

**Common organisation of agricultural markets \***

**European Parliament legislative resolution of 24 May 2007 on the proposal for a Council regulation establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (COM(2006)0822 – C6-0045/2007 – 2006/0269(CNS))**

**(Consultation procedure)**

*The European Parliament,*

- having regard to the Commission proposal to the Council (COM(2006)0822)<sup>1</sup>,
  - having regard to Articles 36 and 37 of the EC Treaty, pursuant to which the Council consulted Parliament (C6-0045/2007),
  - having regard to Rule 51 of its Rules of Procedure,
  - having regard to the report of the Committee on Agriculture and Rural Development (A6-0171/2007),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
  3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  4. Asks the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
  5. Instructs its President to forward its position to the Council and Commission.

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Text proposed by the Commission

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Amendments by Parliament

Amendment 1  
Recital 6

(6) Simplification should not lead to calling into question the political decisions that have been taken over the years in the CAP. This Regulation should, therefore, ***essentially*** be an act of technical

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<sup>1</sup> Not yet published in OJ.

simplification. It should not, therefore, repeal or change existing instruments unless they *have become obsolete, redundant or* should not, by their *very* nature, be dealt with at Council level, nor introduce new instruments or measures.

It should not, therefore, repeal or change existing instruments unless they should not, by their *purely technical* nature, be dealt with at Council level, nor introduce new instruments or measures.

Amendment 2  
Recital 7

(7) Against this background, this Regulation should not introduce *those parts of* CMOs which are subject to policy reviews. *This is the case with regard to certain parts of the fruit and vegetables, the bananas and the wine sectors. The rules contained in the respective Regulations (EEC) No 404/93, (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1493/1999* should, *therefore*, only be incorporated into this Regulation *to the extent that they are not themselves subject to any* policy reforms.

(7) Against this background, this Regulation should not introduce CMOs which are subject to policy reviews *and* should only be incorporated into this Regulation *once the ongoing* policy reforms *have been completed*.

Amendment 3  
Recital 9

(9) The CMOs for cereals, rice, sugar, dried fodder, seeds, olives, flax and hemp, bananas, *wine*, milk and milk products and silk worms provide for marketing years mainly adapted to the biological production cycles of each of these products. *In the CMOs for fruit and vegetables and processed fruit and vegetables, the Commission has been empowered to fix the marketing years due to the fact that the production cycles of these products vary to a large extent and that in some cases it is not necessary to fix a marketing year. The marketing years as they have been fixed in the mentioned sectors and the power of the Commission to fix the marketing years for the fruit and vegetables and the processed fruit and vegetables sectors should, therefore, be incorporated into this Regulation.*

(9) The CMOs for cereals, rice, sugar, dried fodder, seeds, olives, flax and hemp, bananas, milk and milk products and silk worms provide for marketing years mainly adapted to the biological production cycles of each of these products.

Amendment 4

Recital 11 a (new)

***(11a) Organisations of an interbranch nature set up at the initiative of operator organisations and representing a significant share of the different professional categories of the sector concerned are capable of contributing to greater account being taken of the realities of the market and of facilitating the development of modes of economic behaviour with a view to improving knowledge as well as the organisation of production and product presentation and marketing. Given that the activities of these organisations of an interbranch nature can make a general contribution to the realisation of the objectives of Article 33 of the Treaty, and in particular of those referred to in this Regulation, this Regulation does not call into question the existence and the functioning of this type of organisation in the Member States.***

Amendment 5

Recital 20

(20) Under the basic regulations for the beef and veal, the pigmeat and the sheep meat and goat meat sectors Community scales for the classification of carcasses have been established. These schemes are essential for the purposes of price recording and the application of the intervention arrangements in the beef and veal and pigmeat sectors. Moreover, they pursue the objective to improve market transparency. Such carcass classification schemes should be maintained. ***However, due to their mainly technical character it appears appropriate to entrust the Commission with the necessary powers to adopt the relevant rules, acting on the basis of criteria underlying the existing schemes.***

(20) Under the basic regulations for the beef and veal, the pigmeat and the sheep meat and goat meat sectors Community scales for the classification of carcasses have been established. These schemes are essential for the purposes of price recording ***in the beef and veal and sheep meat and pigmeat sectors*** and the application of the intervention arrangements in the beef and veal and pigmeat sectors. Moreover, they pursue the objective to improve market transparency. Such carcass classification schemes should be maintained. ***Classification of adult bovine and sheep carcasses should be carried out on the basis of conformation and the degree of fat cover. The combined use of these two criteria makes it possible to divide carcasses into classes. Carcasses classified in this way should be subject to identification. In order to ensure the uniform application of this Regulation in***

*the Community, provision should be made for on-the-spot checks by a Community inspection committee.*

Amendment 6  
Recital 25

(25) Specific instruments are needed to ensure a fair balance of rights and obligations between sugar undertakings and sugar beet growers. Therefore, *the standard provisions contained so far in the sugar CMO should be transferred to this Regulation* to govern the contractual relations between buyers and sellers of sugar beet. *Detailed terms have, so far, been subject to the CMO for sugar as Annex II to Regulation (EC) No 318/2006. Given the highly technical character of these terms, it is considered to be more appropriate to deal with these questions at Commission level.*

(25) Specific instruments are needed to ensure a fair balance of rights and obligations between sugar undertakings and sugar beet growers. Therefore, *framework provisions should be established* to govern the contractual relations between buyers and sellers of sugar beet. *The diversity of natural, economic and technical situations makes it difficult to provide for uniform purchase terms for sugar beet throughout the Community. Agreements within the trade already exist between associations of sugar beet growers and sugar undertakings. Therefore, framework provisions should only define the minimum guarantees required by both sugar beet growers and the sugar industry to ensure a smooth functioning of the sugar market with the possibility to derogate from some rules in the context of an agreement within the trade.*

Amendment 7  
Recital 26

(26) *The diversity of natural, economic and technical situations makes it difficult to provide for uniform purchase terms for sugar beet throughout the Community. Agreements within the trade already exist between associations of sugar beet growers and sugar undertakings. Therefore, framework provisions should only define the minimum guarantees required by both sugar beet growers and the sugar industry to ensure a smooth functioning of the sugar market with the possibility to derogate from some rules in the context of an agreement within the trade.*

*deleted*

Amendment 8  
Recital 35

(35) In line with the purpose of this Regulation, *the structure of the milk quota* should be *aligned with that of the sugar quota provisions*. Accordingly, *the point of departure of the dairy rules should no longer be the obligation to pay an additional levy where the national reference quantity is exceeded but the fixation of* national quotas which in case they are overrun give rise to collecting a *surplus* levy.

(35) In line with the purpose of this Regulation, *the arrangements concerning control of production in the milk sector and those applicable to the sugar sector* should be *brought together in one section*. Accordingly, *in the milk sector, the term ‘national reference quantities’ should be replaced by* ‘national quotas’ which in case they are overrun give rise to collecting a levy.

Amendment 9  
Recital 35 a (new)

*(35a) The essential objective of the milk quota system is to reduce the imbalance between supply and demand for milk and dairy products and the resulting structural surpluses and thereby achieve a better market balance. Accordingly, this system should be continued for seven more consecutive 12-month periods from 1 April 2008. In addition, the method adopted in 1984 of setting a levy to be paid on milk collected or sold directly outside the quota should be maintained.*

Amendment 10  
Recital 95

(95) This Regulation confers powers on the Commission which had, in the past, been conferred on the Council for adoption in accordance with the voting procedure of Article 37 of the Treaty. Such Council acts need to remain in force until the Commission adopts the relevant provisions based on the powers conferred on it by this Regulation. To avoid that in such cases there would be parallel provisions adopted by the Council on the one hand and by the Commission on the other, the Commission should be entitled to repeal such Council acts.

(95) This Regulation confers powers on the Commission which had, in the past, been conferred on the Council for adoption *of technical provisions* in accordance with the voting procedure of Article 37 of the Treaty. Such Council acts need to remain in force until the Commission adopts the relevant *technical* provisions based on the powers conferred on it by this Regulation. To avoid that in such cases there would be parallel provisions adopted by the Council on the one hand and by the Commission on the other, the Commission should be entitled to repeal such Council acts. *All political provisions should be adopted by the Council pursuant to Article 37 of the*

***Treaty, after consulting the European Parliament.***

**Amendment 11**

Article 1, paragraph 1, point (i)

***(i) fruit and vegetables, Part IX of Annex I (hereinafter referred to as "the fruit and vegetables sector");*** ***deleted***

**Amendment 12**

Article 1, paragraph 1, point (j)

***(j) processed fruit and vegetables, Part X of Annex I (hereinafter referred to as "the processed fruit and vegetables sector");*** ***deleted***

**Amendment 13**

Article 1, paragraph 1, point (l)

***(l) wine, Part XII of Annex I (hereinafter referred to as "the wine sector");*** ***deleted***

**Amendment 14**

Article 1, paragraph 2

***2. In respect of the fruit and vegetables, processed fruit and vegetables, and wine sectors, only the following provisions of this Regulation shall apply:*** ***deleted***

***(a) Articles 3 and 4;***

***(b) Part IV;***

***(c) Article 183;***

***(d) Article 184;***

***(e) Article 185;***

***(f) Article 188 and the first paragraph of Article 189;***

***(g) point (a) of Article 195.***

**Amendment 15**

Article 2, paragraph 2, points (b a) and (b b) (new)

***(ba) 'reference price' shall mean the basis price;***

***(bb) 'intervention price' shall mean the***

*price at which intervention takes place.*

Amendment 16  
Article 3, paragraph 1, point (d)

*(d) 1 August to 31 July of the following year for the wine sector;* *deleted*

Amendment 17  
Article 3, paragraph 2

*2. For the products of the fruit and vegetables and processed fruit and vegetables sectors, the marketing years shall, if necessary, be fixed by the Commission.* *deleted*

Amendment 18  
Article 9, point (f a) (new)

*(fa) pigmeat*

Amendment 19  
Article 39

1. Community scales for the classification of carcasses, including the rules concerning the reporting of prices of certain products by the Member States, shall be established *by the Commission* in respect of the following sectors:

- (a) beef and veal as regards adult bovine animals;
- (b) pigmeat;
- (c) sheep meat and goat meat.

2. In establishing the Community scales referred to in paragraph 1, *the Commission shall be guided, in particular, by* the following criteria:

- (a) for carcasses of adult bovine animals the scale shall classify carcasses on the basis of conformation and the degree of fat cover, enabling the division of carcasses into classes and identification of classified carcasses;
- (b) for pig carcasses the scale shall classify

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- (a) beef and veal as regards adult bovine animals;
- (b) pigmeat;
- (c) sheep meat and goat meat.

2. In establishing the Community scales referred to in paragraph 1, the following criteria *shall in particular be taken as a guide*:

- (a) for carcasses of adult bovine animals the scale shall classify carcasses on the basis of conformation and the degree of fat cover, enabling the division of carcasses into classes and identification of classified carcasses;
- (b) for pig carcasses the scale shall classify

carcases on the basis of their lean-meat content in relation to their weight, operate using the principle of direct establishment of the lean-meat percentage on the basis of objective measurement and provide for the division of carcasses into classes and their identification;

(c) for sheep and goat carcasses, the scale shall classify carcasses on the basis of conformation and the degree of fat cover, enabling the division of carcasses into classes and identification of classified carcasses.

With regard to carcasses of light lambs other criteria may be used, in particular weight, meat colour and fat colour.

carcases on the basis of their lean-meat content in relation to their weight, operate using the principle of direct establishment of the lean-meat percentage on the basis of objective measurement and provide for the division of carcasses into classes and their identification;

(c) for sheep and goat carcasses, the scale shall classify carcasses on the basis of conformation and the degree of fat cover, enabling the division of carcasses into classes and identification of classified carcasses.

With regard to carcasses of light lambs other criteria may be used, in particular weight, meat colour and fat colour.

***2a. With a view to ensuring uniform application of this Regulation in the Community, on-the-spot checks shall be carried out by a Community monitoring committee.***

#### Amendment 20

Article 41, paragraph 1, point (f a) (new)

***(fa) bee-keeping***

#### Amendment 21

Article 47, paragraph 1

1. Agreements within the trade and delivery contracts shall conform to paragraph 3 and to purchase terms ***to be determined by the Commission***, in particular as regards the conditions governing the purchase, delivery, taking over and payment of beet.

1. Agreements within the trade and delivery contracts shall conform to paragraph 3 and to purchase terms ***laid down in Annex IIa***, in particular as regards the conditions governing the purchase, delivery, taking over and payment of beet.

#### Amendment 22

Article 50, introductory part

The Commission may adopt the detailed rules for the implementation of this Section and, in particular:

The Commission may adopt the detailed rules for the implementation of this Section and, in particular, ***the following elements***:

***(-a) the modifications to Annex IIa;***



Amendment 23  
Article 51, introductory part

In order to encourage action by trade organisations and joint trade organisations to facilitate the adjustment of supply to market requirements, with the exception of action relating to withdrawal from the market, the Commission may take the following measures in respect of the live plants, beef and veal, pigmeat, sheep meat and goat meat, eggs and poultry sectors:

In order to encourage action by trade organisations and joint trade organisations to facilitate the adjustment of supply to market requirements, with the exception of action relating to withdrawal from the market, the Commission may take the following measures in respect of the live plants, ***milk and dairy products***, beef and veal, pigmeat, sheep meat and goat meat, eggs and poultry sectors:

Amendment 24  
Article 51, point (d a) (new)

***(da) measures to improve farming.***

Amendment 25  
Article 52, paragraph 2 a (new)

***(2a) This Regulation shall apply without prejudice to the application of Council Regulation (EC) No 1868/94 of 27 July 1994 establishing a quota system in relation to the production of potato starch<sup>1</sup>.***

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<sup>1</sup> OJ L 197, 30.7.1994, p. 4. Regulation as last amended by Regulation (EC) No 941/2005 (OJ L 159, 22.6.2005, p. 1).

Amendment 27  
Article 118, paragraph 1, introductory part

The Member States shall recognise ***interbranch*** organisations which:

***Subject to the sector-specific provisions and without prejudice to the recognition of similar organisations covering products not concerned by this article, the Member States shall recognise, in accordance with the relevant arrangements, organisations of an interbranch nature*** which:

Amendment 28  
Article 118, paragraph 1, point (a)

(a) are made up of ***representatives*** of

(a) are made up of ***representative***

economic activities linked to the production of, trade in, or processing of products of *the following sectors*:

(i) *the olives sector*;

(ii) *the tobacco sector*;

*organisations* of economic activities linked to the production of *and* trade in *and/or* processing of products of *a given sector*;

Amendment 29

Article 118, paragraph 1, point (c), introductory part

(c) pursue a specific aim, *in particular* to:

(c) pursue a specific aim, *for example* to:

Amendment 30

Article 118, paragraph 1, point (c), point (i)

(i) concentrate and coordinate supply and marketing of the produce *of the members*;

(i) concentrate and coordinate supply and marketing of the produce *concerned*;

Amendment 31

Article 118, paragraph 1, point (c), point (ii)

(ii) adapt production and processing jointly to the requirements of the market and improve the product;

(ii) adapt production and/or processing jointly to the requirements of the market and improve the product;

Amendment 32

Article 118, paragraph 1, point (c), point (iv)

(iv) carry out research into sustainable production methods and market developments.

(iv) carry out research *and experiments* into *new* sustainable production methods and *studies on* market developments.

Amendment 33

Article 118, paragraph 1, point (c), point (iv a) (new)

*(iva) foster innovation, quality improvements, diversity, product safety, environmental protection and biodiversity.*

Amendment 34

Article 118, paragraph 1, point (c), point (iv b) (new)

*(ivb) ensure the provision of information on the product at all stages in the production and marketing chain and the promotion of the product.*

Amendment 35  
Article 118, paragraph 2 a (new)

***Organisations of an interbranch nature may ask the authorities which granted them recognition to make the rules, agreements and procedures they have adopted compulsory for all operators working with the product or group of products concerned.***

Amendment 36  
Article 124

***1. Without prejudice to cases where import licences are required in accordance with this Regulation, the Commission may make imports of one or more products of the following sectors into the Community subject to presentation of an import licence***

***(a) cereals,***

***(b) rice,***

***(c) sugar,***

***(d) seeds;***

***(e) olives, with regard to products falling within CN codes 1509, 1510 00, 0709 90 39, 0711 20 90, 2306 90 19, 1522 00 31 and 1522 00 39,***

***(f) flax and hemp, as far as hemp is concerned,***

***(g) bananas,***

***(h) live plants,***

***(i) beef and veal,***

***(j) milk and milk products,***

***(k) pigmeat,***

***1. In respect of the cereals, sugar, rice, flax and hemp, milk and beef and veal sectors (with regard to products referred to in Annex I, part XV, point (a)) and the olive sector (with regard to products falling within CN codes 1509, 1510 00, 0709 90 39, 0711 20 90, 2306 90 19, 1522 00 31 and 1522 00 39), all imports into the Community shall be subject to presentation of an import licence.***

***Derogations may, nonetheless, be granted:***

***(a) in respect of cereal products with no significant impact on the supply situation on this market;***

***(b) where the management of certain sugar or rice imports does not require an import certificate.***

- (l) *sheep meat and goat meat,*
- (m) *eggs,*
- (n) *poultry,*
- (o) *ethyl alcohol.*

***1a. In respect of other sectors and products, without prejudice to cases where import licences are required in accordance with this Regulation, the Commission may make imports into the Community subject to presentation of an import certificate.***

Amendment 37  
Article 135, paragraph 2

***2. Additional*** import duties ***shall not be imposed where the imports*** are unlikely to disturb the Community market, or ***where the*** effects ***would be*** disproportionate to the intended objective.

***2. The Council shall verify that additional import duties*** are unlikely to disturb the Community market, or ***that their*** effects ***are not*** disproportionate to the intended objective.

Amendment 38  
Article 187, paragraph 1 a (new)

***The Commission shall endeavour to apply the principle of cost-effectiveness in determining these rules and shall guarantee to the Member States that this will not result in an abnormal increase in their budgetary costs.***

Amendment 39  
Article 187, paragraph 2 a (new)

***The procedures upstream of such penalties shall respect the right of redress and the right to a fair hearing within the meaning of the Convention on the Protection of Human Rights and Fundamental Freedoms of 4 November 1950.***

Amendment 40  
Article 188, paragraph 1

1. The Commission shall be assisted by the

1. The Commission shall, ***depending on the***

***Management Committee for the Common Organisation of Agricultural Markets (hereinafter referred to as "the Committee").***

***markets concerned, be assisted by the management committees for meat, milk products, vegetable products or perennial crops.***

***1a. The Commission shall ensure, by means of procedures and adequate funding, that the experts appointed by Member States have a high level of expertise.***

Amendment 41  
Article 188, paragraph 1 b (new)

***1b. No later than two years after adoption of this Regulation, the Commission shall evaluate the lessons learnt from the work of the management committees and groups of sectoral experts and shall submit to the European Parliament and the Council a report on this subject accompanied by the comments of the Member States.***

Amendment 42  
Article 188, paragraph 1 c (new)

***1c. Article 7(3) of Decision 1999/468/EC shall apply to meetings of the management committees.***

Amendment 43  
Article 188, paragraph 3

3. The ***Committee*** shall adopt ***its*** Rules of Procedure.

3. The ***committees*** shall adopt ***their*** Rules of Procedure.

Amendment 44  
Article 195, paragraph 1, point (a)

(a) Regulations (EEC) No 234/68, (EEC) No 827/68, ***(EEC) No 2517/69***, (EEC) No 2728/75, (EEC) No 2729/75, (EEC) No 2759/75, (EEC) No 2771/75, (EEC) No 2777/75, (EEC) No 1055/77, (EEC) No 2931/79, (EEC) No 1358/80, (EEC) No 3730/87, (EEC) No 4088/87, (EEC) No 2075/92, (EEC) No 2077/92, (EEC)

(a) Regulations (EEC) No 234/68, (EEC) No 827/68, (EEC) No 2728/75, (EEC) No 2729/75, (EEC) No 2759/75, (EEC) No 2771/75, (EEC) No 2777/75, (EEC) No 1055/77, (EEC) No 2931/79, (EEC) No 1358/80, (EEC) No 3730/87, (EEC) No 4088/87, (EEC) No 2075/92, (EEC) No 2077/92, (EEC) No 404/93, (EC)

No 404/93, (EC) No 1254/1999, (EC)  
No 2529/2001, (EC) No 670/2003, (EC)  
No 797/2004 and (EC) No 1952/2005 as  
from 1 January 2008;

No 1254/1999, (EC) No 2529/2001, (EC)  
No 670/2003, (EC) No 797/2004 and (EC)  
No 1952/2005 as from 1 January 2008;

Amendment 45  
Article 198, paragraph 2, point (e)

*(e) as regards the wine sector as well as*                      *deleted*  
*Article 191, from 1 August 2008;*

Amendment 46  
Annex I, Part IX

Text proposed by the Commission

***Part IX: Fruit and Vegetables***

***As regards fruit and vegetables, this Regulation shall cover the products listed in the following table:***

<i>CN code</i>	<i>Description</i>
<i>0702 00 00</i>	<i>Tomatoes, fresh or chilled</i>
<i>0703</i>	<i>Onions, shallots, garlic, leeks and other alliaceous vegetables, fresh or chilled</i>
<i>0704</i>	<i>Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled</i>
<i>0705</i>	<i>Lettuce (<i>Lactuca sativa</i>) and chicory (<i>Cichorium spp.</i>), fresh or chilled</i>
<i>0706</i>	<i>Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled</i>
<i>0707 00</i>	<i>Cucumbers and gherkins, fresh or chilled</i>
<i>0708</i>	<i>Leguminous vegetables, shelled or unshelled, fresh or chilled</i>
<i>ex 0709</i>	<i>Other vegetables, fresh or chilled, excluding vegetables of subheadings 0709 60 91, 0709 60 95, 0709 60 99, 0709 90 31, 0709 90 39 and 0709 90 60</i>
<i>ex 0802</i>	<i>Other nuts, fresh or dried, whether or not shelled or peeled, excluding areca (or betel) and cola nuts falling within subheading 0802 90 20</i>
<i>0803 00 11</i>	<i>Fresh plantains</i>
<i>ex 0803 00 90</i>	<i>Dried plantains</i>
<i>0804 20 10</i>	<i>Figs, fresh</i>
<i>0804 30 00</i>	<i>Pineapples</i>
<i>0804 40 00</i>	<i>Avocados</i>
<i>0804 50 00</i>	<i>Guavas, mangos and mangosteens</i>

0805	<i>Citrus fruit, fresh or dried</i>
0806 10 10	<i>Fresh table grapes</i>
0807	<i>Melons (including watermelons) and pawpaws (papayas), fresh</i>
0808	<i>Apples, pears and quinces, fresh</i>
0809	<i>Apricots, cherries, peaches (including nectarines), plums and sloes, fresh</i>
0810	<i>Other fruit, fresh</i>
0813 50 31	<i>Mixtures exclusively of dried nuts of headings 0801 and 0802</i>
0813 50 39	
1212 99 30	<i>Carobs</i>
	<u>Amendment by Parliament</u>

*deleted*

Amendment 47  
Annex I, Part X

Text proposed by the Commission

***Part X: Processed Fruit and Vegetable Products***

***As regards processed fruit and vegetable products, this Regulation shall cover the products listed in the following table:***

<b><i>CN Code</i></b>	<b><i>Description</i></b>
(a) <b><i>ex 0710</i></b>	<b><i>Vegetables (uncooked or cooked by steaming or boiling in water) frozen, excluding sweetcorn of subheading 0710 40 00, olives of subheading 0710 80 10 and fruits of the genus Capsicum or of the genus Pimenta of subheading 0710 80 59</i></b>
<b><i>ex 0711</i></b>	<b><i>Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption, excluding olives of subheading 0711 20, fruits of the genus Capsicum or of the genus Pimenta of subheading 0711 90 10 and sweetcorn of subheading 0711 90 30</i></b>
<b><i>ex 0712</i></b>	<b><i>Dried vegetables, whole, cut, sliced, broken or in powder, but not further prepared, excluding potatoes dehydrated by artificial heat-drying and unfit for human consumption falling within subheading ex 0712 90 05, sweetcorn falling within the subheadings ex 0712 90 11 and 0712 90 19 and olives falling within subheading ex 0712 90 90</i></b>

	0804 20 90	<i>Dried figs</i>
	0806 20	<i>Dried grapes</i>
ex	0811	<i>Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, not containing added sugar or other sweetening matter, excluding frozen bananas falling within subheading ex 0811 90 95</i>
ex	0812	<i>Fruit and nuts, provisionally preserved (for example by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption, excluding bananas falling within subheading ex 0812 90 98</i>
ex	0813	<i>Fruit, dried, other than that of headings 0801 to 0806; mixtures of nuts or dried fruits of this chapter excluding mixtures exclusively of nuts of headings 0801 and 0802 falling within subheadings 0813 50 31 and 0813 50 39</i>
	0814 00 00	<i>Peel of citrus fruit or melons (including watermelons), fresh, frozen, dried or provisionally preserved in brine, in sulphur water or in other preservative solutions</i>
	0904 20 10	<i>Dried sweet peppers, neither crushed nor ground</i>
(b)	ex 0811	<i>Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, containing added sugar or other sweetening matter</i>
	ex 1302 20	<i>Pectic substances and pectinates</i>
	ex 2001	<i>Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid, excluding:</i> <ul style="list-style-type: none"> <li>- <i>fruit of the genus Capsicum other than sweet peppers or pimentos of subheading 2001 90 20</i></li> <li>- <i>sweetcorn (Zea mays var. saccharata) of subheading 2001 90 30</i></li> <li>- <i>yams, sweet potatoes and similar edible parts of plants containing 5% or more by weight of starch of subheading 2001 90 40</i></li> <li>- <i>palm hearts of subheading 2001 90 60</i></li> <li>- <i>olives of subheading 2001 90 65</i></li> <li>- <i>vine leaves, hop shoots and other similar edible parts of plants falling within subheading ex 2001 90 99</i></li> </ul>
	2002	<i>Tomatoes prepared or preserved otherwise than by vinegar or acetic acid</i>
	2003	<i>Mushrooms and truffles, prepared or preserved otherwise than by vinegar or acetic acid</i>
ex	2004	<i>Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than the products of heading 2006, excluding sweetcorn (Zea mays var. saccharata) of subheading ex 2004 90 10, olives of subheading ex 2004 90 30 and potatoes prepared or preserved in the form of flour, meal or flakes of subheading 2004 10 91</i>
ex	2005	<i>Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of</i>



	<i>heading 2006 excluding olives of subheading 2005 70, sweetcorn (Zea mays var. saccharata) of subheading 2005 80 00 and fruit of the genus Capsicum, other than sweet peppers or pimentos of subheading 2005 99 10 and potatoes prepared or preserved in the form of flour, meal or flakes of subheading 2005 20 10</i>
<i>ex 2006 00</i>	<i>Fruit, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallised), excluding bananas preserved by sugar falling within headings ex 2006 00 38 and ex 2006 00 99</i>
<i>ex 2007</i>	<p><i>Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, whether or not containing added sugar or other sweetening matter, excluding:</i></p> <ul style="list-style-type: none"> <li><i>– homogenised preparations of bananas of subheading ex 2007 10</i></li> <li><i>– jams, jellies, marmalades, purée or pastes of bananas of subheadings ex 2007 99 39, ex 2007 99 57 and ex 2007 99 98</i></li> </ul>
<i>ex 2008</i>	<p><i>Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included, excluding:</i></p> <ul style="list-style-type: none"> <li><i>– peanut butter of subheading 2008 11 10</i></li> <li><i>– palm hearts of subheading 2008 91 00</i></li> <li><i>– maize of subheading 2008 99 85</i></li> <li><i>– yams, sweet potatoes and similar edible parts of plants, containing 5% or more by weight of starch of subheading 2008 99 91</i></li> <li><i>– vine leaves, hop shoots and other similar edible parts of plants falling within subheading ex 2008 99 99</i></li> <li><i>– mixtures of banana otherwise prepared or preserved of subheadings ex 2008 92 59, ex 2008 92 78, ex 2008 92 93 and ex 2008 92 98</i></li> <li><i>– bananas otherwise prepared or preserved of subheadings ex 2008 99 49, ex 2008 99 67 and ex 2008 99 99</i></li> </ul>
<i>ex 2009</i>	<i>Fruit juices (excluding grape juice and grape must of subheadings 2009 61 and 2009 69 and banana juice of subheading ex 2009 80) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter</i>
	<u>Amendment by Parliament</u>

*deleted*

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Amendment 48  
Annex I, Part XII

Text proposed by the Commission

***Part XII: Wine***

***As regards wine, this Regulation shall cover the products listed in the following table:***

<i>CN codes</i>		<i>Description</i>
(a)	<b><i>2009 61</i></b>	<b><i>Grape juice (including grape must)</i></b>
	<b><i>2009 69</i></b>	
	<b><i>2204 30 92</i></b>	<b><i>Other grape musts, other than those in fermentation or with fermentation arrested otherwise than by the addition of alcohol</i></b>
	<b><i>2204 30 94</i></b>	
	<b><i>2204 30 96</i></b>	
	<b><i>2204 30 98</i></b>	
(b)	<b><i>ex 2204</i></b>	<b><i>Wine of fresh grapes, including fortified wines; grape must other than that of heading 2009, excluding other grape must of subheadings 2204 30 92, 2204 30 94, 2204 30 96 and 2204 30 98</i></b>
(c)	<b><i>0806 10 90</i></b>	<b><i>Fresh grapes other than table grapes</i></b>
	<b><i>2209 00 11</i></b>	<b><i>Wine vinegar</i></b>
	<b><i>2209 00 19</i></b>	
(d)	<b><i>2206 00 10</i></b>	<b><i>Piquette</i></b>
	<b><i>2307 00 11</i></b>	<b><i>Wine lees</i></b>
	<b><i>2307 00 19</i></b>	
	<b><i>2308 00 11</i></b>	<b><i>Grape marc</i></b>
	<b><i>2308 00 19</i></b>	

Amendment by Parliament

***deleted***

Amendment 49  
Annex II a (new)

Amendment by Parliament

**ANNEX IIa**

## ***PURCHASE TERMS FOR BEET***

### ***POINT I***

***For the purposes of this Annex "Contracting Parties" means:***

***(a) sugar undertakings (hereinafter referred to as "manufacturers"),***

***and***

***(b) beet sellers (hereinafter referred to as "sellers").***

### ***POINT II***

***1. Delivery contracts shall be made in writing for a specified quantity of quota beet.***

***2. Delivery contracts shall specify whether an additional quantity of beet may be supplied, and under what terms.***

### ***POINT III***

***1. Delivery contracts shall indicate the purchase prices for the quantities of beet, on the understanding that a distinction shall be drawn depending on whether the quantities of sugar produced from that beet are:***

***(a) quota sugar;***

***(b) surplus sugar.***

***In the case of the quantities referred to in point (a), the prices may not be lower than the minimum price for quota beet indicated in Article 5(1) of Council Regulation (EC) No 318/2006.***

***2. Delivery contracts shall lay down a fixed sugar content for beet. They shall include a conversion scale showing the different sugar contents and factors for converting the quantities of beet supplied into quantities corresponding to the sugar content shown in the delivery contract.***

***The scale shall be based on the yields corresponding to the different sugar contents.***

***3. Where a seller has signed a delivery contract with a manufacturer for the delivery of beet intended for the production of quota sugar, all deliveries by that seller, converted in accordance with paragraph 2 of this Point, shall be considered to be deliveries of beet intended for the production of quota sugar, up to the quantity of beet specified in the delivery contract.***

***4. Manufacturers producing a quantity of sugar lower than their quota beet for which they have signed pre-sowing delivery contracts shall distribute the quantity of beet corresponding to any additional production up to the amount of their quota among the sellers with whom they have signed pre-sowing contracts for the delivery of beet intended for the production of quota sugar.***

***Agreements within the trade may derogate from this provision.***

#### ***POINT IV***

- 1. Delivery contracts shall contain provisions concerning the staggering and normal duration of beet deliveries.***
- 2. Provisions referred to in paragraph 1 shall be those applicable during the previous marketing year, taking account of the level of actual production; agreements within the trade may derogate therefrom.***

#### ***POINT V***

- 1. Delivery contracts shall provide for beet collection places.***
- 2. Where sellers and manufacturers have already signed a delivery contract for the previous marketing year, the collection places agreed upon by them for deliveries during that marketing year shall remain in operation. Agreements within the trade may derogate from this provision.***
- 3. Delivery contracts shall provide that loading and transport costs from the collection places are to be borne by the manufacturer subject to special agreements based on local rules or usages in operation before the previous marketing year.***
- 4. However, in Denmark, Greece, Spain, Ireland, Portugal, Finland and the United Kingdom, where beet is delivered free-at-factory, delivery contracts shall require manufacturers to contribute to loading and transport costs and shall stipulate the percentage or amounts.***

#### ***POINT VI***

- 1. Delivery contracts shall provide for reception points for beet.***
- 2. Where sellers and manufacturers have already signed a delivery contract for the previous marketing year, the reception points agreed upon by them for deliveries during that marketing year shall remain in operation. Agreements within the trade may derogate from this provision.***

#### ***POINT VII***

- 1. Delivery contracts shall provide for the sugar content to be determined using the polarimetric method. A sample of the beet shall be drawn at the time of reception.***
- 2. Agreements within the trade may provide for samples to be drawn at another stage. In such cases, the delivery contract shall provide for a correction to compensate for any drop in the sugar content between the reception and the drawing of the sample.***

#### ***POINT VIII***

***Delivery contracts shall provide for gross weight, tare and sugar content to be determined using one of the following procedures:***

- (a) jointly, by the manufacturer and the beet growers' trade organisation, if an***

*agreement within the trade so provides;*

*(b) by the manufacturer, under the supervision of the beet growers' trade organisation;*

*(c) by the manufacturer, under the supervision of an expert recognised by the Member State concerned, provided the seller defrays the costs thereof.*

#### **POINT IX**

*1. Delivery contracts shall require manufacturers to do one or more of the following for the whole quantity of beet delivered:*

*(a) to return the fresh pulp from the tonnage of beet delivered free of charge to the seller, ex factory;*

*(b) to return part of that pulp, pressed, dried or dried and molassed, free of charge to the seller, ex factory;*

*(c) to return the pulp, pressed or dried, to the seller, ex factory; in this case, the manufacturer may require the seller to pay the pressing or drying costs;*

*(d) to pay the seller compensation which takes account of the possibilities of selling the pulp concerned.*

*When parts of the whole quantity of beet delivered are subject to different treatment, the delivery contract shall impose more than one of the obligations provided for in the first subparagraph.*

*2. Agreements within the trade may provide for pulp to be delivered at a stage other than that referred to in paragraph 1(a), (b) and (c).*

#### **POINT X**

*1. Delivery contracts shall fix the time limits for any advance payments and for payment of the purchase price for beet.*

*2. The time limits referred to in paragraph 1 shall be those valid during the previous marketing year. Agreements within the trade may derogate from this provision.*

#### **POINT XI**

*Where delivery contracts lay down rules covering matters which are dealt with in this Annex, or where they contain provisions governing other matters, their provisions and effects shall not conflict with this Annex.*

#### **POINT XII**

*1. Agreements within the trade shall contain arbitration clauses.*

*2. Where agreements within the trade at Community, regional or local level lay down rules covering matters which are dealt with in this Regulation, or where they contain provisions governing other matters, their provisions and effects shall not conflict with*

*this Annex.*

*3. Agreements referred to in paragraph 2 lay down, in particular:*

- (a) rules on the distribution to sellers of quantities of beet which the manufacturer decides to buy prior to sowing, for the manufacture of sugar within the limits of the quota;*
- (b) rules on distribution as referred to in Point III(4);*
- (c) the conversion scale referred to in Point III(2);*
- (d) rules on the choice and supply of seeds of the varieties of beet to be produced;*
- (e) the minimum sugar content of beet to be delivered;*
- (f) a requirement for consultation between the manufacturer and the sellers' representatives before the starting date of beet deliveries is fixed;*
- (g) the payment of premiums to sellers for early or late deliveries;*
- (h) details of:*
  - (i) the part of the pulp referred to in Point IX(1)(b),*
  - (ii) the costs referred to in Point IX(1)(c),*
  - (iii) the compensation referred to in Point IX(1)(d);*
- (i) the removal of pulp by the seller;*
- (j) without prejudice to the provisions concerning the minimum price for quota beet, as laid down in Article 5(1) of Regulation (EC) No 318/2006, rules on how any difference between the reference price and the actual selling price of the sugar is to be allocated between the manufacturer and sellers.*

### **POINT XIII**

*Where there is no set agreement within the trade as to how the quantities of beet intended for the manufacture of sugar within the quota limits which the manufacturer offers to buy before sowing should be allocated among the sellers, the Member State concerned may itself lay down rules for such allocation.*

*Those rules may also grant to traditional sellers of beet to cooperatives delivery rights other than those which they would enjoy if they belonged to such cooperatives.*