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Committee on Agriculture and Rural Development

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**2011/0281(COD)**

25.7.2012

# **AMENDMENTS 1849 - 2094**

**Draft report**  
**Michel Dantin**  
(PE485.843v02)

Proposal for a regulation of the European Parliament and of the Council  
establishing a common organisation of the markets in agricultural products  
(Single CMO Regulation) ('the Single CMO regulation')

Proposal for a regulation  
(COM(2011)0626 final/3 – C7-0339/2011 – 2011/0281(COD))



**Amendment 1849**

**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

**Proposal for a regulation**

**Part II – Title II – Chapter III – Section 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**SECTION 3A**

**CONTRACTUAL SYSTEMS**

**Article 113a**

***Contractual Relations***

***1. Without prejudice to Articles 104a and 105a concerning the milk and milk products sector and Article 101 concerning the sugar sector, if a Member State decides that every delivery in its territory of agricultural products from a sector listed in Article 1(2) of this Regulation, by a producer to a processor or distributor must be covered by a written contract between the parties or decides that the first purchasers must make a written offer for a contract for the delivery of agricultural products by the producer, such a contract or such an offer for a contract shall fulfil the conditions laid down in paragraph 2.***

***Where the Member State decides that deliveries of the products concerned by a producer to a purchaser 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.***

***The Member States shall ensure that contracts in the sectors in question are fulfilled and shall establish a mediation mechanism to cover cases in which no such contract can be concluded by mutual agreement, thereby ensuring fair***

*contractual relations.*

**2. The contract and the offer for a contract 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, 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 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.**

**3. By way of derogation from paragraph 1, a contract and/or an offer for a contract shall not be required where the products concerned are delivered by a producer to a purchaser being a cooperative of which the producer 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 agricultural products concluded by producers, collectors, processors or distributors, including those elements referred to in paragraph 2(c), shall be freely negotiated between the parties.*

*Notwithstanding the provisions of the first paragraph:*

*i) where a Member State decides to make written contracts for the delivery of agricultural products compulsory in accordance with paragraph 1 of this Article, it may establish a minimum duration, applicable only to written contracts between a farmer 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;*

*ii) where a Member State decides that the first purchaser of agricultural products must make a written offer for a contract to the farmer in accordance with paragraph 1, it may provide that the offer shall include a minimum duration of the contract as 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 paragraph 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 paragraph 2(c).*

*5. 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 paragraph 2(a) and (b) 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 162(2).**

Or. es

*Justification*

*The amendment adds only a new subparagraph to the rapporteur's Article 113(a)(1) (Amendment 333 to the Dantin report). The adoption of Regulation (EU) No 261/2012 on contractual relations in the milk and milk products sector has been widely hailed as representing significant progress in existing relationships within the food supply chain. All sectors should be covered by an optional contract system.*

**Amendment 1850**

**Salvador Sedó i Alabart, Maria Badia i Cutchet, Raimon Obiols, Ramon Tremosa i Balcells, Santiago Fisas Ayxela**

**Proposal for a regulation  
Article 113 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 113a**

**Contractual Relations**

**1. If a Member State decides that deliveries of a product by a farmer to a processor must be covered by a written contract between the parties, the contract shall fulfil the conditions laid down in paragraph 2. In the case described in the first paragraph, the Member State concerned shall also decide that if the delivery of the product is made through one or more collectors, each stage of the delivery must be covered by that contract between the parties. To this end, a**

*'collector' means an undertaking which transports a product from a farmer or another collector to a processor or another collector, provided that the ownership of the product is transferred in each case.*

**2. The contract shall:**

*a) be concluded 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*

*– vary only according to factors which are set out in the contract, in particular the development of the market situation based on market indicators, the volume delivered and the quality or composition of the product delivered;*

*ii) the volume which may and/or shall be delivered and the timing of deliveries, and*

*(iii) the duration of the contract, which may include an indefinite duration with termination clauses.*

**3. Notwithstanding the provisions of paragraph 1, a contract shall not be required where the product is delivered by a farmer to a processor where the processor is a cooperative of which the farmer is a member if its statutes contain provisions having similar effects as those set out in points (a), (b) and (c) of paragraph 2.**

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

***5. In order to guarantee a uniform application of this Article, the Commission may, by means of implementing acts, adopt necessary measures. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).***

Or. es

**Amendment 1851**  
**Eric Andrieu, Marc Tarabella**

**Proposal for a regulation**  
**Article 113 b (new)**

*Text proposed by the Commission*

*Amendment*

***Article 113b***

***Contractual negotiations***

***1. A producer organisation for one of the sectors listed in Article 1(2) of this Regulation, recognised under Article 106, may negotiate on behalf of its producer members, in respect of part or all of their joint production, contracts for the delivery of agricultural products by a producer to a processor, an intermediary or a distributor.***

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

***(a) whether or not there is a transfer of ownership of the products concerned by the producers to the producer organisation;***

***(b) whether or not the price negotiated is the same for the joint production of all of the producer members or only of some of them;***

***(c) provided 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 producers hold two distinct production units located in different geographic areas;*

*(d) provided that the products in question are 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*

*(e) provided that the producer organisation notifies the competent authorities of the Member State or Member States in which it operates of the quantities of the agricultural products covered by such negotiations.*

*3. For the purposes of this Article, references to producer organisations shall also cover associations of such producer organisations.*

*4. The Member States in which negotiations take place in accordance with this Article shall notify the Commission of the application of paragraph 2(e).*

*5. The thresholds laying down production volumes to which collective negotiations might apply can be found in the Annex to this Regulation.*

Or. fr

**Amendment 1852**

**Salvador Sedó i Alabart, Maria Badia i Cutchet, Raimon Obiols, Ramon Tremosa i Balcells, Santiago Fisas Ayxela**

**Proposal for a regulation  
Article 113 b (new)**

***Article 113b***

***Contractual negotiations***

***1. Contracts for the delivery of a product by a farmer to a processor or a collector within the meaning of the second subparagraph of Article 100(a)(1) may be negotiated by a producer organisation which is recognised under Article 106, on behalf of its farmer members for part or all of their joint production.***

***2. The negotiation by the producer organisation may take place:***

***a) whether or not there is a transfer of ownership of the product 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 the total volume of the product covered by such negotiations by a particular producer organisation does not exceed:***

***i) 3.5 % of total Union production, and***

***ii) 33 % of the total national production of any particular Member State covered by such negotiations by that producer organisation, and***

***(iii) 33 % of the total combined national production of all the Member States covered by such negotiations by that producer organisation,***

***d) provided that the farmers concerned are not members of any other producer organisation which also negotiates such contracts on their behalf;***

***e) provided that the producer organisation notifies the competent authorities of the Member State or Member States in which it operates.***

**3. For the purposes of this Article, references to producer organisations shall also cover associations of such producer organisations. Taking into account the need to ensure that these associations are appropriately monitored, the Commission shall be empowered to adopt delegated acts in accordance with the procedure referred to in Article 160 concerning the conditions for recognition of such associations.**

**4. Notwithstanding the provisions of paragraph 2(c)(ii) and (iii), even where the threshold of 33 % is not exceeded, the competition authority referred to in the second paragraph may decide in an individual case that the negotiation by the producer organisation may not take place if it considers that this is necessary in order to prevent competition being excluded or in order to avoid serious prejudice to SME processors of the product in question in its territory.**

**The decision referred to in the first subparagraph of this paragraph shall be taken by the Commission, by way of an implementing act, adopted in accordance with the advisory procedure referred to in Article 14 of Regulation (EC) No 1/2003 for negotiations covering the production of more than one Member State. In other cases it shall be taken by the national competition authority of the Member State the production of which is covered by the negotiations. The decisions referred to in the first and second subparagraphs of this paragraph shall not apply earlier than the date of their notification to the undertakings concerned.**

**5. For the purposes of this Article:**

**a) a 'national competition authority' shall be the authority referred to in Article 5 of Regulation (EC) No 1/2003;**

**b) a 'SME' shall mean a micro, small or medium-sized enterprise within the meaning of Commission**

*Justification*

*The Common Agricultural Policy should encourage the establishment of agricultural cooperatives and the conclusion of contracts between producers and processors, thereby extending the arrangements in force in the milk sector to other sectors.*

**Amendment 1853**  
**Izaskun Bilbao Barandica**

**Proposal for a regulation**  
**Article 113 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 113b**

***Contractual negotiations with other  
sectors***

***Contractual negotiations in other sectors,  
including the fruit and vegetables sectors  
and processors***

***Without prejudice to Articles 104 and 105,  
provisions shall be adopted in accordance  
with Article 42 and paragraph 2 of Article  
43 of the Treaty on the Functioning of the  
European Union to enable recognised  
producer organisations and cooperatives  
comprising farmers or associations of  
farmers to negotiate the terms of potential  
contracts with a purchaser, including the  
price for some or all of their members'  
production.***

***In order to maintain effective competition  
in the various agricultural sectors, this  
scope for negotiation shall be subject to  
appropriate limits to be laid down jointly  
by the European Parliament and the  
Council, as is the case in the milk sector;  
those limits may take the form, for  
example, of a percentage of Union  
production or of the production of any***

***Member State covered by such negotiations.***

***When negotiating prices for potential contracts between the producers listed in the first subparagraph and purchasers, in accordance with the requirements under the previous subparagraph, and in order to make for the fairer distribution of the added value generated throughout the supply chain, account may be taken of objective indicators linked to production costs.***

Or. es

*Justification*

*Se deben ampliar ciertas medidas del paquete lácteo a otros sectores, especialmente la capacidad por parte de las organizaciones y cooperativas de productores de poder negociar de una manera agrupada los términos del contrato, incluyendo el precio. El artículo 42 del Tratado de Funcionamiento de la Unión Europea (TFUE) establece que las normas sobre la competencia de la Unión, son aplicables a la producción y al comercio de los productos agrícolas sólo en la medida determinada por el Parlamento Europeo y el Consejo, en el marco de las disposiciones del artículo 43, apartado 2 del TFUE, el cual prevé el establecimiento de la organización común de los mercados agrícolas. De la misma manera que las normas de competencia prohíben la venta a pérdidas en la cadena de suministros, se debe evitar posibles imposiciones al sector productor que fueren a una venta de sus producciones por debajo de sus costes de producción, en aras de una distribución más equitativa del valor añadido generado a lo largo de la cadena de suministros.*

**Amendment 1854**  
**Rareş-Lucian Niculescu**

**Proposal for a regulation**  
**Article 113 c (new)**

*Text proposed by the Commission*

*Amendment*

***Article 113 c***

***Contracts in the hops sector***

***1. Any contract to supply hops produced within the Union concluded between a producer or producer organisation on the one hand and a buyer on the other shall***

*be registered by the bodies designated for that purpose by each producer Member State concerned.*

*2. Contracts relating to the supply of specific quantities at agreed prices for a period covering one or more harvests and concluded before 1 August of the year of the first harvest concerned shall be known as 'contracts concluded in advance'. They shall be registered separately.*

*3. The data on which registration is based may be used only for the purposes of this Regulation.*

*4. The Commission shall lay down the detailed rules concerning the registration of contracts to supply hops*

Or. en

**Amendment 1855**  
**Rareş-Lucian Niculescu**

**Proposal for a regulation**  
**Article 114 – paragraph 1 – introductory part**

*Text proposed by the Commission*

Taking into account the need to ensure that the objectives and responsibilities of producer organisations, operator organisations in the olive oil and table olives sector and interbranch organisations are clearly defined so as to contribute to the effectiveness of the actions of such organisations, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 regarding producer organisations, associations of producer organisations, interbranch organisations and operator organisations on the following:

*Amendment*

Taking into account the need to ensure that the objectives and responsibilities of producer organisations, operator organisations in the olive oil and table olives sector and interbranch organisations are clearly defined so as to contribute to the effectiveness of the actions of such organisations, the Commission shall be empowered to adopt delegated acts ***individually for each sector listed in article 1 (2) in*** accordance with Article 160 regarding producer organisations, associations of producer organisations, interbranch organisations and operator organisations on the following:

Or. en

**Amendment 1856**

**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

**Proposal for a regulation**

**Article 114 – paragraph 1 – point a**

*Text proposed by the Commission*

a) the specific aims which may, shall or shall not be pursued by such organisations and associations, including derogations from those laid down in Articles 106 to 109;

*Amendment*

a) the specific aims which may, shall or shall not be pursued by such organisations and associations ***in the fruit and vegetables, olive oil and table olives, and wine sectors***, including derogations from those laid down in Articles 106 to 109;

Or. es

*Justification*

*The specific aims are already outlined in Articles 106 and 108 of the basic act. Delegated acts should be used only in the case of the above-mentioned sectors.*

**Amendment 1857**

**Esther de Lange, Marianne Thyssen, Ivo Belet**

**Proposal for a regulation**

**Article 114 – paragraph 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***(a a) horizontal recommendations for interprofessional agreements concluded by the organizations pursuant to article 108 of the guidelines for interprofessional agreements;***

Or. en

**Amendment 1858**

**Marc Tarabella**

**Proposal for a regulation**  
**Article 114 – paragraph 1 – point a (new)**

*Text proposed by the Commission*

*Amendment*

***(a a) the horizontal recommendations for interbranch agreements concluded by organisations pursuant to the guidelines set out in Article 108 on interbranch agreements.***

Or. fr

**Amendment 1859**  
**Rareş-Lucian Niculescu**

**Proposal for a regulation**  
**Article 114 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) the rules of association, the recognition, structure, legal personality, membership, size, accountability and activities of such organisations and associations, ***the requirement referred to in point (d) of Article 106 for recognition of a producer organisation that it does not hold a dominant position on a given market unless this is necessary in pursuance of the objectives of Article 39 of the Treaty,*** the effects deriving from recognition, the withdrawal of recognition, and mergers;

(b) the rules of association, the recognition, structure, legal personality, membership, size, accountability and activities of such organisations and associations, the effects deriving from recognition, the withdrawal of recognition, and mergers;

Or. en

**Amendment 1860**  
**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

**Proposal for a regulation**  
**Article 114 – paragraph 1 – point b**



*Text proposed by the Commission*

b) the rules of association, the recognition, structure, legal personality, membership, size, accountability and activities of such organisations and associations, ***the requirement referred to in point (d) of Article 106 for recognition of a producer organisation that it does not hold a dominant position on a given market unless this is necessary in pursuance of the objectives of Article 39 of the Treaty,*** the effects deriving from recognition, the withdrawal of recognition, and mergers;

*Amendment*

b) the rules of association, the recognition, structure, legal personality, membership, size, accountability and activities of such organisations and associations, the effects deriving from recognition, the withdrawal of recognition, and mergers;

Or. es

*Justification*

*Point (d) of Article 106 has been deleted.*

**Amendment 1861**

**James Nicholson, Julie Girling, Anthea McIntyre**

**Proposal for a regulation**

**Article 114 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) the rules of association, ***the recognition,*** structure, legal personality, membership, size, accountability and activities of such organisations and associations, the requirement referred to in point (d) of Article 106 for recognition of a producer organisation that it does not hold a dominant position on a given market unless this is necessary in pursuance of the objectives of Article 39 of the Treaty, the effects deriving from ***recognition, the withdrawal of recognition,*** and mergers;

*Amendment*

(b) the rules of association, structure, legal personality, membership, size, accountability and activities of such organisations and associations, the requirement referred to in point (d) of Article 106 for recognition of a producer organisation that it does not hold a dominant position on a given market unless this is necessary in pursuance of the objectives of Article 39 of the Treaty, the effects deriving from and mergers;

Or. en

*Justification*

*Article 114 empowers the Commission to adopt delegated acts setting out detailed rules in relation to producer organisations. This should include rules on recognition as well as clear rules on when recognition can be suspended or withdrawn and when remedial measures can be requested.*

**Amendment 1862**

**James Nicholson, Julie Girling, Anthea McIntyre**

**Proposal for a regulation**

**Article 114 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(b a) the rules on recognition, withdrawal and suspension of recognition and requirements for such organisations and associations to take remedial measures in the event of non-respect of the recognition criteria;***

Or. en

*Justification*

*Article 114 empowers the Commission to adopt delegated acts setting out detailed rules in relation to producer organisations. This should include rules on recognition as well as clear rules on when recognition can be suspended or withdrawn and when remedial measures can be requested.*

**Amendment 1863**

**Rareș-Lucian Niculescu**

**Proposal for a regulation**

**Article 114 – paragraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

(f) the extension of certain rules of the organisations provided for in Article 110 to non-members and the compulsory payment of subscriptions by non-members referred to in Article 111, including a list of the

(f) the extension of certain rules of the organisations provided for in Article 110 to non-members ***taking into consideration the aims that each of these organisation may pursue in accordance with article***

stricter production rules which may be extended under point (b) of the first subparagraph of Article 110(4), further requirements as regards representativeness, the economic areas concerned, including Commission scrutiny of their definition, minimum periods during which the rules shall apply before their extension, the persons or organisations to whom the rules or contributions may be applied, and the circumstances in which the Commission may require that the extension of rules or compulsory contributions shall be refused or withdrawn.

**106, 107 and 108, and** the compulsory payment of subscriptions by non-members referred to in Article 111, including a list of the stricter production rules which may be extended under point (b) of the first subparagraph of Article 110(4), further requirements as regards representativeness, the economic areas concerned, including Commission scrutiny of their definition, minimum periods during which the rules shall apply before their extension, the persons or organisations to whom the rules or contributions may be applied, and the circumstances in which the Commission may require that the extension of rules or compulsory contributions shall be refused or withdrawn.

Or. en

**Amendment 1864**  
**Esther de Lange**

**Proposal for a regulation**  
**Article 114 – paragraph 1 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(f a) achieving sustainable management of natural resources by allowing recognised producer organisations including co-operatives to achieve collective horizontal and vertical agreement with competitors and food chain partners on including in prices the costs of investments in sustainable production;***

Or. en

**Amendment 1865**  
**Rareș-Lucian Niculescu**

**Proposal for a regulation**  
**Article 115 – paragraph 1**

*Text proposed by the Commission*

The Commission may, by means of implementing acts, adopt the necessary measures concerning this Chapter, in particular on the procedures and technical conditions as regards the implementation of the measures referred to in Articles 110 and 112. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).

*Amendment*

The Commission may, by means of implementing acts, adopt the necessary measures concerning this Chapter, in particular on the procedures and technical conditions as regards the implementation of the measures referred to in Articles 110 and 112. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2). ***The Commission shall, by means of implementing acts adopt the necessary measures concerning the implementation of the concept of "economic area" as referred to in Article 110 (2)***

Or. en

**Amendment 1866**

**João Ferreira, Inês Cristina Zuber, Patrick Le Hyaric, Willy Meyer**

**Proposal for a regulation**

**Part II – Title II – Chapter III – Section 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**SECTION 4A**

**MEMBER STATE MANAGEMENT  
OPTION**

**Article 116a**

**Management option**

***Taking into account the specific situation in the individual Member States and the extent to which producer and operator organisations have developed, where producers are organised to a particularly low degree, the responsibilities assigned under this Regulation to producer organisations may be exercised by the***

*national authorities of a Member State.*

Or. pt

**Amendment 1867**  
**Marc Tarabella**

**Proposal for a regulation**  
**Part II – Title II – Chapter III – Section 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***SECTION 4a***

***Transparency and information  
concerning the market and adjustment***

***Article 116a***

***European Food Price Monitoring Tool***

***1. In order to provide businesses and all public authorities with information concerning price formation throughout the food supply chain, and to facilitate the observation and recording of market trends, the Commission shall report regularly to the Council and to the European Parliament on the activities of the European Food Price Monitoring Tool and the results of the latter's studies, and shall ensure that these results are made public.***

***2. With a view to the application of paragraph 1, and in conjunction with the work of the national statistical institutes and national price observatories, the European Food Price Monitoring Tool shall gather the statistical data and information needed to produce analyses and studies in particular on:***

***(a) production and supply;***

***(b) price formation mechanisms and, as far as possible, profit margins throughout the food supply chain in the EU and the Member States;***

*(c) price trends and, as far as possible, profit margins at all levels of the food supply chain in the EU and the Member States and in all agricultural and agri-foodstuff sectors, particularly fruit and vegetables, milk and milk products and meat;*

*(d) short- and medium-term market development forecasts.*

*For the purposes of this paragraph, the European Food Price Monitoring Tool shall study in particular exports and imports, farm gate prices, consumer prices, profit margins and costs of production, processing and distribution at all stages of the food supply chain in the EU and the Member States.*

*(e) calculation of a target price range. Based on statistical data, the European Food Price Monitoring Tool will calculate a target price range. This will take production costs into account. If the price does not fall within the target price range, the European Food Price Monitoring Tool will call for an adjustment of quantities by means of a number of instruments including those set out in Article 156(a) to ensure that supply matches demand and that prices fall within the target price range calculated originally.*

*(f) the concentration upstream of enterprises in input sectors seeking regular increases in input costs. This cost is one of the main reasons for the failure in the supply chain, making it very difficult to achieve a fair distribution of added value in the supply chain.*

Or. fr

#### *Justification*

*Il est primordial d'instaurer un Instrument européen de surveillance des prix des denrées alimentaires pour collecter des données concrètes sur la situation du marché. Ces données*

*comprennent les prix du lait, le développement des coûts de production du lait, la demande, l'offre ainsi que les marges de tous les acteurs de la chaîne alimentaire. Cependant, une observation du marché n'est pas suffisante. L'Instrument européen de surveillance des prix des denrées alimentaires doit être équipé de tous les instruments nécessaires pour réagir - sur base des informations sur le marché dont il dispose - à des situations concrètes sur le marché, afin que l'offre puisse être adaptée à la demande. De plus, afin d'avoir une vision globalisée du marché, l'Instrument européen de surveillance des prix des denrées alimentaires devrait pouvoir collecter des données sur les prix des intrants, lesquels sont de plus en plus rapidement liés à l'évolution des prix des marchés à terme des matières premières agricoles. La concentration des entreprises de l'amont est une réalité et il y a donc lieu d'intégrer ce secteur dans l'analyse.*

**Amendment 1868**

**José Bové**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Part II – Title II – Chapter III – Section 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**SECTION 4 a (new)**

**TRANSPARENCY, MARKET  
INFORMATION AND ADJUSTMENT**

**Article 116 a**

***European Food Price Monitoring Tool***

***1. In order to provide businesses and all public authorities with information concerning price formation throughout the food supply chain, and to facilitate the observation and recording of market trends, the Commission shall report regularly to the Council and to the European Parliament on the activities of the European Food Price Monitoring Tool and the results of the latter's studies, and shall ensure that these results are made public.***

***2. With a view to the application of paragraph 1, and in conjunction with the work of the national statistical institutes and national price observatories, the European Food Price Monitoring Tool shall gather the statistical data and***

*information needed to produce analyses and studies in particular on:*

*(b) price formation mechanisms and, as far as possible, profit margins throughout the food supply chain in the EU and the Member States;*

*(c) price trends and, as far as possible, profit margins at all levels of the food supply chain in the EU and the Member States and in all agricultural and agri-foodstuff sectors, particularly fruit and vegetables, milk and milk products and meat;*

*(d) short- and medium-term market forecasts.*

*For the purposes of this paragraph, the European Food Price Monitoring Tool shall study in particular exports and imports, farm gate prices, consumer prices, profit margins, costs of production, processing and distribution at all stages of the food supply chain in the EU and the Member States.*

*(e) Based on the statistical data collected a target price corridor for milk is calculated by the European Monitoring Tool. The target price corridor is oriented on production costs of milk production. If prices do not correspond to the price target corridor the European Monitoring Tool recommends volume adjustments carried out by several instruments including those established in Article 156 a in order to adapt supply to demand and to avoid that prices fall under the calculated target price corridor.*

Or. fr

#### *Justification*

*It is very important to implement a European Monitoring Tool to gather concrete data on the market situation especially on milk prices, the development of costs of milk production as much as demand, supply and the margins of all actors in the food supply chain. However, not only the observation of the market is important. The European Monitoring Tool must be*



*equipped with instruments to react to a specific market situation in order to adjust volume of supply to demand by using its market knowledge*

**Amendment 1869**

**Britta Reimers**

**Proposal for a regulation**

**Article 116 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 116 a**

***European Food Price Monitoring Tool***

***In order to facilitate the recording of market developments by the producer and interbranch organisations, the European Food Price Monitoring Tool, in coordination with Eurostat, the National Statistical Institutes and the National Observatories of Prices shall regularly establish surveys of price trends for the main agricultural sectors, as well as short and long-term forecasts.***

Or. en

**Amendment 1870**

**Esther Herranz García, Gabriel Mato Adrover, Pilar Ayuso, María Auxiliadora Correa Zamora**

**Proposal for a regulation**

**Part III – Chapter -1 new**

*Text proposed by the Commission*

*Amendment*

**Chapter -1**

**General provisions**

**Article 116a**

**General Principles**

***Unless otherwise provided for in this Regulation or in provisions adopted pursuant thereto, the following shall be***

*prohibited in trade with third countries:*

- a) the levying of any charge having equivalent effect to a customs duty;*
- b) the application of any quantitative restriction or measure having equivalent effect.*

Or. es

*Justification*

*This chapter and introductory article should remain in the Regulation. The introductory article establishes a basic general principle which must be respected in trade with third countries.*

**Amendment 1871**

**Britta Reimers**

**Proposal for a regulation**

**Article 117 – paragraph 1**

*Text proposed by the Commission*

(1) Without prejudice to cases where import or export licences are required in accordance with this Regulation, the import for release into free circulation or the export of one or more agricultural products into or from the Union may be made subject to the presentation of a licence, taking into account the need for licences for the management of the markets concerned ***and, in particular, for monitoring trade in the products concerned.***

*Amendment*

(1) Without prejudice to cases where import or export licences are required in accordance with this Regulation, the import for release into free circulation or the export of one or more agricultural products into or from the Union may be made subject to the presentation of a licence, taking into account the need for licences for the management of the markets concerned.

Or. de

*Justification*

*Das Grundprinzip sollte sein, dass Lizenzen nur zur Verwaltung von Ein- und Ausfuhrzollkontingenten und beim Gebrauch von Ausfuhrerstattungen nötig sind. Für Unternehmen stellen Lizenzen eine Last dar und sollten deshalb nicht als eine einfache Quelle für Statistiken, die auch anderswo beschafft werden können, missbraucht werden. Instrumente*

wie z.B der „Global Trade Atlas“ bieten präzise Daten über Handelsströme an, die direkt von Zollbehörden aus der gesamten Welt erlangt werden. Der europäische Milchsektor ist von Ausfuhren abhängig und diese Tendenz wird sich in den Jahren nach der Abschaffung der Milchkontingentewahrscheinlich weiter bestätigen. Eine allgemeine Lizenzpflicht, so wie sie vom Herrn Dantin vorgeschlagen wird, würde sicher die Ausfuhrleistung der EU-Milchbranche beeinträchtigen. Händler würden Lizenzanträge in der Tat nur einreichen, wenn sie sich sicher sind, dass die Ausfuhren auch stattfinden können, da sonst die Sicherheit verfällt.

#### **Amendment 1872**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

#### **Proposal for a regulation Article 117 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Without prejudice to cases where import or export licences are required in accordance with this Regulation, the import for release into free circulation or the export of one or more agricultural products into or from the Union may be made subject to the presentation of a licence, taking into account the need for licences for the management of the markets concerned and, in particular, for monitoring trade in the products concerned.

1. *Does not affect English version.*

Or. es

#### **Amendment 1873**

**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

#### **Proposal for a regulation Article 117 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Without prejudice to cases where import or export licences are required in accordance with this Regulation, the

1. *Does not affect English version.*

import for release into free circulation or the export of one or more agricultural products into or from the Union may be made subject to the presentation of a licence, taking into account the need for licences for the management of the markets concerned and, in particular, for monitoring trade in the products concerned.

Or. es

**Amendment 1874**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

**Proposal for a regulation**

**Article 117 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) Specifically, the import of products from the following sectors may be made subject to the presentation of an import licence:***

***a) cereals;***

***b) rice;***

***c) sugar;***

***d) seeds;***

***e) olive oil and table 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) fruit and vegetables;***

***h) processed fruit and vegetables;***

***i) bananas;***

***j) wine;***

***k) live plants;***

- l) beef and veal;*
- m) milk and milk products;*
- n) pigmeat;*
- o) sheepmeat and goatmeat;*
- p) eggs;*
- q) poultrymeat;*
- r) agricultural ethyl alcohol.*

*The export of products from the following sectors may be made subject to the presentation of an export licence:*

- a) cereals;*
- b) rice;*
- c) sugar;*
- d) olive oil and table olives, with regard to olive oil referred to in point (a) of Part VII of Annex I;*
- e) fruit and vegetables;*
- f) processed fruit and vegetables;*
- g) wine;*
- h) beef and veal;*
- i) milk and milk products;*
- j) pigmeat;*
- k) sheepmeat and goatmeat;*
- l) eggs;*
- m) poultrymeat;*
- n) agricultural ethyl alcohol.*

Or. es

#### *Justification*

*The list of agricultural products that are subject to the presentation of an import or export licence should be included in this Regulation, in line with Articles 130 and 161 of the current regulation (No 1234/2007). The list should not therefore be the subject of a delegated act, as provided for in Article 118.*

**Amendment 1875**

**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

**Proposal for a regulation**

**Article 117 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2a) Products imported by the Union shall meet the same production and marketing requirements as those produced within the Union, and may only be awarded the relevant import licences if they fulfil those conditions.***

Or. es

**Amendment 1876**

**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

**Proposal for a regulation**

**Article 117 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***(2b) When market prices in the Union do not cover Community production costs, the Union shall suspend import licences until the situation regarding those products is resolved.***

Or. es

**Amendment 1877**

**Luis Paulo Alves**

**Proposal for a regulation**

**Article 117 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. The marketing provisions applicable to Union products, including those adopted in the veterinary, phytosanitary,***

*and food sectors to ensure that products conform to hygiene, human and plant health, and animal welfare standards, and to environmental protection rules, shall likewise apply to imported products. Import licences may not be issued for Union imports not complying with those provisions.*

Or. pt

**Amendment 1878**

**Jarosław Kalinowski, Czesław Adam Siekierski, Artur Zasada, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**

**Article 118 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Taking into account the *evolution of trade and market developments, the needs of the markets concerned and the monitoring of imports and exports* of the products *concerned*, the Commission shall be empowered to adopt in accordance with Article 160 delegated acts, to determine:

*Amendment*

1. Taking into account the *need to monitor* imports of products, *the need for sound market management and the need to reduce the administrative burden*, the Commission shall be empowered to adopt in accordance with Article 160 delegated acts, to determine:

Or. pl

*Justification*

*System pozwoleń daje możliwość pozyskania informacji o zamiarach importerów i eksporterów, co do wielkości realizowanych obrotów w handlu z krajami trzecimi. W sytuacji istniejącej lub spodziewanej nierównowagi rynkowej dostarcza on cennych informacji umożliwiających właściwe zarządzanie rynkiem. Jego wdrażanie wiąże się jednak z ponoszeniem znacznych kosztów przez podmioty rynkowe i administracje krajów członkowskich (wydawanie pozwoleń, przyjmowanie i rozliczanie zabezpieczeń, kontrole, ograniczenie swobody działania podmiotów z uwagi na okres ważności pozwolenia). Zdaniem Polski system ten powinien być wykorzystywany, kiedy wymaga tego sytuacja i niezbędne informacje nie mogą być pozyskane w inny sposób, np. poprzez służby celne.*

**Amendment 1879**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

**Proposal for a regulation**

**Article 118 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

*a) the list of agricultural products subject to the presentation of an import or export licence;*

*deleted*

Or. es

**Amendment 1880**

**Britta Reimers**

**Proposal for a regulation**

**Article 118 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

*a) the list of agricultural products subject to the presentation of an import or export licence;*

*a) in exceptional cases and when necessary for the efficient management of the markets concerned, that an import or export licence must be presented for certain agricultural products;*

Or. de

**Amendment 1881**

**Elisabeth Jeggle**

**Proposal for a regulation**

**Article 118 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*ba) minimum social and environmental standards for imports in order to guarantee market access for third-country products in a manner consistent with the rules.*



*Justification*

*Imports from third countries must not serve to distort competition on the internal market; accordingly, minimum standards (social, environmental, etc.) must be laid down and properly enforced.*

**Amendment 1882**  
**Hans-Peter Mayer**

**Proposal for a regulation**  
**Article 118 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*ba) the submission of applications and the issuing of licences and their use;*

Or. de

**Amendment 1883**  
**Hans-Peter Mayer**

**Proposal for a regulation**  
**Article 119 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

*a) the submission of applications and the issuing of licences and their use;*

*deleted*

Or. de

**Amendment 1884**  
**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

**Proposal for a regulation**  
**Article 120 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 120a**

**Import duties**

***Save as otherwise provided for pursuant to this Regulation, the rates of import duty in the Common Customs Tariff shall apply to the products referred to in Article 1.***

Or. es

*Justification*

*This is a basic principle and should be included in the Regulation.*

**Amendment 1885**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

**Proposal for a regulation**

**Article 120 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 120a**

**Import duties**

***Save as otherwise provided for pursuant to this Regulation, the rates of import duty in the Common Customs Tariff shall apply to the products referred to in Article 1.***

Or. es

*Justification*

*This is a basic principle and should be included in an introductory article to this chapter, in line with the current regulation.*

**Amendment 1886**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora, Eva Ortiz Vilella**

**Proposal for a regulation**

**Article 121 – title**

*Text proposed by the Commission*

*Amendment*

Implementation of international agreements

Implementation of international **and other** agreements

Or. es

*Justification*

*The title proposed for this article is not appropriate given that the article does not only refer to the power to establish import duties in accordance with international agreements concluded under Article 218 of the Treaty on the Functioning of the European Union.*

**Amendment 1887**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

**Proposal for a regulation**

**Article 121 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

The Commission shall, by means of implementing acts, adopt measures to implement international agreements concluded under Article 218 of the Treaty or **any other act adopted in accordance with Article 43(2) of the Treaty** or the Common Customs Tariff as regards the **calculation of** import duties for agricultural products. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).

The Commission shall, by means of implementing acts, adopt measures to implement international agreements concluded under Article 218 of the Treaty or the Common Customs Tariff as regards the **method for calculating** import duties for agricultural products. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).

Or. es

## *Justification*

*This amendment seeks to improve the wording of the article so that it is more comprehensible.*

### **Amendment 1888**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

### **Proposal for a regulation**

#### **Article 121 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 121a*

##### *Calculation of import duties for cereals*

- 1. Notwithstanding Article 121, the import duty on products covered by CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002 00 00, 1005 10 90, 1005 90 00 and 1007 00 90 other than hybrid for sowing, shall be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the conventional rate of duty as determined on the basis of the combined nomenclature.*
- 2. The import duty referred to in paragraph 1 shall be calculated by the Commission, by means of implementing acts, on the basis of the representative cif import prices of the products indicated in paragraph 1 which are determined periodically.*
- 3. The Commission shall establish, by means of delegated acts, the minimum requirements for high-quality common wheat.*
- 4. The Commission shall, by means of implementing acts, lay down the following:*

*(i) the price quotations to be taken into consideration,*

*(ii) the possibility, where appropriate in specific cases, of giving operators the opportunity to know the duty applicable before the arrival of the consignments concerned.*

Or. es

#### *Justification*

*The proposal for a Single CMO Regulation does not refer to the method for calculating import duties for cereals and rice. The method is outlined in Articles 136 to 149 of the current single CMO regulation (No 1234/2007) and is also included in the draft regulation on alignment with Lisbon. Having the calculation procedure clearly pre-established in the basic act, as it is currently, would improve transparency.*

#### **Amendment 1889**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

#### **Proposal for a regulation**

#### **Article 121 b (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 121b**

#### ***Calculation of import duties for husked rice***

***1. Notwithstanding Article 121, the import duty on husked rice falling within CN code 1006 20 shall be fixed by the Commission, by means of implementing acts, within ten days of the end of the reference period concerned in accordance with point 1 of Annex VIIA.***

***The Commission shall fix, by means of implementing acts, the new applicable rate if the calculations made pursuant to the annex require it to be changed. Until such time as a new applicable rate is fixed, the duty previously fixed shall***

*apply.*

*2. In order to calculate the imports referred to in point 1 of Annex VII, account shall be taken of the quantities for which import licences for husked rice falling within CN code 1006 20 were issued in the corresponding reference period, excluding the import licences for Basmati rice referred to in Article 121(c).*

*3. The annual reference quantity shall be 449 678 tonnes. The partial reference quantity for each marketing year shall correspond to half the annual reference quantity.*

Or. es

#### *Justification*

*The proposal for a Single CMO Regulation does not refer to the method for calculating import duties for cereals and rice. The method is outlined in Articles 136 to 149 of the current single CMO regulation (No 1234/2007) and is also included in the draft regulation on alignment with Lisbon. Having the calculation procedure clearly pre-established in the basic act, as it is currently, would improve transparency.*

#### **Amendment 1890**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

#### **Proposal for a regulation Article 121 c (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 121c*

#### *Calculation of import duties for husked Basmati rice*

*Notwithstanding Article 121, the husked Basmati rice varieties falling within CN codes 1006 20 17 and 1006 20 98 listed in Annex VIIb shall qualify for a zero rate of import duty under the conditions fixed by the Commission by means of*

*implementing acts.*

Or. es

*Justification*

*The proposal for a Single CMO Regulation does not refer to the method for calculating import duties for cereals and rice. The method is outlined in Articles 136 to 149 of the current single CMO regulation (No 1234/2007) and is also included in the draft regulation on alignment with Lisbon. Having the calculation procedure clearly pre-established in the basic act, as it is currently, would improve transparency.*

**Amendment 1891**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

**Proposal for a regulation**

**Article 121 d (new)**

*Text proposed by the Commission*

*Amendment*

**Article 121d**

***Calculation of import duties for milled rice***

***1. Notwithstanding Article 121, the import duty for semi-milled or wholly milled rice falling within CN code 1006 30 shall be fixed by the Commission, by means of implementing acts, within ten days after the end of the reference period concerned in accordance with point 2 of Annex VIIa.***

***The Commission shall fix, by means of implementing acts, the new applicable rate if the calculations made pursuant to the annex require it to be changed. Until such time as a new applicable rate is fixed, the duty previously fixed shall apply.***

***2. In order to calculate imports referred to in point 2 of Annex VIIa, account shall be taken of the quantities for which import licences for semi-milled or wholly milled rice falling within CN code 1006 30 were issued in the corresponding reference***

*period.*

Or. es

*Justification*

*The proposal for a Single CMO Regulation does not refer to the method for calculating import duties for cereals and rice. The method is outlined in Articles 136 to 149 of the current single CMO regulation (No 1234/2007) and is also included in the draft regulation on alignment with Lisbon. Having the calculation procedure clearly pre-established in the basic act, as it is currently, would improve transparency.*

**Amendment 1892**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

**Proposal for a regulation**

**Article 121 e (new)**

*Text proposed by the Commission*

*Amendment*

**Article 121e**

***Calculation of import duties for broken rice***

***Notwithstanding Article 121, the import duty on broken rice falling within CN code 1006 40 00 shall be EUR 65 per tonne.***

Or. es

*Justification*

*The proposal for a Single CMO Regulation does not refer to the method for calculating import duties for cereals and rice. The method is outlined in Articles 136 to 149 of the current single CMO regulation (No 1234/2007) and is also included in the draft regulation on alignment with Lisbon. Having the calculation procedure clearly pre-established in the basic act, as it is currently, would improve transparency.*

**Amendment 1893**

**Iratxe García Pérez, Alejandro Cercas, Ricardo Cortés Lastra, Sergio Gutiérrez Prieto**



**Proposal for a regulation**  
**Article 122 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*(1a) Where the declared entry price of the consignment in question is higher than the flat-rate import value, increased by a margin set by the Commission which may not exceed the flat-rate value by more than 10%, the lodging of a security equal to the import duty determined on the basis of the flat-rate import value shall be required. The Commission shall calculate this value every working day in relation to each origin, product and period; the value shall be equal to the weighted average of the representative prices of those products in representative import markets in the Member States or, where applicable, in other markets, deducting from those prices a total amount of EUR 5/100 kg and the ad valorem customs duties.*

*The interested party shall also provide information on the marketing and transportation conditions of the product by submitting copies of the documents attesting to delivery between operators and to the costs incurred between the import of the product and its sale. In all cases, the documents shall specify the variety or commercial type of the product in accordance with the provisions on presentation and labelling referred to in the applicable Community marketing rules, the commercial category of the products and their weight.*

Or. es

**Amendment 1894**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

**Proposal for a regulation**  
**Article 122 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) Where the declared entry price of the consignment in question is higher than the flat-rate import value, increased by a margin set by the Commission which may not exceed the flat-rate value by more than 10%, the lodging of a security equal to the import duty determined on the basis of the flat-rate import value shall be required. The Commission shall calculate this value every working day in relation to each origin, product and period; the value shall be equal to the weighted average of the representative prices of those products in representative import markets in the Member States or, where applicable, in other markets, deducting from those prices a total amount of EUR 5/100 kg and the ad valorem customs duties.***

***The interested party shall also provide information on the marketing and transportation conditions of the product by submitting copies of the documents attesting to delivery between operators and to the costs incurred between the import of the product and its sale. In all cases, the documents shall specify the variety or commercial type of the product in accordance with the provisions on presentation and labelling referred to in the applicable Community marketing rules, the commercial category of the products and their weight.***

Or. es

*Justification*

*Se debe mencionar expresamente el valor de importación a tanto alzado como valor de verificación del precio declarado, ya que se calcula sobre una base diaria y simplifica la gestión en Aduanas y que no se sustituya por el valor unitario que establece el Código Aduanero Común para los productos perecederos cuya base de cálculo es un periodo de 14 días, que no refleja las fluctuaciones a las que está sometido el mercado de las frutas y*

hortalizas. Para poder garantizar la veracidad de la factura de compra en todos los métodos “de despacho de aduanas”, el operador deberá demostrar que el precio declarado en aduana es el de la mercancía que realmente importó.

**Amendment 1895**

**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

**Proposal for a regulation**

**Article 122 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***(1b) The customs value of imported perishable goods for which the application of the Common Customs Tariff duty rate depends on the entry price of the product batch imported in consignment may be determined directly in accordance with point (c) of Article 30(2) of the Customs Code and shall be equal to the flat-rate import value.***

Or. es

**Amendment 1896**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

**Proposal for a regulation**

**Article 122 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***(1b) The customs value of imported perishable goods for which the application of the Common Customs Tariff duty rate depends on the entry price of the product batch imported in consignment may be determined directly in accordance with point (c) of Article 30(2) of the Customs Code and shall be equal to the flat-rate import value.***

Or. es

*Justification*

*The amendment seeks to specify that the unit value of perishable goods imported in consignment should correspond to their flat-rate import value.*

**Amendment 1897**

**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

**Proposal for a regulation**

**Article 122 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. For the purposes of application of Article 248 of CCIP, the checks to be carried out by the customs authorities to determine whether a security should be lodged shall include a check of the customs value against the unit value for the products concerned as referred to in point (c) of Article 30(2) of the Customs Code.** *deleted*

Or. es

**Amendment 1898**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

**Proposal for a regulation**

**Article 122 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. For the purposes of application of Article 248 of CCIP, the checks to be carried out by the customs authorities to determine whether a security should be lodged shall include a check of the customs value against the unit value for the products concerned as referred to in point (c) of Article 30(2) of the Customs Code.** *deleted*

**Amendment 1899**

**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

**Proposal for a regulation**

**Article 122 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Taking into account the need to ensure the efficiency of the system, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to provide that the checks carried out by the customs authorities referred to in paragraph 2 of this Article shall, in addition to, or as an alternative to, the check of the customs value against the unit value, include a check of the customs value against another value.**

*deleted*

*The Commission shall, by means of implementing acts, adopt rules for the calculation of the other value referred to in the first subparagraph of this paragraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2)*

**Amendment 1900**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

**Proposal for a regulation**

**Article 122 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Taking into account the need to ensure the efficiency of the system, the Commission shall be empowered to adopt**

*deleted*

*delegated acts in accordance with Article 160 to provide that the checks carried out by the customs authorities referred to in paragraph 2 of this Article shall, in addition to, or as an alternative to, the check of the customs value against the unit value, include a check of the customs value against another value.*

*The Commission shall, by means of implementing acts, adopt rules for the calculation of the other value referred to in the first subparagraph of this paragraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2)*

Or. es

#### **Amendment 1901**

**Salvador Sedó i Alabart, Maria Badia i Cutchet, Raimon Obiols, Ramon Tremosa i Balcells, Santiago Fisas Ayxela**

#### **Proposal for a regulation**

#### **Article 122 – paragraph 3 – subparagraph 1**

##### *Text proposed by the Commission*

Taking into account the need to ensure the efficiency of the system, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to provide that the checks carried out by the customs authorities referred to in paragraph 2 of this Article shall, in addition to, or as an alternative to, the check of the customs value against the unit value, include a check of the customs value against another value.

##### *Amendment*

Taking into account the need to ensure the efficiency of the system, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to provide that the checks carried out by the customs authorities referred to in paragraph 2 of this Article shall, in addition to, or as an alternative to, the check of the customs value against the unit value, include a check of the customs value against another value. ***In no circumstances may this power result in a deductive method that minimises or prevents the application of the additional duty.***

Or. es

### *Justification*

*The principle of reciprocity should be required for imports from third countries in order to prevent food security problems. It is therefore important to ensure that these products are produced in full compliance with health and plant health measures and environmental requirements (in order to combat climate change). These measures and requirements should function as updated Community preference arrangements in what is a globalised trade environment.*

#### **Amendment 1902**

**Rareş-Lucian Niculescu**

#### **Proposal for a regulation**

#### **Article 122 – paragraph 3 – subparagraph 1**

##### *Text proposed by the Commission*

Taking into account the need to ensure the efficiency of the system, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to provide that the checks carried out by the customs authorities referred to in paragraph 2 of this Article shall, in addition to, or as an alternative to, the check of the customs value against the unit value, include a check of the customs value against another value.

##### *Amendment*

Taking into account the need to ensure the efficiency of the system, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to provide that the checks carried out by the customs authorities referred to in paragraph 2 of this Article shall, in addition to, or as an alternative to, the check of the customs value against the unit value, include a check of the customs value against another value. ***In any case this faculty will never bring a deductive method which allows to reduce to the minimum or to avoid the implementation of this additional right.***

Or. en

#### **Amendment 1903**

**Salvador Sedó i Alabart, Maria Badia i Cutchet, Raimon Obiols, Ramon Tremosa i Balcells, Santiago Fisas Ayxela**

#### **Proposal for a regulation**

#### **Article 122 – paragraph 3 – subparagraph 2**

##### *Text proposed by the Commission*

The Commission shall, by means of

##### *Amendment*

The Commission shall, by means of

implementing acts, adopt rules for the calculation of the other value referred to in the first subparagraph of this paragraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).

implementing acts, adopt rules for the calculation of the other value referred to in the first subparagraph of this paragraph, ***and to ensure the traceability of each product consignment imported.*** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2)

Or. es

#### **Amendment 1904**

**Esther de Lange**

#### **Proposal for a regulation**

#### **Article 123 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3 a. The Commission shall be empowered to adopt delegated acts in accordance with Article 160 to ensure that imported products meet the minimum quality and environmental standards of the Union;***

Or. en

#### **Amendment 1905**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

#### **Proposal for a regulation**

#### **Article 125 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Tariff quotas for the import of agricultural products for release into free circulation in the Union (***or a part thereof***), or tariff quotas for imports of Union agricultural products into third countries which are to be partly or fully administered by the Union, resulting from agreements concluded in accordance with Article 218

1. Tariff quotas for the import of agricultural products for release into free circulation in the Union, or tariff quotas for imports of Union agricultural products into third countries which are to be partly or fully administered by the Union, resulting from agreements concluded in accordance with Article 218 of the Treaty or any other



of the Treaty or any other act adopted in accordance with Article 43(2) of the Treaty shall be opened and/or administered by the Commission by means of delegated and implementing acts pursuant to Articles 126 to 128.

act adopted in accordance with Article 43(2) of the Treaty shall be opened and/or administered by the Commission by means of delegated and implementing acts pursuant to Articles 126 to 128.

Or. es

### *Justification*

*In accordance with international commitments, the text of the Regulation should continue to include a specific reference to the quota of maize and sorghum for Spain and of maize for Portugal, in line with Article 146(2) of the current single CMO.*

### **Amendment 1906** **Maria do Céu Patrão Neves**

#### **Proposal for a regulation** **Article 125 – paragraph 1**

##### *Text proposed by the Commission*

1. Tariff quotas for the import of agricultural products for release into free circulation in the Union (or a part thereof), or tariff quotas for imports of Union agricultural products into third countries which are to be partly or fully administered by the Union, resulting from agreements concluded in accordance with Article 218 of the Treaty or any other act adopted in accordance with Article 43(2) of the Treaty shall be opened and/or administered by the Commission by means of delegated and implementing acts pursuant to Articles 126 to 128.

##### *Amendment*

1. Tariff quotas for the import of agricultural products for release into free circulation in the Union (or a part thereof), or tariff quotas for imports of Union agricultural products into third countries which are to be partly or fully administered by the Union, resulting from agreements concluded in accordance with Article 218 of the Treaty or any other act adopted in accordance with Article 43(2) of the Treaty shall be opened and/or administered by the Commission by means of delegated and implementing acts pursuant to Articles 126 to 128, *without prejudice to quotas resulting from traditional trade flows.*

Or. pt

### **Amendment 1907** **Jean-Paul Gauzès**

**Proposal for a regulation**  
**Article 125 – paragraph 3 – point a**

*Text proposed by the Commission*

a) for import tariff quotas give due weight to the supply requirements of the Union market and the need to safeguard the equilibrium of that market, or

*Amendment*

a) (a) for import tariff quotas ***apart from those in the sugar sector***, give due weight to the supply requirements of the Union market ***in both raw and finished products*** and the need to safeguard the equilibrium of that market, or

Or. fr

**Amendment 1908**  
**Britta Reimers**

**Proposal for a regulation**  
**Article 125 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) for import tariff quotas give due weight to the supply requirements of the Union market ***and*** the need to safeguard the equilibrium of that market, or

*Amendment*

(a) for import tariff quotas give due weight to the supply requirements of the Union market the need to safeguard the equilibrium of that market, ***and to develop new downstream markets in the production of industrial products, by ensuring certainty and continuity of supply at competitive world prices***, or

Or. en

*Justification*

*As of today, undertakings producing “industrial” chemicals from agricultural raw materials can benefit from a tariff quota of 400,000 tons of sugar that may be imported free of duty. This quota has, however, failed to prevent the erosion of Europe’s capacity to produce bio-based because the rules of allocation of the quota do not provide permanence and continuity of supply. In the absence of such permanence, investment (which is highly dependent on the cost raw materials) will continue to be diverted to third countries.*

**Amendment 1909**  
**Maria do Céu Patrão Neves**

**Proposal for a regulation**  
**Article 125 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) for import tariff quotas give due weight to the supply requirements of the Union market and the need to safeguard the equilibrium of that market, or

*Amendment*

(a) for import tariff quotas give due weight to the supply requirements of the Union market and the need to safeguard the equilibrium of that market, ***and to established pre-existing special needs concerning given products in Member States***, or

Or. pt

**Amendment 1910**  
**George Lyon, Sarah Ludford**

**Proposal for a regulation**  
**Article 125 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 125 a***

***Suspension of import duties in the sugar sector***

***(1) By 30 November each year, the Commission shall make a forecast of the expected volume of imports of cane sugar into the EU for that marketing year.***

***(2) The forecast under paragraph (1) shall be based upon an estimate of exports under trade agreements between the EU and countries which export cane sugar.***

***(3) Where the Commission's forecast for imports is less than 3.5 million tonnes, the Commission shall adopt a delegated act in accordance with article 160 providing for the application of import duties to be suspended for imports of cane sugar equal to 50 per cent of the additional***

*imports necessary to bring the total imports to 3.5 million tonnes.*

*(4) The Commission shall revise its forecast under paragraph 1 by 30 June to include up-to-date information on imports under trade agreements with countries which export cane sugar and the imports referred to in paragraph (3). Where the Commission's forecast for imports is less than 3.5 million tonnes, the Commission shall adopt a delegated act providing for the application of import duties to be suspended for imports of cane sugar necessary to bring the total forecast of imports to 3.5 million tonnes.*

Or. en

#### *Justification*

*At the time of the 2006 sugar reforms, the Commission forecasted that raw cane sugar imports would rise to 3.5mt per year by 2012. As a result there has been a significant increase in cane refining capacity. However, imports from preferential partners have fallen well short of anticipated levels, leaving refiners without access to sufficient raw materials. In order to ensure a diversity of supply in the EU sugar sector and a fair balance of rights and obligations between producers of cane and beet sugar, the Commission should be required to permit additional imports at zero duty where imports fall below anticipated levels.*

#### **Amendment 1911**

**Richard Ashworth, Julie Girling, Marina Yannakoudakis**

#### **Proposal for a regulation**

#### **Article 125 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 125 a*

#### *Suspension of import duties in the sugar sector*

*(1) By 30 November each year, the Commission shall make a forecast of the expected volume of imports of cane sugar into the EU for that marketing year.*

*(2) The forecast under paragraph (1) shall be based upon an estimate of exports under trade agreements between the EU and countries which export cane sugar.*

*(3) Where the Commission's forecast for imports is less than 3.5 million tonnes, the Commission shall adopt a delegated act in accordance with article 160 providing for the application of import duties to be suspended for imports of cane sugar equal to 50 per cent of the additional imports necessary to bring the total imports to 3.5 million tonnes.*

*(4) The Commission shall revise its forecast under paragraph 1 by 30 June to include up-to-date information on imports under trade agreements with countries which export cane sugar and the imports referred to in paragraph (3). Where the Commission's forecast for imports is less than 3.5 million tonnes, the Commission shall adopt a delegated act providing for the application of import duties to be suspended for imports of cane sugar necessary to bring the total forecast of imports to 3.5 million tonnes.*

Or. en

#### *Justification*

*In the 2006 sugar reforms, the Commission forecast that raw cane sugar imports would rise to 3.5mt per year by 2012. Since there has been a significant increase in cane refining capacity. However, imports from preferential partners have fallen short of anticipated levels, leaving refiners without access to raw materials. In order to ensure diversity of supply in the EU sugar sector and a fair balance of rights and obligations between producers of cane and beet sugar, the Commission should be required to permit additional imports at zero duty where imports fall below anticipated levels*

#### **Amendment 1912**

**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

#### **Proposal for a regulation**

#### **Article 125 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 125a*

*Specific provisions*

*In the case of tariff quotas for import into Spain of 2 000 000 tonnes of maize and 300 000 tonnes of sorghum and tariff quotas for import into Portugal of 500 000 tonnes of maize, the Commission may adopt delegated acts to establish the provisions necessary for carrying out the tariff quota imports and, where appropriate, the public storage of the quantities imported by the paying agencies of the Member States concerned and their marketing on the markets of those Member States.*

Or. es

**Amendment 1913**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

**Proposal for a regulation**

**Article 125 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 125a*

*Specific provisions*

*In the case of tariff quotas for import into Spain of 2 000 000 tonnes of maize and 300 000 tonnes of sorghum and tariff quotas for import into Portugal of 500 000 tonnes of maize, the Commission may adopt delegated acts to establish the provisions necessary for carrying out the tariff quota imports and, where appropriate, the public storage of the quantities imported by the paying agencies of the Member States concerned and their marketing on the markets of*

*those Member States.*

Or. es

*Justification*

*In accordance with international commitments, the text of the Regulation should continue to include a specific reference to the quota of maize and sorghum for Spain and of maize for Portugal, in line with Article 146(2) of the current single CMO.*

**Amendment 1914**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

**Proposal for a regulation**

**Article 126 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

*a) determine the conditions and eligibility requirements that an operator has to fulfil to submit an application within the import tariff quota; the provisions concerned may require a minimum experience in trade with third countries and assimilated territories, or in processing activity, expressed in a minimum quantity and period of time in a given market sector; those provisions may include specific rules to suit the needs and practices in force in a certain sector and the uses and needs of the processing industries;* *deleted*

Or. es

*Justification*

*This point is more in line with the definition of an implementing act, that is an act for the uniform application throughout the Union of rules laid down in the basic acts, than that of a delegated act.*

**Amendment 1915**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa**

**Zamora**

**Proposal for a regulation**

**Article 127 – paragraph 1 – subparagraph 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

*(ea) determine the conditions and eligibility requirements that an operator has to fulfil to submit an application within the import tariff quota; the provisions concerned may require a minimum experience in trade with third countries and assimilated territories, or in processing activity, expressed in a minimum quantity and period of time in a given market sector; those provisions may include specific rules to suit the needs and practices in force in a certain sector and the uses and needs of the processing industries;*

Or. es

**Amendment 1916**

**Albert Deß, Peter Jahr, Elisabeth Jeggle, Christa Klaß, Hans-Peter Mayer, Manfred Weber, Martin Kastler**

**Proposal for a regulation**

**Article 129 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 129a**

**Imports of hops**

**1. Products of the hops sector may be imported from third countries only if their quality standards are at least equivalent to those applicable to similar products harvested in the Community or made from such products.**

**2. Products shall be regarded as meeting the quality standards referred to in paragraph 1 if they are accompanied by an attestation issued by the authorities of**



*the country of origin and recognised as equivalent to the certificate referred to in Article 59a.*

*In the case of hop powder, hop powder with higher lupulin content, extract of hops and mixed hop products, the attestation shall be recognised as being equivalent to the certificate only if the alpha acid content of these products is not lower than that of the hops from which they have been prepared.*

*The equivalence of the attestations shall be verified in accordance with detailed rules adopted by the Commission.*

Or. de

**Amendment 1917**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

**Proposal for a regulation**

**Article 129 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 129a*

*Imports of hops*

*1. Products of the hops sector may be imported from third countries only if their quality standards are at least equivalent to those adopted for like products harvested within the Community or made from such products.*

*2. Products shall be considered as being of the standard referred to in paragraph 1 if they are accompanied by an attestation issued by the authorities of the country of origin and recognised as equivalent to the certificate referred to in Article 64(a).*

*In the case of hop powder, hop powder with higher lupulin content, extract of hops and mixed hop products, the*

*attestation may be recognised as being equivalent to the certificate only if the alpha acid content of these products is not lower than that of the hops from which they have been prepared.*

*3. In order to minimise the administrative burden, the Commission may, by means of delegated acts, set the conditions under which obligations related to an attestation of equivalence and the labelling of packaging do not apply.*

*4. The Commission shall, by means of implementing acts, adopt rules related to this Article, including the rules on the recognition of attestations of equivalence and on the checking of imports of hops.*

Or. es

#### *Justification*

*The special provisions on the import of hops contained in Article 158 of the current single CMO Regulation, which require that a quality certificate for imported products be equivalent to that required for Union products, should be included in this proposal for a regulation. This quality requirement is essential, especially when we are calling for increased reciprocity in trade with third countries.*

**Amendment 1918**  
**Britta Reimers**

**Proposal for a regulation**  
**Article 130 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*Should the world market price for white sugar exceed the EU reference price for white sugar, the Commission shall be empowered to suspend all or some of the normal customs duties for all types of sugar for a period it shall determine, in order to guarantee that the European market is properly supplied with sugar.*

*Justification*

*At times when world market prices are high, the current market organisation and the arrangements governing imports are not adequate to ensure that the European market is properly supplied with foodstuffs and beverages.*

**Amendment 1919**

**Ulrike Rodust**

**Proposal for a regulation**

**Article 130 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 130a**

***Suspension of import duties in the sugar sector***

***Should the world market price for white sugar exceed the EU reference price for white sugar, the Commission shall be empowered to suspend all or some of the normal customs duties for all types of sugar for a period it shall determine, in order to guarantee that the European market is properly supplied with sugar.***

*Justification*

*At times when world market prices are high, the current market organisation and the arrangements governing imports are not adequate to ensure that the European market is properly supplied with foodstuffs and beverages.*

**Amendment 1920**

**María do Céu Patrão Neves**

**Proposal for a regulation**

**Article 130 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 130a***

***Derogations for imported products and special security in the sugar sector***

***Taking into account the specific features of the sugar sector, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 concerning raw sugar import licences and covering the following:***

***(a) The number of licences to be issued in each marketing period in order to meet the raw material supply requirements of full-time refiners. Licences may be issued at any time during a marketing year and shall be valid for that year only.***

***(b) At the beginning of each marketing year the Commission shall draw up a forecast of raw sugar imports for refining, based on preferential origins. If the import forecast is below the supply requirements of full-time refiners, licences for imports of any origin, free of duty, may be issued in order to make up the shortfalls. The award of additional import licences of this kind may be phased over the marketing year.***

Or. pt

**Amendment 1921**

**João Ferreira, Inês Cristina Zuber, Patrick Le Hyaric, Willy Meyer**

**Proposal for a regulation**

**Article 130 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 130a***

***Special provisions for the import of sugar cane for refining***

*1. The total supply requirements of full-time refiners shall be set at 3 500 000 tonnes of sugar cane per marketing year (October to September), broken down by Member State as follows:*

*(a) [ ] tonnes for Bulgaria;*

*(b) [ ] tonnes for France;*

*(c) [ ] tonnes for Italy;*

*(d) [ ] tonnes for Portugal;*

*(e) [ ] tonnes for Spain;*

*(f) [ ] tonnes for Romania;*

*(g) [ ] tonnes for Finland;*

*(h) [ ] tonnes for the United Kingdom.*

*2. Licences for the import of sugar cane for refining shall be granted to full-time refiners up to the limit specified in paragraph 1. Applications for such licences may be made at any time during a marketing year, and the licences shall be valid until the end of that year.*

*3. At the beginning of each marketing year the Commission shall draw up a sugar cane import forecast, based on preferential origins. Should that forecast be below the supply requirements of full-time refiners, as referred to in paragraph 1, the Commission shall, whenever necessary in order to provide raw material to meet full-time refiners' supply requirements, cease to apply tariffs to imported sugar cane.*

Or. pt

**Amendment 1922**  
**Luis Manuel Capoulas Santos**

**Proposal for a regulation**  
**Article 130 a (new)**

***Article 130a***

***Traditional supply requirements of the sugar refining sector***

***1. Until the end of the 2019/2020 marketing year, the traditional supply requirements of the sugar refining sector, expressed in white sugar, shall be set by the Union at 3 500 000 tonnes per marketing year.***

***2. The sole sugar beet processing plant operating in Portugal in 2005 shall be considered a full-time refiner.***

***3. Import licences for sugar for refining shall be issued only to full-time refiners provided that the quantities concerned do not exceed the quantities that may be imported by way of the traditional supply requirements referred to in paragraph 1. Licences may be transferred only between full-time refiners and they shall expire at the end of the marketing year for which they were issued.***

***This paragraph shall apply for the first six months of each marketing year.***

***4. Taking into account the need to ensure that imported sugar for refining is refined in accordance with this subsection, the Commission may, by means of delegated acts in accordance with Article 160, adopt:***

***(a) definitions concerning the operation of the import arrangements referred to in paragraph 1;***

***(b) the conditions and eligibility requirements that an operator has to fulfil in order to apply for an import licence, including the lodging of a security;***

***(c) rules on administrative penalties to be imposed.***

***5. The Commission may, by means of implementing acts in accordance with***

*Article 162(2), adopt the necessary rules concerning the supporting documents to be supplied in connection with the requirements and obligations applicable to importers, including full-time refiners.*

Or. pt

**Amendment 1923**  
**Dimitar Stoyanov**

**Proposal for a regulation**  
**Article 130 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 130a*

*Traditional supply needs for sugar refining*

- 1. Until the end of the 2019-2020 marketing year, the traditional supply needs of sugar for refining are fixed for the EU at 3 500 000 tonnes per marketing year, expressed in white sugar.*
- 2. The Commission may, by means of implementing acts in accordance with Article 160, reduce the scale of the traditional supply needs indicated in paragraph 1 where it establishes, for the marketing year in question, that total sugar and isoglucose imports will significantly exceed demand for raw sugar. In that event, the reduction in quantities for traditional supply needs shall always be effected in parallel with a reduction in sugar beet and isoglucose quotas, while with an eye to the reduction of maximum import quantities the Commission shall set a common rate for the reduction of all three products.*
- 3. The sole sugar beet processing plant at work in 2005 in Portugal is deemed to be a full-time refiner.*

***4. Import licences for sugar for refining shall be issued only to full-time refiners provided that the quantities in question do not exceed the quantities that may be imported in the framework of the traditional supply need referred to in paragraph 1. The licences may be transferred only between full-time refiners and their validity expires at the end of the marketing year for which they have been issued. This paragraph shall apply for the first three months of each marketing year.***

***5. Taking into account the need to ensure that imported sugar for refining is refined in accordance with this sub-section, the Commission may, by means of delegated acts in accordance with Article 160, adopt:***

***a) certain definitions for the operation of the import arrangements referred to in paragraph 1;***

***b) the conditions and eligibility requirements that an operator has to fulfil to lodge an application for an import licence, including the lodging of a security;***

***c) rules on administrative penalties to be charged.***

***6. The Commission may, by means of implementing acts in accordance with Article 162(2), adopt the necessary rules concerning the supporting documents to be supplied in connection with the requirements and obligations applicable to importers, and in particular to full-time refiners.***

Or. bg

#### *Justification*

*The suggested amendment takes over, in part, Articles 250-262 of the proposal for a regulation brought forward in COM(2010)799. The basic change proposed is to adjust the current import quota from 2 489 735 tonnes to 3 500 000 tonnes. This increase is needed*



*because the raw sugar available at present does not meet the needs of the market and refineries are therefore not working to full capacity, leading in turn to an increase in the price of the end product.*

**Amendment 1924**  
**Mariya Gabriel**

**Proposal for a regulation**  
**Article 130 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 130 a*

***Special import provisions for cane sugar  
for refining***

***A European Supply Need of cane sugar  
for refining shall be fixed for the  
Community at 3.500.000 tonnes per  
marketing year.***

***1. In addition to the provision of Article  
117, with regards to cane sugar for  
refining, import licences for cane sugar  
for refining shall only be issued to full-  
time refiners provided that the quantities  
concerned do not exceed the European  
Supply Need amount referred to in  
paragraph 1.***

***2. These import licences granted under  
paragraph 2 may only be transferred  
between full-time refiners and their  
validity shall expire at the end of the  
marketing year for which they have been  
issued.***

***3. The Commission shall suspend the  
application of import duties on cane sugar  
for refining falling within CN Code 1701  
14 10 with respect to the complementary  
quantity which is needed to allow an  
adequate supply to the full-time refiners  
for each of the marketing years.***

***4. This complementary quantity shall be  
fixed by the Commission based on the  
shortfall between the European supply  
need referred to in paragraph 1 and the***

*forecast supply of cane sugar for refining for the marketing year concerned. The Commission shall make a forecast at the beginning of each marketing year. The forecast will be updated on the basis of the amount of cane sugar for refining expected to be supplied during that marketing year, including any complementary quantity already issued with respect to that marketing year.*

*5. The update will be made in advance of the allocation of a complementary quantity and the subsequent issuance of import licenses. A significant share of the import licences for the complementary quantity, up to 70%, shall be issued each marketing year no later than the end of November. Import licences for half of the remaining complementary quantity shall be issued no later than end of February and the rest of the import licences shall be issued no later than the end of May.*

*6. Import licences for any remaining complementary quantity shall be allocated by 30 September of each marketing year. The import licenses for this complementary quantity granted under this paragraph shall be valid for the first three months of the following marketing year.*

*7. The ESN referred to in paragraph 1 may be reduced, together and in parallel with beet and isoglucose quotas, by the Commission in any marketing year when the Commission forecast that total sugar and isoglucose supply significantly exceeds demand. The reduction would be through a common percentage applied to the ESN as well as beet and isoglucose quotas.*

Or. en

**Amendment 1925**  
**Béla Glattfelder**

**Proposal for a regulation**  
**Article 130 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 130 a**

***Full-time refiners – three month  
exclusivity to import raw sugar***

***1. From the beginning of the 2015/2016 marketing year for sugar on 1 October 2015 until the end of the 2019/2020 marketing year for sugar on 30 September 2020, during the first three months of each marketing year (1 October to 31 December), full-time refiners as defined in Annex II, Part I a [C1] are granted the exclusivity to import raw sugar for refining in the limit of 2 489 735 tonnes of import certificates expressed in white sugar.***

***2. Taking into account the need to ensure that imported sugar intended for refining is refined in accordance with this subsection, the Commission may, by means of delegated acts in accordance with Article 160, adopt:***

***(a) certain definitions for the operation of the import arrangements referred to in Paragraph 1;***

***(b) the conditions and eligibility requirements that an operator has to fulfil to lodge an application for an import licence, including the lodging of a security;***

***(c) rules on administrative penalties to be charged.***

***3. The Commission may, by means of implementing acts in accordance with Article 162(2), adopt the necessary rules concerning the supporting documents to be supplied in connection with the requirements and obligations applicable***

*to importers, and in particular to full-time refiners. [C1]Dantin's amendment 424 – Annex III of Council Regulation (EC) No 1234/2007*

Or. en

*Justification*

*In order to maintain the balance between domestic and imported sugar, this amends Article 153 of Council Regulation (EC) No 1234/2007 and 361/2008 to maintain the current situation which grants a three-month privilege to full-time refiners, while rewording it to ensure greater legal clarity. The 2,489,735 tonnes comes from Council Regulation (EC) No 361/2008 and should be seen as a limit not a goal.*

**Amendment 1926**  
**Janusz Wojciechowski**

**Proposal for a regulation**  
**Article 130 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 130a*

*Full-time refiners – three-month exclusive rights to import raw cane sugar*

*1. From the beginning of the 2015/2016 marketing year for sugar on 1 October 2015 to the end of the 2019/2020 marketing year for sugar on 30 September 2020, for the first three months of each marketing year (from 1 October to 31 December), full-time refiners, as defined in Annex II, Part Ia, shall be granted exclusive rights to import raw cane sugar for refining in quantities covered by export licences, up to 2 489 735 tonnes, expressed in white sugar.*

*2. Taking into account the need to ensure that imported sugar for refining is refined in accordance with this section, the Commission may, by means of delegated acts in accordance with Article 160,*

*adopt:*

*(a) certain definitions for the operation of the import arrangements referred to in paragraph 1;*

*(b) the conditions and eligibility requirements that an operator has to fulfil to lodge an application for an import licence, including the lodging of a security;*

*(c) rules on administrative penalties to be charged.*

*3. The Commission may, by means of implementing acts in accordance with Article 162(2), adopt the necessary rules concerning the supporting documents to be supplied in connection with the requirements and obligations applicable to importers, and in particular to full-time refiners.*

Or. pl

**Amendment 1927**  
**Jean-Paul Gauzès**

**Proposal for a regulation**  
**Article 130 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 130a*

*Full-time refiners – exclusive 3-month period for import of raw sugar for refining*

*1. Until 30 September 2020 and during the first 3 months of the marketing year (1 October to 31 December), full-time refiners as defined in Annex II of Part Ia (new) shall have exclusive access to licences for the import of raw sugar for refining up to 2 489 735 tonnes of import certificates expressed in white sugar.*

***2. In view of the need to ensure that imported sugar for refining is refined in line with this subsection, the Commission may, by means of delegated acts adopted in accordance with Article 160, adopt:***

***(a) certain definitions for the operation of the import arrangements referred to in paragraph 1;***

***(b) the conditions and eligibility requirements that an operator has to fulfil to lodge an application for an import licence, including the lodging of a security;***

***(c) rules on administrative penalties to be charged.***

***3. The Commission may, by means of implementing acts in accordance with the examination procedure referred to in Article 162(2), adopt the necessary rules concerning the supporting documents to be submitted in connection with the requirements and obligations applicable to importers, and in particular to full-time refiners.***

Or. fr

**Amendment 1928  
Marc Tarabella**

**Proposal for a regulation  
Article 130 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 130a***

***Full-time refiners – exclusive 3-month period for import of raw sugar for refining***

***1. Until 30 September 2020 and during the first 3 months of the marketing year (1 October to 31 December), full-time refiners as defined in Annex II of Part Ia***

*shall have exclusive access to licences for the import of raw sugar for refining up to 2 489 735 tonnes of import certificates expressed in white sugar.*

*2. In view of the need to ensure that sugar for refining is refined in line with this subsection, the Commission may, by means of delegated acts adopted in accordance with Article 160, adopt:*

*(a) certain definitions for the operation of the import arrangements referred to in paragraph 1; (b) the conditions and eligibility requirements that an operator has to fulfil to lodge an application for an import licence, including the lodging of a security; (c) rules on administrative penalties to be charged.*

*3. The Commission may, by means of implementing acts in accordance with the examination procedure referred to in Article 162(2), adopt the necessary rules concerning the supporting documents to be supplied in connection with the requirements and obligations applicable to importers, and in particular to full-time refiners.*

Or. fr

#### *Justification*

*Consistent with the current situation whereby the three-month privilege is granted to full-time refiners and which opened up refining to non-traditional refineries, taking into account the additional access to raw sugar granted under implementation of the recent bilateral free-trade agreements, which should come into effect in 2013. In addition, particular attention should be paid to compliance with the 2 489 735 Mt limit in order to maintain the balance between beet sugar and imported raw sugar.*

**Amendment 1929**  
**Julie Girling, Marina Yannakoudakis**

**Proposal for a regulation**  
**Article 130 a (new)**

**Article 130 a**

***Suspension of import duties in the sugar sector***

***1. Until the end of the quota regime, the Commission shall, by means of implementing acts, suspend import duties in whole or in part for the following products in order to guarantee the supply required for the manufacture of the products referred to in Article 101m (2):***

***a) sugar falling within CN code 1701;***

***b) isoglucose falling within CN codes 1702 30 10, 1702 40 10, 1702 60 10 and 1702 90 30.***

***2. The suspension of import duties as referred to in paragraph 1 shall be automatically triggered as soon as the reported EU price for white sugar is 150% of the reference price. The normal duty will be automatically restored when the reported EU price will be below 150% of the reference price.***

Or. en

*Justification*

*A trigger of 150% of the EU reference price for white sugar, or €606.6 / tonne (reference price is €404.4/tonne), is needed to avoid excessive volatility. Additional imports in case of supply shortages will help relieve the market and will moreover have a positive effect on competition in the EU supply base, which is currently too concentrated.*

**Amendment 1930**

**Paolo Bartolozzi**

**Proposal for a regulation**

**Article 130 a (new)**



*Text proposed by the Commission*

*Amendment*

**Article 130 a**

***Suspension of import duties in the sugar sector***

***1. Until the end of the quota regime, the Commission shall, by means of implementing acts, suspend import duties in whole or in part for the following products in order to guarantee the supply required for the manufacture of the products referred to in Article 101m (2):***

***sugar falling within CN code 1701;***

***isoglucose falling within CN codes 1702 30 10, 1702 40 10, 1702 60 10 and 1702 90 30.***

***2. The suspension of import duties as referred to in paragraph 1 shall be automatically triggered as soon as the reported EU price for white sugar is 150% of the reference price. The normal duty will be automatically restored when the reported EU price will be below 150% of the reference price.***

Or. en

**Amendment 1931**  
**Dimitar Stoyanov**

**Proposal for a regulation**  
**Article 130 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 130b**

***Suspension of import duties on additional quantities of cane sugar for refining***

***1. Import duties on cane sugar for refining shall be suspended in respect of necessary additional quantities that are needed to guarantee supply to full-time***

*refiners in the marketing year in question.*

*2. The Commission shall, by means of implementing acts, set the additional quantities referred to in paragraph 1, which shall be the difference between the traditional supply needs indicated in Article 130a and the estimate for the supply of cane sugar for refining for the marketing year in question.*

*3. At the start of each marketing year, the Commission shall draw up an estimate for the supply of cane sugar for refining, which shall be updated in view of the quantity of cane sugar which is to be imported during the marketing year in question. That updating shall be performed prior to the allocation of the additional quantity and the subsequent issuing of import licences for that quantity.*

*4. By no later than the November of the marketing year in question, the Commission shall issue import licences for 70% of the sugar for refining forming part of the additional quantity. The import licences for the first half of the remaining additional quantity shall be issued by the end of the February, and for the second half by the end of May, of that marketing year.*

*5. If, after the estimate has been updated, the need is established to increase the additional quantity, the difference between that increase and the quantity initially set shall be allocated by means of the issuing of licences by the end of the marketing year in question, which shall also be valid during the first three months of the following marketing year .*

Or. bg

#### *Justification*

*In order to enable the full volume of traditional supply needs to be imported, without a*

*simultaneous sharp rise in the price of raw sugar owing to the imposition of a higher rate of duty on the additional quantity, this should also be exempt from duty, in the same way as imports from countries granted preferences are exempt. This will guarantee full-time refiners access to raw sugar and create conditions propitious to free competition and a reduction in end product prices.*

**Amendment 1932**  
**Julie Girling, Marina Yannakoudakis**

**Proposal for a regulation**  
**Article 130 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 130 b**

**1. Before 31 December 2013, the Commission will propose, by means of implementing act, a revised Common Customs Tariff for the following products:**

**(a) sugar falling within CN code 1701;**

**(b) isoglucose falling within CN codes 1702 30 10, 1702 40 10, 1702 60 10 and 1702 90 30.**

**The new tariffs for sugar shall reflect the difference between the reference prices before and after the 2006 reform to offer a comparable level of protection.**

**2. Before the end of the sugar quota, the Commission will present a proposal on the further elimination of import tariffs for the products mentioned in the first paragraph of this Article.**

Or. en

*Justification*

*Until the end of the sugar quota, the tariff should be reduced to offer a similar level of protection as it did before the start of the sugar reform in 2006. The end of the sugar quota, however, will require further adaptation of the EU import regime in order to avoid excessive concentration of supply and to allow sufficient access to raw materials in deficit markets. The*

*Commission is asked to make a proposal before the end of the quota, i.e. 31 September 2015.*

**Amendment 1933**  
**Paolo Bartolozzi**

**Proposal for a regulation**  
**Article 130 b (new)**

*Text proposed by the Commission*

*Amendment*

*Article 130 b*

*1. Before 31 December 2013, the Commission will propose, by means of implementing act, a revised Common Customs Tariff for the following products:*

*(a) sugar falling within CN code 1701;*

*(b) isoglucose falling within CN codes 1702 30 10, 1702 40 10, 1702 60 10 and 1702 90 30.*

*The new tariffs for sugar shall reflect the difference between the reference prices before and after the 2006 reform to offer a comparable level of protection.*

*2. Before the end of the sugar quota, the Commission will present a proposal on the further elimination of import tariffs for the products mentioned in the first paragraph of this Article.*

Or. en

**Amendment 1934**  
**Mariya Gabriel**

**Proposal for a regulation**  
**Article 130 c (new)**

*Text proposed by the Commission*

*Amendment*

*Article 130 c (new)*

*1. By 1 January 2014, the Commission will propose, by means of an implementing act, a revised Common Customs Tariff for the products falling within CN code 1701.*

*The new tariffs for raw and white sugar shall not be higher than 50% of the reference price for the respective products.*

*2. By 31 September 2015, the Commission will present an analysis of the impact on the competitiveness of the EU food chain, including consumers, of the complete elimination of import tariffs for the products mentioned in the first paragraph of this Article.*

Or. en

**Amendment 1935**  
**Marit Paulsen, George Lyon, Britta Reimers**

**Proposal for a regulation**  
**Part 3 – chapter 6 – title**

*Text proposed by the Commission*

*Amendment*

Export *refunds*

Export *provisions*

Or. en

**Amendment 1936**  
**José Bové**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Part 3 – chapter 6 – title**

*Text proposed by the Commission*

*Amendment*

Export *refunds*

*Rules relating to export*

Or. fr

**Amendment 1937**

**José Bové**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 133**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

Or. fr

**Amendment 1938**

**Ulrike Rodust, Åsa Westlund, Brian Simpson, Karin Kadenbach**

**Proposal for a regulation**

**Article 133**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

Or. en

**Amendment 1939**

**Marit Paulsen, George Lyon**

**Proposal for a regulation**

**Article 133**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

Or. en

**Amendment 1940**

**Patrick Le Hyaric**

**Proposal for a regulation**  
**Article 133**

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. fr

**Amendment 1941**  
**Britta Reimers**

**Proposal for a regulation**  
**Article 133**

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. en

**Amendment 1942**  
**Christofer Fjellner**

**Proposal for a regulation**  
**Article 133**

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. en

**Amendment 1943**  
**Christel Schaldemose**

**Proposal for a regulation**  
**Article 133 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. To the extent necessary to enable

1. To the extent necessary to enable

exports on the basis of world market quotations or prices and ***within the limits resulting from agreements concluded in accordance with Article 218 of the Treaty***, the difference between those quotations or prices and prices in the Union may be covered by export refunds for:

exports on the basis of world market quotations or prices and ***until export refunds are phased out***, the difference between those quotations or prices and prices in the Union may be covered by export refunds for:

Or. en

#### *Justification*

*It is important to highlight and to signal that export refunds as a tool are to disappear. This has long been an integrated part of the EU's WTO approach, and the use of refunds should be phased out irrespective of the WTO discussions.*

**Amendment 1944**  
**Wojciech Michał Olejniczak**

**Proposal for a regulation**  
**Article 133 – paragraph 1 – introductory part**

#### *Text proposed by the Commission*

1. To the extent necessary to enable exports on the basis of world market quotations or prices and within the limits resulting from agreements concluded in accordance with Article 218 of the Treaty, the difference between those quotations or prices and prices in the Union may be covered by export refunds for:

#### *Amendment*

1. To the extent necessary to enable exports on the basis of world market quotations or prices and within the limits resulting from agreements concluded in accordance with Article 218 of the Treaty, ***when the situation on the market for given products is particularly difficult***, the difference between those quotations or prices and prices in the Union may be covered by export refunds for:

Or. pl

#### *Justification*

*Given the general decline in export refunds in the EU, efforts should be made to grant them only in particularly difficult situations or if there is a crisis in the markets for the products subject to such refunds.*



**Amendment 1945**

**Sylvie Goulard, Marielle de Sarnez**

**Proposal for a regulation**

**Article 133 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. To the extent necessary to enable exports on the basis of world market quotations or prices and within the limits resulting from agreements concluded in accordance with Article 218 of the Treaty, the difference between those quotations or prices and prices in the Union may be covered by export refunds for:

*Amendment*

1. To the extent necessary to enable exports on the basis of world market quotations or prices and within the limits resulting from agreements concluded in accordance with Article 218 of the Treaty, **and while respecting the *principals laid down in article 3 (5) of the Treaty of the European Union***, the difference between those quotations or prices and prices in the Union may be covered by export refunds for:

Or. en

*Justification*

*It is important to ensure that export subsidies do not hinder the development of the agricultural sectors in developing countries by undercutting local production prices.*

**Amendment 1946**

**Peter Jahr, Albert Deß**

**Proposal for a regulation**

**Article 133 – paragraph 1 – introductory part**

*Text proposed by the Commission*

(1) To the extent necessary to enable exports on the basis of world market quotations or prices and within the limits resulting from agreements concluded in accordance with Article 218 of the Treaty, the difference between those quotations or prices and prices in the Union may be covered by export refunds for:

*Amendment*

(1) ***The export refunds governed by this Chapter shall apply only in conjunction with Article 154 of this Regulation.*** To the extent necessary to enable exports on the basis of world market quotations or prices and within the limits resulting from agreements concluded in accordance with Article 218 of the Treaty, the difference between those quotations or prices and prices in the Union may be covered by

export refunds for:

Or. de

**Amendment 1947**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

**Proposal for a regulation**

**Article 133 – paragraph 1 – point b**

*Text proposed by the Commission*

b) the products listed in points (i) to (iii), (v) and (vii) of point (a) of this paragraph to be exported in the form of processed goods in accordance with Council Regulation (EC) No 1216/2009 of 30 November 2009 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products<sup>46</sup>, and in the form of the products containing sugar listed in point (b) of Part X of Annex I.

*Amendment*

(b) the products listed in points (i) to (iii), (v) and (vii) of point (a) of this paragraph to be exported in the form of processed goods in accordance with Council Regulation (EC) No 1216/2009 of 30 November 2009 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products<sup>46</sup>, ***including products exported in the form of goods not covered by Annex I to the Treaty, in accordance with Commission Regulation (EU) No 578/2010 of 29 June 2010***, and in the form of products containing sugar listed in point (b) of Part X of Annex I.

Or. es

*Justification*

*Certain goods, including certain highly commercially-sensitive products, are exported in the form of products not included in Annex I to the Treaty, and are covered, not by Regulation (EC) No 1216/2009, but rather by Regulation (EU) No 578/2010 of 29 June 2010. The direct reference to Regulation (EC) No 1216/2009 could confuse operators, who might think such products were not covered by the export refund arrangements.*

**Amendment 1948**

**Elisabeth Jeggle**

**Proposal for a regulation**  
**Article 133 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2a) The maximum refund granted for the products referred to in paragraph 1 shall be EUR 0.***

Or. de

*Justification*

*In recent years export refunds for most products have been reduced or set at zero. Export refunds are unpopular on the grounds that they distort competition and should therefore only be used as a crisis and aid measure and set at zero.*

**Amendment 1949**

**José Bové**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 134**

*Text proposed by the Commission*

*Amendment*

***Article 134***

***deleted***

***Export refund distribution***

***The quantities which may be exported with an export refund shall be allocated by the method which:***

- a) is most suited to the nature of the product and the situation on the relevant market, allowing the most efficient use of the resources available, taking into account the efficiency and structure of Union exports and their impact on the market balance without creating discrimination between the operators concerned and in particular between large and small operators;***
- b) is least cumbersome administratively for operators, taking into account the***

*administrative requirements.*

Or. fr

**Amendment 1950**

**Ulrike Rodust, Åsa Westlund, Brian Simpson, Christel Schaldemose, Karin Kadenbach**

**Proposal for a regulation**

**Article 134**

*Text proposed by the Commission*

*Amendment*

**Article 134**

**deleted**

**Export refund distribution**

***The quantities which may be exported with an export refund shall be allocated by the method which:***

***(a) is most suited to the nature of the product and the situation on the relevant market, allowing the most efficient use of the resources available, taking into account the efficiency and structure of Union exports and their impact on the market balance without creating discrimination between the operators concerned and in particular between large and small operators;***

***(b) is least cumbersome administratively for operators, taking into account the administrative requirements.***

Or. en

**Amendment 1951**

**Marit Paulsen, George Lyon, Britta Reimers**

**Proposal for a regulation**

**Article 134**

*Text proposed by the Commission*

*Amendment*

**Article 134**

**deleted**

***Export refund distribution***

***The quantities which may be exported with an export refund shall be allocated by the method which:***

***(a) is most suited to the nature of the product and the situation on the relevant market, allowing the most efficient use of the resources available, taking into account the efficiency and structure of Union exports and their impact on the market balance without creating discrimination between the operators concerned and in particular between large and small operators;***

***(b) is least cumbersome administratively for operators, taking into account the administrative requirements.***

Or. en

**Amendment 1952**

**Patrick Le Hyaric**

**Proposal for a regulation**

**Article 134**

*Text proposed by the Commission*

*Amendment*

***Article 134***

***deleted***

***Export refund distribution***

***The quantities which may be exported with an export refund shall be allocated by the method which:***

***a) is most suited to the nature of the product and the situation on the relevant market, allowing the most efficient use of the resources available, taking into account the efficiency and structure of Union exports and their impact on the market balance without creating discrimination between the operators concerned and in particular between large and small operators;***

*b) is least cumbersome administratively for operators, taking into account the administrative requirements.*

Or. fr

**Amendment 1953**  
**Christofer Fjellner**

**Proposal for a regulation**  
**Article 134**

*Text proposed by the Commission*

*Amendment*

*Article 134*

*deleted*

*Export refund distribution*

*The quantities which may be exported with an export refund shall be allocated by the method which:*

*(a) is most suited to the nature of the product and the situation on the relevant market, allowing the most efficient use of the resources available, taking into account the efficiency and structure of Union exports and their impact on the market balance without creating discrimination between the operators concerned and in particular between large and small operators;*

*(b) is least cumbersome administratively for operators, taking into account the administrative requirements.*

Or. en

**Amendment 1954**  
**José Bové**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 135**

*Text proposed by the Commission*

*Amendment*

**Article 135**

*deleted*

**Export refund fixation**

**1. The same export refunds shall apply to the same products in the whole Union.**

**They may vary according to destination, especially where the world market situation, the specific requirements of certain markets, or obligations resulting from agreements concluded in accordance with Article 218 of the Treaty make this necessary.**

**2. Measures on the fixing of refunds shall be taken by the Council in accordance with Article 43(3) of the Treaty.**

Or. fr

**Amendment 1955**

**Ulrike Rodust, Åsa Westlund, Brian Simpson, Christel Schaldemose, Karin Kadenbach**

**Proposal for a regulation**

**Article 135**

*Text proposed by the Commission*

*Amendment*

**Article 135**

*deleted*

**Export refund fixation**

**1. The same export refunds shall apply to the same products in the whole Union.**

**They may vary according to destination, especially where the world market situation, the specific requirements of certain markets, or obligations resulting from agreements concluded in accordance with Article 218 of the Treaty make this necessary.**

**2. Measures on the fixing of refunds shall be taken by the Council in accordance with Article 43(3) of the Treaty.**

**Amendment 1956**  
**Marit Paulsen, George Lyon, Britta Reimers**

**Proposal for a regulation**  
**Article 135**

*Text proposed by the Commission*

*Amendment*

**Article 135**

**deleted**

**Export refund fixation**

**1. The same export refunds shall apply to the same products in the whole Union. They may vary according to destination, especially where the world market situation, the specific requirements of certain markets, or obligations resulting from agreements concluded in accordance with Article 218 of the Treaty make this necessary.**

**2. Measures on the fixing of refunds shall be taken by the Council in accordance with Article 43(3) of the Treaty.**

**Amendment 1957**  
**Patrick Le Hyaric**

**Proposal for a regulation**  
**Article 135**

*Text proposed by the Commission*

*Amendment*

**Article 135**

**deleted**

**Export refund fixation**

**1. The same export refunds shall apply to the same products in the whole Union. They may vary according to destination, especially where the world market situation, the specific requirements of**



*certain markets, or obligations resulting from agreements concluded in accordance with Article 218 of the Treaty make this necessary.*

*2. Measures on the fixing of refunds shall be taken by the Council in accordance with Article 43(3) of the Treaty.*

Or. fr

**Amendment 1958**  
**Christofer Fjellner**

**Proposal for a regulation**  
**Article 135**

*Text proposed by the Commission*

*Amendment*

*Article 135*

*deleted*

*Export refund fixation*

*1. The same export refunds shall apply to the same products in the whole Union. They may vary according to destination, especially where the world market situation, the specific requirements of certain markets, or obligations resulting from agreements concluded in accordance with Article 218 of the Treaty make this necessary.*

*2. Measures on the fixing of refunds shall be taken by the Council in accordance with Article 43(3) of the Treaty.*

Or. en

**Amendment 1959**  
**Britta Reimers**

**Proposal for a regulation**  
**Article 135 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. Measures on the fixing of refunds shall be taken by the Council in accordance with Article 43(3) of the Treaty.** *deleted*

Or. en

*Justification*

*Article 43(3) is the exception from the ordinary legislative procedure, whereby the Council adopts measures on the fixing of aids, prices, quantities etc. We do not want the Council to adopt measures on the fixing of export refunds, therefore this AM deletes Art. 135(2).*

**Amendment 1960**

**Jarosław Kalinowski, Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska, Artur Zasada**

**Proposal for a regulation**

**Article 135 - paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. In exceptional and duly justified cases where cereal grains are concerned, the Commission may, by means of implementing acts adopted in accordance with the examination procedure referred to in Article 162(2), differentiate the level of export refunds for Member States.**

Or. pl

*Justification*

*Provision should be made for an export refund instrument to apply in selected regions, as with public intervention on the cereals market.*

**Amendment 1961**

**José Bové**

on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 136**

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. fr

**Amendment 1962**

**Ulrike Rodust, Åsa Westlund, Brian Simpson, Christel Schaldemose, Karin Kadenbach**

**Proposal for a regulation**  
**Article 136**

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. en

**Amendment 1963**

**Marit Paulsen, George Lyon**

**Proposal for a regulation**  
**Article 136**

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

Or. en

**Amendment 1964**

**Patrick Le Hyaric**

**Proposal for a regulation**  
**Article 136**

*Text proposed by the Commission*

*Amendment*

[...]

*deleted*

**Amendment 1965**  
**Christofer Fjellner**

**Proposal for a regulation**  
**Article 136**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

**Amendment 1966**  
**Ulrike Rodust, Åsa Westlund, Brian Simpson, Christel Schaldemose, Karin Kadenbach**

**Proposal for a regulation**  
**Article 137**

*Text proposed by the Commission*

*Amendment*

*Article 137*

*deleted*

*Export refunds for live animals in the  
beef and veal sector*

*1. With regard to products of the beef and veal sector, the granting and the payment of the refund for exports of live animals shall be subject to compliance with the animal welfare requirements established in the Union legislation and, in particular, the protection of animals during transport.*

*2. Taking into account the need to encourage exporters to respect animal welfare conditions and to enable the competent authorities to verify correct expenditure of export refunds where that is conditional on respect for animal welfare requirements, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 on the respect of animal welfare requirements*

*outside the customs territory of the Union, including the use of independent third parties.*

*3. The Commission may, by means of implementing acts, adopt necessary measures for the application of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).*

Or. en

**Amendment 1967**  
**Peter Jahr, Britta Reimers**

**Proposal for a regulation**  
**Article 137**

*Text proposed by the Commission*

*Amendment*

*Article 137*

*deleted*

*Export refunds for live animals in the beef and veal sector*

*(1) With regard to products of the beef and veal sector, the granting and the payment of the refund for exports of live animals shall be subject to compliance with the animal welfare requirements established in the Union legislation and, in particular, the protection of animals during transport.*

*(2) Taking into account the need to encourage exporters to respect animal welfare conditions and to enable the competent authorities to verify correct expenditure of export refunds where that is conditional on respect for animal welfare requirements, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 on the respect of animal welfare requirements outside the customs territory of the Union, including the use of independent third*

*parties.*

***(3) The Commission may, by means of implementing acts, adopt necessary measures for the application of this Article. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 162(2).***

Or. de

**Amendment 1968  
Patrick Le Hyaric**

**Proposal for a regulation  
Article 137**

*Text proposed by the Commission*

*Amendment*

***Article 137***

***deleted***

***Export refunds for live animals in the beef and veal sector***

***1. With regard to products of the beef and veal sector, the granting and the payment of the refund for exports of live animals shall be subject to compliance with the animal welfare requirements established in the Union legislation and, in particular, the protection of animals during transport.***

***2. Taking into account the need to encourage exporters to respect animal welfare conditions and to enable the competent authorities to verify correct expenditure of export refunds where that is conditional on respect for animal welfare requirements, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 on the respect of animal welfare requirements outside the customs territory of the Union, including the use of independent third parties.***

***3. The Commission may, by means of implementing acts, adopt necessary measures for the application this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2);***

Or. fr

**Amendment 1969  
Britta Reimers, George Lyon**

**Proposal for a regulation  
Article 137**

*Text proposed by the Commission*

*Amendment*

***Article 137***

***deleted***

***Export refunds for live animals in the beef and veal sector***

***1. With regard to products of the beef and veal sector, the granting and the payment of the refund for exports of live animals shall be subject to compliance with the animal welfare requirements established in the Union legislation and, in particular, the protection of animals during transport.***

***2. Taking into account the need to encourage exporters to respect animal welfare conditions and to enable the competent authorities to verify correct expenditure of export refunds where that is conditional on respect for animal welfare requirements, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 on the respect of animal welfare requirements outside the customs territory of the Union, including the use of independent third parties.***

***3. The Commission may, by means of implementing acts, adopt necessary measures for the application of this***

*Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).*

Or. en

**Amendment 1970**  
**Christofer Fjellner**

**Proposal for a regulation**  
**Article 137**

*Text proposed by the Commission*

*Amendment*

*Article 137*

*deleted*

*Export refunds for live animals in the beef and veal sector*

*1. With regard to products of the beef and veal sector, the granting and the payment of the refund for exports of live animals shall be subject to compliance with the animal welfare requirements established in the Union legislation and, in particular, the protection of animals during transport.*

*2. Taking into account the need to encourage exporters to respect animal welfare conditions and to enable the competent authorities to verify correct expenditure of export refunds where that is conditional on respect for animal welfare requirements, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 on the respect of animal welfare requirements outside the customs territory of the Union, including the use of independent third parties.*

*3. The Commission may, by means of implementing acts, adopt necessary measures for the application of this Article. Those implementing acts shall be adopted in accordance with the*



*examination procedure referred to in Article 162(2).*

Or. en

**Amendment 1971**  
**Marit Paulsen, George Lyon**

**Proposal for a regulation**  
**Article 137 – title**

*Text proposed by the Commission*

*Amendment*

Export *refunds for* live animals *in the beef and veal sector*

Export *of* live animals

Or. en

**Amendment 1972**  
**José Bové**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 137 – title**

*Text proposed by the Commission*

*Amendment*

*Export refunds* for live animals in the beef and veal sector

*Rules relating to exports* for live animals in the beef and veal sector

Or. fr

**Amendment 1973**  
**Marit Paulsen, George Lyon, Britta Reimers**

**Proposal for a regulation**  
**Article 137 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

*1. With regard to products of the beef and veal sector, the granting and the payment*

*deleted*

*of the refund for exports of live animals shall be subject to compliance with the animal welfare requirements established in the Union legislation and, in particular, the protection of animals during transport.*

Or. en

**Amendment 1974**

**José Bové**

on behalf of the Verts/ALE Group

**Proposal for a regulation  
Article 137 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

*1. With regard to products of the beef and veal sector, the granting and the payment of the refund for exports of live animals shall be subject to compliance with the animal welfare requirements established in the Union legislation and, in particular, the protection of animals during transport.*

*deleted*

Or. fr

**Amendment 1975**

**Marit Paulsen, George Lyon, Britta Reimers**

**Proposal for a regulation  
Article 137 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Taking into account the need to encourage exporters to respect animal welfare conditions *and to enable the competent authorities to verify correct expenditure of export refunds where that is conditional on respect for animal welfare requirements*, the Commission

2. Taking into account the need to encourage exporters to respect animal welfare conditions, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 on the respect of animal welfare requirements outside the customs territory of the Union, including

shall be empowered to adopt delegated acts in accordance with Article 160 on the respect of animal welfare requirements outside the customs territory of the Union, including the use of independent third parties.

the use of independent third parties.

Or. en

#### **Amendment 1976**

**José Bové**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

#### **Article 137 – paragraph 2**

##### *Text proposed by the Commission*

2. Taking into account the need to encourage exporters to respect animal welfare conditions ***and to enable the competent authorities to verify correct expenditure of export refunds where that is conditional on respect for animal welfare requirements***, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 on the respect of animal welfare requirements outside the customs territory of the Union, including the use of independent third parties.

##### *Amendment*

2. Taking into account the need to encourage exporters to respect animal welfare conditions, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 on the respect of animal welfare requirements outside the customs territory of the Union, including the use of independent third parties.

Or. fr

#### **Amendment 1977**

**Esther de Lange**

#### **Proposal for a regulation**

#### **Article 137 – paragraph 2**

##### *Text proposed by the Commission*

2. Taking into account the need to encourage exporters to respect animal

##### *Amendment*

2. Taking into account the need to encourage exporters to respect animal

welfare conditions and to enable the competent authorities to verify correct expenditure of export refunds where that is conditional on respect for animal welfare requirements, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 on the respect of animal welfare requirements outside the customs territory of the Union, including the use of independent third parties.

welfare conditions and to enable the competent authorities to verify correct expenditure of export refunds where that is conditional on respect for animal welfare requirements, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 on the respect of animal welfare requirements outside the customs territory of the Union, including the use of independent third parties ***and to ensure that animal products produced in third countries meet the animal welfare requirements in the Union.***

Or. en

#### **Amendment 1978**

**José Bové**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

#### **Article 138**

*Text proposed by the Commission*

*Amendment*

#### ***Article 138***

***deleted***

#### ***Export limits***

***The volume commitments resulting from the agreements concluded in accordance with Article 218 of the Treaty shall be respected on the basis of export licences issued for the reference periods applying to the products concerned.***

***The Commission may adopt implementing acts necessary to respect the volume commitments, including ceasing or limiting the issue of export licences when such commitments are or can be exceeded. With regard to compliance with the obligations under the WTO Agreement on Agriculture, the ending of a reference period shall not affect the validity of export licences.***

**Amendment 1979**

**Ulrike Rodust, Åsa Westlund, Brian Simpson, Christel Schaldemose, Karin Kadenbach**

**Proposal for a regulation**

**Article 138**

*Text proposed by the Commission*

*Amendment*

**Article 138**

*deleted*

**Export limits**

*The volume commitments resulting from the agreements concluded in accordance with Article 218 of the Treaty shall be respected on the basis of export licences issued for the reference periods applying to the products concerned.*

*The Commission may adopt implementing acts necessary to respect the volume commitments, including ceasing or limiting the issue of export licences when such commitments are or can be exceeded. With regard to compliance with the obligations under the WTO Agreement on Agriculture, the ending of a reference period shall not affect the validity of export licences.*

**Amendment 1980**

**Marit Paulsen, George Lyon, Britta Reimers**

**Proposal for a regulation**

**Article 138**

*Text proposed by the Commission*

*Amendment*

**Article 138**

*deleted*

**Export limits**

*The volume commitments resulting from*

*the agreements concluded in accordance with Article 218 of the Treaty shall be respected on the basis of export licences issued for the reference periods applying to the products concerned.*

*The Commission may adopt implementing acts necessary to respect the volume commitments, including ceasing or limiting the issue of export licences when such commitments are or can be exceeded. With regard to compliance with the obligations under the WTO Agreement on Agriculture, the ending of a reference period shall not affect the validity of export licences.*

Or. en

**Amendment 1981**  
**Patrick Le Hyaric**

**Proposal for a regulation**  
**Article 138**

*Text proposed by the Commission*

*Amendment*

*Article 138*

*deleted*

*Export limits*

*The volume commitments resulting from the agreements concluded in accordance with Article 218 of the Treaty shall be respected on the basis of export licences issued for the reference periods applying to the products concerned.*

*The Commission may adopt implementing acts necessary to respect the volume commitments, including ceasing or limiting the issue of export licences when such commitments are or can be exceeded. With regard to compliance with the obligations under the WTO Agreement on Agriculture, the ending of a reference period shall not affect the validity of export licences.*

**Amendment 1982**  
**Christofer Fjellner**

**Proposal for a regulation**  
**Article 138**

*Text proposed by the Commission*

*Amendment*

**Article 138**

*deleted*

**Export limits**

***The volume commitments resulting from the agreements concluded in accordance with Article 218 of the Treaty shall be respected on the basis of export licences issued for the reference periods applying to the products concerned.***

***The Commission may adopt implementing acts necessary to respect the volume commitments, including ceasing or limiting the issue of export licences when such commitments are or can be exceeded. With regard to compliance with the obligations under the WTO Agreement on Agriculture, the ending of a reference period shall not affect the validity of export licences.***

**Amendment 1983**  
**José Bové**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 139**

*Text proposed by the Commission*

*Amendment*

**[...]**

*deleted*

**Amendment 1984**

**Ulrike Rodust, Åsa Westlund, Brian Simpson, Christel Schaldemose, Karin Kadenbach**

**Proposal for a regulation**

**Article 139**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

Or. en

**Amendment 1985**

**Marit Paulsen, George Lyon**

**Proposal for a regulation**

**Article 139**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

Or. en

**Amendment 1986**

**Patrick Le Hyaric**

**Proposal for a regulation**

**Article 139**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

Or. fr

**Amendment 1987**

**Christofer Fjellner**



**Proposal for a regulation**  
**Article 139**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

Or. en

**Amendment 1988**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

**Proposal for a regulation**

**Article 139 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

*(6a) The Commission may, by means of delegated acts, establish further conditions for the granting of export refunds in order to prevent diversion of trade, in particular the conditions that:*

*a) refunds are only paid for products of EU origin;*

*b) the amount of refunds for imported products shall be limited to the duties collected on importation where those duties are lower than the refund applicable.*

Or. es

*Justification*

*This new paragraph, which is included in the text for alignment with the Lisbon Treaty, is very important. If it is not included in this proposal, deflections of trade may occur.*

**Amendment 1989**

**José Bové**

on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 140**

*Text proposed by the Commission*

*Amendment*

**Article 140**

*deleted*

***Implementing powers in accordance with  
the examination procedure***

***The Commission shall by means of  
implementing acts, adopt necessary  
measures for the application of this  
Section, in particular:***

***a) on the redistribution of exportable  
quantities which have not been allocated  
or utilised;***

***b) on products referred to in point (b) of  
Article 133(1).***

***Those implementing acts shall be adopted  
in accordance with the examination  
procedure referred to in Article 162(2);***

Or. fr

**Amendment 1990**

**Ulrike Rodust, Åsa Westlund, Brian Simpson, Christel Schaldemose, Karin Kadenbach**

**Proposal for a regulation**  
**Article 140**

*Text proposed by the Commission*

*Amendment*

**Article 140**

*deleted*

***Implementing powers in accordance with  
the examination procedure***

***The Commission shall by means of  
implementing acts, adopt necessary  
measures for the application of this  
Section, in particular:***

***(a) on the redistribution of exportable  
quantities which have not been allocated  
or utilised;***

***(b) on products referred to in point (b) of***

*Article 133(1).*

*Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).*

Or. en

**Amendment 1991**

**Marit Paulsen, George Lyon, Britta Reimers**

**Proposal for a regulation**

**Article 140**

*Text proposed by the Commission*

*Amendment*

*Article 140*

*deleted*

*Implementing powers in accordance with the examination procedure*

*The Commission shall by means of implementing acts, adopt necessary measures for the application of this Section, in particular:*

*(a) on the redistribution of exportable quantities which have not been allocated or utilised;*

*(b) on products referred to in point (b) of Article 133(1).*

*Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).*

Or. en

**Amendment 1992**

**Patrick Le Hyaric**

**Proposal for a regulation**

**Article 140**

*Text proposed by the Commission*

*Amendment*

**Article 140**

*deleted*

***Implementing powers in accordance with  
the examination procedure***

***The Commission shall by means of  
implementing acts, adopt necessary  
measures for the application of this  
Section, in particular:***

***a) on the redistribution of exportable  
quantities which have not been allocated  
or utilised;***

***b) on products referred to in point (b) of  
Article 133(1).***

***Those implementing acts shall be adopted  
in accordance with the examination  
procedure referred to in Article 162(2);***

Or. fr

**Amendment 1993  
Christofer Fjellner**

**Proposal for a regulation  
Article 140**

*Text proposed by the Commission*

*Amendment*

**Article 140**

*deleted*

***Implementing powers in accordance with  
the examination procedure***

***The Commission shall by means of  
implementing acts, adopt necessary  
measures for the application of this  
Section, in particular:***

***(a) on the redistribution of exportable  
quantities which have not been allocated  
or utilised;***

***(b) on products referred to in point (b) of  
Article 133(1).***

*Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).*

Or. en

**Amendment 1994**

**José Bové**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 141**

*Text proposed by the Commission*

*Amendment*

*Article 141*

*deleted*

*other implementing powers*

*The Commission may, by means of implementing acts, fix coefficients adjusting export refunds in accordance with the rules adopted pursuant to Article 139(6).*

Or. fr

**Amendment 1995**

**Ulrike Rodust, Åsa Westlund, Brian Simpson, Christel Schaldemose, Karin Kadenbach**

**Proposal for a regulation**

**Article 141**

*Text proposed by the Commission*

*Amendment*

*Article 141*

*deleted*

*Other implementing powers*

*The Commission may, by means of implementing acts, fix coefficients adjusting export refunds in accordance with the rules adopted pursuant to Article 139(6).*

Or. en

**Amendment 1996**  
**Marit Paulsen, George Lyon, Britta Reimers**

**Proposal for a regulation**  
**Article 141**

*Text proposed by the Commission*

*Amendment*

*Article 141*

*deleted*

*Other implementing powers*

*The Commission may, by means of implementing acts, fix coefficients adjusting export refunds in accordance with the rules adopted pursuant to Article 139(6).*

Or. en

**Amendment 1997**  
**Patrick Le Hyaric**

**Proposal for a regulation**  
**Article 141**

*Text proposed by the Commission*

*Amendment*

*Article 141*

*deleted*

*other implementing powers*

*The Commission may, by means of implementing acts, fix coefficients adjusting export refunds in accordance with the rules adopted pursuant to Article 139(6).*

Or. fr

**Amendment 1998**  
**Christofer Fjellner**

**Proposal for a regulation**  
**Article 141**

*Text proposed by the Commission*

*Amendment*

**Article 141**

*deleted*

**Other implementing powers**

*The Commission may, by means of implementing acts, fix coefficients adjusting export refunds in accordance with the rules adopted pursuant to Article 139(6).*

Or. en

**Amendment 1999**  
**Christofer Fjellner**

**Proposal for a regulation**  
**Article 142**

*Text proposed by the Commission*

*Amendment*

**Article 142**

*deleted*

**Suspension of outward processing arrangements**

*1. Where the Union market is disturbed or could be disturbed by outward processing arrangements, the Commission may, by means of implementing acts, on a request from a Member State or on its own initiative, fully or partially suspend the use of outward processing arrangements for the products of the cereals, rice, fruit and vegetables, processed fruit and vegetables, wine, beef and veal, pigmeat, sheepmeat and goatmeat and poultrymeat sectors. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).*

*Where the Commission receives a request from a Member State, it shall, by means of implementing acts, take a decision*

*thereon within five working days following receipt of the request. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).*

*On duly justified grounds of urgency, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 162(3).*

*The measures adopted shall be communicated to the Members States and shall take effect immediately.*

*2. To the extent necessary for the proper functioning of the CMO, the use of outward processing arrangements for the products listed in paragraph 1 may be fully or partially prohibited by the European Parliament and the Council, acting in accordance with the procedure laid down in Article 43(2) of the Treaty.*

Or. en

**Amendment 2000**  
**George Lyon, Marit Paulsen**

**Proposal for a regulation**  
**Article 143 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 143 a*

*The relevant market*

*1. The definition of the relevant market is a tool to identify and define the boundaries of competition between firms, and is 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 firms 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.*

*2. For the purpose of defining the relevant market, the following principles apply:*

*(a) The relevant product market shall be considered in the first instance, for raw products, to be the market in products from a given species of plant or animal; wherever a smaller subdivision is used, this shall be duly substantiated;*

*(b) the relevant geographic market shall be considered on a case-by-case basis and shall be duly substantiated according to the particular circumstances of each case.*

Or. en

#### *Justification*

*The proposal from the Rapporteur in his amendment 370 to consider the relevant geographic market as being the Union in the first instance would lead to hardly any cases where competition is affected. The relevant geographic market has to be defined considering the particular elements of the case at stake.*

**Amendment 2001**  
**George Lyon, Marit Paulsen**

**Proposal for a regulation**  
**Article 143 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 143 b**

***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.***

Or. en

*Justification*

*The second part of the rapporteur's amendment 371 is considered irrelevant and it is therefore proposed to delete it. The different operators along the food supply chain do not necessarily operate on the same relevant market (product and geographic), therefore, comparing their market shares to determine whether the producer organisations are in a dominant position would not make economic sense.*

**Amendment 2002**

**José Bové**

on behalf of the Verts/ALE Group

**Proposal for a regulation**

**Article 144 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

In particular, ***Article 101(1) of the Treaty shall not apply to*** agreements, decisions and practices of farmers, farmers' associations, or associations of such associations, ***or*** producer organisations recognised ***under*** Article 106 of this Regulation, or associations of producer organisations recognised ***under*** Article 107 of this Regulation, which concern the production or sale of agricultural products or the use of joint facilities for the storage,

In particular, ***the*** agreements, decisions and practices of farmers, farmers' associations or associations of such associations, producer organisations recognised ***in conformity with*** Article 106 of this Regulation or associations of producer organisations recognised ***in conformity with*** Article 107 of this Regulation, which concern the production or sale of agricultural products or the use of joint facilities for the storage ***or*** treatment of

treatment *or processing* of agricultural products, *and under which there is no obligation to charge identical prices*, unless competition is *thereby* excluded *or* the objectives *of* Article 39 of the Treaty *are jeopardised*.

agricultural products, unless competition is *completely* excluded, *shall be assumed to pursue the achievement of* the objectives *set out in* Article 39 of the Treaty.

Or. fr

### **Amendment 2003**

**Eric Andrieu, Marc Tarabella**

#### **Proposal for a regulation**

#### **Article 144 – paragraph 1 – subparagraph 2**

##### *Text proposed by the Commission*

In particular, *Article 101(1) of the Treaty shall not apply to* agreements, decisions and practices of *farmers, farmers' associations, or associations of such associations, or* producer organisations recognised under Article 106 of this Regulation, or associations of producer organisations recognised under Article 107 of this Regulation, which concern the production or sale of agricultural products or the use of joint facilities for the storage, treatment or processing of agricultural products, *and under which there is no obligation to charge identical prices, unless competition is thereby excluded or* the objectives of Article 39 of the Treaty *are jeopardised*.

##### *Amendment*

In particular, *the* agreements, decisions and *concerted* practices of *producers*, producer organisations recognised under Article 106 of this Regulation or associations of producer organisations recognised under Article 107 of this Regulation, which concern the production or sale of agricultural products or the use of joint facilities for the storage, treatment or processing of agricultural products or *the implementation of collective measures aimed at preventing and managing economic risk, in particular the equalisation fund referred to in Article 109c, shall be deemed necessary to achieving* the objectives of Article 39 of the Treaty.

Or. fr

### **Amendment 2004**

**Herbert Dorfmann**

#### **Proposal for a regulation**

#### **Article 144 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

In particular, **Article 101(1)** of the Treaty ***shall not apply to*** agreements, decisions and practices ***of farmers, farmers' associations, or associations of such associations,*** or producer organisations recognised under Article 106 of this Regulation, or associations of producer organisations recognised under Article 107 of this Regulation, *which* concern the production or sale of agricultural products or the use of joint facilities for the storage, treatment or processing of agricultural products, ***and under which there is no obligation to charge identical prices, unless competition is thereby excluded or the objectives of Article 39 of the Treaty are jeopardised.***

*Amendment*

In particular, ***the following are deemed necessary in order to achieve the objectives referred to in Article 39*** of the Treaty: agreements, decisions and practices ***agreed upon by producers*** or producer organisations recognised under Article 106 of this Regulation, or associations of producer organisations recognised under Article 107 of this Regulation, *insofar as they concern the **achievement of the objectives under Article 106 of this Regulation,*** the production or sale of agricultural products or the use of joint facilities for the storage, treatment or processing of agricultural products.

Or. it

**Amendment 2005**  
**Britta Reimers**

**Proposal for a regulation**  
**Article 144 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

In particular, Article **101(1)** of the Treaty ***shall not apply to*** agreements, decisions and practices of farmers, farmers' associations, or associations of such associations, or producer organisations recognised under Article 106 of this Regulation, or associations of producer organisations recognised under Article 107 of this Regulation, which concern the production or sale of agricultural products or the use of joint facilities for the storage, treatment or processing of agricultural products, and under which there is no obligation to charge identical prices, unless competition is thereby excluded or the

*Amendment*

In particular, ***are presumed to pursue the achievement of the objectives of Article 39*** of the Treaty, ***the*** agreements, decisions and practices of farmers, farmers' associations, or associations of such associations, or producer organisations recognised under Article 106 of this Regulation, or associations of producer organisations recognised under Article 107 of this Regulation, which concern the production or sale of agricultural products or the use of joint facilities for the storage, treatment or processing of agricultural products, and under which there is no obligation to charge identical prices, unless

objectives of Article 39 of the Treaty are jeopardised.

competition is thereby excluded or the *main* objectives of Article 39 of the Treaty are jeopardised.

Or. en

#### *Justification*

*It is appropriate to clarify that agreements etc. of producer organisations etc. are presumed to fulfil the CAP objectives as defined in Art. 39 of the TFEU. This shifts the burden of proof on the COM and provides more legal certainty to agricultural actors. Furthermore, it should be pointed out that only the "main" objectives of the CAP should not be jeopardised.*

#### **Amendment 2006**

**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

#### **Proposal for a regulation**

#### **Article 144 – paragraph 1 – subparagraph 2**

##### *Text proposed by the Commission*

In particular, Article 101(1) of the Treaty shall not apply to agreements, decisions and practices of farmers, farmers' associations, or associations of such associations, *or producer organisations recognised under Article 106 of this Regulation, or associations of producer organisations recognised under Article 107 of this Regulation*, which concern the production or sale of agricultural products or the use of joint facilities for the storage, treatment or processing of agricultural products, and under which there is no obligation to charge identical prices, unless competition is thereby excluded or the objectives of Article 39 of the Treaty are jeopardised.

##### *Amendment*

In particular, Article 101(1) of the Treaty shall not apply to agreements, decisions and practices of farmers, farmers' associations, or associations of such associations which concern the production or sale of agricultural products or the use of joint facilities for the storage, treatment or processing of agricultural products, and under which there is no obligation to charge identical prices, unless competition is thereby excluded or the objectives of Article 39 of the Treaty are jeopardised.

Or. es

#### **Amendment 2007**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa**

## Zamora

### Proposal for a regulation

#### Article 144 – paragraph 1 – subparagraph 2

##### *Text proposed by the Commission*

In particular, Article 101(1) of the Treaty shall not apply to agreements, decisions and practices of farmers, farmers' associations, or associations of such associations, ***or producer organisations recognised under Article 106 of this Regulation, or associations of producer organisations recognised under Article 107 of this Regulation***, which concern the production or sale of agricultural products or the use of joint facilities for the storage, treatment or processing of agricultural products, and under which there is no obligation to charge identical prices, unless competition is thereby excluded or the objectives of Article 39 of the Treaty are jeopardised.

##### *Amendment*

In particular, Article 101(1) of the Treaty shall not apply to agreements, decisions and practices of farmers, farmers' associations, or associations of such associations which concern the production or sale of agricultural products or the use of joint facilities for the storage, treatment or processing of agricultural products, and under which there is no obligation to charge identical prices, unless competition is thereby excluded or the objectives of Article 39 of the Treaty are jeopardised.

Or. es

##### *Justification*

*In line with the proposed amendment to Article 145, which seeks to make provisions on producer organisations and associations of such organisations.*

### Amendment 2008

**Esther de Lange, Marianne Thyssen, Ivo Belet**

### Proposal for a regulation

#### Article 144 – paragraph 1 – subparagraph 2

##### *Text proposed by the Commission*

In particular, Article 101(1) of the Treaty shall not apply to agreements, decisions and practices of farmers, farmers' associations, or associations of such associations, or producer organisations

##### *Amendment*

In particular, Article 101(1) of the Treaty shall not apply to agreements, decisions and practices of farmers, farmers' associations, or associations of such associations, or producer organisations

recognised under Article 106 of this Regulation, or associations of producer organisations recognised under Article 107 of this Regulation, which concern the production or sale of agricultural products or the use of joint facilities for the storage, treatment or processing of agricultural products, **and under which there is no obligation to charge identical prices**, unless competition is thereby excluded or the objectives of Article 39 of the Treaty are jeopardised.

recognised under Article 106 of this Regulation, or associations of producer organisations recognised under Article 107 of this Regulation, which concern the production or sale of agricultural products or the use of joint facilities for the storage, treatment or processing of agricultural products, unless competition is thereby excluded or the objectives of Article 39 of the Treaty are jeopardised.

Or. en

**Amendment 2009**  
**Esther de Lange**

**Proposal for a regulation**  
**Article 144 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Article 101(1) of the Treaty shall not apply to the agreements, decisions and practices referred to in Article 143 of this Regulation necessary for the **attainment of** the objectives set out in Article 39 of the Treaty.

*Amendment*

Article 101(1) of the Treaty shall not apply to the agreements, decisions and practices referred to in Article 143 of this Regulation necessary for **achieving the objectives set out in this Regulation relating to environment, climate, animal health and welfare, food safety, sustainability and** the objectives set out in Article 39 of the Treaty.

Or. en

**Amendment 2010**  
**Britta Reimers**

**Proposal for a regulation**  
**Article 144 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Article 101(1) of the Treaty shall not apply

*Amendment*

Article 101(1) of the Treaty shall not apply

to the agreements, decisions and practices referred to in Article 143 of this Regulation necessary for the attainment of the objectives set out in Article 39 of the Treaty.

to the agreements, decisions and practices referred to in Article 143 of this Regulation necessary for the attainment of the **main** objectives set out in Article 39 of the Treaty.

Or. en

#### *Justification*

*It is appropriate to clarify that the agreements of producer organisations etc. which shall be allowed, are necessary to achieve the "main" objectives of the CAP. If the word "main" was not included, it would mean that every agreement would need to be necessary for the attainment of each and every CAP goal (this is at least the interpretation of the Court of Justice in existing case law).*

#### **Amendment 2011** **Rareş-Lucian Niculescu**

#### **Proposal for a regulation** **Article 144 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

Article 101(1) of the Treaty shall not apply to the agreements, decisions and practices referred to in Article 143 of this Regulation necessary for the attainment of the objectives set out in Article 39 of the Treaty.

##### *Amendment*

Article 101(1) of the Treaty shall not apply to the agreements, decisions and practices referred to in Article 143 of this Regulation necessary for the attainment of the **main** objectives set out in Article 39 of the Treaty.

Or. en

#### **Amendment 2012** **Jim Higgins, Seán Kelly, Phil Prendergast**

#### **Proposal for a regulation** **Article 144 – paragraph 1 – subparagraph 2 a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

***Taking into consideration the need for ensuring harmonized implementation of***



*EU competition rules in the agricultural sector, the European Commission shall develop specific guidelines aiming at facilitating the implementation by national competition authorities of Articles 101 to 106 of the Treaty to agreements, decisions and practices related to the production of, or trade in, agricultural products.*

Or. en

**Amendment 2013**  
**Rareş-Lucian Niculescu**

**Proposal for a regulation**  
**Article 144 – paragraph 1 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*Taking into consideration the need for ensuring harmonized implementation of EU competition rules in the agricultural sector, the European Commission shall develop [within... years after the entry of this Regulation] specific guidelines aiming at facilitating the implementation by national competition authorities of Articles 101 to 106 of the Treaty to agreements, decisions and practices related to the production of, or trade in, agricultural products.*

Or. en

**Amendment 2014**  
**Britta Reimers**

**Proposal for a regulation**  
**Article 144 – paragraph 1 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*Regulation (EC) No 1/2003<sup>1</sup> shall apply to*

*exceptions from the applicability of Articles 101 to 106 of the Treaty provided for in this Regulation. The possible exceptions concerning agreements between agricultural undertakings shall be treated in accordance with the conditions laid down in Article 101(3) of the Treaty.*

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<sup>1</sup> OJ L 1,4.1.2003,p. 1.

Or. en

*Justification*

*Current standard in competition policy is that undertakings conduct a "self-assessment" regarding the legality of the agreements they make. The details of this "self-assessment" procedure are laid down in Regulation 1/2003. The advantage of the self-assessment procedure is that it alleviates the work load of the Commission. We propose the same approach for agreements of interbranch organisations (see our amendment regarding Art. 145).*

**Amendment 2015**  
**Esther de Lange, Bastiaan Belder**

**Proposal for a regulation**  
**Article 144 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1 a. In particular, Article 101(1) of the Treaty shall not apply to agreements throughout the food-supply chain ensuring fair and reasonable prices for producers, which take into account costs made by producers in relation to sustainability and animal welfare.*

Or. en

**Amendment 2016**  
**Britta Reimers**

**Proposal for a regulation**  
**Article 144 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. After consulting the Member States and hearing the undertakings or associations of undertakings concerned and any other natural or legal person that it considers appropriate, the Commission shall have sole power, subject to review by the Court of Justice, to determine, by adopting, by means of implementing acts, a Decision which shall be published, which agreements, decisions and practices fulfil the conditions specified in paragraph 1.** *deleted*

*The Commission shall undertake such determination either on its own initiative or at the request of a competent authority of a Member State or of an interested undertaking or association of undertakings.*

Or. en

*Justification*

*Current standard in competition policy is that undertakings conduct a "self-assessment" regarding the legality of the agreements they make. The details of this "self-assessment" procedure are laid down in Regulation 1/2003. The advantage of the self-assessment procedure is that it alleviates the work load of the Commission. We propose the same approach for agreements of interbranch organisations (see our amendment regarding Art. 145).*

**Amendment 2017**  
**Britta Reimers**

**Proposal for a regulation**  
**Article 144 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. The publication of the Decision referred to in the first subparagraph of** *deleted*

*paragraph 2 shall state the names of the parties and the main content of the decision. It shall have regard to the legitimate interest of undertakings in the protection of their business secrets.*

Or. en

*Justification*

*Current standard in competition policy is that undertakings conduct a "self-assessment" regarding the legality of the agreements they make. The details of this "self-assessment" procedure are laid down in Regulation 1/2003. The advantage of the self-assessment procedure is that it alleviates the work load of the Commission. We propose the same approach for agreements of interbranch organisations (see our amendment regarding Art. 145).*

**Amendment 2018**  
**Iratxe García Pérez**

**Proposal for a regulation**  
**Article 144 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

*(3a) Notwithstanding the provisions of the previous paragraphs, the Commission shall coordinate action by the various national competition authorities in order to ensure that the rules of competition law are applied and interpreted in the most uniform way possible in sectors covered by this Regulation and that single market principles are observed. It may therefore publish best practice guidelines to assist the sector in question and the various authorities.*

Or. es

**Amendment 2019**  
**Salvador Sedó i Alabart, Maria Badia i Cutchet, Raimon Obiols, Ramon Tremosa i Balcells, Santiago Fisas Ayxela**

**Proposal for a regulation**  
**Article 144 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) Notwithstanding the provisions of the previous paragraphs, the Commission shall coordinate action by the various national competition authorities in order to ensure that the rules of competition law are applied and interpreted in the most uniform way possible in sectors covered by this Regulation. It may therefore publish best practice guidelines to assist the sector in question and the various authorities.***

Or. es

*Justification*

*The rules of competition law were designed for a perfect market with free competition. Given the fact that one of the negotiating parties has a relative monopoly, competition rules should not be used to encourage divisions between parties that impede production diversity. The agricultural sector must therefore be exempt from European competition rules and prior decisions should be made as to which situations and cases such an exemption should apply.*

**Amendment 2020**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

**Proposal for a regulation**  
**Article 144 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) Notwithstanding the provisions of the previous paragraphs, the Commission shall coordinate action by the various national competition authorities in order to ensure that the rules of competition law are applied and interpreted in the most uniform way possible in sectors covered by this Regulation and that single market***

*principles are observed. It may therefore publish best practice guidelines to assist the sector in question and the various authorities.*

Or. es

*Justification*

*Member States and competent national authorities apply the competition rules in different ways. Given that in a single market the same rules cannot be applied differently in different places, the Commission should act as coordinator and guarantor of the application of these rules, whilst also respecting and accepting the autonomy of the various national competition authorities.*

**Amendment 2021**  
**Izaskun Bilbao Barandica**

**Proposal for a regulation**  
**Article 144 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) Notwithstanding the provisions of the previous paragraphs, the Commission shall monitor action by the national competition authorities in order to ensure that the rules of competition law are applied and interpreted uniformly in the sectors covered by this Regulation and that such action is taken in accordance with single market principles. To that end, it shall publish best practice guidelines to assist the sector in question and the various authorities.***

Or. es

*Justification*

*This amendment seeks to prevent market distortions as a result of competition rules being applied differently from one Member State to the next.*

**Amendment 2022**

**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

**Proposal for a regulation**

**Article 145 – title**

*Text proposed by the Commission*

*Amendment*

Agreements and concerted practices of recognised interbranch organisations

Agreements and concerted practices of recognised interbranch organisations, ***producer organisations and associations of producer organisations***

Or. es

**Amendment 2023**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

**Proposal for a regulation**

**Article 145 – title**

*Text proposed by the Commission*

*Amendment*

Agreements and concerted practices of recognised interbranch organisations

Agreements and concerted practices of recognised interbranch organisations, ***producer organisations and associations of producer organisations***

Or. es

*Justification*

*This amendment seeks to ensure that recognised producer organisations can employ agreements, decisions and concerted practices in the same way as interbranch organisations. It aims to strengthen the role of producer organisations and associations of such organisations.*

**Amendment 2024**

**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

**Proposal for a regulation**

**Article 145 – paragraph 1**

*Text proposed by the Commission*

1. Article 101(1) of the Treaty shall not apply to the agreements, decisions and concerted practices of interbranch organisations recognised under Article 108 of this Regulation with the object of carrying out the activities listed in point (c) of Article 108(1) of this Regulation, **and for the olive oil and table olive and tobacco sectors**, Article **108(2)** of this Regulation.

*Amendment*

1. Article 101(1) of the Treaty shall not apply to the agreements, decisions and concerted practices of interbranch organisations recognised under Article 108 of this Regulation with the object of carrying out the activities listed in point (c) of Article 108(1) of this Regulation, **or to producer organisations recognised under Article 106 or associations of producer organisations recognised under Article 107** of this Regulation **with the object of carrying out the activities listed in point (c) of Article 106 of this Regulation.**

Or. es

**Amendment 2025**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

**Proposal for a regulation  
Article 145 – paragraph 1**

*Text proposed by the Commission*

1. Article 101(1) of the Treaty shall not apply to the agreements, decisions and concerted practices of interbranch organisations recognised under Article 108 of this Regulation with the object of carrying out the activities listed in point (c) of Article **108(1)** of this Regulation, **and for the olive oil and table olive and tobacco sectors**, Article **108(2)** of this Regulation.

*Amendment*

1. Article 101(1) of the Treaty shall not apply to the agreements, decisions and concerted practices of interbranch organisations recognised under Article 108 of this Regulation with the object of carrying out the activities listed in point (c) of Article **108** of this Regulation, **or to producer organisations recognised under Article 106 or associations of producer organisations recognised under Article 107** of this Regulation **with the object of carrying out the activities listed in point (c) of Article 106 of this Regulation.**

Or. es



*Justification*

*The reference to producer organisations and associations of producer organisations enables them to employ agreements, decisions and concerted practices in the same way as interbranch organisations.*

**Amendment 2026**

**Marit Paulsen, Britta Reimers, George Lyon**

**Proposal for a regulation**

**Article 145 – paragraph 1**

*Text proposed by the Commission*

1. Article 101(1) of the Treaty shall not apply to the agreements, decisions and concerted practices of interbranch organisations recognised under Article 108 of this Regulation with the object of carrying out the activities listed in point (c) of Article 108(1) of this Regulation, and for the olive oil and table olive **and tobacco sectors**, Article 108(2) of this Regulation.

*Amendment*

1. Article 101(1) of the Treaty shall not apply to the agreements, decisions and concerted practices of interbranch organisations recognised under Article 108 of this Regulation with the object of carrying out the activities listed in point (c) of Article 108(1) of this Regulation, and for the olive oil and table olive, Article 108(2) of this Regulation.

Or. en

**Amendment 2027**

**Britta Reimers**

**Proposal for a regulation**

**Article 145 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. The provisions of Article 144(2) shall apply to agreements, decisions and concerted practices of interbranch organisations recognised under Article 108 of this Regulation.***

Or. en

## *Justification*

*Current standard in competition policy is that undertakings conduct a "self-assessment" regarding the legality of the agreements they make. The details of this "self-assessment" procedure are laid down in Regulation 1/2003. The advantage of the self-assessment procedure is that it alleviates the work load of the Commission.*

### **Amendment 2028**

**Britta Reimers**

#### **Proposal for a regulation Article 145 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. Paragraph 1 shall apply only provided that:**

**deleted**

**(a) the agreements, decisions and concerted practices have been notified to the Commission;**

**(b) within two months of receipt of all the details required the Commission, by means of implementing acts, has not found that the agreements, decisions or concerted practices are incompatible with Union rules.**

Or. en

### **Amendment 2029**

**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

#### **Proposal for a regulation Article 145 – paragraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

b) within two months of receipt of **all** the **details required** the Commission, by means of implementing acts, has not found that the agreements, decisions or concerted practices are incompatible with Union rules.

b) within two months of receipt of the **notification** the Commission, by means of implementing acts, has not found that the agreements, decisions or concerted practices are incompatible with Union rules.

**Amendment 2030**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

**Proposal for a regulation**

**Article 145 – paragraph 2 – point b**

*Text proposed by the Commission*

b) within two months of receipt of **all** the **details required** the Commission, by means of implementing acts, has not found that the agreements, decisions or concerted practices are incompatible with Union rules.

*Amendment*

b) within two months of receipt of the **notification** the Commission, by means of implementing acts, has not found that the agreements, decisions or concerted practices are incompatible with Union rules.

Or. es

*Justification*

*The provision of a two-month period for the Commission to adopt its stance following receipt of all the documents would prevent interbranch organisations from functioning properly and make the process extremely bureaucratic.*

**Amendment 2031**

**Britta Reimers**

**Proposal for a regulation**

**Article 145 – paragraph 3**

*Text proposed by the Commission*

**3. The agreements, decisions and concerted practices may not be put into effect before the lapse of the period referred to in paragraph 2(b).**

*Amendment*

*deleted*

Or. en

**Amendment 2032**  
**Rareş-Lucian Niculescu**

**Proposal for a regulation**  
**Article 145 – paragraph 4 – point c**

*Text proposed by the Commission*

(c) may create distortions of competition which are not essential to achieving the objectives of the CAP pursued by the interbranch organisation activity;

*Amendment*

(c) may create distortions of competition which are not essential to achieving the **main** objectives of the CAP pursued by the interbranch organisation activity;

Or. en

**Amendment 2033**  
**José Bové**  
on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 145 – paragraph 4 – point d**

*Text proposed by the Commission*

***d) entail the fixing of prices or the fixing of quotas;***

*Amendment*

***deleted***

Or. fr

*Justification*

*Given that the proposal encourages the use of statistical tools and the monitoring of markets (such as in the dairy sector), which have an indirect impact on prices, and given that the risk of affecting competition is slight (since the Commission is informed of the agreements before they come into force), ex ante prohibition of fixing prices and quotas should be removed from Article 145(4)(d).*

**Amendment 2034**  
**João Ferreira, Inês Cristina Zuber, Patrick Le Hyaric, Willy Meyer**

**Proposal for a regulation**  
**Article 145 – paragraph 4 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) entail the fixing of prices or the fixing of quotas;** *deleted*

Or. pt

**Amendment 2035**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

**Proposal for a regulation**

**Article 145 – paragraph 4 – point d**

*Text proposed by the Commission*

*Amendment*

d) entail the fixing of prices or the fixing of quotas;

d) entail the fixing of prices or the fixing of **production** quotas;

Or. es

*Justification*

*The text should make it clear that 'quotas' are exclusively 'production quotas'. This would be more in line with the current single CMO Regulation, which always expresses production quotas in kilograms (milk, sugar, tobacco).*

**Amendment 2036**

**Britta Reimers**

**Proposal for a regulation**

**Article 145 – paragraph 5 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

***If, following expiry of the two-month period referred to in paragraph 2(b), the Commission finds that the conditions for applying paragraph 1 have not been met, it shall, by means of implementing acts, take a Decision declaring that Article 101(1) of the Treaty applies to the agreement, decision or concerted practice***

*deleted*

*in question.*

Or. en

**Amendment 2037**  
**Britta Reimers**

**Proposal for a regulation**  
**Article 145 – paragraph 5 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

*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.* **deleted**

Or. en

**Amendment 2038**  
**Britta Reimers**

**Proposal for a regulation**  
**Article 145 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

*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.* **deleted**

Or. en

**Amendment 2039**  
**José Bové**

on behalf of the Verts/ALE Group

**Proposal for a regulation**  
**Article 145 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***6a. In a crisis, the agreements, decisions and concerted practices may be implemented before the Commission has delivered its opinion. If, following the expiry of a ten-day period, the Commission finds that the conditions for applying paragraph 1 have not been met, it shall, by means of implementing acts, take a decision declaring that Article 101(1) of the Treaty applies to the agreement, decision or concerted practice in question.***

Or. fr

*Justification*

*Given that, in a crisis, decisions and interbranch agreements need to be implemented rapidly, an additional paragraph should be added to Article 145.*

**Amendment 2040**

**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

**Proposal for a regulation**  
**Article 149 – title**

*Text proposed by the Commission*

*Amendment*

National payments for the sugar sector in Finland

National payments for the sugar sector in Finland ***and other Member States***

Or. es

**Amendment 2041**  
**Jean-Paul Gauzès**

**Proposal for a regulation**  
**Article 149 – paragraph 1**

*Text proposed by the Commission*

Finland may make national payments of up to EUR 350 per hectare per marketing year to sugar beet growers.

*Amendment*

Finland may make national payments of up to EUR 350 per hectare per marketing year to sugar beet growers ***until the end of the 2019/2020 marketing year.***

Or. fr

**Amendment 2042**

**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

**Proposal for a regulation**  
**Article 149 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Member States with sugar beet production in areas south of the 44th parallel may also make national payments per hectare per marketing year to sugar beet growers.***

Or. es

*Justification*

*Geographical and climatic conditions are determining factors in sugar beet production, particularly in areas with latitudes more to the north or the south of the main production area in Europe.*

**Amendment 2043**

**Agustín Díaz de Mera García Consuegra**

**Proposal for a regulation**  
**Article 149 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Member States with sugar beet production to the south of the 44th parallel may also make national payments per hectare per***



*marketing year to sugar beet growers.*

Or. es

*Justification*

*The natural constraints of those Member States that grow sugar beet to the south of the parallel should also be taken into account.*

**Amendment 2044**

**Jarosław Kalinowski, Czesław Adam Siekierski, Artur Zasada, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation  
Article 152 – paragraph 2**

*Text proposed by the Commission*

Member States may finance those payments by means of a levy on the sector concerned or by any other contribution from the private sector.

*Amendment*

Member States may finance those payments **from the national budget**, by means of a levy on the sector concerned or by any other contribution from the private sector.

Or. pl

*Justification*

*Linguistic correction (applies to Polish version) and clarification.*

**Amendment 2045**

**Jarosław Kalinowski, Czesław Adam Siekierski, Artur Zasada, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation  
Article 152 – paragraph 3**

*Text proposed by the Commission*

Member States may, in addition to Union aid provided for in Article 21, make national payments for financing accompanying measures necessary to make

*Amendment*

Member States may, in addition to Union aid provided for in Article 21, make national payments for financing accompanying measures necessary to make

the Union scheme for the supply of fruit and vegetable, processed fruit and vegetable and banana products effective, as provided for in Article 21(2).

the Union scheme for the supply of fruit and vegetable, processed fruit and vegetable and banana products effective, as provided for in Article 21(2). ***The total amount of co-financing shall not exceed 100% of the costs actually incurred.***

Or. pl

*Justification*

*It should be made clear in Article 152 that the national funding provided in addition to Union aid comes from the co-financing referred to in Article 21(4)(b), and is not additional to the budget comprising both the EU and national contributions.*

**Amendment 2046**  
**Hans-Peter Mayer**

**Proposal for a regulation**  
**Article 153 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 153a***

***Promoting sales in the milk and milk products sector***

***A Member State may impose a promotional levy on its milk producers in respect of marketed quantities of milk or milk equivalent in order to finance the measures on promoting consumption in the Union, expanding the markets for milk and milk products and improving quality.***

Or. de

**Amendment 2047**  
**João Ferreira, Inês Cristina Zuber, Patrick Le Hyaric**

**Proposal for a regulation**  
**Part V – Chapter -I (new)**

**CHAPTER -I**

***Risk and crisis management***

***Section 1***

***Public insurance***

***Article 153a***

***Public agricultural insurance***

***1. A public agricultural insurance scheme, financed from the Union budget, shall be established in order to guarantee a basic income to farmers affected by extreme weather events or other cases of disaster, whether natural or man-made, including forest fires, diseases, and pest infestations. This insurance shall afford a basic level of protection to all farmers in all Member States.***

***2. Public agricultural insurance may be subdivided into farm insurance, loss of revenue insurance, livestock insurance, and compensation funds.***

***3. The existence of this insurance shall be without prejudice to the existence of other specific insurance schemes in given sectors, such as the wine sector harvest insurance referred to in Article 47.***

***4. The Commission shall submit a proposal for a regulation of the European Parliament and of the Council on public agricultural insurance at the time required to enable the Regulation to enter into force on 1 July 2014.***

Or. pt

**Amendment 2048**

**Richard Ashworth, Julie Girling**

**Proposal for a regulation**

**Article 154 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

**Taking** into account the need to react efficiently and effectively against threats of market disturbance **caused by** significant price rises or falls on internal or external markets **or any other factors affecting the market**, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to take the necessary measures for the sector concerned, respecting any obligations resulting from agreements concluded in accordance with Article 218 of the Treaty.

*Amendment*

**Subject to the second subparagraph and taking** into account the need to react efficiently and effectively against **significant** threats of **serious** market disturbance **due to factors resulting in or highly likely to result in** significant price rises or falls on internal or external markets, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to take the necessary measures for the sector concerned, respecting any obligations resulting from agreements concluded in accordance with Article 218 of the Treaty.

**The measures provided for in the first subparagraph may only be adopted if any other measures available under this regulation appear insufficient.**

Or. en

*Justification*

*This amendment gives a more coherent set of powers for the Commission to adopt exceptional measures in the event of crisis and ensure that safeguards included in the current text are maintained.*

**Amendment 2049**  
**Peter Jahr, Albert Deß**

**Proposal for a regulation**  
**Article 154 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Taking into account the need to react efficiently and effectively against **threats of** market disturbance caused by significant price rises or falls on internal or external markets **or any other factors affecting the market**, the Commission shall be empowered to adopt delegated acts in

*Amendment*

Taking into account the need to react efficiently and effectively against market disturbance caused by significant price rises or falls on internal or external markets, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to take the

accordance with Article 160 to take the necessary measures for the sector concerned, respecting any obligations resulting from agreements concluded in accordance with Article 218 of the Treaty.

necessary measures for the sector concerned, respecting any obligations resulting from agreements concluded in accordance with Article 218 of the Treaty.

Or. de

#### **Amendment 2050**

**José Bové**

on behalf of the Verts/ALE Group

#### **Proposal for a regulation**

#### **Article 154 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

Taking into account the need to react efficiently and effectively against threats of market disturbance caused by significant price rises or falls on internal or external markets or any other factors affecting the market, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to take the necessary measures for the sector concerned, respecting any obligations resulting from agreements concluded in accordance with Article 218 of the Treaty.

##### *Amendment*

Taking into account the need to react efficiently and effectively against threats of market disturbance caused by significant price rises or falls on internal or external markets, ***a substantial rise in production costs as set out in Article 7(2)*** or any other factors affecting the market, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to take the necessary measures for the sector concerned, respecting any obligations resulting from agreements concluded in accordance with Article 218 of the Treaty.

Or. fr

#### **Amendment 2051**

**Salvador Sedó i Alabart, Maria Badia i Cutchet, Raimon Obiols, Ramon Tremosa i Balcells, Santiago Fisas Aixela**

#### **Proposal for a regulation**

#### **Article 154 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

Taking into account the need to react

##### *Amendment*

Taking into account the need to react

efficiently and effectively against threats of market disturbance caused by significant price rises or falls on internal or external markets or any other factors affecting the market, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to take the necessary measures for the sector concerned, respecting any obligations resulting from agreements concluded in accordance with Article 218 of the Treaty.

efficiently and effectively against threats of market disturbance caused by significant price rises or falls on internal or external markets or any other factors affecting the market, **including those caused by an increase in production costs**, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to take the necessary measures for the sector concerned, respecting any obligations resulting from agreements concluded in accordance with Article 218 of the Treaty.

Or. es

### *Justification*

*Es necesario establecer de forma clara que el encarecimiento de los costes de producción figure también como factor de mercado que amenaza con producirse como consecuencia de incrementos o bajadas significativos en el mercado interior o exterior. En efecto, entre las necesidades de responder con eficiencia y eficacia a las perturbaciones del mercado hay que atender a episodios como el fuerte encarecimiento de la alimentación animal, los cuales producen en las rentas de los agricultores europeos los mismos efectos que las bajadas significativas de los precios de los productos agrarios.*

### **Amendment 2052**

**Jim Higgins, Seán Kelly, Phil Prendergast**

#### **Proposal for a regulation**

#### **Article 154 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

Taking into account the need to react efficiently and effectively against threats of market disturbance caused by significant price rises or falls on internal or external markets or any other factors affecting the market, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to take the necessary measures for the sector concerned, respecting any obligations resulting from agreements concluded in

##### *Amendment*

Taking into account the need to react efficiently and effectively against threats of market disturbance caused by significant price rises or falls on internal or external markets or **significant falls in producer margin or** any other factors affecting the market, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to take the necessary measures for the sector concerned, respecting any obligations

accordance with Article 218 of the Treaty.

resulting from agreements concluded in accordance with Article 218 of the Treaty.

Or. en

### **Amendment 2053**

**Diane Dodds**

#### **Proposal for a regulation**

#### **Article 154 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

Taking into account the need to react efficiently and effectively against threats of market disturbance caused by significant price rises or falls on internal or external markets or any other factors affecting the market, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to take the necessary measures for the sector concerned, respecting any obligations resulting from agreements concluded in accordance with Article 218 of the Treaty.

##### *Amendment*

Taking into account the need to react efficiently and effectively against threats of market disturbance caused by significant price rises or falls on internal or external markets or ***significant falls in producers margin or*** any other factors affecting the market, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to take the necessary measures for the sector concerned, respecting any obligations resulting from agreements concluded in accordance with Article 218 of the Treaty.

Or. en

### **Amendment 2054**

**Åsa Westlund, Marita Ulvskog, Göran Färm, Brian Simpson**

#### **Proposal for a regulation**

#### **Article 154 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

Taking into account the need to react efficiently and effectively against threats of market disturbance caused by significant price rises or falls on internal or external markets or any other factors affecting the market, the Commission shall be empowered to adopt delegated acts in

##### *Amendment*

Taking into account the need to react efficiently and effectively against threats of market disturbance caused by significant price rises or falls on internal or external markets or any other factors affecting the market, ***where that situation is likely to continue or to deteriorate,*** the

accordance with Article 160 to take the necessary measures for the sector concerned, respecting any obligations resulting from agreements concluded in accordance with Article 218 of the Treaty.

Commission shall be empowered to adopt delegated acts in accordance with Article 160 to take the necessary measures for the sector concerned, respecting any obligations resulting from agreements concluded in accordance with Article 218 of the Treaty **and provided that any other measures available under this Regulation appear insufficient.**

Or. en

#### *Justification*

*These measures should only come into force in a true emergency.*

#### **Amendment 2055 Christofer Fjellner**

#### **Proposal for a regulation Article 154 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

Taking into account the need to react efficiently and effectively against threats of market disturbance caused by significant price rises or falls on internal or external markets or any other factors affecting the market, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to take the necessary measures for the sector concerned, respecting any obligations resulting from agreements concluded in accordance with Article 218 of the Treaty.

##### *Amendment*

Taking into account the need to react efficiently and effectively against threats of market disturbance caused by significant price rises or falls on internal or external markets or any other factors affecting the market, **where that situation is likely to continue or to deteriorate**, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to take the necessary measures for the sector concerned, respecting any obligations resulting from agreements concluded in accordance with Article 218 of the Treaty **and provided that any other measures available under this Regulation appear insufficient.**

Or. en



**Amendment 2056**  
**Peter Jahr, Albert Deß**

**Proposal for a regulation**  
**Article 154 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

Where in the cases of *threats of* market disturbances referred to in the first subparagraph, imperative grounds of urgency so require, the procedure provided for in Article 161 of this Regulation shall apply to delegated acts adopted pursuant to this paragraph.

*Amendment*

Where in the cases of market disturbances referred to in the first subparagraph, imperative grounds of urgency so require, the procedure provided for in Article 161 of this Regulation shall apply to delegated acts adopted pursuant to this paragraph.

Or. de

**Amendment 2057**  
**Hans-Peter Mayer**

**Proposal for a regulation**  
**Article 154 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

Where in the cases of threats of market disturbances referred to in the first subparagraph, imperative grounds of urgency so require, the procedure provided for in Article 161 of this Regulation shall apply *to delegated acts adopted pursuant to this paragraph*.

*Amendment*

Where in the cases of threats of market disturbances referred to in the first subparagraph, imperative grounds of urgency so require, the procedure provided for in Article 161 of this Regulation shall apply.

Or. de

*Justification*

*Threats of market disturbance can be warded off by means of delegated acts adopted under the urgent procedure provided for in Article 161.*

**Amendment 2058**  
**Britta Reimers**

**Proposal for a regulation**  
**Article 154 – paragraph 1 – subparagraph 3**

*Text proposed by the Commission*

Such measures may to the extent and for the time necessary extend or modify the scope, duration or other aspects of other measures provided for under this Regulation, or suspend import duties in whole or in part including for certain quantities or periods as necessary.

*Amendment*

Such measures, ***which may be taken ex ante or ex post, may*** to the extent and for the time necessary extend or modify the scope, duration or other aspects of other measures provided for under this Regulation, or suspend import duties in whole or in part including for certain quantities or periods as necessary.

Or. en

*Justification*

*The amendment clarifies the measures to be applied against market disturbance.*

**Amendment 2059**  
**Elisabeth Jeggle**

**Proposal for a regulation**  
**Article 154 – paragraph 1 – subparagraph 3**

*Text proposed by the Commission*

Such measures may to the extent and for the time necessary extend or modify the scope, duration or other aspects of other measures provided for under this Regulation, or suspend import duties in whole or in part including for certain quantities or periods as necessary.

*Amendment*

Such measures may to the extent and for the time necessary extend or modify the scope, duration or other aspects of other measures provided for under this Regulation, ***including export refunds,*** or suspend import duties in whole or in part including for certain quantities or periods as necessary.

Or. de

**Amendment 2060**  
**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

**Proposal for a regulation**  
**Article 154 – paragraph 1 – subparagraph 3**

*Text proposed by the Commission*

Such measures may to the extent and for the time necessary extend or modify the scope, duration or other aspects of other measures provided for under this Regulation, or suspend import duties in whole or in part including for certain quantities or periods as necessary.

*Amendment*

Such measures may to the extent and for the time necessary extend or modify the scope, duration or other aspects of other measures provided for under this Regulation, or suspend import duties in whole or in part including for certain quantities or periods as necessary, ***or provide specific support for producers to mitigate the effects of serious market disturbance. In the case of the fruit and vegetables sector specifically, the Commission shall activate a withdrawal mechanism when a series of conditions, listed in the first subparagraph, are recorded at Community level, in order to encourage synchronised market withdrawal between the various Member States.***

Or. es

*Justification*

*To date, the fruit and vegetables sector has not had a specific mechanism for dealing with market disturbances. Experience acquired in recent years under the framework of the CMO for fruit and vegetables has shown that a specific Community-level mechanism is necessary to enable the sector to respond to such disturbances.*

**Amendment 2061**

**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

**Proposal for a regulation**  
**Article 154 – paragraph 1 – subparagraph 3**

*Text proposed by the Commission*

Such measures may to the extent and for the time necessary extend or modify the scope, duration or other aspects of other

*Amendment*

Such measures may to the extent and for the time necessary extend or modify the scope, duration or other aspects of other

measures provided for under this Regulation, or suspend import duties in whole or in part including for certain quantities or periods as necessary.

measures provided for under this Regulation, or suspend import duties in whole or in part including for certain quantities or periods as necessary, ***or provide specific support for producers to mitigate the effects of serious market disturbance.***

Or. es

*Justification*

*Specific support has been granted to producers on previous occasions (such as during the milk sector crisis in 2008-2009). This possibility should also be provided for in the Regulation.*

**Amendment 2062**

**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

**Proposal for a regulation**

**Article 154 – paragraph 1 – subparagraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***In the case of the fruit and vegetables sector specifically, the Commission shall activate a withdrawal mechanism when a series of conditions, listed in the first subparagraph, are recorded at Community level, in order to encourage synchronised market withdrawal between the various Member States.***

Or. es

*Justification*

*Experience acquired in recent years under the framework of the CMO for fruit and vegetables has shown that a specific Community-level mechanism is necessary to enable the sector to respond to market disturbances.*

**Amendment 2063**

**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

**Proposal for a regulation**  
**Article 154 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The measures referred to in paragraph 1 shall not apply to products listed in Section 2 of Part XXIV of Annex I.** *deleted*

Or. es

*Justification*

*Article 154 provides for the possibility to act quickly and effectively in times of market crises threatening agriculture or stockbreeding. There should not be any exceptions.*

**Amendment 2064**  
**Maria do Céu Patrão Neves**

**Proposal for a regulation**  
**Article 154 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The measures referred to in paragraph 1 shall **not** apply to products listed in **Section 2 of Part XXIV of Annex I.**

2. The measures referred to in paragraph 1 shall apply to products listed in Annex I.

Or. pt

**Amendment 2065**  
**Maria do Céu Patrão Neves**

**Proposal for a regulation**  
**Article 154 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. The measures referred to in paragraph 1 shall be implemented without the use of Member State co-financing.**

**Amendment 2066**  
**Hans-Peter Mayer**

**Proposal for a regulation**  
**Article 154 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

*(3) The Commission may, by means of implementing acts, adopt necessary rules for the application of paragraph 1 of this Article. Those rules may, in particular, concern procedures and technical criteria. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 162(2).*

*deleted*

Or. de

**Amendment 2067**

**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

**Proposal for a regulation**  
**Article 154 a (new)**

*Text proposed by the Commission*

*Amendment*

*Article 154a*

*Measures against market disturbance in the fruit and vegetables sector*

*1. Given the specific and perishable nature of fruit and vegetables, a mechanism shall be established to respond to serious market disturbances; these may be caused by significant falls in internal market prices resulting from health concerns and other causes that lead to sudden drops in demand.*

*2. This mechanism shall be exclusive to the product or products in question, of limited application in time, revisable,*

*automatically activated and accessible to all producers in the sector.*

*3. It shall include the measures listed in points (a), (b) and (c) of Article 31(2) of this Regulation, but they shall be independent of the management of the operational funds used by recognised fruit and vegetables producer organisations.*

*4. The Union shall finance 100 % of the expenditure for the measures provided for in paragraphs 1 and 2 of this Article.*

*5. Serious crisis management operations shall be governed by the mechanisms established for crisis measurement measures under the framework of the operational programmes. Those affected who are not members of a producer organisation shall conclude agreements for the purpose of coordinating crisis management operations, in which the producer organisation shall stipulate that 10 % of the support shall be set aside to cover management costs.*

*6. The Commission shall be empowered to adopt delegated acts in accordance with Article 160 in order to apply the measures provided for in paragraphs 1 and 2 of this Article.*

*7. At the request of Member States, the Commission may, by means of implementing acts, adopt exceptional measures. The Commission shall ensure that the public is informed when such measures are introduced and is made aware of the products, areas and amount of support in question. In the case of free distribution, the amount of support shall be adjusted. The end of the crisis period shall also be determined, by means of an implementing act, once the case of serious market disturbance has ended. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).*

*Justification*

*The prevention and crisis management mechanisms provided for in the current Community rules on fruit and vegetables have not managed to control the recurring market crises in recent years. Provision should be made in this Regulation so that the Community can respond early and quickly to serious crises.*

**Amendment 2068**

**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

**Proposal for a regulation****Article 155 – title***Text proposed by the Commission*

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

*Amendment*

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

Or. es

**Amendment 2069**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

**Proposal for a regulation****Article 155 – title***Text proposed by the Commission*

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

*Amendment*

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

Or. es

*Justification*

*Plant pests and diseases should be covered in point (a) of paragraph 1, given that trade*



*restrictions linked to them have an even greater impact on trade than market disturbances resulting from a loss of consumer confidence due to public, animal or plant health risks. The title of the article should therefore be changed.*

**Amendment 2070**  
**Eric Andrieu, Marc Tarabella**

**Proposal for a regulation**  
**Article 155 – title**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

**Amendment 2071**  
**Hans-Peter Mayer**

**Proposal for a regulation**  
**Article 155 – paragraph 1 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

The Commission ***may, by means of implementing*** acts, ***adopt*** exceptional support measures:

*Amendment*

The Commission ***shall be empowered to adopt delegated*** acts ***in accordance with Article 160 in order to take*** exceptional support measures:

Or. de

**Amendment 2072**  
**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

**Proposal for a regulation**  
**Article 155 – paragraph 1 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

The Commission ***may***, by means of

*Amendment*

The Commission ***shall***, by means of

implementing acts, adopt exceptional support measures:

implementing acts, adopt exceptional support measures:

Or. es

**Amendment 2073**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

**Proposal for a regulation**

**Article 155 – paragraph 1 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

The Commission **may**, by means of implementing acts, adopt exceptional support measures:

The Commission **shall**, by means of implementing acts, adopt exceptional support measures:

Or. es

*Justification*

*This amendment reflects the need for the Commission, by means of an implementing act, to take the relevant measures. The change introduced by this amendment offers Member States greater guarantees, particularly as the measures laid down in this article are to be implemented by the Member State concerned.*

**Amendment 2074**

**James Nicholson, Julie Girling, Richard Ashworth**

**Proposal for a regulation**

**Article 155 – paragraph 1 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

The Commission may, by means of implementing acts, adopt exceptional support measures:

The Commission may, by means of implementing acts, adopt exceptional support measures **for the affected market**:

Or. en

*Justification*

*Ensures a more coherent set of powers for the Commission and keeps the existing safeguards in place.*

**Amendment 2075**

**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

**Proposal for a regulation**

**Article 155 – paragraph 1 – subparagraph 1 – point a**

*Text proposed by the Commission*

a) for the affected market in order to take account of 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

*Amendment*

a) for the affected market in order to take account of restrictions on intra-Union and third-country trade which may result from the application of measures for combating the spread of **pests and** diseases in animals **and plants**, and

Or. es

**Amendment 2076**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

**Proposal for a regulation**

**Article 155 – paragraph 1 – subparagraph 1 – point a**

*Text proposed by the Commission*

a) for the affected market in order to take account of 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

*Amendment*

a) for the affected market in order to take account of restrictions on intra-Union and third-country trade which may result from the application of measures for combating the spread of **pests and** diseases in animals **and plants**, and

Or. es

*Justification*

*Plant pests and diseases should be covered in point (a) of paragraph 1, given that trade restrictions linked to them have an even greater impact on trade than market disturbances*

*resulting from a loss of consumer confidence due to public, animal or plant health risks.*

**Amendment 2077**

**Hans-Peter Mayer**

**Proposal for a regulation**

**Article 155 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

*That implementing act shall be adopted in accordance with the examination procedure referred to in Article 162(2).*      *deleted*

Or. de

**Amendment 2078**

**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

**Proposal for a regulation**

**Article 155 – paragraph 2 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

The measures provided for in paragraph 1 shall apply to the following sectors:

The measures provided for in paragraph 1 shall apply to ***all agricultural products listed in Annex I, with the exception of measures taken to combat the spread of diseases in animals, which shall apply to*** the following sectors:

Or. es

**Amendment 2079**

**Jim Higgins, Seán Kelly, Phil Prendergast**

**Proposal for a regulation**

**Article 155 – paragraph 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(f a) potatoes;***

*(f b) cereals;*  
*(f c) oilseeds;*  
*(f d) protein crops;*

Or. en

**Amendment 2080**  
**Mariya Gabriel**

**Proposal for a regulation**  
**Article 155 – paragraph 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*(f a) potatoes;*  
*(f b) cereals;*  
*(f c) oilseeds;*  
*(f d) protein crops;*

Or. en

**Amendment 2081**  
**Diane Dodds**

**Proposal for a regulation**  
**Article 155 – paragraph 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*(f a) potatoes;*  
*(f b) cereals;*  
*(f c) oilseeds;*  
*(f d) protein crops;*

Or. en

**Amendment 2082**  
**Ramon Tremosa i Balcells**

**Proposal for a regulation**  
**Article 155 – paragraph 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(fa) rabbitmeat.***

Or. es

**Amendment 2083**

**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

**Proposal for a regulation**  
**Article 155 – paragraph 2 – subparagraph 1 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

***(fa) rabbitmeat.***

Or. es

**Amendment 2084**

**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

**Proposal for a regulation**  
**Article 155 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

***The measures provided for in point (b) 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.***      ***deleted***

Or. es

**Amendment 2085**

**Åsa Westlund, Marita Ulvskog, Göran Färm**

**Proposal for a regulation**  
**Article 155 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

The measures provided for in point (b) 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.***

*Amendment*

The measures provided for in point (b) of paragraph 1 related to a loss in consumer confidence due to public or plant health risks shall also apply to ***eggs and poultrymeat.***

Or. en

*Justification*

*The article should not be as broad as the Commission proposes. The sectors referred to should be egg and poultrymeat as is the case today.*

**Amendment 2086**  
**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

**Proposal for a regulation**  
**Article 155 – paragraph 4**

*Text proposed by the Commission*

4. The measures provided for in point (a) 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.

*Amendment*

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

Or. es

**Amendment 2087**  
**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

**Proposal for a regulation**  
**Article 155 – paragraph 4**

*Text proposed by the Commission*

4. The measures provided for in point (a) 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.

*Amendment*

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

Or. es

*Justification*

*Plant pests and diseases should be covered in point (a) of paragraph 1, given that trade restrictions linked to them have an even greater impact on trade than market disturbances resulting from a loss of consumer confidence due to public, animal or plant health risks.*

**Amendment 2088**

**Iratxe García Pérez, Sergio Gutiérrez Prieto, Alejandro Cercas, Ricardo Cortés Lastra**

**Proposal for a regulation**  
**Article 155 – paragraph 5 – subparagraph 1**

*Text proposed by the Commission*

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

*Amendment*

The Union shall provide part-financing equivalent to 50 % **and 100 %**, **respectively**, of the expenditure borne by Member States for the measures provided for in **points (a) and (b) of** paragraph 1.

Or. es

*Justification*

*The measures provided for in point (b) of paragraph 1 are not the same as those coming under the veterinary fund or the market measures to be applied in the case of animal and plant diseases (both of which are cofinanced). The measures in point (b) apply to outbreaks of disease; there are clear precedents of where a crisis linked to an animal disease has affected countries in which the disease had not even been declared (for example, bird flu in 2006).*



**Amendment 2089**

**Esther Herranz García, Pilar Ayuso, Gabriel Mato Adrover, María Auxiliadora Correa Zamora**

**Proposal for a regulation**

**Article 155 – paragraph 5 – subparagraph 1**

*Text proposed by the Commission*

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

*Amendment*

The Union shall provide part-financing equivalent to 50 % **and 100 %**, **respectively**, of the expenditure borne by Member States for the measures provided for in **points (a) and (b) of** paragraph 1.

Or. es

*Justification*

*The Community budget should finance 100 % of the measures provided for in point (b) of paragraph 1, as is the case with other exceptional measures. The measures cannot be compared to those coming under the veterinary fund or the market measures to be applied in the case of animal and plant diseases (both of which are cofinanced).*

**Amendment 2090**

**Mariya Gabriel**

**Proposal for a regulation**

**Article 155 – paragraph 5 – subparagraph 1**

*Text proposed by the Commission*

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

*Amendment*

The Union shall provide part-financing equivalent to **80** % of the expenditure borne by Member States for the measures provided for in paragraph 1.

Or. bg

**Amendment 2091**

**Jarosław Kalinowski, Czesław Adam Siekierski, Artur Zasada, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**  
**Article 155 – paragraph 5 – subparagraph 1**

*Text proposed by the Commission*

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

*Amendment*

The Union shall provide part-financing equivalent to **60 %** of the expenditure borne by Member States for the measures provided for in paragraph 1.

Or. pl

**Amendment 2092**  
**Britta Reimers**

**Proposal for a regulation**  
**Article 155 – paragraph 5 – subparagraph 1**

*Text proposed by the Commission*

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

*Amendment*

The Union shall provide part-financing equivalent to 50 % of the expenditure borne by Member States for the measures provided for in paragraph 1. ***These measures can include tax advantages or preferential loans granted to farmers to be financed under Regulation [on Rural Development].***

Or. en

*Justification*

*The amendment includes some measures frequently used by Member States in order to compensate farmers affected by animal diseases or plant plagues.*

**Amendment 2093**  
**Jarosław Kalinowski, Artur Zasada, Czesław Adam Siekierski, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**  
**Article 155 – paragraph 5 – subparagraph 2**

*Text proposed by the Commission*

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.

*Amendment*

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 **70 %** of such expenditure when combating foot-and-mouth disease.

Or. pl

*Justification*

*Enhanced co-financing would allow a better and more effective response to crises, while securing a level playing field for all producers in every Member State.*

**Amendment 2094**

**Marc Tarabella**

**Proposal for a regulation**

**Article 155 – paragraph 5 – subparagraph 2**

*Text proposed by the Commission*

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.

*Amendment*

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 **and eradicating the diseases referred to in the programmes approved for each Member State.**

Or. fr

*Justification*

*Programmes to combat, prevent and eradicate recognised animal diseases to be targeted by programmes in force in the Member States must be subject to the same arrangements as measures taken to combat foot-and-mouth disease and must receive EU financing equivalent to 60 %.*

