laid down by that Member State pursuant to paragraph 1 if the Commission finds that

those rules do not comply with the conditions laid down in paragraph 3, prevent or distort competition in a substantial part of the internal market or jeopardise free trade or the attainment of the objectives of Article 39 TFEU. Those implementing acts shall be adopted without applying the procedure referred to in Article 229(2) or (3) of this Regulation.”

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&qid=1553179697934&from=EN>)

Amendment 125

Proposal for a regulation

Article 1 – paragraph 1 – point 22 q (new)

Regulation (EU) No 1308/2013

Article 167 a (new)

Text proposed by the Commission

Amendment

(22q) In Title II, Chapter III, Section 4, the following Article is inserted:

Article 167a

Marketing rules to improve and stabilise the operation of the common olive oil market

1. In order to improve and stabilise the operation of the common market in the olive oil sector, producer Member States may lay down marketing rules to regulate supply.

Such rules shall be proportionate to the objective pursued and shall not:

(a) relate to any transaction after the first marketing of the produce concerned;

(b) allow for price fixing, including where prices are set for guidance or recommendation;

(c) render unavailable an excessive

proportion of the yield that would otherwise be available.

2. The rules provided for in paragraph 1 shall be brought to the attention of operators by being published in full in an official publication of the Member State concerned.

3. Member States shall notify the Commission of any decisions taken under this Article.

(<https://eur-lex.europa.eu/legal-content/ES/TXT/HTML/?uri=CELEX:02013R1308-20180101&qid=1543573613250&from=ES>)

Justification

The inclusion of a new article with the purpose of being able to apply a similar mechanism to that included in Article 167 for the wine sector to the olive oil sector, which would allow for the specific needs of the sector to be met by improving its power to self-regulate.

Amendment 126

Proposal for a regulation

Article 1 – paragraph 1 – point 22 r (new)

Regulation (EU) No 1308/2013

Article 168

Present text

Article 168

Contractual relations

1. Without prejudice to Article 148 concerning the milk and milk products sector and Article 125 concerning the sugar sector, if a Member State decides, in respect of agricultural products from a sector listed in Article 1(2), other than milk and milk products and sugar:

(a) that every delivery in its territory of those products by a producer to a processor or distributor must be covered by a written

Amendment

(22r) Article 168 is replaced by the following:

"Article 168

Contractual relations

1. Without prejudice to Article 148 concerning the milk and milk products sector and Article 125 concerning the sugar sector, if a Member State decides, in respect of agricultural products from a sector listed in Article 1(2), other than milk and milk products and sugar:

(a) that every delivery in its territory of those products by a producer to a processor or distributor must be covered by a written

contract between the parties; and/or

(b) that the first purchasers must make a written offer for a contract for the delivery in its territory of those agricultural products by the producer, such a contract or such an offer for a contract shall fulfil the conditions laid down in paragraphs 4 and 6 of this Article.

1a. Where Member States do not make use of the possibilities provided for in paragraph 1 of this Article, a producer, a producer organisation or an association of producer organisations, in respect of agricultural products in a sector referred to in Article 1(2) other than the milk, milk products and sugar sector, may require that any delivery of its products to a processor or distributor be the subject of a written contract between the parties and/or be the subject of a written offer for a contract from the first purchasers, under the conditions laid down in paragraph 4 and in the first subparagraph of paragraph 6 of this Article.

If the first purchaser is a micro, small or medium-sized enterprise within the meaning of Recommendation 2003/361/EC, the contract and/or the contract offer is not compulsory without prejudice to the possibility for the parties to make use of a standard contract drawn up by an interbranch organisation.

2. Where the Member State decides that deliveries of the products covered by this Article by a producer to a processor must be covered by a written contract between the parties, it shall also decide which stage or stages of the delivery shall be covered by such a contract if delivery of the products concerned is made through one or more intermediaries.

Member States shall ensure that the provisions that they adopt under this Article do not impair the proper

contract between the parties; and/or

(b) that the first purchasers must make a written offer for a contract for the delivery in its territory of those agricultural products by the producer, such a contract or such an offer for a contract shall fulfil the conditions laid down in paragraphs 4 and 6 of this Article.

1a. Where Member States do not make use of the possibilities provided for in paragraph 1 of this Article, a producer, a producer organisation or an association of producer organisations, in respect of agricultural products in a sector referred to in Article 1(2) other than the milk, milk products and sugar sector, may require that any delivery of its products to a processor or distributor be the subject of a written contract between the parties and/or be the subject of a written offer for a contract from the first purchasers, under the conditions laid down in paragraph 4 and in the first subparagraph of paragraph 6 of this Article.

If the first purchaser is a micro, small or medium-sized enterprise within the meaning of Recommendation 2003/361/EC, the contract and/or the contract offer is not compulsory without prejudice to the possibility for the parties to make use of a standard contract drawn up by an interbranch organisation.

2. Where the Member State decides that deliveries of the products covered by this Article by a producer to a processor must be covered by a written contract between the parties, it shall also decide which stage or stages of the delivery shall be covered by such a contract if delivery of the products concerned is made through one or more intermediaries.

Member States shall ensure that the provisions that they adopt under this Article do not impair the proper

functioning of the internal market.

3. In the case described in paragraph 2, the Member State may establish a mediation mechanism to cover cases in which there is no mutual agreement to conclude such a contract, thereby ensuring fair contractual relations.

4. Any contract or offer for a contract referred to in paragraphs 1 and 1a shall:

(a) be made in advance of the delivery;

(b) be made in writing; and

(c) include, in particular, the following elements:

(i) the price payable for the delivery, which shall:— be static and be set out in the contract, and/or— be calculated by combining various factors set out in the contract, which may include *market* indicators reflecting changes in market conditions, the quantities delivered and the quality or composition of the agricultural products delivered,

(ii) the quantity and quality of the products concerned which may or must be delivered and the timing of such deliveries,

(iii) the duration of the contract, which may include either a definite duration or an indefinite duration with termination clauses,

(iv) details regarding payment periods and procedures,

(v) arrangements for collecting or delivering the agricultural products, and (vi) rules applicable in the event of force

functioning of the internal market.

3. In the case described in paragraph 2, the Member State may establish a mediation mechanism to cover cases in which there is no mutual agreement to conclude such a contract, thereby ensuring fair contractual relations.

4. Any contract or offer for a contract referred to in paragraphs 1 and 1a shall:

(a) be made in advance of the delivery;

(b) be made in writing; and

(c) include, in particular, the following elements:

(i) the price payable for the delivery, which shall:— be static and be set out in the contract, and/or— be calculated by combining various factors set out in the contract, which may include *objective indicators of production and market costs that are easily accessible and comprehensible* reflecting changes in market conditions, the quantities delivered and the quality or composition of the agricultural products delivered. *To that effect, Member States which have decided to apply paragraph 1 may determine indicators, in accordance with objective criteria and based on studies carried out on production and the food chain, in order to determine those at any time.*

(ii) the quantity and quality of the products concerned which may or must be delivered and the timing of such deliveries,

(iii) the duration of the contract, which may include either a definite duration or an indefinite duration with termination clauses,

(iv) details regarding payment periods and procedures,

(v) arrangements for collecting or delivering the agricultural products, and (vi) rules applicable in the event of force

majeure.

5. By way of derogation from paragraphs 1 and 1a, a contract or an offer for a contract shall not be required where the products concerned are delivered by a member of a cooperative to the cooperative of which he is a member if the statutes of that cooperative or the rules and decisions provided for in, or derived from, these statutes contain provisions having similar effects to the provisions set out in points (a), (b) and (c) of paragraph 4.

6. All elements of contracts for the delivery of agricultural products concluded by producers, collectors, processors or distributors, including those elements referred to in point (c) of paragraph 4, shall be freely negotiated between the parties. Notwithstanding the first subparagraph, one or both of the following shall apply:

(a) where a Member State decides to make written contracts for the delivery of agricultural products compulsory in accordance with paragraph 1, it may establish a minimum duration, applicable only to written contracts between a producer and the first purchaser of the agricultural products. Such a minimum duration shall be at least six months and shall not impair the proper functioning of the internal market;

(b) where a Member State decides that the first purchaser of agricultural products must make the producer a written offer for a contract in accordance with paragraph 1, it may provide that the offer must include a minimum duration for the contract, set by national law for this purpose. Such a minimum duration shall be at least six months and shall not impair the proper functioning of the internal market.

The second subparagraph shall be without prejudice to the producer's right to refuse

majeure.

5. By way of derogation from paragraphs 1 and 1a, a contract or an offer for a contract shall not be required where the products concerned are delivered by a member of a cooperative to the cooperative of which he is a member if the statutes of that cooperative or the rules and decisions provided for in, or derived from, these statutes contain provisions having similar effects to the provisions set out in points (a), (b) and (c) of paragraph 4.

6. All elements of contracts for the delivery of agricultural products concluded by producers, collectors, processors or distributors, including those elements referred to in point (c) of paragraph 4, shall be freely negotiated between the parties. Notwithstanding the first subparagraph, one or both of the following shall apply:

(a) where a Member State decides to make written contracts for the delivery of agricultural products compulsory in accordance with paragraph 1, it may establish a minimum duration, applicable only to written contracts between a producer and the first purchaser of the agricultural products. Such a minimum duration shall be at least six months and shall not impair the proper functioning of the internal market;

(b) where a Member State decides that the first purchaser of agricultural products must make the producer a written offer for a contract in accordance with paragraph 1, it may provide that the offer must include a minimum duration for the contract, set by national law for this purpose. Such a minimum duration shall be at least six months and shall not impair the proper functioning of the internal market.

The second subparagraph shall be without prejudice to the producer's right to refuse

such a minimum duration provided that he does so in writing. In this case, the parties shall be free to negotiate all elements of the contract, including those elements referred to in point (c) of paragraph 4.

7. Member States which make use of the options referred to in this Article shall ensure that the provisions set in place do not impair the proper functioning of the internal market. Member States shall notify the Commission of how they apply any measures introduced under this Article.

8. The Commission may adopt implementing acts laying down the measures necessary for the uniform application of points (a) and (b) of paragraph 4 and paragraph 5 of this Article and measures relating to notifications to be made by the Member States in accordance with this Article.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

such a minimum duration provided that he does so in writing. In this case, the parties shall be free to negotiate all elements of the contract, including those elements referred to in point (c) of paragraph 4.

7. Member States which make use of the options referred to in this Article shall ensure that the provisions set in place do not impair the proper functioning of the internal market. Member States shall notify the Commission of how they apply any measures introduced under this Article.

8. The Commission may adopt implementing acts laying down the measures necessary for the uniform application of points (a) and (b) of paragraph 4 and paragraph 5 of this Article and measures relating to notifications to be made by the Member States in accordance with this Article.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2). "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 127

Proposal for a regulation

Article 1 – paragraph 1 – point 22 s (new)

Regulation (EU) No 1308/2013

Article 172 – paragraph 2

Present text

2. The rules referred to in paragraph 1 of this Article shall be subject to the existence of a prior agreement between the parties in the geographical area referred to in point (c) of Article 7(1) of Regulation

Amendment

(22s) In Article 172, paragraph 2 is replaced by the following:

‘2. The rules referred to in paragraph 1 of this Article shall be subject to the existence of a prior agreement between the parties in the geographical area referred to in point (c) of Article 7(1) of Regulation

(EU) No 1151/2012. Such an agreement shall be concluded, after consultation with pig producers in the geographical area, between at least two thirds of the processors of that ham representing at least two thirds of the production of that ham in the geographical area referred to in point (c) of Article 7(1) of Regulation (EU) No 1151/2012 and, if considered to be appropriate by the Member State, at least two thirds of the pig producers in the geographical area referred to in ***point (c) of Article 7(1) of Regulation (EU) No 1151/2012.***

(EU) No 1151/2012. Such an agreement shall be concluded, after consultation with pig producers in the geographical area, between at least two thirds of the processors of that ham representing at least two thirds of the production of that ham, ***or their representatives***, in the geographical area referred to in point (c) of Article 7(1) of Regulation (EU) No 1151/2012 and, if considered to be appropriate by the Member State, at least two thirds of the pig producers in the geographical area referred to ***in that point.***

(<https://eur-lex.europa.eu/legal-content/FR/TXT/?qid=1543420057169&uri=CELEX:02013R1308-20180101>)

Justification

Article 150 provides that producers may be represented, but the wording of paragraph 2 could suggest that processors may not be represented. This rule is problematic for sectors with many processing facilities. Providing for representatives solely for cheese producers and not for processors appears to be an oversight.

Amendment 128

Proposal for a regulation

Article 1 – paragraph 1 – point 22 t (new)

Regulation (EU) No 1308/2013

Article 172a

Present text

Article 172a

Value-sharing

Without prejudice to any specific value-sharing clauses in the sugar sector, farmers, including associations of farmers, and their first purchaser may agree on value sharing clauses, including market bonuses and losses, determining how any evolution of

Amendment

(22t) Article 172a is replaced by the following:

“Article 172a

Value-sharing

Without prejudice to any specific value-sharing clauses in the sugar sector, farmers, including associations of farmers, and their first purchaser ***as well as one or more undertakings each of which operates at a different level of the production,***

relevant market prices for the products concerned or other commodity markets is to be allocated between them.

processing or distribution chain may agree on value sharing clauses, including market bonuses and losses, determining how any evolution of relevant market prices for the products concerned or other commodity markets is to be allocated between them.”

Amendment 129

Proposal for a regulation

Article 1 – paragraph 1 – point 22 u (new)

Regulation (EU) No 1308/2013

Article 172 b (new)

Text proposed by the Commission

Amendment

(22u) The following Article is inserted:

“ Article 172b

Value sharing for products with a protected designation of origin or protected geographical indication

For products with a protected designation of origin or protected geographical indication recognised under Union law, farmers, including associations of farmers, and operators in the various stages of production, processing and marketing within the sector, may agree on value sharing clauses, including market bonuses and losses, to determine how any evolution of relevant market prices for the products concerned or other commodity markets is to be allocated between them.”

Amendment 130

Proposal for a regulation

Article 1 – paragraph 1 – point 22 v (new)

Regulation (EU) No 1308/2013

Article 173 – paragraph 1 – point b

Present text

(b) the rules of such organisations and associations, the statutes of organisations other than producer organisations, the specific conditions applicable to the statutes of producer organisations in certain sectors, including derogations from the obligation to market the entire production through the producer organisation referred to in the second paragraph of Article 160, the structure, membership period, size, accountability and activities of such organisations and associations, the effects deriving from recognition, the withdrawal of recognition, and mergers;

Amendment

(22v) In Article 173(1), point (b) is replaced by the following:

(b) the rules of such organisations and associations, the statutes of organisations other than producer organisations, the specific conditions applicable to the statutes of producer organisations in certain sectors, including ***the*** derogation from the obligation to market the entire production through the producer organisation referred to in the ***second sub-paragraph*** of Article 160***(1a) by fixing the percentages referred in paragraphs 2 and 3 of that Article as well as the categories of products from paragraph 1a thereof to which those percentages are to apply***, the structure, membership period, size, accountability and activities of such organisations and associations, the effects deriving from recognition, the withdrawal of recognition, and mergers;

"

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&qid=1553179697934&from=EN>)

Amendment 131

Proposal for a regulation

Article 1 – paragraph 1 – point 22 w (new)

Regulation (EU) No 1308/2013

Article 176 – paragraph 3

This text

3. Licences shall be valid throughout the Union.

Amendment

(22w)in Article 176, paragraph 3 is replaced by the following:

3. Licences shall be valid throughout the Union. ***All information pertaining to applicants, collected by Member States for the issue of certificates, shall be***

communicated to the Commission every month.

Justification

Although Article 177 gives considerable powers to the Commission, the latter does not systematically appear to make use thereof. Information shall only be collected once, without causing administrative complexity for users. The Commission shall moreover be asked to propose procedures that make full use of new information and communication technologies so as to reduce the burden for users and optimise the use of such information.

Amendment 132

Proposal for a regulation

Article 1 – paragraph 1 – point 22 x (new)

Regulation (EU) No 1308/2013

Article 177 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(22x) In Article 177(2), point (d) is deleted.

Justification

Point (d) shall be deleted in consistency with the deletion requested by the Commission of Article 189 on imports of hemp and hemp seeds.

Amendment 133

Proposal for a regulation

Article 1 – paragraph 1 – point 22 y (new)

Regulation (EU) No 1308/2013

Article 182 – paragraph 1 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(22y) in the first subparagraph of Article 182(1), the following point is added:

(ba) the volume of imports in a given year at preferential rates agreed upon between the Union and third countries in the scope of free-trade agreements exceeds a certain level ('market exposure volume').

Justification

This amendment proposes a new criterion for the application of additional import duty provided for in the CMO agreement which helps to prevent or neutralise the harmful effects that imports may have on the EU market.

Amendment 134

Proposal for a regulation

Article 1 – paragraph 1 – point 22 z (new)

Regulation (EU) No 1308/2013

Article 182 – paragraph 1 – subparagraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(22z) In the first subparagraph of Article 182(1), the following point is added:

(bb) non-compliance with Union standards in terms of plant protection and animal welfare by third countries.

(<https://eur-lex.europa.eu/legal-content/ES/TXT/HTML/?uri=CELEX:32013R1308&from=EN>)

Justification

It is necessary to promote improved reciprocity in terms of plant protection in exchanges with third countries.

Amendment 135

Proposal for a regulation

Article 1 – paragraph 1 – point 22 aa (new)

Regulation (EU) No 1308/2013

Article 182 – paragraph 1 – subparagraph 2

This text

Amendment

(22aa) In Article 182(1), the second subparagraph is replaced by the following:

The trigger volume shall be based on market access opportunities defined as imports expressed as a percentage of the

“The trigger volume shall be based on market access opportunities defined as imports expressed as a percentage of the

corresponding domestic consumption during the three previous years.

corresponding domestic consumption during the three previous years. ***It shall regularly be redefined to take changes in the size of the Union market into account. The trigger price shall regularly be redefined to take developments in global markets and production costs into account.***

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02013R1308-20180101>)

Justification

This amendment proposes that trigger prices and volumes notified to the CMO more than 20 years ago should be updated to reflect changes in the market size (reduced meat consumption, Brexit and the transition from a market with 27 Member States). As a reminder, Article 182 makes it possible to prevent or counteract adverse effects on the Union market which may result from those imports.

Amendment 136

Proposal for a regulation

Article 1 – paragraph 1 – point 22 ab (new)

Regulation (EU) No 1308/2013

Article 182 – paragraph 1 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

(22ab) In Article 182(1), the following subparagraph is added:

“The market exposure volume shall be based on imports at preferential rates expressed as a percentage of the total level of market exposure that can be borne by the sectors concerned.”

Justification

This amendment proposes a new criterion for the application of an additional import duty provided for in the CMO agreement to prevent or counteract adverse effects on the Union market which may result from those imports.

Amendment 137

Proposal for a regulation

Article 1 – paragraph 1 – point 22 ac (new)

Regulation (EU) No 1308/2013

Article 184 – paragraph 2

Present text

2. Tariff quotas shall be administered in a manner which avoids any discrimination between the operators concerned, by applying one of the following methods or a combination of them or another appropriate method:

(a) a method based on the chronological order of the submission of applications (“first come, first served” principle);

(b) a method of distribution in proportion to the quantities requested when the applications were submitted (the “simultaneous examination method”);

(c) a method based on taking traditional trade patterns into account (the “traditional/newcomers method”).

Amendment

(22ac) In Article 184, paragraph 2 is replaced by the following:

“2. Tariff quotas shall be administered in a manner which avoids any discrimination between the operators concerned, by applying one of the following methods or a combination of them or another appropriate method:

(a) a method based on the chronological order of the submission of applications (“first come, first served” principle);

(b) a method of distribution in proportion to the quantities requested when the applications were submitted (the “simultaneous examination method”);

(c) a method based on taking traditional trade patterns into account (the “traditional/newcomers method”).

(d) a method enabling distribution to a diversity of operators, including by taking into account relevant social and environmental standards, such as the fundamental ILO Conventions, and multilateral environmental agreements to which the Union is a party”.

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02013R1308-20180101>)

Justification

The addition of this method should encourage that tariff quotas are administered taking into account a diversity of operators, rather than privileging larger players, and that social and environmental standards should be taken into account in the distribution of tariff quotas.

Amendment 138

Proposal for a regulation

Article 1 – paragraph 1 – point 22 ad (new)

Regulation (EU) No 1308/2013

Article 188 a (new)

Text proposed by the Commission

Amendment

(22ad) in Chapter III, the following Article is added:

“Article 188a

Import of agriculture and agri-food products from third countries

Agriculture and agri-food products may only be imported from third countries if they comply with production standards and obligations consistent with those adopted, in particular in the field of environmental and health protection, for the same products harvested in the Union or made from such products. The Commission may adopt implementing acts laying down rules on compliance applicable to operators with regard to imports, taking into account reciprocity agreements with third countries. Those implementing acts shall be adopted in accordance with examination procedure referred to in Article 229(2).”

Amendment 139

Proposal for a regulation

Article 1 – paragraph 1 – point 23

Regulation (EU) No 1308/2013

Article 189

Text proposed by the Commission

Amendment

(23) Article 189 is deleted.

deleted

Amendment 140

Proposal for a regulation

Article 1 – paragraph 1 – point 26 a (new)

Regulation (EU) No 1308/2013

Article 206

Present text

Article 206

Commission guidelines on the application of competition rules to agriculture

Save as otherwise provided in this Regulation, and in accordance with Article 42 TFEU, Articles 101 to 106 TFEU and the implementing provisions thereto shall, subject to Articles 207 to 210 of this Regulation, apply to all agreements, decisions and practices referred to in Article 101(1) and Article 102 TFEU which relate to the production of, or trade in, agricultural products.

In order to ensure the functioning of the internal market and the uniform application of Union competition rules, the Commission and the competition authorities of the Member States shall ***apply*** the Union competition rules ***in close cooperation***.

In addition, the Commission shall, where appropriate, publish guidelines to assist the national competition authorities, as well as undertakings.

Amendment

(26 a) *Article 206 is replaced by the following:*

"Article 206

Commission guidelines on the application of competition rules to agriculture

Save as otherwise provided in this Regulation, and in accordance with Article 42 TFEU, Articles 101 to 106 TFEU and the implementing provisions thereto shall, subject to Articles 207 to 210 of this Regulation, apply to all agreements, decisions and practices referred to in Article 101(1) and Article 102 TFEU which relate to the production of, or trade in, agricultural products.

In order to ensure the functioning of the internal market and the uniform ***interpretation and*** application of Union competition rules, the Commission and the competition authorities of the Member States shall ***cooperate closely and, as far as possible, shall coordinate their actions when applying*** the Union competition rules.

In addition, the Commission shall, where appropriate, publish guidelines to assist the national competition authorities, as well as undertakings. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&from=FR>)

Amendment 141

Proposal for a regulation

Article 1 – paragraph 1 – point 26 b (new)

Regulation (EU) No 1308/2013

Article 207

Present text

Article 207

Relevant market

The definition of the relevant market is a tool to identify and define the boundaries of competition between undertakings, and shall be founded on two cumulative elements:

(a) the relevant product market: for the purposes of this Chapter, "product market" means the market comprising all those products which are regarded as interchangeable or substitutable by the consumer by reason of the products' characteristics, their prices and their intended use;

(b) the relevant geographic market: for the purposes of this Chapter, "geographic market" means the market comprising the area in which the undertakings concerned are involved in the supply of the relevant products, in which the conditions of competition are sufficiently homogeneous and which can be distinguished from neighbouring areas, particularly because the conditions of competition are appreciably different in those areas.

Amendment

(26b) Article 207 is replaced by the following:

"Article 207

Relevant market

The definition of the relevant market is a tool to identify and define the boundaries of competition between undertakings, and shall be founded on two cumulative elements:

(a) the relevant product market: for the purposes of this Chapter, "product market" means the market comprising all those products which are regarded as interchangeable or substitutable ***by the customer and*** by the consumer by reason of the products' characteristics, their prices and their intended use;

(b) the relevant geographic market: for the purposes of this Chapter, "geographic market" means the market comprising the area in which the undertakings concerned are involved in the supply of the relevant products, in which the conditions of competition are sufficiently homogeneous and which can be distinguished from neighbouring areas, particularly because the conditions of competition are appreciably different in those areas. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&from=FR>)

Amendment 142

Proposal for a regulation

Article 1 – paragraph 1 – point 26 c (new)

Present text

Article 208

Dominant position

For the purposes of this Chapter, "dominant position" means a position of economic strength enjoyed by an undertaking which enables it to prevent effective competition being maintained in the relevant market by giving it the power to behave to an appreciable extent independently of its competitors, customers and ultimately of consumers.

Amendment

(26c) Article 208 is replaced by the following:

"Article 208

Dominant position

For the purposes of this Chapter, "dominant position" means a position of economic strength enjoyed by an undertaking which enables it to prevent effective competition being maintained in the relevant market by giving it the power to behave to an appreciable extent independently of its competitors, ***suppliers***, customers and ultimately of consumers. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&from=FR>)

Amendment 143

Proposal for a regulation

Article 1 – paragraph 1 – point 26 d (new)

Regulation (EU) No 1308/2013

Article 210

Present text

Article 210

Agreements and concerted practices of recognised interbranch organisations

1. Article 101(1) TFEU shall not apply to agreements, decisions and concerted practices of interbranch organisations recognised under Article 157 of this Regulation ***with the object of carrying out the activities*** listed in point (c) of Article

Amendment

(26d) Article 210 is replaced by the following:

"Article 210

Agreements and concerted practices of recognised interbranch organisations

1. Article 101(1) TFEU shall not apply to agreements, decisions and concerted practices of interbranch organisations recognised under Article 157 of this Regulation ***which are necessary in order to meet the objectives*** listed in point(c) of

157(1) *and, for the milk and milk products sector, in point (c) of Article 157(3)* of this Regulation, and, for the olive oil and table olives and tobacco sectors, in Article 162 of this Regulation.

2. *Paragraph 1 shall apply provided that:*

- (a) the agreements, decisions and concerted practices referred to therein have been notified to the Commission; and
- (b) within two months of receipt of all the details required the Commission has not found that those agreements, decisions or concerted practices are incompatible with Union rules.

Where the Commission finds that the

Article 157(1) of this Regulation, and, for the olive oil and table olives and tobacco sectors, in Article 162 of this Regulation.

Agreements, decisions and concerted practices which fulfil the conditions referred to in the first subparagraph of this paragraph 1 shall apply without any prior decision to that effect being required. However, interbranch organisations recognised under Article 157 of this Regulation may ask the Commission for an opinion on the compatibility of these agreements, decision and concerted practices with the objectives listed in Article 39 TFEU. The Commission shall deal with requests for opinions promptly and shall send the applicant its opinion within four months of receipt of a complete request. The Commission may, at its own initiative or at the request of a Member State, change the content of an opinion, in particular if the applicant has provided inaccurate information or misused the opinion.

2. *Article 101(1) TFEU shall not apply to agreements, decisions and concerted practices of interbranch organisations recognised under Article 157 of this Regulation which concern activities other than the objectives listed in point (c) of Article 157(1), and, for the olive oil and table olives and tobacco sectors, in Article 162 of this Regulation* provided that:

- (a) the agreements, decisions and concerted practices referred to therein have been notified to the Commission; and
- (b) within two months of receipt of all the details required the Commission has not found that those agreements, decisions or concerted practices are incompatible with Union rules.

Where the Commission finds that the

agreements, decisions or concerted practices referred to in paragraph 1 are incompatible with Union rules, it shall set out its finding without applying the procedure referred to in Article 229(2) or (3).

3. The agreements, decisions and concerted practices referred to in paragraph 1 **may not be put into effect before the lapse of** the two-month period referred to in point (b) of the first subparagraph of paragraph 2.

4. Agreements, decisions and concerted practices shall in any case be **declared** incompatible with Union rules if they:

(a) may lead to the partitioning of markets within the Union in any form;

(b) may affect the sound operation of the market organisation;

(c) may create distortions of competition which are not essential to achieving the objectives of the CAP pursued by the interbranch organisation activity;

(d) entail the **fixing of prices or the fixing of quotas**;

(e) may create discrimination or eliminate competition in respect of a substantial proportion of the products in question.

5. If, following the expiry of the two-month period referred to in point (b) of the first subparagraph of paragraph 2, **the Commission finds that the conditions for applying paragraph 1 have not been met**, it shall, without applying the procedure referred to in Article 229(2) or (3), take a decision declaring that Article 101(1) TFEU applies to the agreement, decision or concerted practice in question.

That Commission decision shall not apply earlier than the date of its notification to

agreements, decisions or concerted practices referred to in paragraph 2 are incompatible with Union rules, it shall set out its finding without applying the procedure referred to in Article 229(2) or (3).

3. The agreements, decisions and concerted practices referred to in paragraph 2 **shall take effect when** the two-month period referred to in point (b) of the first subparagraph of paragraph 2 **has elapsed**.

4. Agreements, decisions and concerted practices shall in any case be incompatible with Union rules if they:

(a) may lead to the partitioning of markets within the Union in any form;

(b) may affect the sound operation of the market organisation;

(c) may create distortions of competition which are not essential to achieving the objectives of the CAP pursued by the interbranch organisation activity;

(d) entail the **obligation to apply a fixed price or fixed volumes**;

(e) may create discrimination or eliminate competition in respect of a substantial proportion of the products in question.

5. If **the Commission finds that the conditions for applying paragraph 1 or** following the expiry of the two-month period referred to in point (b) of the first subparagraph of paragraph 2, **those referred to in paragraph 2 are not or no longer fulfilled**, it shall, without applying the procedure referred to in Article 229(2) or (3), take a decision declaring that **in the future** Article 101(1) TFEU applies to the agreement, decision or concerted practice in question.

That Commission decision shall not apply earlier than the date of its notification to

the interbranch organisation concerned, unless that interbranch organisation has given incorrect information or abused the exemption provided for in *paragraph 1*.

6. In the case of multiannual agreements, the notification for the first year shall be valid for the subsequent years of the agreement. However, in that event, the Commission may, on its own initiative or at the request of another Member State, issue a finding of incompatibility at any time.

7. The Commission may adopt implementing acts laying down the measures necessary for the uniform application of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

the interbranch organisation concerned, unless that interbranch organisation has given incorrect information or abused the exemption provided for in *paragraph 1 or paragraph 2*.

6. In the case of multiannual agreements, the notification for the first year shall be valid for the subsequent years of the agreement. However, in that event, the Commission may, on its own initiative or at the request of another Member State, issue a finding of incompatibility at any time.

7. The Commission may adopt implementing acts laying down the measures necessary for the uniform application of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2). "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 144

Proposal for a regulation

Article 1 – paragraph 1 – point 26 e (new)

Regulation (EU) No 1308/2013

Article 210 a (new)

Text proposed by the Commission

Amendment

(26 e) The following Article is inserted:

“Article 210a

Vertical initiatives for sustainability

1. Article 101(1) TFEU shall not apply to vertical agreements, decisions and concerted practices relating to the products referred to in Article 1(2) aiming to apply environmental, animal health or animal welfare standards higher than those mandatory under Union or national

legislation, provided that the advantages for the public interest that they bring about outweigh the disadvantages as regards consumers and provided that they only impose the restrictions indispensable to the attainment of their objective.

2. Article 101(1) TFEU shall not apply to agreements, decisions and concerted practices referred to in paragraph 1 provided that:

(a) the agreements, decisions and concerted practices referred to therein have been notified to the Commission; and

(b) within two months of receipt of all the details required the Commission has not found that those agreements, decisions or concerted practices are incompatible with Union rules.

Where the Commission finds that the agreements, decisions or concerted practices referred to in paragraph 1 are incompatible with Union rules, it shall set out its finding without applying the procedure referred to in Article 229(2) or (3).”

Amendment 145

Proposal for a regulation

Article 1 – paragraph 1 – point 26 f (new)

Regulation (EU) No 1308/2013

Article 214a

Present text

Article 214a

National payments for certain sectors in Finland

Subject to authorisation by the

Amendment

(26f) Article 214a is replaced by the following:

Article 214a

National payments for certain sectors in Finland

Subject to authorisation by the

Commission, for the period **2014-2020**, Finland may continue to grant national aids which it granted in **2013** to producers **on the basis of Article 141 of the 1994 Act of Accession**, provided that:

(a) the amount of income aid is degressive over the whole period **and in 2020 does not exceed 30 % of the amount granted in 2013**; and

(b) prior to any recourse to this possibility, full use has been made of the support schemes under the CAP for the sectors concerned.

The Commission shall adopt its authorisation without applying the procedure referred to in Article 229(2) or (3) of this Regulation.

Commission, for the period **2021-2027**, Finland may continue to grant national aids which it granted in **2020** to producers provided that:

(a) the **total** amount of income aid is degressive over the whole period, and

(b) prior to any recourse to this possibility, full use has been made of the support schemes under the CAP for the sectors concerned.

The Commission shall adopt its authorisation without applying the procedure referred to in Article 229 of this Regulation. "

<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>

Amendment 146

Proposal for a regulation

Article 1 – paragraph 1 – point 26 g (new)

Regulation (EU) No 1308/2013

Part IV – Chapter II a (new) – Article 218 a (new)

Text proposed by the Commission

Amendment

(26 g) In Part IV, the following Chapter and Article are inserted:

“Chapter IIa

Transparency of the markets in agricultural products

Article 218a

EU Observatory of agricultural markets

1. In order to improve transparency within the agri-food supply chain, to illuminate the choices of economic operators and all public authorities and to

facilitate the identification and recording of market developments, the Commission shall establish an EU observatory of agricultural markets (“the Observatory”).

2. The Observatory shall cover, as a minimum, the following agricultural sectors as defined in Article 1(1):

- (a) cereals;*
- (b) sugar, sugar beet and sugar cane;*
- (c) olive oil;*
- (d) fruit and vegetables;*
- (e) wine;*
- (f) milk and milk products;*
- (g) beef and veal;*
- (h) pigmeat;*
- (i) sheepmeat and goatmeat;*
- (j) poultrymeat.*

3. The Observatory shall collect the statistical data and information necessary for producing analyses and studies concerning:

- (a) production and supply;*
- (b) price formation mechanisms and, as far as possible, profit margins throughout the agri-food supply chain in the Union and the Member States;*
- (c) price trends and, as far as possible, profit margins at all levels of the food supply chain in the Union and the Member States and in all agricultural and agri-food sectors;*
- (d) short- and medium-term market forecasts*
- (e) trends in imports and exports of agricultural products, in particular the filling of tariff quotas for the importing of agricultural products into Union territory.*

The Observatory shall produce annual

reports containing the elements referred to in the first subparagraph and shall send them to the European Parliament and the Council.

4. The Member States shall collect the information referred to in paragraph 3 from agricultural products processing enterprises or other operators active in the trade in agricultural products, and shall send it to the Observatory.

That information shall be deemed to be confidential and the Observatory shall ensure that specific prices or names of individual economic operators are not published.

The Commission may adopt implementing acts to put in place a system of notification and reports in order to apply this article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).”

Amendment 147

Proposal for a regulation

Article 1 – paragraph 1 – point 26 h (new)

Regulation (EU) No 1308/2013

Article 218 b (new)

Text proposed by the Commission

Amendment

(26 h) The following Article is inserted:

“Article 218b

Early warning mechanism for market disturbances and alert thresholds

1. The Observatory shall set up an early warning mechanism and alert thresholds and shall notify the European Parliament and the Council where the relevant alert threshold is exceeded, of

threats of market disturbances caused, in particular, by significant price rises or falls on internal or external markets or by other events or circumstances having similar effects.

The alert thresholds shall be established:

(a) where the weighted average market price is less than [XX%] of the average price for [X] consecutive weeks after eliminating the highest and the lowest references for weekly prices or [X] consecutive months for monthly price.

(b) where the weighted average market price is more than [XX%] of the average price for [X] consecutive weeks after eliminating the highest and the lowest references for weekly prices or [X] consecutive months for monthly price.

The Commission shall, within a maximum period of 30 days from the date of the Observatory's notification, present to the European Parliament and the Council the market situation for the product concerned, the causes of the market disturbances and, where appropriate, the possible measures to be taken, in particular those provided for in Chapter 1 of Title I of Part II of this Regulation, and/or Articles 219, 219a, 220, 221 and 222 or give reasons for not taking such measures."

Amendment 148

Proposal for a regulation

Article 1 – paragraph 1 – point 26 i (new)

Regulation (EU) No 1308/2013

Article 219

Present text

Amendment

(26 i) Article 219 is replaced by the

Article 219

Measures against market disturbance

1. In order to react efficiently and effectively against threats of market disturbance caused by significant price rises or falls on internal or external markets or other events and circumstances significantly disturbing or threatening to disturb the market, where that situation, or its effects on the market, is likely to continue or deteriorate, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 to take the measures necessary to address that market situation, while respecting any obligations resulting from international agreements concluded in accordance with the TFEU ***and provided that any other measures available under this Regulation appear to be insufficient.***

Where, in the cases of threats of market disturbances referred to in the first subparagraph of this paragraph, imperative grounds of urgency so require, the procedure provided for in Article 228 shall apply to delegated acts adopted pursuant to the first subparagraph of this paragraph.

Those imperative grounds of urgency may include the need to take immediate action to address or prevent market disturbance, where threats of market disturbance occur so swiftly or unexpectedly that immediate action is necessary to efficiently and effectively address the situation, or where action would prevent such threats of market disturbance from materialising, continuing or turning into a more severe or prolonged disturbance, or where delaying immediate action would threaten to cause or aggravate the disturbance or would increase the extent of the measures which would later be necessary to address the

following:

"Article 219

Measures against ***market disturbance and for the management of*** market disturbance

1. In order to react efficiently and effectively against threats of market disturbance caused by significant price rises or falls on internal or external markets or other events and circumstances significantly disturbing or threatening to disturb the market, where that situation, or its effects on the market, is likely to continue or deteriorate, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 to take the measures necessary to address that market situation, while respecting any obligations resulting from international agreements concluded in accordance with the TFEU.

Where, in the cases of threats of market disturbances referred to in the first subparagraph of this paragraph, imperative grounds of urgency so require, the procedure provided for in Article 228 shall apply to delegated acts adopted pursuant to the first subparagraph of this paragraph

Those imperative grounds of urgency may include the need to take immediate action to address or prevent market disturbance, where threats of market disturbance occur so swiftly or unexpectedly that immediate action is necessary to efficiently and effectively address the situation, or where action would prevent such threats of market disturbance from materialising, continuing or turning into a more severe or prolonged disturbance, or where delaying immediate action would threaten to cause or aggravate the disturbance or would increase the extent of the measures which would later be necessary to address the

threat or disturbance or would be detrimental to production or market conditions.

Such measures may to the extent and for the time necessary to address the market disturbance or threat thereof extend or modify the scope, duration or other aspects of other measures provided for under this Regulation, *or provide for export refunds*, or suspend import duties in whole or in part including for certain quantities or periods as necessary.

2. The measures referred to in paragraph 1 shall not apply to products listed in Section 2 of Part XXIV of Annex I.

However, the Commission may, by means of delegated acts adopted in accordance with the urgency procedure referred to in Article 228, decide that the measures referred to in paragraph 1 shall apply to one or more of the products listed in Section 2 of Part XXIV of Annex I.

3. The Commission may adopt implementing acts laying down necessary procedural rules and technical criteria for the application of measures referred to in paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

threat or disturbance or would be detrimental to production or market conditions.

Such measures may to the extent and for the time necessary to address the market disturbance or threat thereof extend or modify the scope, duration or other aspects of other measures provided for under this Regulation, *and other measures provided for in Articles 39 to 63 of Chapter III of the ‘Strategic Plans’ Regulation or reinforce import controls*, or suspend *or adjust* import duties in whole or in part including for certain quantities or periods as necessary. *They may also concern the adaptation of the entry scheme for fruit and vegetables through consultation with third countries that export to the Union.*

2. The measures referred to in paragraph 1 shall not apply to products listed in Section 2 of Part XXIV of Annex I.

However, the Commission may, by means of delegated acts adopted in accordance with the urgency procedure referred to in Article 228, decide that the measures referred to in paragraph 1 shall apply to one or more of the products listed in Section 2 of Part XXIV of Annex I.

3. The Commission may adopt implementing acts laying down necessary procedural rules and technical criteria for the application of measures referred to in paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2). "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1308&from=FR>)

Amendment 149

(26j) The following Article is inserted:

“Article 219a

Volume Reduction Scheme

1. In the event of severe imbalances in the market and provided that production techniques so allow, the Commission is empowered to adopt delegated acts in accordance with Article 227 supplementing this Regulation by granting aid to producers in a sector referred to in Article 1(2), who for a defined period shall reduce their delivery in comparison to the same period of the previous year.

In order to ensure that that scheme is implemented effectively and appropriately, those delegated acts shall establish:

(a) the maximum total volume or quantity of delivery to be reduced at Union level in the framework of the reduction scheme;

(b) the duration of the reduction period and, if necessary, its prolongation;

(c) the amount of aid in accordance with the reduced volume or quantity and its financing arrangements;

(d) the criteria for applicants to be eligible for the aid and for applications for aid to be admissible

(e) the specific conditions for the implementation of this scheme.

2. The aid shall be granted on the principle of an application by producers submitted within the Member State in which the producers are established,

using the method laid down by the Member State concerned.

Member States may decide that applications for reduction aid are to be submitted on behalf of producers by recognised organisations or by cooperatives established in accordance with national law and/or by individual producers. In that case, Member States shall ensure that the aid is fully transmitted to producers who have effectively reduced their delivery.”

Amendment 150

Proposal for a regulation

Article 1 – paragraph 1 – point 26 k (new)

Regulation (EU) No 1308/2013

Article 219 b (new)

Text proposed by the Commission

Amendment

(26k) The following Article is inserted:

“Article 219b

Measures to stabilise production in periods of severe market disturbances

1. Where the Commission has adopted delegated acts pursuant Article 219a, in the event that the severe market imbalances are likely to continue or to deteriorate, the Commission is empowered to adopt delegated acts in accordance with Article 227 supplementing this Regulation with a view to supplementing the measures pursuant to Article 219a by imposing a levy on all producers in a sector referred to in Article 1(2), who, increase their delivery in comparison to the same period of the previous year:

(a) over the same period defined under Article 219a on duly justified imperative grounds;

(b) over a new period of reduction, if the participation of producers under Article 219a has not been sufficient to rebalance the market.

2. When triggering the measure referred to in paragraph 1, the Commission shall take into account the development of the production costs, particularly the costs of inputs.

3. In order to ensure that the scheme is implemented effectively and appropriately, the Commission is empowered to adopt, in accordance with Article 227, delegated acts supplementing this Regulation by establishing:

(a) the amount and conditions governing the levy imposed on producers who increase their volumes or quantity during the reduction period;

(b) the specific conditions for the implementation and complementary of this scheme with the volume production reduction scheme referred in Article 219a.

4. Those measures may be accompanied if necessary by other measures under this Regulation particularly those provided for in Article 222.

Amendment 151

Proposal for a regulation

Article 1 – paragraph 1 – point 26 l (new)

Regulation (EU) No 1308/2013

Part V – Chapter I – Section 4 – title

Present text

Agreements and decisions *during periods of* severe imbalance in markets

Amendment

(26l) In Section 4, the title is replaced by the following:

Agreements and decisions *to prevent market disturbances and to deal with*

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 152

Proposal for a regulation

Article 1 – paragraph 1 – point 26 m (new)

Regulation (EU) No 1308/2013

Article 222

Present text

Article 222

Application of Article 101(1) TFEU

1. ***During periods of*** severe imbalance in markets, the Commission may adopt implementing acts to the effect that Article 101(1) TFEU is not to apply to agreements and decisions of farmers, farmers' associations, or associations of such associations, or recognised producer organisations, associations of recognised producer organisations and recognised interbranch organisations in any of the sectors referred to in Article 1(2) of this Regulation, provided that such agreements and decisions do not undermine the proper functioning of the internal market, strictly aim to stabilise the sector concerned and fall under one or more of the following categories:

- (a) market withdrawal or free distribution of their products;
- (b) transformation and processing;
- (c) storage by private operators;

Amendment

(26m) Article 222 is replaced by the following:

Article 222

Application of Article 101(1) TFEU

1. ***To prevent market disturbances and to deal with*** severe imbalance in markets, ***in accordance with Article 219***, the Commission may adopt implementing acts to the effect that Article 101(1) TFEU is not to apply to agreements and decisions of farmers, farmers' associations, or associations of such associations, or recognised producer organisations, associations of recognised producer organisations and recognised interbranch organisations in any of the sectors referred to in Article 1(2) of this Regulation, provided that such agreements and decisions do not undermine the proper functioning of the internal market, strictly aim to stabilise the sector concerned and fall under one or more of the following categories,

- (a) market withdrawal or free distribution of their products;
- (b) transformation and processing;
- (c) storage by private operators;

- (d) joint promotion measures;
- (e) agreements on quality requirements;
- (f) joint purchasing of inputs necessary to combat the spread of pests and diseases in animals and plants in the Union or of inputs necessary to address the effects of natural disasters in the Union;
- (g) temporary planning of production taking into account the specific nature of the production cycle.

The Commission shall specify in implementing acts the substantive and geographic scope of this derogation and, subject to paragraph 3, the period for which the derogation applies. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

3. The agreements and decisions referred to in paragraph 1 shall only be valid for a period of up to six months.

However, the Commission may adopt implementing acts authorising such agreements and decisions for a further period of up to six-months. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

- (d) joint promotion measures;
- (e) agreements on quality requirements;
- (f) joint purchasing of inputs necessary to combat the spread of pests and diseases in animals and plants in the Union or of inputs necessary to address the effects of natural disasters in the Union;
- (g) temporary planning of production taking into account the specific nature of the production cycle.

The Commission shall specify in implementing acts the substantive and geographic scope of this derogation and, subject to paragraph 3, the period for which the derogation applies. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

1a. The agreements and decisions adopted in accordance with paragraph 1 by recognised producer organisations or recognised associations of producer organisations or recognised inter branch organisations may be extended in accordance with Article 164, and under the conditions set by the Member State. The extension of rules may not exceed the timeframe referred to in paragraph 3.

3. The agreements and decisions referred to in paragraph 1 shall only be valid for a period of up to six months.

However, the Commission may adopt implementing acts authorising such agreements and decisions for a further period of up to six-months. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2). "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 153

Proposal for a regulation

Article 1 – paragraph 1 – point 26 n (new)

Regulation (EU) No 1308/2013

Article 223 – paragraph 1 – subparagraph 2

This text

The information obtained may be transmitted or made available to international organisations, the competent authorities of third countries and may be made public, subject to the protection of personal data and the legitimate interest of undertakings in the protection of their business secrets, including prices.

Amendment

(26n) In Article 223(1), the second subparagraph is replaced by the following:

“The information obtained may be transmitted or made available to international organisations, ***European financial market authorities***, the competent authorities of third countries and may be made public, subject to the protection of personal data and the legitimate interest of undertakings in the protection of their business secrets, including prices.”

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02013R1308-20180101>)

Justification

The review of directives that regulate European financial markets implies a duty for the Commission and national authorities to cooperate with financial authorities.

Amendment 154

Proposal for a regulation

Article 1 – paragraph 1 – point 26 o (new)

Regulation (EU) No 1308/2013

Article 223 – paragraph 3 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

(26 o) In Article 223(3), the following subparagraph is added:

“To ensure an adequate level of market transparency in compliance with business confidentiality, the Commission may, in accordance with the procedure referred to

in paragraph 2, adopt measures that force players in markets that particularly lack transparency to perform their transactions via an electronic platform of exchange.”

Justification

Article 223 gives considerable powers to the Commission to improve market transparency. In line with the EMIR Directive No 648/2012 for financial markets, agricultural market regulation authorities will have the possibility to make it compulsory to perform opaque off-exchange transactions via electronic platforms of exchange.

Amendment 155

Proposal for a regulation

Article 1 – paragraph 1 – point 27

Regulation (EU) No 1308/2013

Article 225 – points a to d

Text proposed by the Commission

Amendment

(27) In Article 225, points (a) to (d) are deleted;

deleted

Amendment 156

Proposal for a regulation

Article 1 – paragraph 1 – point 27 a (new)

Regulation (EU) No 1308/2013

Article 225

Present text

Amendment

Article 225

Reporting obligation of the Commission

The Commission shall present a report to the European Parliament and to the Council:

(a) every three years and for the first time

(27a) Article 225 is replaced by the following:

Article 225

Reporting obligation of the Commission

"The Commission shall present a report to the European Parliament and to the Council:

by 21 December 2016 the implementation of the measures concerning the apiculture sector as set out in Articles 55, 56 and 57, including on the latest developments on beehive identification systems;

*(b) by 30 June 2014 and also by 31 December 2018, on the development of the market situation in the milk and milk products sector, and in particular on the operation of Articles 148 to 151, **Article 152(3)** and Article 157(3), assessing in particular the effects on milk producers and milk production in disadvantaged regions in connection with the general objective of maintaining production in such regions, and covering potential incentives to encourage farmers to enter into joint production agreements, together with any appropriate proposals;*

(c) by 31 December 2014, on the possibility of extending the scope of the school schemes to include olive oil and table olives;

*(d) by 31 December 2017, on the application of the competition rules to the agricultural sector in all Member States, in particular on the operation of Articles 209 and 210, and of Articles **169, 170 and 171** in the sectors concerned;*

*(b) every four years and for the first time by 30 June 2022, on the development of the market situation in the milk and milk products sector, and in particular on the operation of Articles 148 to 151, **Article 161** and Article 157, assessing in particular the effects on milk producers and milk production in disadvantaged regions in connection with the general objective of maintaining production in such regions, and covering potential incentives to encourage farmers to enter into joint production agreements, together with any appropriate proposals;*

(d) by 31 December 2021, and then every three years, on the application of the competition rules to the agricultural sector in all Member States, in particular on the operation of Articles 209 and 210, and of Article 152;

(da) By 30 June 2021, on the Commission's strategy to use the provisions in the Regulation effectively to prevent and manage internal agricultural market crises that may occur following the United Kingdom's withdrawal from the Union.

(db) by 31 December 2021, on the market observatories set up in accordance with Article 218a and the Commission responses to their notifications and use of the crisis management tools in particular in accordance with Articles 219, 219a, 219b, 220, 221 and 222.

(dc) by 31 December 2021, on the potential of new information and communication technologies to modernise the Commission's relations with national authorities and companies, so as to ensure better market transparency in particular.

(e) by 31 July 2023, on the application of the allocation criteria referred to in Article 23a(2);

(e) by 31 July 2023, on the application of the allocation criteria referred to in Article 23a(2);

(f) by 31 July 2023, on the impact of the transfers referred to in Article 23a(4) on the effectiveness of the school scheme in relation to the distribution of school fruit and vegetables and school milk.

(f) by 31 July 2023, on the impact of the transfers referred to in Article 23a(4) on the effectiveness of the school scheme in relation to the distribution of school fruit and vegetables and school milk. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 157

Proposal for a regulation

Article 1 – paragraph 1 – point 28 a (new)

Regulation (EU) No 1308/2013

Annex I – part IX – table 1 – row 9 a (new)

Text proposed by the Commission

Amendment

(28a) In Annex I, Part IX, the following new row is inserted in the table after line "ex 07 09":

"0709 60 99

Other peppers (Chilli pepper - Vegetarian pepper) "

Amendment 158

Proposal for a regulation

Article 1 – paragraph 1 – point 28 b (new)

Regulation (EU) No 1308/2013

Annex I – part XXIII a (new)

(28 b) In Annex I, the following Part is inserted:

"Part XXXIIIa

Animal genetics products

01012100 - Pure-bred breeding horses

010221 - Pure-bred domestic breeding bovines

01022110 - Pure-bred domestic breeding bovines (heifers)

01022190 - Pure-bred domestic breeding bovines (other than 01012110 or 01012130)

01023100 - Pure-bred breeding buffalo

01029020 - Live pure-bred breeding bovine animals, other than 010221 or 01023100

01031000 - Live pure-bred breeding swine

01041010 - Live pure-bred breeding sheep

01051111 - Fowls of the species *Gallus domesticus*: Grandparent and parent female chicks, laying stocks

01051119 - Fowls of the species *Gallus domesticus*: Grandparent and parent female chicks other than 01051111

04071100 - Fertilised eggs for incubation, from poultry of the species *Gallus domesticus*

040719 - Fertilised eggs for incubation other than 04071100

04071911 - Fertilised eggs for incubation, from turkey or geese

04071919 - Fertilised eggs for incubation, from poultry other than the species *Gallus domesticus* and other than turkey or geese

04071990 - Fertilised eggs for incubation

other than from poultry

05111000 - Bovine semen

05119985 - Animal products not elsewhere specified or included, other than 05111000 (including mammalian semen other than bovine semen, mammalian ova and mammalian embryos) "

Amendment 159

Proposal for a regulation

Article 1 – paragraph 1 – point 29 a (new)

Regulation (EU) No 1308/2013

Annex II – part IX

Present text

1. Honey shall be understood as honey within the meaning of Council Directive 2001/110/EC including as regards to the main types of honey.

2. "Apiculture products" means honey, beeswax, royal jelly, propolis or pollen.

Amendment

(29 a) *Annex II, Part IX is replaced by the following:*

"1. Honey shall be understood as honey within the meaning of Council Directive 2001/110/EC including as regards to the main types of honey.

2. "Apiculture products" means honey, beeswax, royal jelly, propolis or pollen.

" (2a) "Beeswax" is a substance that consists only of the secretion of wax glands of worker bees of the species *Apis mellifera* and is used for building hive;

(2b) 'Royal jelly' means the mixture of secretions from the hypopharyngeal and mandibular glands of worker bees, free from any additive. This substance is the food of larval and adult queen bees. It is a fresh, pure, natural and untreated product. It is a raw and natural food, which is not processed (except for being filtered) and free from additives. The colour, taste and chemical composition of royal jelly are determined by the absorption and transformation by the bees

fed with two types of the following foods during the period of royal jelly production:

Type 1: jelly from bees fed solely on honey, nectar and pollen;

Type 2: jelly from bees fed on honey, nectar and pollen and other foods (proteins, carbohydrates.

*(2c) "Propolis" is an exclusively natural, vegetable resin gathered by worker bees of the species *Apis mellifera* from certain plant sources, to which their own secretion (mainly beeswax and saliva) is added. The resin is mainly used to protect the hive;*

*(2d) "Pollen granules (pellets)" are accumulated pollen grains gathered by worker bees of the species *Apis mellifera*, which they compact with their hind legs using honey and/or nectar and bee secretion. The protein source for the colony, the product is natural, free from additives and harvested at the entrance to the hive;*

(2e) 'Bee pollen' or 'bee bread' is pollen balls that are packed by bees in beehive cells and that undergo natural processing resulting in the presence of enzymes and commensal microbiota. It is used by nurse bees to feed the brood. It may not contain any additives except wax from the honeycomb cells;

(2f) 'Bee venom' is the secretion from a bee's venom gland that is used by bees to defend the hive against attacks. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20190101&from=EN>)

Amendment 160

Proposal for a regulation

Article 1 – paragraph 1 – point 30 – point b

Regulation (EU) No 1308/2013

Annex III – part B – section 1

Text proposed by the Commission

Amendment

(b) in Part B, Section I is deleted;

deleted

Amendment 161

Proposal for a regulation

Article 1 – paragraph 1 – point 31 a (new)

Regulation (EU) No 1308/2013

Annex VII – part I – title

Present text

Amendment

PART I

Meat of bovine animals aged less than 12 months

(31a) In Part I of Annex VII, the title is replaced by the following:

"PART I

Meat of bovine animals **and sheep** aged less than 12 months"

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20180101&from=FR>)

Amendment 162

Proposal for a regulation

Article 1 – paragraph 1 – point 31 b (new)

Regulation (EU) No 1308/2013

Annex VII – part I – section II

Present text

Amendment

II. Classification of bovine animals aged less than 12 months at the slaughterhouse

On slaughter, all bovine animals aged less

(31b) In Part I of Annex VII, Section II is replaced by the following:

"II. Classification of bovine animals **and sheep** aged less than 12 months at the slaughterhouse

On slaughter, all bovine animals aged less

than 12 months shall be classified by the operators, under the supervision of the competent authority, in one of the following two categories:

(A) Category V: bovine animals aged less than eight months

Category identification letter: V;

(B) Category Z: bovine animals aged from 8 months to less than 12 months

Category identification letter: Z.

This classification shall be carried out on the basis of the information contained in the passport accompanying the bovine animals or, failing this, on the basis of the data contained in the computerised database provided for in Article 5 of Regulation (EC) No 1760/2000 of the European Parliament and of the Council ³².

³² Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products (OJ L 204, 11.8.2000, p. 1).

than 12 months shall be classified by the operators, under the supervision of the competent authority, in one of the following two categories:

(A) Category V: bovine animals aged less than eight months

Category identification letter: V;

(B) Category Z: bovine animals aged from 8 months to less than 12 months

Category identification letter: Z.

On slaughter, all sheep aged less than 12 months shall be classified by the operators, under the supervision of the competent authority, in the following category: Category A: carcasses of sheep under 12 months old.

Category identification letter A.

This classification shall be carried out on the basis of the information contained in the passport accompanying the bovine animals ***and sheep*** or, failing this, on the basis of the data contained in the computerised database provided for in Article 5 of Regulation (EC) No 1760/2000 of the European Parliament and of the Council ³².

The conditions referred to in this point shall not apply to the meat of bovine animals with a designation of origin or geographical indication protected in accordance with Regulation (EU) No 1151/2012 registered before 29 June 2007.

³² Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products (OJ L 204, 11.8.2000, p. 1). "

Amendment 163

Proposal for a regulation

Article 1 – paragraph 1 – point 31 c (new)

Regulation (EU) No 1308/2013

Annex VII – part I – section III – point 1 a (new)

Text proposed by the Commission

Amendment

(31 c) In Section III of Part I of Annex VII, the following paragraph is inserted:

"(1a). The meat of sheep aged less than 12 months shall only be marketed in the Member States under the following sales description(s) laid down for each Member State:

Country of marketing;

Sales descriptions to be used lamb."

Amendment 164

Proposal for a regulation

Article 1 – paragraph 1 – point 31 d (new)

Regulation (EU) No 1308/2013

Annex VII – part I – section III – point 3

Present text

Amendment

3. The sales descriptions listed for category V in point A of the table set out in paragraph 1 and any new name derived from those sales descriptions shall only be used if the requirements of this Annex are fulfilled.

In particular, the terms "veau", "telecí", "Kalb", "μσχάρι", "ternera", "kalv",

(31 d) In Section III of Part I of Annex VII, point 3 is replaced by the following:

"3. The sales descriptions listed for category V ***bovine and category A sheep*** in point A of the table set out in paragraph 1 and any new name derived from those sales descriptions shall only be used if the requirements of this Annex are fulfilled.

In particular, the terms "veau", "telecí", "Kalb", "μσχάρι", "ternera", "kalv",

"veal", "vitello", "vitella", "kalf", "vitela" and "teletina" shall not be used in a sales description or be indicated on the labelling of the meat of bovine animals aged more than 12 months.

"veal", "vitello", "vitella", "kalf", "vitela" and "teletina" shall not be used in a sales description or be indicated on the labelling of the meat of bovine animals aged more than 12 months.

Likewise, the term 'lamb' shall not be used in a sales description or be indicated on the labelling of the meat of sheep aged more than 12 months. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20180101&from=FR#E0041>)

Amendment 165

Proposal for a regulation

Article 1 – paragraph 1 – point 31 e (new)

Regulation (EU) No 1308/2013

Annex VII – part I a (new)

Text proposed by the Commission

Amendment

(31e) In Annex VII, the following part is inserted:

"PART I a

Meat, meat products and meat preparations

For the purposes of this Part of this Annex, "meat" means the edible parts of the animals as referred to in points 1.2 to 1.8 of Annex I of the Regulation (EC) No 853/2004, including blood.

The meat-related terms and names that fall under Article 17 of Regulation (EU) No 1169/2011 and that are currently used for meat and meat cuts shall be reserved exclusively for edible parts of the animals.

"Meat preparations" means fresh meat, including meat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone processes that do

not alter the internal muscle fibre structure of the meat enough for the characteristics of fresh meat to be eliminated.

“Meat products” means processed products resulting from the processing of meat or from the further processing of such processed products, so that the cut surface shows that the product no longer has the characteristics of fresh meat.

Names that fall under Article 17 of Regulation (EU) No 1169/2011 that are currently used for meat products and meat preparations shall be reserved exclusively for products containing meat. These designations include, for example:

- Steak*
- Sausage*
- Escalope*
- Burger*
- Hamburger*

Poultry products and cuts defined in Regulation (EU) No 543/2008, which lays down detailed rules for the application of Council Regulation (EU) No 1234/2007 as regards the marketing standards for poultry meat, shall be reserved exclusively for edible parts of the animals and products containing poultry meat."

Amendment 166

Proposal for a regulation

Article 1 – paragraph 1 – point 32

Regulation (EU) No 1308/2013

Annex VII – Part II – point 18 – introductory part

Text proposed by the Commission

(18) *The term 'de-alcoholised' may be used together with* the name of the

Amendment

(18) 'De-alcoholised' *wine or “de-alcoholised (followed by* the name of the

grapevine *products referred to in points 1 and 4 to 9, where the* product:

grapevine *product category used for its production)* means a product *which*:

Amendment 167

Proposal for a regulation

Article 1 – paragraph 1 – point 32

Regulation (EU) No 1308/2013

Annex VII – Part II – point 18 – point b

Text proposed by the Commission

(b) has undergone a dealcoholisation treatment in accordance with the *processes* specified in Section E of Part I of Annex VIII; and

Amendment

(b) has undergone a dealcoholisation treatment in accordance with the *conditions* specified in Section E of Part I of Annex VIII; and

Amendment 168

Proposal for a regulation

Article 1 – paragraph 1 – point 32

Regulation (EU) No 1308/2013

Annex VII – Part II – point 19 – introductory part

Text proposed by the Commission

(19) *The term* ‘partially de-alcoholised’ *may be used together with* the name of the grapevine *products referred to in points 1 and 4 to 9, where the* product:

Amendment

(19) “Partially de-alcoholised *wine*” or “*Partially de-alcoholised (followed by the name of the grapevine product category used for its production)*” means the product *which*:

Amendment 169

Proposal for a regulation

Article 1 – paragraph 1 – point 32

Regulation (EU) No 1308/2013

Annex VII – part II – point 19 – point b

Text proposed by the Commission

(b) has undergone a dealcoholisation

Amendment

(b) has undergone a dealcoholisation

treatment in accordance with the *processes* specified in Section E of Part I of Annex VIII; and

treatment in accordance with the *conditions* specified in Section E of Part I of Annex VIII; and

Amendment 170

Proposal for a regulation

Article 1 – paragraph 1 – point 32

Regulation (EU) No 1308/2013

Annex VII – Part II – point 19 – point c

Text proposed by the Commission

(c) has a total alcoholic strength of more than 0,5% by volume and following the processes specified in Section E of Part I of Annex VIII its total alcoholic strength is reduced by more than 20% by volume compared to its initial total alcoholic strength.;

Amendment

(c) has a total alcoholic strength of ***less than 8,5 % by volume and*** more than 0,5% by volume and following the processes specified in Section E of Part I of Annex VIII its total alcoholic strength is reduced by more than 20% by volume compared to its initial total alcoholic strength.

Amendment 171

Proposal for a regulation

Article 1 – paragraph 1 – point 32 a (new)

Regulation (EU) No 1308/2013

Annex VII – part III – point 5

Present text

5. The designations referred to in points 1, 2 and 3 may not be used for any product other than those referred to in that point.

Amendment

(32a) In Part III of Annex VII, point 5 is replaced by the following:

"5. The designations referred to in points 1, 2 and 3 may not be used for any product other than those referred to in that point.

Those designations shall also be protected from:

(a) any direct or indirect commercial use of the designation;

(i) for comparable products or products presented as capable of being substituted not complying with the corresponding

definition;

(ii) in so far as such use exploits the reputation associated with the designation;

(b) any misuse, imitation or evocation, even if the composition or true nature of the product or service is indicated or accompanied by an expression such as “style”, “type”, “method”, “as produced in”, “imitation”, “flavour”, “substitute”, “like” or similar;

(c) any other commercial indication or practice likely to mislead the consumer as to the product’s true nature or composition.

However, this provision shall not apply to the designation of products the exact nature of which is clear from traditional usage and/or when the designations are clearly used to describe a characteristic quality of the product.

However, this provision shall not apply to the designation of products the exact nature of which is clear from traditional usage and/or when the designations are clearly used to describe a characteristic quality of the product. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20180101&from=FR#E0041>)

Amendment 172

Proposal for a regulation

Article 1 – paragraph 1 – point 32 b (new)

Regulation (EU) No 1308/2013

Annex VII – Appendix I – paragraph 1 – point 2 – point g

Present text

Amendment

(g) in Romania, *in the area* of Podișul Transilvaniei;

(32 b) In point 2 of the first paragraph of Appendix I to Annex VII, point (g) is replaced by:

"(g) in Romania, the wine-growing region of Podișul Transilvaniei"

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20180101&from=FR>)

Amendment 173

Proposal for a regulation

Article 1 – paragraph 1 – point 32 c (new)

Regulation (EU) No 1308/2013

Annex VII – Appendix I – paragraph 1 – point 4 – point f

Present text

(f) in Romania, areas planted with vines in the following regions:

Dealurile Buzăului, Dealu Mare, Severinului and Plaiurile Drâncei, Colinele Dobrogei, Terasale Dunării, the **South wine** region, **including sands** and other favourable **regions**;

Amendment

(32 c) In point 4 of the first paragraph of Appendix I to Annex VII, point (f) is replaced by:

"(f) in Romania, areas planted with vines in the following regions:

Dealurile Buzăului, **Munteniei and Olteniei**, Dealu Mare, Severinului and Plaiurile Drâncei, Colinele Dobrogei, Terasale Dunării, the **sands** region and other favourable **lands in the South of the country**; "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20180101&from=FR>)

Amendment 174

Proposal for a regulation

Article 1 – paragraph 1 – point 33 a (new)

Regulation (EU) No 1308/2013

Annex X – point XI – paragraph 1

Present text

1. Agreements within the trade as described in point 6 of Section A of Part II of Annex II shall contain arbitration clauses.

Amendment

(33a) In point XI of Annex X, paragraph 1 is replaced by the following:

"1. Agreements within the trade as described in point 6 of Section A of Part II of Annex II shall contain **conciliation and/or mediation mechanisms and** arbitration clauses. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20180101&from=FR>)

Amendment 175

Proposal for a regulation

Article 1 – paragraph 1 – point 33 b (new)

Regulation (EU) No 1308/2013

Annex X – point XI – point 4 a (new)

Text proposed by the Commission

Amendment

(33b) in point XI of Annex X, the following point is inserted:

"4a. A sugar undertaking and the beet sellers concerned may agree on value sharing clauses, including market bonuses and losses, determining how any evolution of relevant market prices of sugar or other commodity markets is to be allocated between them."

Amendment 176

Proposal for a regulation

Article 1 – paragraph 1 – point 33 c (new)

Regulation (EU) No 1308/2013

Annex XI

Text proposed by the Commission

Amendment

(33c) Annex XI is deleted

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20180101&from=FR>)

Amendment 177

Proposal for a regulation

Article 1 – paragraph 1 – point 33 d (new)

Regulation (EU) No 1308/2013

Annex XII

Text proposed by the Commission

Amendment

(33d) Annex XII is deleted.

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20180101&from=FR>)

Amendment 178

Proposal for a regulation

Article 1 – paragraph 1 – point 33 e (new)

Regulation (EU) No 1308/2013

Annex XIII

Text proposed by the Commission

Amendment

(33e) Annex XIII is deleted.

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02013R1308-20180101&from=FR>)

Amendment 179

Proposal for a regulation

Article 2 – paragraph 1 – point -1 (new)

Regulation (EU) No 1151/2012

Article 1 – paragraph 2 – point b

Present text

Amendment

(b) value-adding attributes as a result of the farming or processing methods used in their production, or of the place of their production or marketing.

(-1) in Article 1(2), point (b) is replaced by the following:

"(b) value-adding attributes as a result of the farming or processing methods used in their production, or of the place of their production or marketing *and, where appropriate, of their contribution to sustainable development.* "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1553162627344&uri=CELEX:32012R1151>)

Amendment 180

Proposal for a regulation

Article 2 – paragraph 1 – point 2

Regulation (EU) No 1151/2012

Article 5 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(2) in paragraph 1 of Article 5, point (b) is replaced by the following:

deleted

'(b) whose quality or characteristics are essentially or exclusively due to a particular geographical environment, with its inherent natural factors and where relevant human factors;'

Amendment 181

Proposal for a regulation

Article 2 – paragraph 1 – point 2 a (new)

Regulation (EU) No 1151/2012

Article 5

Present text

Amendment

Article 5

Requirements for designations of origin and geographical indications

1. For the purpose of this Regulation, 'designation of origin' is a name which identifies a product:

(a) originating in a specific place, region or, in exceptional cases, a country;

(b) whose quality or characteristics are essentially or exclusively due to a particular geographical environment with its ***inherent*** natural and human factors; ***and***

(c) the production steps of which all take

(2a) Article 5 is replaced by the following:

"Article 5

Requirements for designations of origin and geographical indications

1. For the purpose of this Regulation, 'designation of origin' is a name which identifies a product:

(a) originating in a specific place, region or, in exceptional cases, a country;

(b) whose quality or characteristics are essentially or exclusively due to a particular geographical environment, with its natural ***factors*** and human factors;

(c) the production steps of which all take

place in the defined geographical area.

2. For the purpose of this Regulation, 'geographical indication' is a name which identifies a product:

- (a) originating in a specific place, region or country;
- (b) whose given quality, reputation or other characteristic is essentially attributable to its geographical origin; and
- (c) at least one of the production steps of which take place in the defined geographical area.

3. Notwithstanding paragraph 1, certain names shall be treated as designations of origin even though the raw materials for the products concerned come from a geographical area larger than, or different from, the defined geographical area, provided that:

- (a) the production area of the raw materials is defined;
- (b) special conditions for the production of the raw materials exist;
- (c) there are control arrangements to ensure that the conditions referred to in point (b) are adhered to; and
- (d) the designations of origin in question were recognised as designations of origin in the country of origin before 1 May 2004.

Only live animals, meat and milk may be considered as raw materials for the purposes of this paragraph.

4. In order to take into account the specific character of production of products of animal origin, the Commission shall be empowered to adopt delegated acts, in accordance with Article 56, concerning restrictions and derogations with regard to the sourcing of feed in the case of a designation of origin.

In addition, in order to take into account

place in the defined geographical area.

2. For the purpose of this Regulation, 'geographical indication' is a name which identifies a product:

- (a) originating in a specific place, region or country;
- (b) whose given quality, reputation or other characteristic is essentially attributable to its geographical origin; and
- (c) at least one of the production steps of which take place in the defined geographical area.

3. Notwithstanding paragraph 1, certain names shall be treated as designations of origin even though the raw materials for the products concerned come from a geographical area larger than, or different from, the defined geographical area, provided that:

- (a) the production area of the raw materials is defined;
- (b) special conditions for the production of the raw materials exist;
- (c) there are control arrangements to ensure that the conditions referred to in point (b) are adhered to; and
- (d) the designations of origin in question were recognised as designations of origin in the country of origin before 1 May 2004.

Only live animals, meat and milk may be considered as raw materials for the purposes of this paragraph.

4. In order to take into account the specific character of production of products of animal origin, the Commission shall be empowered to adopt delegated acts, in accordance with Article 56, concerning restrictions and derogations with regard to the sourcing of feed in the case of a designation of origin.

In addition, in order to take into account

the specific character of certain products or areas, the Commission shall be empowered to adopt delegated acts in accordance with Article 56, concerning restrictions and derogations with regard to the slaughtering of live animals or with regard to the sourcing of raw materials.

These restrictions and derogations shall, based on objective criteria, take into account quality or usage and recognised know-how or natural factors.

the specific character of certain products or areas, the Commission shall be empowered to adopt delegated acts in accordance with Article 56, concerning restrictions and derogations with regard to the slaughtering of live animals or with regard to the sourcing of raw materials.

These restrictions and derogations shall, based on objective criteria, take into account quality or usage and recognised know-how or natural factors. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32012R1151&qid=1552998368854&from=EN>)

Amendment 182

Proposal for a regulation

Article 2 – paragraph 1 – point 2 b (new)

Regulation (EU) No 1151/2012

Article 6 – paragraph 2

Present text

2. A name may not be registered as a designation of origin or geographical indication where it conflicts with a name of a plant variety or an animal breed and is likely to mislead the consumer as to the true origin of the product.

Amendment

(2b) in Article 6, paragraph 2 is replaced by the following:

“2. A name may not be registered as a designation of origin or geographical indication where it conflicts with a name of a plant variety or an animal breed and is likely to mislead the consumer as to the true origin of the product ***and to cause confusion between products with the registered designation and the variety or breed in question.***

This shall take into consideration the following:

(a) actual use of the name of the plant variety or animal breed in the sales description;

(b) any duplication of names which might result from the registration;

(c) the extension of use of the plant variety or animal breed outside its area of origin.”

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32012R1151&from=en>)

Justification

This amendment seeks to set out clearly the methods for registering PDOs/PGIs where the name conflicts with the breed and/or variety, instead of merely relying on the principle of not misleading consumers as to the real origin of the product. This proposal is in line with Article 3(3) of Implementing Regulation 1898/2006 for former Regulation No 510/2006.

Amendment 183

Proposal for a regulation

Article 2 – paragraph 1 – point 3

Regulation (EU) No 1151/2012

Article 7 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(3) in paragraph 1 of Article 7, point (d) is deleted; ***deleted***

Amendment 184

Proposal for a regulation

Article 2 – paragraph 1 – point 3 a (new)

Regulation (EU) No 1151/2012

Article 7

Present text

Amendment

Article 7

Product specification

1. A protected designation of origin or a protected geographical indication shall comply with a specification which shall

(3a) Article 7 is replaced by the following:

"Article 7

Product specification

1. A protected designation of origin or a protected geographical indication shall comply with a specification which shall

include at least:

- (a) the name to be protected as a designation of origin or geographical indication, as it is used, whether in trade or in common language, and only in the languages which are or were historically used to describe the specific product in the defined geographical area;
- (b) a description of the product, including the raw materials, if appropriate, as well as the principal physical, chemical, microbiological or organoleptic characteristics of the product;
- (c) the definition of the geographical area delimited with regard to the link referred to in point (f)(i) or (ii) of this paragraph, and, where appropriate, details indicating compliance with the requirements of Article 5(3);
- (d) evidence that the product originates in the defined geographical area referred to in Article 5(1) **or** (2);
- (e) a description of the method of obtaining the product and, where appropriate, the authentic and unvarying local methods as well as information concerning packaging, if the applicant group so determines and gives sufficient product-specific justification as to why the packaging must take place in the defined geographical area to safeguard quality, to ensure the origin or to ensure control, taking into account Union law, in particular that on the free movement of goods and the free provision of services;
- (f) details establishing the following:
 - (i) the link between the quality or characteristics of the product and the geographical environment referred to in Article 5(1); **or**

include at least:

- (a) the name to be protected as a designation of origin or geographical indication, as it is used, whether in trade or in common language, and only in the languages which are or were historically used to describe the specific product in the defined geographical area;
- (b) a description of the product, including the raw materials, if appropriate, as well as the principal physical, chemical, microbiological or organoleptic characteristics of the product;
- (c) the definition of the geographical area delimited with regard to the link referred to in point (f)(i) or (ii) of this paragraph, and, where appropriate, details indicating compliance with the requirements of Article 5(3);
- (d) evidence ***of traceability proving*** that the product originates in the defined geographical area referred to in Article 5(1) **and** (2);
- (e) a description of the method of obtaining the product and, where appropriate, ***its contribution to sustainable development***, the authentic and unvarying local methods as well as information concerning packaging, if the applicant group so determines and gives sufficient product-specific justification as to why the packaging must take place in the defined geographical area to safeguard quality, to ensure the origin or to ensure control, taking into account Union law, in particular that on the free movement of goods and the free provision of services;
- (f) details establishing the following:
 - (i) ***as regards a protected designation of origin*** the link between the quality or characteristics of the product and the geographical environment referred to in Article 5(1); ***the details concerning***

(ii) where *appropriate*, the link between a given quality, the reputation or other characteristic of the product and the geographical origin referred to in Article 5(2);

(g) the name and address of the authorities or, if available, the name and address of bodies verifying compliance with the provisions of the product specification pursuant to Article 37 and their specific tasks;

(h) any specific labelling rule for the product in question.

2. In order to ensure that product specifications provide relevant and succinct information, the Commission shall be empowered to adopt delegated acts, in accordance with Article 56, laying down rules which limit the information contained in the specification referred to in paragraph 1 of this Article, where such a limitation is necessary to avoid excessively voluminous applications for registration.

The Commission may adopt implementing acts laying down rules on the form of the specification. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 57(2).

human factors of that geographical environment may, where relevant, be limited to a description of the soil and landscape management, cultivation practices or other relevant human contribution to the maintenance of the natural factors of the geographical environment referred to in Article 5(1);

(ii) *as regards a protected geographical indication*, the link between a given quality, the reputation or other characteristic of the product and the geographical origin referred to in Article 5(2);

(g) the name and address of the authorities or, if available, the name and address of bodies verifying compliance with the provisions of the product specification pursuant to Article 37 and their specific tasks;

(h) any specific labelling rule for the product in question.

2. In order to ensure that product specifications provide relevant and succinct information, the Commission shall be empowered to adopt delegated acts, in accordance with Article 56, laying down rules which limit the information contained in the specification referred to in paragraph 1 of this Article, where such a limitation is necessary to avoid excessively voluminous applications for registration.

The Commission may adopt implementing acts laying down rules on the form of the specification. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 57(2). "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32012R1151&qid=1552998368854&from=EN>)

Amendment 185

Proposal for a regulation

Article 2 – paragraph 1 – point 4 a (new)

Regulation (EU) No 1151/2012

Article 11 – paragraph 2

Present text

2. Geographical indications pertaining to products of third countries that are protected in the Union under an international agreement to which the Union is a contracting party may be entered in the register. Unless specifically identified in the said agreement as protected designations of origin under this Regulation, such names shall be entered in the register as protected geographical indications.

Amendment

(4a) in Article 11, paragraph 2 is replaced by the following:

"2. Geographical indications pertaining to products of third countries that are protected in the Union under an international agreement to which the Union is a contracting party may be entered in the register ***if the agreement so provides***. Unless specifically identified in the said agreement as protected designations of origin under this Regulation, such names shall be entered in the register as protected geographical indications. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32012R1151&qid=1553006931263&from=EN>)

Amendment 186

Proposal for a regulation

Article 2 – paragraph 1 – point 4 b (new)

Regulation (EU) No 1151/2012

Article 12

Present text

Article 12

Names, symbols and indications

1. Protected designations of origin and protected geographical indications may be used by any operator marketing a product conforming to the corresponding

Amendment

(4b) Article 12 is replaced by the following:

"Article 12

Names, symbols and indications

1. Protected designations of origin and protected geographical indications may be used by any operator marketing a product conforming to the corresponding

specification.

2. Union symbols designed to publicise protected designations of origin and protected geographical indications shall be established.

3. In the case of products originating in the Union that are marketed under a protected designation of origin or a protected geographical indication registered in accordance with the procedures laid down in this Regulation, the Union symbols associated with them shall appear on the labelling. In addition, the registered name of the product should appear in the same field of vision. The indications ‘protected designation of origin’ or ‘protected geographical indication’ or the corresponding abbreviations ‘PDO’ or ‘PGI’ may appear on the labelling.

4. In addition, the following may also appear on the labelling: depictions of the geographical area of origin, as referred to in Article 5, and text, graphics or symbols referring to the Member State and/or region in which that geographical area of origin is located.

5. Without prejudice to Directive 2000/13/EC, the collective geographical marks referred to in Article 15 of Directive 2008/95/EC may be used on labels, together with the protected designation of origin or protected geographical indication.

6. In the case of products originating in third countries marketed under a name entered in the register, the indications referred to in paragraph 3 or the Union

specification.

2. Union symbols designed to publicise protected designations of origin and protected geographical indications shall be established.

3. In the case of products originating in the Union that are marketed under a protected designation of origin or a protected geographical indication registered in accordance with the procedures laid down in this Regulation, the Union symbols associated with them shall appear on the labelling, ***advertising material and documents relating to the product involved***. In addition, the registered name of the product should appear in the same field of vision ***and in a prominent place, so that it is easily visible, clearly readable and, if applicable, indelible. It shall under no circumstances be concealed, obscured, or interrupted by any other written or pictorial element or any other intermediate document***. The indications ‘protected designation of origin’ or ‘protected geographical indication’ or the corresponding abbreviations ‘PDO’ or ‘PGI’ may appear on the labelling.

4. In addition, the following may also appear on the labelling: depictions of the geographical area of origin, as referred to in Article 5, and text, graphics or symbols referring to the Member State and/or region in which that geographical area of origin is located.

5. Without prejudice to Directive 2000/13/EC, the collective geographical marks referred to in Article 15 of Directive 2008/95/EC may be used on labels, together with the protected designation of origin or protected geographical indication.

6. In the case of products originating in third countries marketed under a name entered in the register, the indications referred to in paragraph 3 or the Union

symbols associated with them may appear on the labelling.

7. In order to ensure that the appropriate information is communicated to the consumer, the Commission shall be empowered to adopt delegated acts, in accordance with Article 56, establishing the Union symbols.

The Commission may adopt implementing acts defining the technical characteristics of the Union symbols and indications as well as the rules of their use on the products marketed under a protected designation of origin or a protected geographical indication, including rules concerning the appropriate linguistic versions to be used. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 57(2).

symbols associated with them may appear on the labelling. ***In the case of products from third countries protected by an international agreement to which the Union is a contracting party and which are not marketed under a name entered in the register, the indications referred to in paragraph 3 or the Union symbols associated with them shall not appear on the labelling.***

7. In order to ensure that the appropriate information is communicated to the consumer, the Commission shall be empowered to adopt delegated acts, in accordance with Article 56, establishing the Union symbols.

The Commission may adopt implementing acts defining the technical characteristics of the Union symbols and indications as well as the rules of their use on the products marketed under a protected designation of origin or a protected geographical indication, including rules concerning the appropriate linguistic versions to be used. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 57(2). "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32012R1151&qid=1553006931263&from=EN>)

Amendment 187

Proposal for a regulation

Article 2 – paragraph 1 – point 5

Regulation (EU) No 1151/2012

Article 13 – paragraph 4

Text proposed by the Commission

(5) in Article 13, the following paragraph 4 is added:

Amendment

deleted

‘4. The protection referred to in paragraph 1 shall also apply with regard to goods entering the customs territory of the Union without being released for free circulation within the customs territory of the Union and with regard to goods sold through means of electronic commerce.; ’

Amendment 188

Proposal for a regulation

Article 2 – paragraph 1 – point 5 a (new)

Regulation (EU) No 1151/2012

Article 13

Present text

Article 13

Protection

1. Registered names shall be protected against:

(a) any direct or indirect commercial use of a registered name in respect of products not covered by the registration where those products are comparable to the products registered under that name or where using the name exploits the reputation of the protected name, including when those products are used as an ingredient;

(b) any misuse, imitation or evocation, even if the true origin of the products or services is indicated or if the protected name is translated or accompanied by an expression such as ‘style’, ‘type’, ‘method’, ‘as produced in’, ‘imitation’ or similar, including when those products are used as an ingredient;

(c) any other false or misleading indication as to the provenance, origin, nature or

Amendment

(5a) Article 13 is replaced by the following:

"Article 13

Protection

1. Registered names shall be protected against:

(a) any direct or indirect commercial use of a registered name in respect of products not covered by the registration where those products are comparable to the products registered under that name or where using the name exploits the reputation, ***weakens or dilutes*** of the protected name, including when those products are used as an ingredient;

(b) any misuse, imitation or evocation, even if the true origin of the products or services is indicated or if the protected name is translated or accompanied by an expression such as ‘style’, ‘type’, ‘method’, ‘as produced in’, ‘imitation’ or similar, including when those products are used as an ingredient;

(c) any other false or misleading indication as to the provenance, origin, nature or

essential qualities of the product that is used on the inner or outer packaging, advertising material or documents relating to the product concerned, and the packing of the product in a container liable to convey a false impression as to its origin;

(d) any other practice liable to mislead the consumer as to the true origin of the product.

Where a protected designation of origin or a protected geographical indication contains within it the name of a product which is considered to be generic, the use of that generic name shall not be considered to be contrary to points (a) or (b) of the first subparagraph.

2. Protected designations of origin and protected geographical indications shall not become generic.

3. Member States shall take appropriate administrative and judicial steps to prevent or stop the unlawful use of protected designations of origin and protected geographical indications, as referred to in paragraph 1, that are produced or marketed in that Member State.

To that end Member States shall designate the authorities that are responsible for

essential qualities of the product that is used on the inner or outer packaging, advertising material or documents relating to the product concerned, and the packing of the product in a container liable to convey a false impression as to its origin;

(d) any other practice liable to mislead the consumer as to the true origin of the product;

(da) any registration, in bad faith, of a domain name that is similar or that may be confused, in full or in part, with a protected name.

Where a protected designation of origin or a protected geographical indication contains within it the name of a product which is considered to be generic, the use of that generic name shall not be considered to be contrary to points (a) or (b) of the first subparagraph.

2. Protected designations of origin and protected geographical indications shall not become generic.

3. Member States shall take appropriate administrative and judicial steps to prevent or stop the unlawful use of protected designations of origin and protected geographical indications, as referred to in paragraph 1, that are produced or marketed in that Member State.

3a. The protection referred to in paragraph 1 of this Article shall also apply with regard to goods in transit within the meaning of point 44 of Article 3 of Regulation (EU) No 2017/625 entering the customs territory of the Union without being released for free circulation within the customs territory of the Union and with regard to goods sold through means of distance communication.

To that end Member States shall designate the authorities that are responsible for

taking these steps in accordance with procedures determined by each individual Member State.

These authorities shall offer adequate guarantees of objectivity and impartiality, and shall have at their disposal the qualified staff and resources necessary to carry out their functions.

taking these steps in accordance with procedures determined by each individual Member State.

These authorities shall offer adequate guarantees of objectivity and impartiality, and shall have at their disposal the qualified staff and resources necessary to carry out their functions. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32012R1151&qid=1553006931263&from=EN>)

Amendment 189

Proposal for a regulation

Article 2 – paragraph 1 – point 6

Regulation (EU) No 1151/2012

Article 15 – paragraphs 1 and 2

Text proposed by the Commission

Amendment

(6) Article 15 is amended as follows:

deleted

(a) in paragraph 1, the second subparagraph is replaced by the following:

‘Those implementing acts shall be adopted without applying the examination procedure referred to in Article 57(2).; ’

(b) in paragraph 2, the introductory sentence is replaced by the following:

‘Without prejudice to Article 14, the Commission may adopt implementing acts extending the transitional period mentioned in paragraph 1 of this Article in justified cases where it is shown that:’

Amendment 190

Proposal for a regulation

Article 2 – paragraph 1 – point 6 a (new)

Present text

Article 15

Transitional periods for use of protected designations of origin and protected geographical indications

1. Without prejudice to Article 14, the Commission may adopt implementing acts granting a transitional period of up to five years to enable products originating in a Member State or a third country the designation of which consists of or contains a name that contravenes Article 13(1) to continue to use the designation under which it was marketed on condition that an admissible statement of opposition under Article 49(3) or Article 51 shows that:

(a) the registration of the name would jeopardise the existence of an entirely or partly identical name; or

(b) such products have been legally marketed with that name in the territory concerned for at least five years preceding the date of the publication provided for point (a) of Article 50(2). ***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 57(2).***

2. Without prejudice to Article 14, the Commission may adopt implementing acts extending the transitional period mentioned in paragraph 1 of this Article to 15 years in duly justified cases where it is shown that:

(a) the designation referred to in paragraph 1 of this Article has been in legal use consistently and fairly for at least 25 years before the application for registration was

Amendment

(6a) Article 15 is replaced by the following:

"Article 15

Transitional periods for use of protected designations of origin and protected geographical indications

1. Without prejudice to Article 14, the Commission may adopt implementing acts granting a transitional period of up to five years to enable products originating in a Member State or a third country the designation of which consists of or contains a name that contravenes Article 13(1) to continue to use the designation under which it was marketed on condition that an admissible statement of opposition under Article 49(3) or Article 51 shows that:

(a) the registration of the name would jeopardise the existence of an entirely or partly identical name; or

(b) such products have been legally marketed with that name in the territory concerned for at least five years preceding the date of the publication provided for point (a) of Article 50(2).

2. Without prejudice to Article 14, the Commission may adopt implementing acts extending the transitional period mentioned in paragraph 1 of this Article to 15 years in duly justified cases where it is shown that:

(a) the designation referred to in paragraph 1 of this Article has been in legal use consistently and fairly for at least 25 years before the application for registration was

submitted to the Commission;

(b) the purpose of using the designation referred to in paragraph 1 of this Article has not, at any time, been to profit from the reputation of the registered name and it is shown that the consumer has not been nor could have been misled as to the true origin of the product.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 57(2).

3. When using a designation referred to in paragraphs 1 and 2, the indication of country of origin shall clearly and visibly appear on the labelling.

4. To overcome temporary difficulties with the long-term objective of ensuring that all producers in the area concerned comply with the specification, a Member State may grant a transitional period of up to 10 years, with effect from the date on which the application is lodged with the Commission, on condition that the operators concerned have legally marketed the products in question, using the names concerned continuously for at least the five years prior to the ***lodging of the application to the authorities of the Member State and have made that point in*** the national opposition procedure referred to in Article 49(3).

The first subparagraph shall apply mutatis mutandis to a protected geographical indication or protected designation of origin referring to a geographical area situated in a third country, with the exception of the opposition procedure.

Such transitional periods shall be indicated in the application dossier referred to in Article 8(2).

submitted to the Commission;

(b) the purpose of using the designation referred to in paragraph 1 of this Article has not, at any time, been to profit from the reputation of the registered name and it is shown that the consumer has not been nor could have been misled as to the true origin of the product.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 57(2).

3. When using a designation referred to in paragraphs 1 and 2, the indication of country of origin shall clearly and visibly appear on the labelling.

4. To overcome temporary difficulties with the long-term objective of ensuring that all producers in the area concerned comply with the specification, a Member State may grant a transitional period of up to 10 years, with effect from the date on which the application is lodged with the Commission, on condition that the operators concerned have legally marketed the products in question, using the names concerned continuously for at least the five years prior to the ***launch of*** the national opposition procedure referred to in Article 49(3) ***and have made that point in that procedure.***

The first subparagraph shall apply mutatis mutandis to a protected geographical indication or protected designation of origin referring to a geographical area situated in a third country, with the exception of the opposition procedure.

Such transitional periods shall be indicated in the application dossier referred to in Article 8(2). "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32012R1151&qid=1553006931263&from=EN>)

Amendment 191

Proposal for a regulation

Article 2 – paragraph 1 – point 7 a (new)

Regulation (EU) No 1151/2012

Article 18 – paragraph 3

Text proposed by the Commission

Amendment

(7a) in Article 18, paragraph 3 is deleted.

Justification

The amendment seeks to strengthen the protection for traditional specialties guaranteed in order to prevent products with a similar name that do not comply with the specification of a registered traditional specialty guaranteed being marketed and therefore appropriating the reputation of products under the registered traditional specialty guaranteed.

Amendment 192

Proposal for a regulation

Article 2 – paragraph 1 – point 8 a (new)

Regulation (EU) No 1151/2012

Article 23 – paragraph 3

Present text

Amendment

3. In the case of the products originating in the Union that are marketed under a traditional speciality guaranteed that is registered in accordance with this Regulation, the symbol referred to in paragraph 2 shall, without prejudice to paragraph 4, appear on the labelling. In addition, the name of the product should appear in the same field of vision. The indication ‘traditional speciality guaranteed’ or the corresponding abbreviation ‘TSG’ may also appear on the labelling.

(8a) in Article 23, paragraph 3 is replaced by the following:

“3. In the case of the products originating in the Union that are marketed under a traditional speciality guaranteed that is registered in accordance with this Regulation, the symbol referred to in paragraph 2 shall, without prejudice to paragraph 4, appear on the labelling, ***advertising material and documents relating to the product involved.*** In addition, the name of the product should appear in the same field of vision ***and in a prominent place, so that it is easily visible, clearly readable and, if applicable, indelible. It shall under no circumstances***

be concealed, obscured or interrupted by any other written or pictorial element or any other intermediate document. The indication ‘traditional speciality guaranteed’ or the corresponding abbreviation ‘TSG’ may also appear on the labelling.”

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32012R1151&from=en>)

Justification

The amendment seeks to prevent the abuses currently taking place and to propose that the protected name appears in a readable and visible manner and without any obstacle making it difficult for the consumer to see it on product labelling, as well as on distance selling material, advertising and documents included with the products.

Amendment 193

Proposal for a regulation

Article 2 – paragraph 1 – point 9

Regulation (EU) No 1151/2012

Article 24a – paragraph 2

Text proposed by the Commission

Those implementing acts shall be adopted ***without applying*** the examination procedure referred to in Article 57(2).;

Amendment

Those implementing acts shall be adopted ***in accordance with*** the examination procedure referred to in Article 57(2).

Justification

The amendment seeks to maintain the process of making a reference to the committee of Member States within the context of the examination procedure.

Amendment 194

Proposal for a regulation

Article 2 – paragraph 1 – point 9 a (new)

Regulation (EU) No 1151/2012

Article 33 a (new)

Text proposed by the Commission

Amendment

(9 a) The following Article is inserted:

‘Article 33a

Additional rules concerning the use of an optional quality term ‘mountain product

Member States may authorise the placement of a product, using the optional quality term ‘mountain product’, if the rules for its production are not in breach of the production and labelling requirements of a mountain product in the given country if such requirements exist.’

Amendment 195

Proposal for a regulation

Article 2 – paragraph 1 – point 10

Regulation (EU) No 1151/2012

Article 49 – paragraph 8

Text proposed by the Commission

8. The Member State shall inform the Commission without delay if any procedure is initiated before a national court or other national body concerning an application lodged with the Commission, in accordance with paragraph 4.

Amendment

8. The Member State shall inform the Commission without delay if any procedure is initiated before a national court or other national body concerning ***a final decision by the competent national authority on*** an application lodged with the Commission, in accordance with paragraph 4.

Amendment 196

Proposal for a regulation

Article 2 – paragraph 1 – point 10

Regulation (EU) No 1151/2012

Article 49 – paragraph 9

Text proposed by the Commission

Amendment

9. Where appropriate, the Commission may adopt implementing acts to suspend the scrutiny of the application for registration referred to in Article 50 until a national court or other national body has adjudicated on a challenge to an application for registration where the Member State has taken a favourable decision in a national procedure in accordance with paragraph 4.

deleted

Those implementing acts shall be adopted without applying the examination procedure referred to in Article 57(2).;

Amendment 197

Proposal for a regulation

Article 2 – paragraph 1 – point 11

Regulation (EU) No 1151/2012

Article 50

Text proposed by the Commission

Amendment

'Article 50

'Article 50

Scrutiny by the Commission and publication for opposition

Scrutiny by the Commission and publication for opposition

1. The Commission shall examine applications for registration that it receives in accordance with Article 49(4) and (5). The Commission shall review the applications **for manifest errors, taking into account the outcome of** the scrutiny and opposition procedure carried out by the Member State concerned.

1. The Commission shall examine applications for registration that it receives in accordance with Article 49(4) and (5). The Commission shall review the applications **received following** the scrutiny and opposition procedure carried out by the Member State concerned **to see whether they contain any manifest errors.**

Scrutiny by the Commission should not exceed a period of six months from the date of receipt of the application from the Member State. Where this period is exceeded, the Commission shall inform the applicant in writing of the reasons for the

Scrutiny by the Commission should not exceed a period of six months from the date of receipt of the application from the Member State. Where this period is exceeded, the Commission shall inform the applicant in writing of the reasons for the

delay.

The Commission shall, at least each month, publish the list of names for which applications for registration have been submitted to it, as well as the date of their submission.

2. Where, based on the scrutiny carried out pursuant to paragraph 1, the Commission considers that the conditions laid down in Articles 5 and 6 are fulfilled as regards registration applications under the scheme set out in Title II, or that the conditions laid down in Article 18(1) and (2) are fulfilled as regards applications under the scheme set out in Title III, it shall publish in the Official Journal of the European Union:

(a) for applications under the scheme set out in Title II, the single document and the reference to the publication of the product specification;

(b) for applications under the scheme set out in Title III, the specification.';

delay.

The Commission shall, at least each month, publish the list of names for which applications for registration have been submitted to it, as well as the date of their submission.

2. Where, based on the scrutiny carried out pursuant to paragraph 1, the Commission considers that the conditions laid down in Articles 5 and 6 are fulfilled as regards registration applications under the scheme set out in Title II, or that the conditions laid down in Article 18(1) and (2) are fulfilled as regards applications under the scheme set out in Title III, it shall publish in the Official Journal of the European Union:

(a) for applications under the scheme set out in Title II, the single document and the reference to the publication of the product specification;

(b) for applications under the scheme set out in Title III, the specification.';

Amendment 198

Proposal for a regulation

Article 2 – paragraph 1 – point 14

Regulation (EU) No 1151/2012

Article 53 – paragraphs 2 and 3

Text proposed by the Commission

[...]

Amendment

deleted

Amendment 199

Proposal for a regulation

Article 2 – paragraph 1 – point 14 a (new)

Regulation (EU) No 1151/2012

Article 53

Article 53

Amendment to a product specification

1. A group having a legitimate interest may apply for approval of an amendment to a product specification.

Applications shall describe and give reasons for the amendments requested.

2. ***Where the amendment involves one or more amendments to the specification that are not minor, the amendment application shall follow the procedure laid down in Articles 49 to 52***

(14a) Article 53 is replaced by the following:

"Article 53

Amendment to a product specification

1. A group having a legitimate interest may apply for approval of an amendment to a product specification.

Applications shall describe and give reasons for the amendments requested.

2. Amendments to ***a product specification shall be classified into two categories as regards their importance: Union amendments, requiring an opposition procedure at the Union level, and standard amendments to be dealt with at Member State or third country level.***

An amendment shall be considered to be a Union amendment where:

(a) it includes a change in the name of the protected designation of origin, protected geographical indication or traditional speciality guaranteed;

(b) it risks distorting the links referred to in point (b) of Article 5(1) for protected designations of origin and of Article 5(2) for protected geographical indications;

(c) it introduces changes to the production method or to the use of raw materials and ingredients that deviate from the traditional practice and uses for traditional specialities guaranteed;

(d) it entails new restrictions on the marketing of the product.

All other amendments to product specifications shall be considered to be standard amendments. A temporary amendment that concerns a temporary change in the product specification

resulting from the imposition of obligatory sanitary and phytosanitary measures by the public authorities or a temporary amendment necessary because of a natural disaster or adverse weather conditions formally recognised by the competent authorities are also considered to be standard amendments.

*Union amendments shall be approved by the Commission. The approval procedure shall follow, *mutatis mutandis*, the procedure laid down in Articles 49 to 52.*

However, if the proposed amendments are minor, the Commission shall approve or reject the application. In the event of the approval of amendments implying a modification of the elements referred to in Article 50(2), the Commission shall publish those elements in the Official Journal of the European Union.

Standard amendments shall be approved by the Member State in the territory of which the geographical area of the product concerned is located and notified to the Commission. Third countries shall approve standard amendments in accordance with the law applicable in the third country concerned and notify them to the Commission.

For an amendment to be regarded as minor in the case of the quality scheme described in Title II, it shall not:

- (a) relate to the essential characteristics of the product;*
- (b) alter the link referred to in point (f)(i) or (ii) of Article 7(1);*
- (c) include a change to the name, or to any part of the name of the product;*
- (d) affect the defined geographical area; or*
- (e) represent an increase in restrictions on trade in the product or its raw materials.*

For an amendment to be regarded as minor in the case of the quality scheme described in Title III, it shall not:

- (a) relate to the essential characteristics of the product;*
- (b) introduce essential changes to the production method; or*

(c) include a change to the name, or to any part of the name of the product.

The scrutiny of the application shall focus on the proposed amendment.

3. In order to facilitate the administrative process of ***an amendment application***, including where the amendment does not involve any change to the single document ***and where it concerns a temporary change in the specification resulting from the imposition of obligatory sanitary or phytosanitary measures by the public authorities***, the Commission shall be empowered to adopt delegated acts, in accordance with Article 56, complementing the rules of the amendment application process.

The Commission may adopt implementing acts laying down detailed rules on procedures, form and presentation of an amendment application. Those

The scrutiny of the application shall focus on the proposed amendment.

2a. Article 15 applies also to the Union's requests for amendment and standard amendments to a specification.

3. In order to facilitate the administrative process of ***Union and standard amendments to product specification***, including where the amendment does not involve any change to the single document, the Commission shall be empowered to adopt delegated acts, in accordance with Article 56, complementing the rules of the amendment application process.

3a. The Commission shall adopt guidelines setting out criteria and a common methodology for the application of and compliance with the administrative processing of amendments to product specifications, both Union and normal, to ensure consistency in the application of normal amendments at national level. By ... [three years after the date of entry into force of this Regulation], the Commission shall conduct an initial assessment of the effectiveness of the administrative processing of amendments to product specifications, both Union and normal, to assess the impact and consistency of the application of the reform at national level. After the assessment, the Commission shall present a report on the main conclusions to the European Parliament and to the Council.

The Commission may adopt implementing acts laying down detailed rules on procedures, form and presentation of an amendment application ***and notification of***

implementing acts shall be adopted in accordance with the examination procedure referred to in Article 57(2).

standard amendments to the Commission.
Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 57(2). "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32012R1151&qid=1553006931263&from=EN>)

Amendment 200

Proposal for a regulation

Article 2 – paragraph 1 – point 15

Regulation (EU) No 1151/2012

Annex I – part I – indent 22 a (new)

Text proposed by the Commission

Amendment

- ***beeswax.***

Amendment 201

Proposal for a regulation

Article 3 – point 3 a (new)

Regulation (EU) No 251/2014

Article 3

Present text

Amendment

(3 a) Article 3 is replaced by the following:

Article 3

"Article 3

Definition and classification of aromatised wine products

Definition and classification of aromatised wine products

1. Aromatised wine products are products obtained from products of the wine sector as referred to in Regulation (EU) No 1308/2013 that have been flavoured. They are classified into the following categories:

1. Aromatised wine products are products obtained from products of the wine sector as referred to in Regulation (EU) No 1308/2013 that have been flavoured. They are classified into the following categories:

- (a) aromatised wines;
- (b) aromatised wine-based drinks;

- (a) aromatised wines;
- (b) aromatised wine-based drinks;

(c) aromatised wine-product cocktails.

2. Aromatised wine is a drink:

(a) obtained from one or more of the grapevine products defined in point 5 of Part IV of Annex II and in points 1 and 3 to 9 of Part II of Annex VII to Regulation (EU) No 1308/2013, with the exception of 'Retsina' wine;

(b) in which the grapevine products referred to in point (a) represent at least 75 % of the total volume;

(c) to which alcohol may have been added;

(d) to which colours may have been added;

(e) to which grape must, partially fermented grape must or both may have been added;

(f) which may have been sweetened;

(g) which has an actual alcoholic strength by volume of not less than 14,5 % vol. and less than 22 % vol. and a total alcoholic strength by volume of not less than 17,5 % vol.

3. Aromatised wine-based drink is a drink:

(a) obtained from one or more of the grapevine products defined in points 1, 2 and 4 to 9 of Part II of Annex VII to Regulation (EU) No 1308/2013, with the exception of wines produced with the addition of alcohol and 'Retsina' wine;

(b) in which the grapevine products referred to in point (a) represent at least 50 % of the total volume;

(c) to which no alcohol has been added, except where Annex II provides otherwise;

(d) to which colours may have been added;

(e) to which grape must, partially

(c) aromatised wine-product cocktails;

(ca) dealcoholised aromatised wine products.

2. Aromatised wine is a drink:

(a) obtained from one or more of the grapevine products defined in point 5 of Part IV of Annex II and in points 1 and 3 to 9 of Part II of Annex VII to Regulation (EU) No 1308/2013, with the exception of 'Retsina' wine;

(b) in which the grapevine products referred to in point (a) represent at least 75 % of the total volume;

(c) to which alcohol may have been added;

(d) to which colours may have been added;

(e) to which grape must, partially fermented grape must or both may have been added;

(f) which may have been sweetened;

(g) which has an actual alcoholic strength by volume of not less than 14,5 % vol. and less than 22 % vol. and a total alcoholic strength by volume of not less than 17,5 % vol.

3. Aromatised wine-based drink is a drink:

(a) obtained from one or more of the grapevine products defined in points 1, 2 and 4 to 9 of Part II of Annex VII to Regulation (EU) No 1308/2013, with the exception of wines produced with the addition of alcohol and 'Retsina' wine;

(b) in which the grapevine products referred to in point (a) represent at least 50 % of the total volume;

(c) to which no alcohol has been added, except where Annex II provides otherwise;

(d) to which colours may have been added;

(e) to which grape must, partially

fermented grape must or both may have been added;

(f) which may have been sweetened;

(g) which has an actual alcoholic strength by volume of not less than 4,5 % vol. and less than 14,5 % vol.

4. Aromatised wine-product cocktail is a drink:

(a) obtained from one or more of the grapevine products defined in points 1, 2 and 4 to 11 of Part II of Annex VII to Regulation (EU) No 1308/2013, with the exception of wines produced with the addition of alcohol and 'Retsina' wine;

(b) in which the grapevine products referred to in point (a) represent at least 50 % of the total volume;

(c) to which no alcohol has been added;

(d) to which colours may have been added;

(e) which may have been sweetened;

(f) which has an actual alcoholic strength by volume of more than 1,2 % vol. and less than 10 % vol.

fermented grape must or both may have been added;

(f) which may have been sweetened;

(g) which has an actual alcoholic strength by volume of not less than 4,5 % vol. and less than 14,5 % vol.

4. Aromatised wine-product cocktail is a drink:

(a) obtained from one or more of the grapevine products defined in points 1, 2 and 4 to 11 of Part II of Annex VII to Regulation (EU) No 1308/2013, with the exception of wines produced with the addition of alcohol and 'Retsina' wine;

(b) in which the grapevine products referred to in point (a) represent at least 50 % of the total volume;

(c) to which no alcohol has been added;

(d) to which colours may have been added;

(e) which may have been sweetened;

(f) which has an actual alcoholic strength by volume of more than 1,2 % vol. and less than 10 % vol.

4a. For the purposes of this Regulation, a "dealcoholised aromatised wine product" shall be deemed to be a drink:

(a) obtained under the conditions specified in paragraph 2, 3 or 4;

(b) which has undergone a dealcoholisation treatment in accordance with section E of Part I of Annex VIII of Regulation (EU) No 1308/2013;

(c) which has an actual alcoholic strength by volume of less than 0,5 %.

4b. The oenological practices defined in Commission Regulation (EU) No 606/2009 as amended by Commission Delegated Regulation (EU) 2017/1961 of 2 August 2017 shall apply to aromatised

wine products. "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014R0251&qid=1553072283950&from=EN>)

Amendment 202

Proposal for a regulation

Article 3 – point 4

Regulation (EU) 251/2014

Article 5 – paragraph 4

Text proposed by the Commission

Amendment

(4) in Article 5, paragraph 4 is replaced by the following:

deleted

'4. Sales denominations may be supplemented or replaced by a geographical indication of aromatised wine product protected under Regulation (EU) No 1151/2012.

Amendment 203

Proposal for a regulation

Article 3 – point 4 a (new)

Regulation (EU) No 251/2014

Article 5

Present text

Amendment

Article 5

Sales denominations

1. The sales denominations set out in Annex II shall be used for any aromatised wine product placed on the market in the Union, provided that it complies with the requirements for the corresponding sales denomination laid down in that Annex. Sales denominations may be supplemented

(4a) Article 5 is replaced by the following:

"Article 5

Sales denominations

1. The sales denominations set out in Annex II shall be used for any aromatised wine product placed on the market in the Union, provided that it complies with the requirements for the corresponding sales denomination laid down in that Annex. Sales denominations may be supplemented

by a customary name as defined in Article 2(2)(o) of Regulation (EU) No 1169/2011.

2. Where aromatised wine products comply with the requirements of more than one sales denomination, the use of only one of those sales denominations is authorised, except where Annex II provides otherwise.

3. An alcoholic beverage not fulfilling the requirements laid down in this Regulation shall not be described, presented or labelled by associating words or phrases such as ‘like’, ‘type’, ‘style’, ‘made’, ‘flavour’ or any other term similar to any of the sales denominations.

4. Sales denominations may be supplemented or replaced by a geographical indication protected under *this* Regulation.

5. Without prejudice to Article 26, sales denominations shall not be supplemented by protected designations of origin or protected geographical indications allowed for wine products.

by a customary name as defined in Article 2(2)(o) of Regulation (EU) No 1169/2011.

2. Where aromatised wine products comply with the requirements of more than one sales denomination, the use of only one of those sales denominations is authorised, except where Annex II provides otherwise.

3. An alcoholic beverage not fulfilling the requirements laid down in this Regulation shall not be described, presented or labelled by associating words or phrases such as ‘like’, ‘type’, ‘style’, ‘made’, ‘flavour’ or any other term similar to any of the sales denominations.

4. Sales denominations may be supplemented or replaced by a geographical indication *of aromatised wine product* protected under Regulation (EU) No 1151/2012

5. Without prejudice to Article 26, sales denominations shall not be supplemented by protected designations of origin or protected geographical indications allowed for wine products.

5a. Where aromatised wine products are to be exported to third countries, Member States may permit sales denominations other than those set out in Annex II if such sales denominations are required by the legislation of the third country concerned. Those sales denominations may appear in languages other than the official languages of the Union.

5b. The Commission shall be empowered to adopt delegated acts in accordance with Article 33 to supplement Annex II to this Regulation in order to take into account technical progress, scientific and market developments, consumers’ health or consumer need for information.”

Amendment 204

Proposal for a regulation

Article 3 – point 4 b (new)

Regulation (EU) No 251/2014

Article 6 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(4b) in Article 6, the following paragraph is added:

"(3a) The vintage year may appear on the labels of products provided that the grapevine product represents at least 75 % of the total volume and that at least 85 % of the grapes used to make those products have been harvested in the year concerned."

Amendment 205

Proposal for a regulation

Article 3 – point 4 c (new)

Regulation (EU) No 251/2014

Article 7 a (new)

Text proposed by the Commission

Amendment

(4c) The following Article is inserted:

“Article 7a

Nutritional declaration

1. The nutritional declaration of aromatised wine products, that may be limited to the energy value only, shall be indicated on the label.

2. The energy value shall be:

(a) expressed with numbers and words or symbols, and in particular the symbol (E)

for Energy;

(b) calculated using the conversion factor listed in Annex XIV to Regulation (EU) 1169/2011;

(c) expressed in the form of average values in kcal based on:

(i) the producer's analysis of the aromatised wine product; or

(ii) a calculation from generally established and accepted data.

(d) expressed per 100ml. In addition, it may be expressed per consumption unit, easily recognisable by the consumer, provided that the unit used is quantified on the label and that the number of units contained in the package is stated. ”

Amendment 206

Proposal for a regulation

Article 3 – point 4 d (new)

Regulation (EU) No 251/2014

Article 7 b (new)

Text proposed by the Commission

Amendment

(4d) The following Article is inserted:

“Article 7b

List of ingredients

1. The list of ingredients of aromatised wine products, shall be indicated on the label or by other means than on the label affixed to the bottle or to any other type of container, provided that a clear and direct link is indicated on the label. It may not be displayed together with other information intended for sales or marketing purposes.

2. The Commission is empowered to adopt delegated acts in accordance with Article 33 to further detail the rules for

the indication of the list of ingredients of aromatised wine products. The Commission shall adopt the delegated acts no later than 18 months after ... [the date of entry into force of this Regulation].

Amendment 207

Proposal for a regulation

Article 3 – point 7 a (new)

Regulation (EU) No 251/2014

Annex I – paragraph 1 – part a – point iiiia (new)

Text proposed by the Commission

Amendment

(7a) in the first paragraph of Part (a) of Annex I, the following point is added:

"(iii a) Spirit drinks (no more than 1 % of the overall volume)."

Amendment 208

Proposal for a regulation

Article 3 – point 7 b (new)

Regulation (EU) No 251/2014

Annex I – paragraph 2 – point f

Present text

Amendment

(f) any other natural **carbohydrate** substances having a similar effect to those products.

(7b) In paragraph 2 of Annex I, point (f) is replaced by the following:

"(f) any other natural substances having a similar effect to those products, "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014R0251&from=EN>)

Amendment 209

Proposal for a regulation

Article 3 – point 7 c (new)

Regulation (EU) No 251/2014
Annex II – part A – paragraph 3 – indent 1

Present text

Amendment

(7c) In Annex II, part A, paragraph 3, the first indent is replaced by the following:

– to which alcohol **has been** added, and

" – to which alcohol **may be** added, and "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014R0251&qid=1553072283950&from=EN>)

Amendment 210

Proposal for a regulation

Article 3 – point 7 d (new)

Regulation (EU) No 251/2014

Annex II – part B – paragraph 8 – indent 1

Present text

Amendment

(7d) In Annex II, part B, paragraph 8, the first indent is replaced by the following:

– which is obtained exclusively from red **or** white wine,

"– which is obtained exclusively from red **and/or** white wine, "

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014R0251&qid=1553072283950&from=EN>)

Amendment 211

Proposal for a regulation

Article 3 – point 7 e (new)

Regulation (EU) No 251/2014

Annex II – part C a (new)

Text proposed by the Commission

Amendment

(7 e) In Annex II, the following part is added:

“Part Ca

***"DE-ALCOHOLISED AROMATISED
WINE PRODUCTS***

***(1) De-alcoholised aromatised wine
product or de-alcoholised (followed by the
name of the aromatised wine product used
for its production***

***Products complying with the definition set
out in Article 3(4a).”***

Amendment 212

Proposal for a regulation

Article 4 – paragraph -1 (new)

Regulation (EU) No 228/2013

Article 22 a (new)

Text proposed by the Commission

Amendment

***In Chapter V, the following Article is
added:***

Article 22a

Interbranch agreements

***1. By way of derogation from
Articles 164 and 165 of Regulation (EU)
No 1308/2013, where an interbranch
organisation recognised pursuant to
Article 157 of Regulation (EU)
No 1308/2013, operating in an outermost
region and considered to be representative
of the production or trade or processing of
one or more of the specified products, the
Member State concerned may, at the
request of that organisation, make it
compulsory, for a renewable period of one
year, to have agreements, decisions or
concerted practices issued by that
organisation for other operators, whether
or not they are individuals, operating in
the outermost region concerned and
which are not members of that
organisation.***

2. Where the rules of a recognised interbranch organisation are extended under paragraph 1 and the activities covered by those rules are in the general economic interest of economic operators whose activities relate to products solely destined for the local market of the same outermost region, the Member State may, after consulting the relevant stakeholders, decide that individual economic operators or groups which are not members of the organisation but which operate on the market in question are to pay the organisation all or part of the financial contributions paid by its members to the extent that such contributions are intended to cover costs directly incurred as a result of pursuing the activities in question.

3. The Member State concerned shall inform the Commission of any agreement whose scope is extended in accordance with this Article.

Justification

The amendment seeks to adjust the rules on extending interbranch rules in line with the actual situations of the outermost regions. These organisations are operators that are vital for the development of outermost industries, whose markets are exposed to price variations. The organisations carry out actions to collect or disseminate data and it should be possible for the Member State to extend the contributions received under these agreements to all the agricultural products placed on the local market, without distinction as to their provenance.

Amendment 213

Proposal for a regulation

Article 4 – paragraph 1

Regulation (EU) No 228/2013

Article 30 – paragraph 2 – introductory part

Text proposed by the Commission

2. In respect of each financial year, the Union shall finance the measures provided

Amendment

2. In respect of each financial year, the Union shall finance the measures provided

for in Chapters III and IV, up to *a*
maximum annual sum *of*:

for in Chapters III and IV, up to *an* annual
sum *equivalent to*:

Amendment 214

Proposal for a regulation

Article 4 – paragraph 1

Regulation (EU) No 228/2013

Article 30 – paragraph 2 – indent 1

Text proposed by the Commission

— in the French overseas departments:
EUR **267 580 000**

Amendment

— in the French overseas departments:
EUR **278,41 million**

Amendment 215

Proposal for a regulation

Article 4 – paragraph 1

Regulation (EU) No 228/2013

Article 30 – paragraph 2 – indent 2

Text proposed by the Commission

— Azores and Madeira: EUR **102 080 000**

Amendment

— Azores and Madeira: EUR **106,21 million**

Amendment 216

Proposal for a regulation

Article 4 – paragraph 1

Regulation (EU) No 228/2013

Article 30 – paragraph 2 – indent 3

Text proposed by the Commission

— Canary Islands: EUR **257 970 000**

Amendment

— Canary Islands: EUR **268,42 million**

Amendment 217

Proposal for a regulation

Article 4 – paragraph 1

Regulation (EU) No 228/2013
Article 30 – paragraph 3 – indent 1

Text proposed by the Commission

— in the French overseas departments:
EUR **25 900 000**

Amendment

— in the French overseas departments:
EUR **26 900 000**

Amendment 218

Proposal for a regulation

Article 4 – paragraph 1

Regulation (EU) No 228/2013

Article 30 – paragraph 3 – indent 2

Text proposed by the Commission

— Azores and Madeira: EUR **20 400 000**

Amendment

— Azores and Madeira: EUR **21 200 000**

Amendment 219

Proposal for a regulation

Article 4 – paragraph 1

Regulation (EU) No 228/2013

Article 30 – paragraph 3 – indent 3

Text proposed by the Commission

— Canary Islands: EUR **69 900 000**

Amendment

— Canary Islands: EUR **72 700 000**

Amendment 220

Proposal for a regulation

Article 4 – paragraph 1 a (new)

Regulation (EU) No 228/2013

Article 32 – paragraph 4

Present text

4. *The Commission shall include a*

Amendment

Article 32(4) is amended as follows:

‘4. *Prior to the opening of any trade*

specific chapter in the analyses, studies and assessments it carries out in the context of trade agreements and the common agricultural policy for any topic in which the outermost regions have a particular interest.

negotiation which may have implications for agriculture in the outermost regions, the Union shall carry out studies, analyses and assessments of the possible impact of the negotiations and adapt its negotiating mandate in order to take account of the specific constraints affecting the outermost regions and rule out any negative impact in these regions. The criteria employed by the Commission in carrying out such studies or assessments shall be those established by the UN.'

(<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R0228&from=EN>)

Amendment 221

Proposal for a regulation

Article 5 – paragraph 1

Regulation (EU) No 229/2013

Article 18 – paragraph 2

Text proposed by the Commission

2. The Union shall finance the measures provided for in Chapters III and IV up to a maximum amount of EUR **23 000 000**.

Amendment

2. The Union shall finance the measures provided for in Chapters III and IV up to a maximum amount of EUR **23,93 million**

Amendment 222

Proposal for a regulation

Article 5 – paragraph 1

Regulation (EU) No 229/2013

Article 18 – paragraph 3

Text proposed by the Commission

3. The amount allocated to finance the specific supply arrangements referred to in Chapter III shall not exceed EUR **6 830 000**.

Amendment

3. The amount allocated to finance the specific supply arrangements referred to in Chapter III shall not exceed EUR **7,11 million**.

Amendment 223

Proposal for a regulation

Article 6 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Wines placed on the market or labelled before the implementation of the applicable provisions and that do not comply with the specifications laid down in this Regulation may be marketed until stocks are exhausted.

Justification

This amendment concerns wines that were labelled before the new Regulation came into force, in particular the part concerning new labelling requirements

Amendment 224

Proposal for a regulation

Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

Point (ga) of Article 119(1) and Article 119(3a) of Regulation (EU) No 1308/2013 shall apply from ... [18 months after the date of entry into force of this Regulation].

Amendment 225

Proposal for a regulation

Article 7 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

Point (gb) of Article 119(1) and Article 119(3b) of Regulation (EU) No 1308/2013 shall apply from the beginning of the second full marketing year after the date of entry into force of the delegated act

referred to in point (va) of Article 122 of Regulation (EU) No 1308/2013.

Amendment 226

Proposal for a regulation Article 7 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

Articles 7a of Regulation (EU) No 251/2014 shall apply from ... [18 months after ... [the date of entry into force of this Regulation].

Amendment 227

Proposal for a regulation Article 7 – paragraph 2 d (new)

Text proposed by the Commission

Amendment

Articles 7b of Regulation No 251/2014 shall apply from the beginning of the second full marketing year after the date of entry into force of the delegated act referred to in that Article.

Amendment 228

Proposal for a regulation Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

By 30 June 2021, the Commission shall present to the European Parliament and to the Council a legislative proposal extending the rules for a list of ingredients and a nutritional declaration of wine products to the other alcoholic beverages.

