



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Agriculture and Rural Development

2011/0290(COD)

21.6.2012

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DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 3/2008 on information provision and promotion measures for agricultural products on the internal market and in third countries
(COM(2011)0663 – C7-0365/2011 – 2011/0290(COD))

Committee on Agriculture and Rural Development

Rapporteur: José Bové

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 3/2008 on information provision and promotion measures for agricultural products on the internal market and in third countries (COM(2011)0663 – C7-0365/2011 – 2011/0290(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0663),
 - having regard to Article 294(2) and Articles 42 and 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0365/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development (A7-0000/2012),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation – amending act

Article 1 – paragraph 2

Regulation (EC) No. 3/2008

Article 4 – paragraph 1

Text proposed by the Commission

The Commission shall, *by means of* delegated acts, *draw up lists of* the themes and products under Article 3 and the third countries concerned.

Amendment

The Commission shall *adopt* delegated acts, *in accordance with Article 16a, amending* the themes and products under Article 3 *set out in Annex (IA)* and the third countries concerned.

Justification

The list of themes and product is estimated as an essential element of the regulation and therefore has to be included as an Annex of the basis act, the delegation of power concerns the modification of these lists.

Amendment 2**Proposal for a regulation – amending act****Article 1 – paragraph 8**

Regulation (EC) No 3/2008

Article 10 – introductory sentence

Text proposed by the Commission

After informing the committee referred to in Article 16b(1) or, where necessary, the committee for organic farming set up by Article 38e of Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products or the Agricultural Product Quality Policy Committee set up by Article [54] of Regulation of the European Parliament and of the Council No XXX/201X on agricultural product quality schemes, , the Commission may **decide** to carry out one or more of the following measures:

Amendment

After informing the committee referred to in Article 16b(1) or, where necessary, the committee for organic farming set up by Article 38e of Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products or the Agricultural Product Quality Policy Committee set up by Article [54] of Regulation (EU) No .../... of the European Parliament and of the Council on agricultural product quality schemes, , the Commission may **adopt implementing acts, without applying the procedure referred to in Article 16b(2), deciding** to carry out one or more of the following measures:

Justification

This amendment reflects the wording used in other alignment files for provisions where the Commission adopts decisions without a Committee.

Amendment 3

Proposal for a regulation – amending act

Article 1 – paragraph 11 – point b

Regulation (EC) No 3/2008

Article 13 – paragraph 8

Text proposed by the Commission

8. Securities shall be lodged by proposing organisations in order to ensure the proper implementation of the programmes and penalties shall be imposed on proposing organisations if they fail to fulfil their obligations.

Amendment

8. Securities shall be lodged by proposing organisations in order to ensure the proper implementation of the programmes and penalties shall be imposed on proposing organisations if they fail to fulfil their obligations. ***In the case of fraud or gross negligence, the proposing organisation shall repay twice the difference between the amount initially paid and the amount actually due.***

Or. en

Justification

This amendment reflects the horizontal approach in other alignment acts with regard to sanctions. (The text from the existing Commission Regulation is inserted in the basic act).

Amendment 4

Proposal for a regulation – amending act

Article 1 – paragraph 11 – point b

Regulation (EC) No 3/2008

Article 13 – paragraph 9 – point e

Text proposed by the Commission

(e) the modalities of the checks to be performed by the Member States ***and the penalties to which proposing organisations are liable.***

Amendment

(e) the modalities of the checks to be performed by the Member States.

Or. en

Justification

Consequence of the previous amendment.

Amendment 5

Proposal for a regulation – amending act

Article 1 – paragraph 14 – introductory sentence

Regulation (EC) No 3/2008

Article 17 – point b – introductory sentence

Text proposed by the Commission

Amendment

Before adopting *delegated acts or* implementing acts referred to in this Regulation, the Commission may consult:

Before adopting implementing acts referred to in this Regulation, the Commission may consult:

Or. en

Justification

This amendment takes into account the fact that there are no existing rules on which specific experts the European Commission should consult when preparing delegated acts.

Amendment 6

Proposal for a regulation – amending act

Article 1 – paragraph 14 a

Regulation (EC) No. 3/2008

Annex I a (new)

Text proposed by the Commission

Amendment

14a. Annex IA is inserted:

" 1. INTERNAL MARKET

A. LIST OF THEMES AND PRODUCTS

- Fresh fruit and vegetables*
- Processed fruit and vegetables*
- Fibre flax and flax seeds*
- Live plants and products of ornamental horticulture*
- Olive oil and table olives*
- Seed oils*
- Milk and milk products*

- *Fresh, chilled or frozen meat, produced in accordance with a Community or a national quality scheme*
- *Honey and beekeeping products*
- *Quality wines produced in a specified region (psr), table wines with a geographical indication*
- *Graphic symbols for the outermost regions as laid down in agricultural legislation*
- *Protected designations of origin (PDO), protected geographical indications (PGI) or traditional specialities guaranteed (TSG) in accordance with Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed¹ or or Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs² and products registered under these schemes*
- *Organic farming in accordance with Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs³ and products registered according to that Regulation*
- *Poultrymeat*

2. THIRD COUNTRIES

A. LIST OF PRODUCTS WHICH MAY BE COVERED BY PROMOTIONAL MEASURES

- *Fresh, chilled and frozen beef, veal and pigmeat; food preparations based on these products*
- *Quality poultrymeat*
- *Milk products*
- *Olive oil and table olives*
- *Table wines with a geographical*

indication. Quality wines produced in a specified region (psr)

- Spirit drinks with a geographical or reserved traditional indication*
- Fresh and processed fruit and vegetables*
- Products processed from cereals and rice*
- Fibre flax and flax seeds*
- Live plants and ornamental horticulture products*
- Protected designations of origin (PDO), protected geographical indications (PGI) or traditional specialities guaranteed (TSG) in accordance with Council Regulation (EC) No 509/2006 or Council Regulation 510/2006*
- Organic farming products in accordance with Council Regulation (EEC) No 2092/91*

***B. LIST OF THIRD COUNTRY
MARKETS IN WHICH PROMOTIONAL
MEASURES MAY BE CARRIED OUT***

A. Countries

- South Africa*
- Former Yugoslav Republic of Macedonia*
- Australia*
- Bosnia and Herzegovina*
- China*
- South Korea*
- Croatia*
- India*
- Japan*
- Kosovo*
- Montenegro*
- Norway*
- New Zealand*

- Russia*
- Serbia*
- Switzerland*
- Turkey*
- Ukraine*

B. Geographical areas

- North Africa*
- North America*
- Latin America*
- South-east Asia*
- Middle East."*

¹ *OJ L 93, 31.3.2006, p. 1.*

² *OJ L 93, 31.3.2006, p. 12.*

³ *OJ L 198, 22.7.1991, p. 1.*

Or. en

Commission Regulation (EC) No. 501/2008, parts of Annex I and Annex II

Justification

Follows amendment 1, reflect the current lists in Annex I (parts) and Annex II of the Commission Regulation (EC) No. 501/2008.

EXPLANATORY STATEMENT

Articles 290 and 291 of the Treaty on the Functioning of the European Union (TFEU) distinguish two different types of Commission acts:

Article 290 of the TFEU allows the legislator to delegate to the Commission the power to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a legislative act. Legal acts adopted by the Commission in this way are referred to in the terminology used by the Treaty as "delegated acts" (Article 290(3)).

Article 291 of the TFEU allows Member States to adopt all measures of national law necessary to implement legally binding Union acts. Those acts can confer implementing powers on the Commission where uniform conditions for implementing them are needed. Legal acts adopted by the Commission in this way are referred to in the terminology used by the Treaty as "implementing acts" (Article 291(4)).

The objective of the present proposal consists in aligning Council Regulation (EC) No 3/2008¹ of 17 December 2007 on information provision and promotion measures for agricultural products on the internal market and third countries with those provisions of the TFEU.

From the point of view of the Rapporteur in this proposal the Commission has done an accurate repartition between more general provisions, establishing additional elements (provisions 290) and more technical elements that are very much connected with the discretion that Member States enjoy in implementing this measure (provisions 291).

The amendments which are proposed by the Rapporteur reflect the horizontal approach (positions or wordings) of the institutions or the EPs position of other alignment acts which were under discussion so far.

The list of themes and products was incorporated as an Annex in the basis act as it is estimated as an essential element of this regulation.

¹ OJ L 3, 5.1.2008, p. 1.