

Amendment 242**Eric Andrieu**

on behalf of the S&D Group

Anne Sander

on behalf of the PPE Group

Jérémy Decerle

on behalf of the Renew Group

Ruža Tomašić

on behalf of the ECR Group

Petros Kokkalis

on behalf of the GUE/NGL Group

Report**A8-0198/2019****Eric Andrieu**Common agricultural policy – amendment of the CMO and other Regulations
(COM(2018)0394 – C8-0246/2018 – 2018/0218(COD))**Proposal for a regulation****Article 1 – paragraph 1 – point 22 e (new)**

Regulation (EU) No 1308/2013

Article 164

*Present text**Amendment*

Article 164

(22e) Article 164 is replaced by the following:**"Article 164**

Extension of rules

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.

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 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.

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, ***or, for products with a protected designation of origin or protected geographical indication recognised under Union law, the geographical zone laid down in the product specification.***

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;

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;

(ca) the drawing up of standard contracts or clauses in the wine sector, which are compatible with Union rules and which may include payment periods longer than 60 days, by way of derogation from Article 3(1) of Directive (EU) 2019/633, for the purchase of bulk wines as part of written multi-year contracts or of contracts which become multi-year between a producer or reseller of wine and its direct purchaser, provided that the clauses relating to those deadlines have been subject to extension before 31 October 2021;

- (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

(k) the definition of minimum standards of packing and presentation;

(l) the use of certified seed ***for products not falling within the scope of Regulation (EU) 2018/848, and the*** monitoring of product quality;

(m) ***the prevention and management of phyto-sanitary,*** animal health, food safety ***or environmental risks, in particular by setting up mutual funds or by contributing to such funds;***

(n) the management ***and valorisation*** of by-products;

(na) the design, implementation and control of technical standards for the precise evaluation of a product's characteristics.

Those rules ***shall be without prejudice to Regulation (EU) 2018/848, where applicable. They*** shall not cause any damage to other operators, ***nor prevent the 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.

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.”

Or. en

14.10.2020

A8-0198/243

Amendment 243

Eric Andrieu

on behalf of the S&D Group

Anne Sander

on behalf of the PPE Group

Jérémy Decerle

on behalf of the Renew Group

Ruža Tomašić

on behalf of the ECR Group

Petros Kokkalis

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Report

A8-0198/2019

Eric Andrieu

Common agricultural policy – amendment of the CMO and other Regulations
(COM(2018)0394 – C8-0246/2018 – 2018/0218(COD))

Proposal for a regulation

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

Regulation (EU) 1308/2013

Article 167

Present text

Article 167

Marketing rules to improve and stabilise the operation of the common market in wines

1. In order to improve and stabilise the operation of the common market in wines, including the grapes, musts and wines from which they derive, producer Member States may lay down marketing rules to regulate supply, particularly by way of decisions taken by interbranch organisations recognised under Articles **157** and 158.

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

Amendment

(22f) Article 167 is replaced as follows

"Article 167

Marketing rules to improve and stabilise the operation of the common market in wines

1. In order to improve and stabilise the operation of the common market in wines, including the grapes, musts and wines from which they derive, producer Member States may lay down marketing rules to regulate supply, particularly by way of decisions taken by interbranch organisations recognised under Articles **163a** and 158.

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 vintage that would otherwise be available;

(d) provide scope for refusing to issue the national and Union certificates required for the circulation and marketing of wines where such marketing is in accordance with those rules.

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.

where prices are set for guidance or recommendation;

(c) render unavailable an excessive proportion of the vintage that would otherwise be available;

(d) provide scope for refusing to issue the national and Union certificates required for the circulation and marketing of wines where such marketing is in accordance with those rules.

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.”

Or. en

14.10.2020

A8-0198/244

Amendment 244

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Anne Sander

on behalf of the PPE Group

Jérémy Decerle

on behalf of the Renew Group

Benoît Biteau

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Common agricultural policy – amendment of the CMO and other Regulations
(COM(2018)0394 – C8-0246/2018 – 2018/0218(COD))

Proposal for a regulation

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

Regulation (EU) 1308/2013

Article 172 a (new)

Text proposed by the Commission

Amendment

(22g) the following article is inserted:

"Article 172a

**Value sharing for interbranch
organisations**

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, 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 taking into account production costs."

14.10.2020

A8-0198/245

Amendment 245

Eric Andrieu

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Common agricultural policy – amendment of the CMO and other Regulations
(COM(2018)0394 – C8-0246/2018 – 2018/0218(COD))

Proposal for a regulation

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

Regulation (EU) 1308/2013

Article 172 b (new)

Text proposed by the Commission

Amendment

(22h) 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 a protected geographical
indication recognised under Union law,
interbranch organisations recognised
under Article 157 may adopt rules on
value sharing between operators at the
different stages of production and, where
appropriate, of processing and marketing,
for which they may, by way of derogation
from Article 101(1) TFEU, request
extension on the basis of Article 164(1) of
this Regulation.***

Such extended agreements, decisions or

concerted practices shall be proportionate to the objective pursued and shall not:

- (a) entail the fixing of prices of the final products sold to consumers;*
- (b) eliminate competition in respect of a substantial proportion of the products in question;*
- (c) create an excessive imbalance between the different stages of the value chain of the sector in question.”*

Or. en

14.10.2020

A8-0198/246

Amendment 246

Eric Andrieu

on behalf of the S&D Group

Anne Sander

on behalf of the PPE Group

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Common agricultural policy – amendment of the CMO and other Regulations
(COM(2018)0394 – C8-0246/2018 – 2018/0218(COD))

Proposal for a regulation

Article 1 – paragraph 1 – point 26 a (new)

Regulation (EU) 1308/2013

Part IV – Chapter I – Article 206 a (new)

Text proposed by the Commission

Amendment

(26a) the following article is inserted:

"Article 206a

Resale at a loss

- 1. Agricultural products from a sector listed in Article 1(2) shall not be resold at a loss.**
- 2. Exemptions from paragraph 1 concerning cases where resale of agricultural products at a loss for the purpose of avoiding food waste may be allowed by Member States in duly justified cases.**

In order to ensure a level playing field, the Commission is empowered to adopt delegated acts in accordance with Article 227 supplementing this Regulation by laying down the criteria for exemptions related to food waste referred to in the first subparagraph.

3. For the purposes of this Article:

(a) “resale at a loss” means the sale of agricultural products below the net purchase price, net purchase price being understood as the purchase price as per invoice, plus the transport costs and the taxes charged on the transaction, less the proportional part of all financial benefits granted by the supplier to the buyer;

(b) “food waste” means all food as defined in Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council that has become waste.”

Or. en

14.10.2020

A8-0198/247

Amendment 247

Eric Andrieu

on behalf of the S&D Group

Anne Sander

on behalf of the PPE Group

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Common agricultural policy – amendment of the CMO and other Regulations
(COM(2018)0394 – C8-0246/2018 – 2018/0218(COD))

Proposal for a regulation

Article 1 – paragraph 1 – point 26 b (new)

Regulation (EU) 1308/2013

Article 220

Present text

Amendment

Article 220

Measures concerning animal diseases and loss of consumer confidence due to public, animal or plant health risks

1. The Commission may adopt implementing acts taking exceptional support measures for the affected market in order to take account of:

(a) restrictions on intra-Union and third-country trade which may result from the application of measures for combating the spread of diseases in animals; and

(b) serious market disturbances directly attributed to a loss in consumer confidence due to public, animal or plant health and

(26b) Article 220 is replaced by the following:

"Article 220

Measures concerning animal **and plant** diseases **and plant pests** and loss of consumer confidence due to public, animal or plant health risks

1. The Commission may adopt implementing acts taking exceptional support measures for the affected market in order to take account of:

(a) restrictions on intra-Union and third-country trade which may result from the application of measures for combating the spread of diseases in animals **or the spread of plant disease or pests**; and

(b) serious market disturbances directly attributed to a loss in consumer confidence due to public, animal or plant health and

disease risks.

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

2. The measures provided for in paragraph 1 shall apply to *any of the following sectors*:

- (a) *beef and veal*;
- (b) *milk and milk products*;
- (c) *pigmeat*;
- (d) *sheepmeat and goatmeat*;
- (e) *eggs*;
- (f) *poultrymeat*.

The measures provided for in point (b) of the first subparagraph of paragraph 1 related to a loss in consumer confidence due to public or plant health risks shall also apply to all other agricultural products except those listed in Section 2 of Part XXIV of Annex I.

The Commission shall be empowered to adopt delegated acts in accordance with the urgency procedure referred to in Article 228, extending the list of products in the first *two subparagraphs* of this paragraph.

3. The measures provided for in paragraph 1 shall be taken at the request of the Member State concerned.

4. The measures provided for in point (a) of the first subparagraph of paragraph 1 may be taken only if the Member State concerned has taken health *and* veterinary measures quickly to stamp out the disease, and only to the extent and for the duration strictly necessary to support the market concerned.

5. The Union shall provide part-financing equivalent to 50 % of the expenditure borne by Member States for the measures provided for in paragraph 1.

disease risks.

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

2. The measures provided for in paragraph 1 shall apply to all other agricultural products except those listed in Section 2 of Part XXIV of Annex I.

The Commission shall be empowered to adopt delegated acts in accordance with the urgency procedure referred to in Article 228, extending the list of products *referred to* in the first *subparagraph* of this paragraph.

3. The measures provided for in paragraph 1 shall be taken at the request of the Member State concerned.

4. The measures provided for in point (a) of the first subparagraph of paragraph 1 may be taken only if the Member State concerned has taken health, veterinary *and phytosanitary* measures quickly to stamp out the disease *and to monitor, control or eradicate the pests*, and only to the extent and for the duration strictly necessary to support the market concerned.

5. The Union shall provide part-financing equivalent to 50 % of the expenditure borne by Member States for the measures provided for in paragraph 1.

However, with regard to the beef and veal, milk and milk products, pigmeat and sheepmeat and goatmeat sectors, the Union shall provide part-financing equivalent to 60 % of such expenditure when combating foot-and-mouth disease.

6. Member States shall ensure that, where producers contribute to the expenditure borne by Member States, this does not result in a distortion of competition between producers in different Member States.

However, with regard to the beef and veal, milk and milk products, pigmeat and sheepmeat and goatmeat sectors, the Union shall provide part-financing equivalent to 60 % of such expenditure when combating foot-and-mouth disease.

6. Member States shall ensure that, where producers contribute to the expenditure borne by Member States, this does not result in a distortion of competition between producers in different Member States.”

Or. en

14.10.2020

A8-0198/248

Amendment 248

Eric Andrieu

on behalf of the S&D Group

Anne Sander

on behalf of the PPE Group

Jérémy Decerle

on behalf of the Renew Group

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A8-0198/2019

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Common agricultural policy – amendment of the CMO and other Regulations
(COM(2018)0394 – C8-0246/2018 – 2018/0218(COD))

Proposal for a regulation

Article 1 – paragraph 1 – point 26 c (new)

Regulation (EU) 1308/2013

Article 222 a (new)

Text proposed by the Commission

Amendment

(26c) the following article is inserted:

"Article 222a

**Market disturbance monitoring and
management plans**

1. With a view to achieving the CAP objectives set out in Article 39 TFEU, in particular the specific objective of market stabilisation referred to in point (b) of Article 1a of this Regulation, the Commission shall establish plans for the monitoring and the management of market disturbances defining its intervention strategy for each agricultural product referred to in Article 1 of this Regulation.

2. The Commission shall base its intervention strategy on the work of the EU Observatory of agricultural markets

referred to in Article 218a, including on the early warning mechanism provided for in Article 218b.

3. In the event of market disturbances, the Commission shall mobilise in a timely and efficient way the exceptional measures provided for in Chapter I of Part V, where applicable in addition to the market intervention measures provided for in Title I of Part II in view of with the aim of rapidly restoring balance on the concerned market while providing the most appropriate responses for each sector affected.

4. The Commission shall establish a performance framework allowing for reporting, monitoring and evaluation of the market disruption monitoring and management plans during its implementation.

5. By 30 November each year, the Commission shall publish an annual report on the implementation of the plans for the monitoring and management of market disturbances and the improvements in its intervention strategy.

The annual report shall be presented annually to the European Parliament and the Council and shall aim to evaluate the performance of the plan with regard to impact, effectiveness, efficiency, and coherence of the tools provided for in this Regulation, and evaluate the use by the Commission of its prerogatives, and the budget, with regard to the monitoring, prevention and management of market disturbances.”

Or. en