



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Agriculture and Rural Development

2011/0281(COD)

24.7.2012

AMENDMENTS 1416 - 1548

Draft report
Michel Dantin
(PE485.843v02)

on the 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)

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

Amendment 1416

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

Proposal for a regulation

Part II – Title II – Chapter I a (new)

Text proposed by the Commission

Amendment

TITLE II

CHAPTER Ia

Regulation of production

Article 100a

Quotas in the milk sector

1. The existing milk production quota system shall remain in force beyond 2015. The quotas shall, as soon as possible, be adjusted to the needs of the Member States and to their relative installed production capacity levels.

2. The Commission shall submit a proposal for a regulation of the European Parliament and of the Council on national milk quotas, adjusted as provided for in paragraph 1; the time-frame shall be such as to enable that Regulation to enter into force on 1 July 2014.

Article 100b

Vine planting rights

1. The existing planting rights system in the wine sector shall remain in force beyond 2015.

2. The Commission shall assess the need for any adjustments and adaptations to the current system and shall submit a proposal for a regulation of the European Parliament and of the Council laying down special arrangements for regions in which wine-growing is the main activity with a view to preserving the distinctive characteristics of the grapevine products of those regions; the time-frame shall be such as to enable that Regulation to enter

into force on 1 July 2014.

Article 100c

Quotas in the sugar sector

1. The existing quota system in the sugar sector shall remain in force beyond 2015. The quotas shall, as soon as possible, be adjusted to the relative installed and/or potential production capacity levels of the Member States.

2. The Commission shall submit a proposal for a regulation of the European Parliament and of the Council on national quotas in the sugar sector, adjusted as provided for in paragraph 1; the time-frame shall be such as to enable that Regulation to enter into force on 1 July 2014.

Article 100d

Other sectors

1. By 1 July 2014 the Commission shall submit an impact study on the discontinuation of the regulation and distribution instruments applying to production in other sectors in the Member States.

2. On the basis of the findings of the study referred to in paragraph 1, the Commission shall, in due course, submit proposals establishing quota systems in other sectors, where this is necessary in order to enable production to be spread evenly in the Member States, taking into account their individual possibilities and potential while allowing scope for differentiated development in Member States with higher deficits in the sectors concerned.

Or. pt

Amendment 1417
Agustín Díaz de Mera García Consuegra

Proposal for a regulation
Part 2 – title 2 – chapter 2 – section 1 a (new)

Text proposed by the Commission

Amendment

SPECIFIC MEASURES

Or. es

Amendment 1418
Mairead McGuinness

Proposal for a regulation
Article 100 a (new)

Text proposed by the Commission

Amendment

Article 100 a

Duration and re-institution of quota

With the exceptions of Article 101, paragraphs 1, 2b, 2d and 2e, and Article 101a, this section shall apply until the end of the 2019/2020 marketing year.

Member States, who in accordance with Council Regulation (EC) No 320/2006 relinquished their quota, shall be allocated quota equivalent to what they relinquished should the regime be extended to the end of the 2019/2020 marketing year.

The Commission shall be empowered to adopt delegated acts concerning the conditions under which a Member State may re-institute its quota.

Or. en

Amendment 1419
Agustín Díaz de Mera García Consuegra

Proposal for a regulation
Article 100 a (new)

Text proposed by the Commission

Amendment

Article 100a

Duration

With the exceptions of Article 101, paragraphs 1, 2b, 2d and 2e, and Article 101a, this section shall only apply until the end of the 2019/2020 marketing year.

Or. es

Justification

The aim of all the amendments to this section is to reflect and update the sugar quotas scheme (and the articles necessarily associated with it), as set out in Proposal for a Regulation COM(2010)799 aligning the single CMO with the provisions of the Lisbon Treaty. Nevertheless, a mechanism for the automatic reclassification of out-of-quota sugar as quota sugar has been included in Article 101l(e) in order to prevent or manage tensions on the market.

Amendment 1420
Janusz Wojciechowski

Proposal for a regulation
Article 100 a (new)

Text proposed by the Commission

Amendment

Article 100a

Duration

This section shall apply from the beginning of the 2015/2016 marketing year for sugar on 1 October 2015. With the exception of Article 101, paragraphs 1, subparagraph 1, 2b, 2d and 2e, and Article 101a, it shall apply until the end of the 2019/2020 marketing year for sugar on 30 September 2020.

Amendment 1421
Jean-Paul Gauzès

Proposal for a regulation
Article 100 a (new)

Text proposed by the Commission

Amendment

Article 100 a

Duration

This section shall apply from the 2015/2016 marketing year, which starts on 1 October 2015. With the exception of Article 101 paragraph 1, subparagraphs 1, 2b, 2d and 2e and Article 101(a), it shall apply until the end of the 2019/2020 marketing year, i.e. until 30 September 2020.

Or. fr

Amendment 1422
Béla Glattfelder

Proposal for a regulation
Article 100 a (new)

Text proposed by the Commission

Amendment

Article 100 a

Duration

This section shall apply from the beginning of the 2015/2016 marketing year for sugar on 1 October 2015. With the exceptions of Article 101, paragraphs 1, sub-paragraph 1, 2b, 2d and 2e, and Article 101a , it shall apply until the end of the 2019/2020 marketing year for sugar on 30 September 2020.

Justification

This amendment aims to avoid any gap which may arise (depending on when [COM(2011)626] comes into force) in implementing the political decision taken in Regulation (EC) No 1234/2007 to maintain the sugar regime until 30 September 2015. It aims to avoid a situation in which one marketing year is governed by two legal frameworks.

Amendment 1423

Robert Sturdy

Proposal for a regulation

Article 101

Text proposed by the Commission

Amendment

Article 101

deleted

Sugar sector agreements

1. The terms for buying sugar beet and sugar cane, including pre-sowing delivery agreements, shall be governed by written agreements within the trade concluded between Union growers of sugar beet and sugar cane and Union sugar undertakings.

2. Taking into account the specificities of the sugar sector, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 on the conditions of the agreements referred to in paragraph 1 of this Article.

Amendment 1424

Vicky Ford

Proposal for a regulation

Article 101 – paragraph 1

Text proposed by the Commission

Amendment

1. The terms for buying sugar beet and sugar cane, including pre-sowing delivery agreements, shall be governed by written agreements within the trade concluded between Union growers of sugar beet and sugar cane and Union sugar undertakings.

deleted

Or. en

Amendment 1425

Anneli Jäätteenmäki, Riikka Manner, Sari Essayah, Nils Torvalds, Liisa Jaakonsaari, Eija-Riitta Korhola, Hannu Takkula

**Proposal for a regulation
Article 101 – paragraph 1**

Text proposed by the Commission

Amendment

1. The terms for buying sugar beet and sugar cane, including pre-sowing delivery agreements, shall be governed by written agreements within the trade concluded between Union growers of sugar beet and sugar cane and Union sugar undertakings.

1. The current EU sugar quota regime should be extended to the end of the 2019-2020 marketing year, with non-quota sugar automatically re-designated as quota sugar.

Or. en

Amendment 1426

Petri Sarvamaa

**Proposal for a regulation
Article 101 – paragraph 1**

Text proposed by the Commission

Amendment

1. The terms for buying sugar beet and sugar cane, including pre-sowing delivery agreements, shall be governed by written agreements within the trade concluded between Union growers of sugar beet and

1. The current EU sugar quota regime should be extended to the end of the 2030 marketing year, with non-quota sugar automatically re-designated as quota sugar.

sugar *cane and Union sugar undertakings.*

Or. en

Amendment 1427

Robert Sturdy

Proposal for a regulation

Article 101 – paragraph 1

Text proposed by the Commission

1. The terms for buying sugar beet and sugar cane, ***including pre-sowing delivery agreements, shall be governed by written agreements within the trade concluded between Union growers of sugar beet and sugar cane*** and Union sugar undertakings.

Amendment

1. The terms for buying sugar beet and sugar cane ***shall be governed by agreements within the trade concluded between Union growers of these raw materials*** and Union sugar undertakings.

Or. en

Amendment 1428

Jean-Paul Gauzès

Proposal for a regulation

Article 101 – paragraph 1

Text proposed by the Commission

1. The terms for buying sugar beet and sugar cane, including pre-sowing delivery ***agreements***, shall be governed by written agreements within the trade concluded between ***Union*** growers of sugar beet and sugar cane and Union sugar undertakings.

Amendment

1. The terms for buying sugar beet and sugar cane, including pre-sowing delivery ***contracts***, shall be governed by written agreements within the trade concluded between growers of sugar beet and sugar cane ***in the Union or, on their behalf, organisations to which they belong***, and Union sugar undertakings ***or, on their behalf, organisations to which they belong***.

Until the end of the 2019/2020 marketing year, on 30 September 2020, these agreements shall conform to the provisions of paragraph 2a, Annex III d

and section Ia, point 11 of Annex II.

Or. fr

Amendment 1429
Béla Glattfelder

Proposal for a regulation
Article 101 – paragraph 1

Text proposed by the Commission

1. The terms for buying sugar beet and sugar cane, including pre-sowing delivery **agreements**, shall be governed by written agreements within the trade concluded between Union growers of sugar beet and sugar cane and Union sugar undertakings.

Amendment

1. The terms for buying sugar beet and sugar cane **or, on their behalf, the organisations of which they are members**, including pre-sowing delivery **contracts**, shall be governed by written agreements within the trade concluded between Union growers of sugar beet and sugar cane and Union sugar undertakings **or, on their behalf, the organisations of which they are members**.

They shall comply with the provisions of Annex III d, paragraph 2a[C1] and of Annex II, Part Ia, point 11[C2] until the end of the 2019/2020 marketing year for sugar on 30 September 2020.

Or. en

Justification

The first sub-paragraph should apply both before and after 2020 to ensure terms for buying sugar beet and sugar cane, including pre-sowing delivering contracts, remain compulsory for the sugar sector. However, the second sub-paragraph should not apply after the end of the 2019/2020 marketing year for sugar on 30 September 2020 because the annexes contains certain terms and conditions relating to the EU single CMO for sugar, including the quota system.

Amendment 1430
Janusz Wojciechowski

Proposal for a regulation
Article 101 – paragraph 1

Text proposed by the Commission

1. The terms for buying sugar beet and sugar cane, including pre-sowing delivery agreements, shall be governed by written agreements within the trade concluded between Union growers of sugar beet and sugar cane and Union sugar undertakings.

Amendment

1. The terms for buying sugar beet and sugar cane, including pre-sowing delivery contracts, shall be governed by written agreements within the trade concluded between Union growers of sugar beet and sugar cane **or organisations of which they are members and which are acting on their behalf** and Union sugar undertakings **or organisations of which they are members and which are acting on their behalf. They shall comply with the provisions of paragraph 2a, of Annex III d and of Annex II, Part Ia, point 11 until the end of the 2019/2020 marketing year for sugar on 30 September 2020.**

Or. pl

Amendment 1431
Younous Omarjee

Proposal for a regulation
Article 101 – paragraph 1

Text proposed by the Commission

1. The terms for buying sugar beet and sugar cane, including pre-sowing delivery **agreements**, shall be governed by written agreements within the trade concluded between **Union** growers of sugar beet and sugar cane and Union sugar undertakings.

Amendment

1. The terms for buying sugar beet and sugar cane, including pre-sowing delivery **contracts**, shall be governed by written agreements within the trade concluded between growers of sugar beet and sugar cane **in the Union or, on their behalf, organisations to which they belong,** and Union sugar undertakings **and shall conform to the provisions of paragraph 2a, Annex III d and section Ia, point 11 of Annex II.**

Or. fr

Amendment 1432
Robert Sturdy

Proposal for a regulation
Article 101 – paragraph 1a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 1433
Anneli Jäätteenmäki, Riikka Manner, Sari Essayah, Nils Torvalds, Liisa Jaakonsaari, Eija-Riitta Korhola, Hannu Takkula

Proposal for a regulation
Article 101 – paragraph 2

Text proposed by the Commission

Amendment

2. Taking into account the specificities of the sugar sector, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 on the conditions of the agreements referred to in paragraph 1 of this Article. *deleted*

Or. en

Amendment 1434
Vicky Ford

Proposal for a regulation
Article 101 – paragraph 2

Text proposed by the Commission

Amendment

2. Taking into account the specificities of the sugar sector, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 on the conditions of the agreements referred to in paragraph 1 of this Article.

deleted

Or. en

**Amendment 1435
Younous Omarjee**

**Proposal for a regulation
Article 101 – paragraph 2**

Text proposed by the Commission

Amendment

2. Taking into account the specificities of the sugar sector, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 on the conditions of the agreements referred to in paragraph 1 of this Article.

deleted

Or. fr

**Amendment 1436
Agustín Díaz de Mera García Consuegra**

**Proposal for a regulation
Article 101 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. In delivery contracts, a distinction shall be made according to whether the quantities of sugar to be manufactured from sugar beet will be:

a) quota sugar; or

b) out-of-quota sugar.

Amendment 1437

Robert Sturdy

Proposal for a regulation

Article 101 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In delivery contracts, a distinction shall be made according to whether the quantities of sugar to be manufactured from sugar beet will be:

(a) quota sugar;

(b) out-of-quota sugar.

Or. en

Amendment 1438

Agustín Díaz de Mera García Consuegra

Proposal for a regulation

Article 101 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Each sugar undertaking shall provide the Member State in which it produces sugar with the following information:

a) the quantities of beet referred to in point (a) of paragraph 2a, for which they have concluded pre-sowing delivery contracts and the sugar content on which those contracts are based;

b) the corresponding estimated yield.

Member States may require additional information.

Or. es

Amendment 1439
Robert Sturdy

Proposal for a regulation
Article 101 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2 b. Each sugar undertaking shall provide the Member State in which it produces sugar with the following information:

(a) the quantities of beet referred to in point (a) of paragraph 3, for which they have concluded pre-sowing delivery contracts and the sugar content on which those contracts are based;

(b) the corresponding estimated yield.

Member States may require additional information.

Or. en

Amendment 1440
Agustín Díaz de Mera García Consuegra

Proposal for a regulation
Article 101 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2c. Sugar undertakings which have not signed pre-sowing delivery contracts at the minimum price for quota beet, as provided for in Article 101g, for a quantity of beet equivalent to the sugar for which they hold a quota, adjusted, as the case may be, by the coefficient for a preventive withdrawal fixed pursuant to the first subparagraph of Article 101d(2), shall be required to pay at least the minimum price for quota beet for all the sugar beet they process into sugar.

Or. es

Amendment 1441
Robert Sturdy

Proposal for a regulation
Article 101 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2 c. Sugar undertakings which have not signed pre-sowing delivery contracts at the minimum price for quota beet for a quantity of beet equivalent to their quota sugar shall be required to pay at least the minimum price for quota beet for all the sugar beet they process into sugar.

Or. en

Amendment 1442
Agustín Díaz de Mera García Consuegra

Proposal for a regulation
Article 101 – paragraph 2 d (new)

Text proposed by the Commission

Amendment

2d. Subject to the approval of the Member State concerned, agreements within the trade may derogate from paragraphs 2a, 2b and 2c.

Or. es

Amendment 1443
Robert Sturdy

Proposal for a regulation
Article 101 – paragraph 2 d (new)

Text proposed by the Commission

Amendment

Article 101 f

2 d. Subject to the approval of the Member State concerned, agreements within the trade may derogate from paragraphs 3 and 4.

Or. en

Amendment 1444
Agustín Díaz de Mera García Consuegra

Proposal for a regulation
Article 101 – paragraph 2 e(new)

Text proposed by the Commission

Amendment

2e. If no agreements within the trade exist, the Member State concerned shall take the necessary steps compatible with this Regulation to protect the interests of the parties concerned.

Or. es

Amendment 1445
Robert Sturdy

Proposal for a regulation
Article 101 – paragraph 2 e (new)

Text proposed by the Commission

Amendment

2e. If no agreements within the trade exist, the Member State concerned shall take the necessary steps compatible with this Regulation to protect the interests of the parties concerned.

Or. en

Amendment 1446
Agustín Díaz de Mera García Consuegra

Proposal for a regulation
Article 101 a (new)

Text proposed by the Commission

Amendment

Article 101a

Price reporting in the sugar market

The Commission may, by means of implementing acts adopted in accordance with the examination procedure referred to in Article 162(2), introduce a system for reporting sugar market prices, including arrangements for publishing the price levels for this market.

The system shall be based on information submitted by undertakings producing white sugar or by other operators involved in the sugar trade. This information shall be treated as confidential.

The Commission shall ensure that the information published does not permit the identification of prices of individual undertakings or operators.

Or. es

Amendment 1447
Agustín Díaz de Mera García Consuegra

Proposal for a regulation
Article 101 c (new)

Text proposed by the Commission

Amendment

Article 101b

Production refund

1. A production refund may be granted, until the end of the 2019/2020 marketing year, on the products of the sugar sector listed in points (b) to (e) of Part III of Annex I if surplus sugar or imported sugar, surplus isoglucose or surplus inulin syrup is not available at a price

corresponding to the world price for the manufacturing of the products referred to in Article 101m(2)(b) and (c).

2. The production refunds referred to in paragraph 1 shall be fixed by the Commission by means of implementing acts adopted in accordance with the examination procedure referred to in Article 162(2).

3. In order to take into account the specificities of the out-of-quota sugar market in the Union, the Commission may, by means of delegated acts adopted in accordance with the examination procedure referred to in Article 160, determine the conditions for the granting of the production refunds referred to in this section.

Or. es

Amendment 1448
Albert Deß

Proposal for a regulation
Article 101 d (new)

Text proposed by the Commission

Amendment

Article 101 d

Withdrawal of sugar

1. Given the need to remedy situations of surplus based on the forecast supply balance, and taking into account the commitments of the Union resulting from agreements concluded in accordance with Article 218 of the Treaty, the Commission may, by means of implementing acts, decide to withdraw from the market, for a given marketing year, those quantities of sugar or isoglucose or inulin sugar produced under quotas which exceed the threshold calculated in accordance with paragraph 2 of this Article.

In that case, white sugar and raw sugar imports from all sources shall be withdrawn from the market by the same proportion for the marketing year concerned.

2. The withdrawal threshold referred to in paragraph 1 shall be calculated, for each undertaking holding a quota, by multiplying its quota by a coefficient, which may be fixed by the Commission by means of implementing acts adopted in accordance with the examination procedure referred to in Article 162(2) no later than 28 February of the previous marketing year, on the basis of expected market trends.

On the basis of updated market trends, the Commission may, by 31 October of the marketing year concerned, by means of implementing acts, decide either to adjust or, in the case where no coefficient has been fixed pursuant to the first subparagraph, to fix a coefficient.

3. Each undertaking provided with a quota or an import licence shall store at its own expense until the beginning of the following marketing year the sugar produced under quota beyond the threshold calculated in accordance with paragraph 2. The sugar, isoglucose or inulin syrup quantities withdrawn during a marketing year shall be treated as the first quantities produced under quota for the following marketing year.

By way of derogation from the first subparagraph, taking into account the expected sugar market trends, the Commission may, by means of implementing acts, decide to consider, for the current and/or the following marketing year, all or part of the withdrawn sugar, isoglucose or inulin syrup as:

(a) surplus sugar, isoglucose or inulin syrup available to become industrial sugar, industrial isoglucose or industrial

inulin syrup; or

(b) temporary quota production of which a part may be reserved for export respecting the commitments of the Union resulting from agreements concluded in accordance with Article 218 of the Treaty.

4. If sugar supply in the Union is inadequate, the Commission may, by means of implementing acts, decide that a certain quantity of withdrawn sugar, isoglucose or inulin syrup may be sold on the Union market before the end of the period of withdrawal.

5. In the case where withdrawn sugar is treated as the first sugar production of the following marketing year, the minimum price of that marketing year shall be paid to beet growers.

In the case where withdrawn sugar becomes industrial sugar or is exported in accordance with points (a) and (b) of paragraph 3 of this Article, the requirements of Article 101 (x) on the minimum price shall not apply.

In the case where withdrawn sugar is sold on the Union market before the end of the period of withdrawal in accordance with paragraph 4, the minimum price of the ongoing marketing year shall be paid to beet growers.

6. Implementing acts pursuant to this Article shall be adopted in accordance with the examination procedure referred to in Article 162(2).

Or. en

Amendment 1449
Janusz Wojciechowski

Proposal for a regulation
Article 101 d (new)

Article 101d

Withdrawal of sugar

1. Given the need to remedy situations of surplus based on the forecast supply balance, and taking into account the commitments of the Union resulting from agreements concluded in accordance with Article 218 of the Treaty, the Commission may, by means of implementing acts, decide to withdraw from the market, for a given marketing year, those quantities of sugar or isoglucose or inulin sugar produced under quotas which exceed the threshold calculated in accordance with paragraph 2 of this Article. In that case, white sugar and raw sugar imports from all sources shall be withdrawn from the market by the same proportion for the marketing year concerned.

2. The withdrawal threshold referred to in paragraph 1 shall be calculated, for each undertaking holding a quota, by multiplying its quota by a coefficient, which may be fixed by the Commission by means of implementing acts adopted in accordance with the examination procedure referred to in Article 162(2) no later than 28 February of the previous marketing year, on the basis of expected market trends. On the basis of updated market trends, the Commission may, by 31 October of the marketing year concerned, by means of implementing acts, decide either to adjust or, in the case where no coefficient has been fixed pursuant to the first subparagraph, to fix a coefficient.

3. Each undertaking provided with a quota or an import licence shall store at its own expense until the beginning of the following marketing year the sugar produced under quota beyond the threshold calculated in accordance with

paragraph 2. The sugar, isoglucose or inulin syrup quantities withdrawn during a marketing year shall be treated as the first quantities produced under quota for the following marketing year. By way of derogation from the first subparagraph, taking into account the expected sugar market trends, the Commission may, by means of implementing acts, decide to consider, for the current and/or the following marketing year, all or part of the withdrawn sugar, isoglucose or inulin syrup as:

(a) surplus sugar, isoglucose or inulin syrup available to become industrial sugar, industrial isoglucose or industrial inulin syrup; or

(b) temporary quota production of which a part may be reserved for export respecting the commitments of the Union resulting from agreements concluded in accordance with Article 218 of the Treaty.

4. If sugar supply in the Union is inadequate, the Commission may, by means of implementing acts, decide that a certain quantity of withdrawn sugar, isoglucose or inulin syrup may be sold on the Union market before the end of the period of withdrawal.

5. In the case where withdrawn sugar is treated as the first sugar production of the following marketing year, the minimum price of that marketing year shall be paid to beet growers.

In the case where withdrawn sugar becomes industrial sugar or is exported in accordance with points (a) and (b) of paragraph 3 of this Article, the requirements of Article 101g on the minimum price shall not apply.

In the case where withdrawn sugar is sold on the Union market before the end of the period of withdrawal in accordance with paragraph 4, the minimum price of the ongoing marketing year shall be paid to beet growers.

6. Implementing acts pursuant to this Article shall be adopted in accordance with the examination procedure referred to in Article 162(2).

Or. pl

**Amendment 1450
Jean-Paul Gauzès**

**Proposal for a regulation
Article 101 d (new)**

Text proposed by the Commission

Amendment

Article 101

Withdrawal of sugar

1. Given the need to remedy situations of overproduction and of surplus based on the forecast supply balance, and taking into account the commitments of the Union resulting from agreements concluded in accordance with Article 218 of the Treaty, the Commission may, by means of implementing acts, decide to withdraw from the market, for a given marketing year, those quantities of sugar, isoglucose or inulin syrup produced under quotas which exceed the threshold calculated in accordance with paragraph 2 of this Article.

White sugar and raw sugar imported from all origins will thus be withdrawn in identical proportions for the marketing year in question.

2. The withdrawal threshold referred to in paragraph 1 shall be calculated for each undertaking holding a quota, by multiplying its quota by a coefficient, which may be fixed by the Commission by means of implementing acts adopted under the examination procedure referred to in Article 162(2) no later than 28 February of the previous marketing year,

on the basis of expected market trends.

On the basis of updated market trends, the Commission may decide, by means of implementing acts, by 31 October of the marketing year concerned either to adjust or, if no such decision has been taken in accordance with the first subparagraph of this paragraph, to fix a coefficient.

3. Each undertaking with a quota shall store at its own expense until the beginning of the following marketing year the sugar produced under quota beyond the threshold calculated in accordance with paragraph 2. The sugar, isoglucose or inulin syrup quantities withdrawn during a marketing year shall be treated as the first quantities produced under quota for the following marketing year.

By way of derogation from the first subparagraph, taking into account the expected sugar market trends, the Commission may, by means of implementing acts, decide to consider, for the current and/or the following marketing year, all or part of the withdrawn sugar, isoglucose or inulin syrup as:

(a) surplus sugar, isoglucose or inulin syrup available to become industrial sugar, isoglucose or inulin syrup, or

(b) temporary quota production of which a part may be reserved for export respecting the commitments of the Union resulting from agreements concluded in accordance with Article 218 of the Treaty.

4. If the sugar supply in the EU is not suitable, the Commission may, by means of implementing acts, decide that a certain quantity of withdrawn sugar, isoglucose or inulin syrup can be sold on the EU market before the end of the period of withdrawal.

5. Where withdrawn sugar is treated as the first sugar production of the following marketing year, the minimum price fixed

for that marketing year shall be paid to beet growers.

Where withdrawn sugar becomes industrial sugar or is exported according to paragraph 3(a) and (b) of this Article, the requirements of Article 101g on the minimum price shall not apply.

Where withdrawn sugar is sold on the Union market before the end of the period of withdrawal according to paragraph 4, the minimum price fixed for the ongoing marketing year shall be paid to beet growers.

6. Implementing acts pursuant to this Article shall be adopted in accordance with the examination procedure referred to in Article 162(2).

Or. fr

Amendment 1451

Béla Glattfelder

Proposal for a regulation

Article 101 d (new)

Text proposed by the Commission

Amendment

Article 101 d

Withdrawal of sugar

1. Given the need to remedy situations of surplus based on the forecast supply balance, and taking into account the commitments of the Union resulting from agreements concluded in accordance with Article 218 of the Treaty, the Commission may, by means of implementing acts, decide to withdraw from the market, for a given marketing year, those quantities of sugar or isoglucose or inulin sugar produced under quotas which exceed the threshold calculated in accordance with paragraph 2 of this Article.

In that case, white sugar and raw sugar imports from all sources shall be withdrawn from the market by the same proportion for the marketing year concerned.

2. The withdrawal threshold referred to in paragraph 1 shall be calculated, for each undertaking holding a quota, by multiplying its quota by a coefficient, which may be fixed by the Commission by means of implementing acts adopted in accordance with the examination procedure referred to in Article 162(2) no later than 28 February of the previous marketing year, on the basis of expected market trends.

On the basis of updated market trends, the Commission may, by 31 October of the marketing year concerned, by means of implementing acts, decide either to adjust or, in the case where no coefficient has been fixed pursuant to the first subparagraph, to fix a coefficient.

3. Each undertaking provided with a quota or an import licence shall store at its own expense until the beginning of the following marketing year the sugar produced under quota beyond the threshold calculated in accordance with paragraph 2. The sugar, isoglucose or inulin syrup quantities withdrawn during a marketing year shall be treated as the first quantities produced under quota for the following marketing year.

By way of derogation from the first subparagraph, taking into account the expected sugar market trends, the Commission may, by means of implementing acts, decide to consider, for the current and/or the following marketing year, all or part of the withdrawn sugar, isoglucose or inulin syrup as:

(a) surplus sugar, isoglucose or inulin syrup available to become industrial sugar, industrial isoglucose or industrial

inulin syrup; or

(b) temporary quota production of which a part may be reserved for export respecting the commitments of the Union resulting from agreements concluded in accordance with Article 218 of the Treaty.

4. If sugar supply in the Union is inadequate, the Commission may, by means of implementing acts, decide that a certain quantity of withdrawn sugar, isoglucose or inulin syrup may be sold on the Union market before the end of the period of withdrawal.

5. In the case where withdrawn sugar is treated as the first sugar production of the following marketing year, the minimum price of that marketing year shall be paid to beet growers.

In the case where withdrawn sugar becomes industrial sugar or is exported in accordance with points (a) and (b) of paragraph 3 of this Article, the requirements of Article 101 g on the minimum price shall not apply.

In the case where withdrawn sugar is sold on the Union market before the end of the period of withdrawal in accordance with paragraph 4, the minimum price of the ongoing marketing year shall be paid to beet growers.

6. Implementing acts pursuant to this Article shall be adopted in accordance with the examination procedure referred to in Article 162(2).

Or. en

Justification

Article 45 of COM(2010)799. The first paragraph has been amended because the structural balance of the market should be seen in relation to volumes (not prices), determined on the analysis of quantitative data. It is also more appropriate to talk about surplus and deficit, rather than under- or over-production. Finally, “or an import licence” and “from all sources” aim to ensure all players make adjustments to balance the market –only beet sugar

producers are subject to withdrawal currently.

Amendment 1452

Agustín Díaz de Mera García Consuegra

Proposal for a regulation

Article 101 d (new)

Text proposed by the Commission

Amendment

Article 101d

Withdrawal of sugar

2. The withdrawal threshold referred to in paragraph 1 shall be calculated, for each undertaking holding a quota, by multiplying its quota by a coefficient which shall apply throughout the Union and which may be fixed by the Commission by means of implementing acts adopted in accordance with the examination procedure referred to in Article 162(2) no later than 28 February of the previous marketing year, on the basis of expected market trends.

On the basis of updated market trends, the Commission may by 31 October of the marketing year concerned, by means of implementing acts, decide either to adjust or, in the case where no coefficient has been fixed pursuant to the first subparagraph, to fix a coefficient.

In this case, the traditional supply need for imported raw sugar for refining shall be reduced by the same percentage for the marketing year concerned.

3. Each undertaking provided with a quota shall store at its own expense until the beginning of the following marketing year the sugar produced under quota beyond the threshold calculated in accordance with paragraph 2. The sugar, isoglucose or inulin syrup quantities withdrawn during a marketing year shall be treated as the first quantities produced

under quota for the following marketing year.

By way of derogation from the first subparagraph, taking into account the expected sugar market trends, the Commission may, by means of implementing acts, decide to consider, for the current and/or the following marketing year, all or part of the withdrawn sugar, isoglucose or inulin syrup as:

a) surplus sugar, isoglucose or inulin syrup available to become industrial sugar, industrial isoglucose or industrial inulin syrup; or

b) temporary quota production of which a part may be reserved for export respecting the commitments of the Union resulting from agreements concluded in accordance with Article 218 of the Treaty.

4. If sugar supply in the Union is inadequate, the Commission may, by means of implementing acts, decide that a certain quantity of withdrawn sugar, isoglucose or inulin syrup may be sold on the Union market before the end of the period of withdrawal.

5. In the case where withdrawn sugar is treated as the first sugar production of the following marketing year, the minimum price of that marketing year shall be paid to beet growers.

In the case where withdrawn sugar becomes industrial sugar or is exported in accordance with points (a) and (b) of paragraph 3 of this Article, the requirements of Article 101g on the minimum price shall not apply.

In the case where withdrawn sugar is sold on the Union market before the end of the period of withdrawal in accordance with paragraph 4, the minimum price of the ongoing marketing year shall be paid to beet growers.

5a. Sugar stored in accordance with the provisions of this article shall not be eligible for the private storage support provided for in Article 17.

6. The implementing acts provided for in this Article shall be adopted in accordance with the examination procedure referred to in Article 162(2).

Or. es

Amendment 1453
Agustín Díaz de Mera García Consuegra

Proposal for a regulation
Article 101 e (new)

Text proposed by the Commission

Amendment

Article 101e

Delegated powers

In order to take into account the specificities of the sugar sector and to ensure that the interests of all parties are duly taken into account, the Commission may, by means of delegated acts adopted in accordance with Article 160, introduce rules on:

a) delivery contracts and purchase terms as referred to Article 101(1);

b) the criteria to be applied by the sugar undertakings when allocating among beet sellers the quantities of beet to be covered by pre-sowing delivery contracts as referred to in Article 101(2b).

Or. es

Amendment 1454
Agustín Díaz de Mera García Consuegra

Proposal for a regulation
Article 101 f (new)

Text proposed by the Commission

Amendment

Article 101f

Quotas in the sugar sector

- 1. A quota system shall apply to sugar, isoglucose and inulin syrup.***
- 2. As regards the quota systems referred to in paragraph 1 of this Article, if a producer exceeds the relevant quota and does not make use of the surplus quantities as provided for in Article 101l, a surplus levy shall be payable on such quantities, subject to the conditions set out in Articles 101l to 101o.***

Or. es

Amendment 1455
Younous Omarjee

Proposal for a regulation
Article 101 f (new)

Text proposed by the Commission

Amendment

Article 101f

Sugar sector quotas

- A quota system shall apply to sugar, isoglucose and inulin syrup.***

Or. fr

Amendment 1456
Agustín Díaz de Mera García Consuegra

Proposal for a regulation
Article 101 g (new)

Article 101g

Minimum beet price

1. The minimum price for quota beet shall be EUR 26.29 per tonne until the end of the 2019/2020 marketing year.

2. The minimum price referred to in paragraph 1 shall apply to sugar beet of the standard quality defined in point B of Annex III.

3. Sugar undertakings buying quota beet suitable for processing into sugar and intended for processing into quota sugar shall be required to pay at least the minimum price, adjusted by price increases or reductions to allow for deviations from the standard quality.

In order to adjust the price where the actual quality of sugar beet differs from the standard quality, the increases and reductions referred to in the first subparagraph shall be applied in accordance with rules laid down by the Commission by means of delegated acts adopted pursuant to Article 101p(5).

4. For the quantities of sugar beet corresponding to the quantities of industrial sugar or surplus sugar that are subject to the surplus levy provided for in Article 101o, the sugar undertaking concerned shall adjust the purchase price so that it is at least equal to the minimum price for quota beet.

Or. es

Amendment 1457
Jim Higgins, Seán Kelly, Astrid Lulling

Proposal for a regulation
Article 101 – paragraph 1 h (new)

Text proposed by the Commission

Amendment

Article 101 h

Quota allocation

1. The current quotas for the production of sugar, isoglucose and inulin syrup at national or regional level are fixed in Annex IIIb. A revised version of the present quota system should be extended until the end of the 2019-2020 marketing year, if quotas do not end in 2015 as planned.. The revised system should allow all member states, wishing to do so, to avail of sugar quotas. Union support should be directed towards the expansion of the sugar industry in the EU and assistance should be provided for the start up costs of sugar processing in member states.

2. The Member States shall allocate a quota to each undertaking producing sugar, isoglucose or inulin syrup established in its territory and approved under Article 101i.

3. In case of allocation of a quota to a sugar undertaking having more than one production unit, the Member States shall adopt the measures they consider necessary in order to take due account of the interests of sugar beet and cane growers.

Or. en

Amendment 1458
Jean-Paul Gauzès

Proposal for a regulation
Article 101 h (new)

Text proposed by the Commission

Amendment

Article 101h

Allocation of quotas

1. The quotas for the production of sugar, isoglucose and inulin syrup at national and regional level are fixed in Annex IIIb.

2. The Member States shall allocate a quota to each undertaking producing sugar, isoglucose or inulin syrup established in its territory and approved under Article 101i.

For each undertaking, the allocated quota shall be equal to the quota under Annex IIIb which was allocated to the undertaking starting from marketing year 2010/2011.

3. Where a quota is allocated to a sugar undertaking having more than one production unit, the Member States shall adopt the measures they consider necessary in order to take due account of the interests of sugar beet and cane growers.

Or. fr

Amendment 1459
Marc Tarabella

Proposal for a regulation
Article 101 h(new)

Text proposed by the Commission

Amendment

Article 101h

Allocation of quotas

1. The quotas for the production of sugar, isoglucose and inulin syrup at national and regional level are fixed in Annex IIIb.

2. The Member States shall allocate a quota to each undertaking producing sugar, isoglucose or inulin syrup established in its territory and approved

under Article 101i. For each undertaking, the allocated quota shall be equal to the quota under Annex IIIb (new) of Regulation (EC) No 513/2010 which was allocated to the undertaking for the marketing year 2010/2011.

3. In case of allocation of a quota to a sugar undertaking having more than one production unit, the Member States shall adopt the measures they consider necessary in order to take due account of the interests of sugar beet and cane growers.

Or. fr

Justification

Amendment follows from Article 56 of Council Regulation (EC) No 1234/2007. It is a technical amendment, as Regulation (EC) No 513/2010 (from which Annex IIIb (new) stems) is the most recent regulation laying down the allocation of sugar quotas.

Amendment 1460
Younous Omarjee

Proposal for a regulation
Article 101 h (new)

Text proposed by the Commission

Amendment

Article 101h

Allocation of quotas

1. The quotas for the production of sugar, isoglucose and inulin syrup at national and regional level are fixed in Annex XX.

2. The Member States shall allocate a quota to each undertaking producing sugar, isoglucose or inulin syrup established in its territory and approved under Article XX.

For each undertaking, the allocated quota shall be equal to the quota under Regulation (EC) No 318/2006 which was

allocated to the undertaking for the marketing year 2005/2006.

3. Where a quota is allocated to a sugar undertaking having more than one production unit, the Member States shall adopt the measures they consider necessary in order to take due account of the interests of sugar beet and cane growers.

Or. fr

Amendment 1461
Agustín Díaz de Mera García Consuegra

Proposal for a regulation
Article 101 h (new)

Text proposed by the Commission

Amendment

Article 101h

Quota allocation

1. The quotas for the production of sugar, isoglucose and inulin syrup at national or regional level are fixed in Annex IIIb.

2. The Member States shall allocate a quota to each undertaking producing sugar, isoglucose or inulin syrup established in its territory and approved under Article 101i.

For each undertaking, the allocated quota shall be equal to the quota allocated to the undertaking for the marketing year 2010/2011 under Regulation (EC) No 513/2010.

3. In case of allocation of a quota to a sugar undertaking having more than one production unit, the Member States shall adopt the measures they consider necessary in order to take due account of the interests of sugar beet and cane growers.

Amendment 1462
Janusz Wojciechowski

Proposal for a regulation
Article 101 h (new)

Text proposed by the Commission

Amendment

Article 101h

Quota allocation

1. The quotas for the production of sugar, isoglucose and inulin syrup at national or regional level are fixed in Annex IIIb.

2. The Member States shall allocate a quota to each undertaking producing sugar, isoglucose or inulin syrup established in its territory and approved under Article 101i.

For each undertaking, the allocated quota shall be equal to the quota under Annex IIIb which was allocated to the undertaking from the marketing year 2010/2011 onwards.

Or. pl

Amendment 1463
Younous Omarjee

Proposal for a regulation
Article 101 i (new)

Text proposed by the Commission

Amendment

Article 101i

Authorised undertakings

1. On request, Member States shall grant an approval to an undertaking producing sugar, isoglucose or inulin syrup or to an undertaking that processes these products

into a product included in the list referred to in Article XX provided that the undertaking:

(a) proves its professional production capacities;

(b) agrees to provide any information required and to be subject to controls related to this Regulation;

(c) is not subject to suspension or withdrawal of the approval.

2. The approved undertakings shall provide the Member State in whose territory the harvest of beet, cane or the refining takes place, with the following information:

(a) the quantities of beet or cane for which a delivery contract has been concluded, as well as the corresponding estimated yields of beet or cane, and sugar per hectare;

(b) data regarding provisional and actual sugar beet, sugar cane and raw sugar deliveries and sugar production and statements of sugar stocks;

(c) quantities of white sugar sold and corresponding prices and conditions.

Or. fr

Amendment 1464
Agustín Díaz de Mera García Consuegra

Proposal for a regulation
Article 101 i (new)

Text proposed by the Commission

Amendment

Article 101i

Approved undertakings

1. On request, Member States shall grant an approval to an undertaking producing sugar, isoglucose or inulin syrup or to an

undertaking that processes these products into a product included in the list referred to in Article 101m(2) provided that the undertaking:

a) proves its professional production capacities;

b) agrees to provide any information and to be subject to controls related to this Regulation;

c) is not subject to suspension or withdrawal of the approval.

2. The approved undertakings shall provide the Member State in whose territory the harvest of beet, cane or the refining takes place, with the following information:

a) the quantities of beet or cane for which a delivery contract has been concluded, as well as the corresponding estimated yields of beet or cane, and sugar per hectare;

b) data regarding provisional and actual sugar beet, sugar cane and raw sugar deliveries, and regarding sugar production and statements of sugar stocks;

c) the quantities of white sugar sold and the corresponding prices and conditions.

Or. es

Amendment 1465
Agustín Díaz de Mera García Consuegra

Proposal for a regulation
Article 101 j (new)

Text proposed by the Commission

Amendment

Article 101j

Adjustment of the national quotas

The Commission may, by means of delegated acts adopted in accordance with

Article 160, adjust the quotas that appear in Annex IIIb following decisions taken by the Member States in accordance with Article 101k.

Or. es

Amendment 1466
Albert Deß

Proposal for a regulation
Article 101 k (new)

Text proposed by the Commission

Amendment

Article 101 k

National quota reallocation

A Member State may reduce or reduce and reallocate the sugar or isoglucose or inulin syrup quota allocated to an undertaking established on its territory:

a) by up to 10%

However, this possibility is excluded if a company fully produced its quota during the previous marketing years

or

b) in accordance with the rules to be laid down in Annex (x)

In doing so, the Member States shall apply objective and non-discriminatory criteria.

Or. en

Amendment 1467
Agustín Díaz de Mera García Consuegra

Proposal for a regulation
Article 101 k (new)

Text proposed by the Commission

Amendment

Article 101k

National quota reallocation and reduction of quotas

1. A Member State may reduce the sugar or isoglucose quota allocated to an undertaking established on its territory by up to 10%. In doing so, the Member States shall apply objective and non discriminatory criteria.

2. Member States may transfer quotas between undertakings in accordance with the rules laid down in Annex IIIc and taking into consideration the interests of each of the parties concerned, particularly sugar beet and cane growers.

3. The quantities reduced pursuant to paragraphs 1 and 2 shall be allocated by the Member State in question to one or more undertakings on its territory, whether or not holding a quota.

Or. es

**Amendment 1468
Younous Omarjee**

**Proposal for a regulation
Article 101 k (new)**

Text proposed by the Commission

Amendment

Article 101k

Reallocation of national quotas and reduction of quotas

1. A Member State may reduce the sugar or isoglucose quota allocated to an undertaking established on its territory by up to 10 %. In doing so, Member States shall apply objective and non-discriminatory criteria.

2. Member States may transfer quotas between undertakings in accordance with the rules laid down in Annex XX and taking into consideration the interests of each of the parties concerned, primarily sugar beet and cane growers.

3. The reduced quantities pursuant to paragraphs 1 and 2 shall be allocated by the Member State in question to one or more undertakings on its territory, whether or not holding a quota.

Or. fr

Amendment 1469
Britta Reimers, George Lyon

Proposal for a regulation
Article 101 l (new)

Text proposed by the Commission

Amendment

Article 101 l

Out-of-quota production

1. The sugar, isoglucose or inulin syrup produced during a marketing year in excess of the quota referred to in Article 101h may be:

(a) used for the processing of certain products as referred to in Article 101m;

(b) carried forward to the quota production of the next marketing year, in accordance with Article 101n;

(c) used for the specific supply regime for the outermost regions, in accordance with [Chapter III of Regulation [ex (EC) No 247/2006] of the European Parliament and of the Council;

(d) exported within the quantitative limit fixed by the Commission by means of implementing acts, respecting the commitments resulting from agreements concluded in accordance with Article 218

of the Treaty; or

(e) automatically released onto the internal market as quota sugar for purposes of adjusting supply to changes in demand, as part of the temporary market management mechanism described in Article 101 (1b).

Or. en

Amendment 1470
Younous Omarjee

Proposal for a regulation
Article 101 l (new)

Text proposed by the Commission

Amendment

Article 101l

Exceeding the quotas

The sugar, isoglucose or inulin syrup produced during a marketing year in excess of the quota referred to in Article XX may be:

(a) used for the processing of certain products as referred to in Article XX;

(b) carried forward to the quota production of the next marketing year, in accordance with Article XX;

(c) used for the specific supply regime for the outermost regions, in accordance with Chapter III of Regulation [ex (EC) No 247/2006] of the European Parliament and of the Council; or

(d) exported within the quantitative limit fixed by the Commission by means of implementing acts, respecting the commitments resulting from agreements concluded in accordance with Article 218 of the Treaty; or

(e) automatically released onto the internal market as quota sugar for

purposes of adjusting supply to changes in demand, in quantities and subject to arrangements determined by the Commission by means of delegated acts adopted pursuant to Article 101p(6), and on the basis of the forecast supply balance.

The measures referred to in this Article shall be implemented before any activation of the measures to prevent market disturbance referred to in Article 154(1).

Other surplus quantities shall be subject to the surplus levy referred to in Article XX.

Or. fr

Amendment 1471
Agustín Díaz de Mera García Consuegra

Proposal for a regulation
Article 101 l (new)

Text proposed by the Commission

Amendment

Article 101l

Out-of-quota production

1. The sugar, isoglucose or inulin syrup produced during a marketing year in excess of the quota referred to in Article 101h may be:

- a) used for the processing of certain products as referred to in Article 101m;*
- b) carried forward to the quota production of the next marketing year, in accordance with Article 101n;*
- c) used for the specific supply regime for the outermost regions, in accordance with Chapter III of Regulation [ex (EC) No 247/2006] of the European Parliament and of the Council; or*

d) exported, by means of implementing acts and within the quantitative limit fixed by the Commission respecting the commitments resulting from agreements concluded in accordance with Article 218 of the Treaty; or

e) automatically released onto the internal market as quota sugar for purposes of adjusting supply to changes in demand, in quantities and subject to arrangements determined by the Commission by means of delegated acts adopted pursuant to Article 101p(6), and on the basis of the forecast supply balance.

The measures referred to in this Article shall be implemented before any activation of the measures to prevent market disturbance referred to in Article 154(1).

Other quantities shall be subject to the surplus levy referred to in Article 101o.

2. Implementing acts adopted pursuant to this Article shall comply with the examination procedure referred to in Article 162(2).

Or. es

Amendment 1472
Janusz Wojciechowski

Proposal for a regulation
Article 101 l (new)

Text proposed by the Commission

Amendment

Article 101l

Out-of-quota production

1. The sugar, isoglucose or inulin syrup produced during a marketing year in excess of the quota referred to in Article 101h may be:

- (a) used for the processing of certain products as referred to in Article 101m;*
- (b) carried forward to the quota production of the next marketing year, in accordance with Article 101n;*
- (c) used for the specific supply regime for the outermost regions, in accordance with [Chapter III of Regulation [ex (EC) No 247/2006] of the European Parliament and of the Council; or*
- (d) exported within the quantitative limit fixed by the Commission by means of implementing acts, respecting the commitments resulting from agreements concluded in accordance with Article 218 of the Treaty; or*
- (e) automatically released onto the internal market on the basis of the forecast supply balance to preserve the structural balance of the market, in quantities and subject to arrangements determined by the Commission.*

The measures referred to in this Article shall be implemented before any activation of the measures to prevent market disturbance referred to in Article 154(1). Other quantities shall be subject to the surplus levy referred to in Article 101o.

2. Implementing acts pursuant to this Article shall be adopted in accordance with the examination procedure referred to in Article 162(2).

Or. pl

Amendment 1473
Béla Glattfelder

Proposal for a regulation
Article 101 l (new)

Article 101 l

Out-of-quota production

1. The sugar, isoglucose or inulin syrup produced during a marketing year in excess of the quota referred to in Article 101 h may be:

- a) used for the processing of certain products as referred to in Article 101 m;***
- b) carried forward to the quota production of the next marketing year, in accordance with Article 101 n;***
- c) used for the specific supply regime for the outermost regions, in accordance with [Chapter III of Regulation [ex (EC) No 247/2006] of the European Parliament and of the Council; or***
- d) exported within the quantitative limit fixed by the Commission by means of implementing acts, respecting the commitments resulting from agreements concluded in accordance with Article 218 of the Treaty.***
- (e) automatically released onto the internal market on the basis of the forecast supply balance to preserve the structural balance of the market, in quantities and subject to arrangements determined by the Commission.***

The measures referred to in this Article shall be implemented before any activation of the measures to prevent market disturbance referred to in Article 154(1).

Other quantities shall be subject to the surplus levy referred to in Article 101 o.

2. Implementing acts pursuant to this Article shall be adopted in accordance with the examination procedure referred to in Article 162(2).

Justification

This amendment formalises the existing situation, providing for the possibility to release certain quantities of out-of-quota sugar onto the EU market. It has been drafted to ensure legal clarity and market stability. Notably, the decision to release (not re-designate) out-of-quota sugar should be based on the analysis of quantitative data (and not on “considerable recurrent” tensions, terms which could be subject to interpretation).

Amendment 1474
Albert Deß

Proposal for a regulation
Article 101 l (new)

Text proposed by the Commission

Amendment

Article 101 l

Out-of-quota production

1. The sugar, isoglucose or inulin syrup produced during a marketing year in excess of the quota referred to in Article 101 (x) may be:

- a) used for the processing of certain products as referred to in Article 101 (x);***
- b) carried forward to the quota production of the next marketing year, in accordance with Article 101 (x) ;***
- c) used for the specific supply regime for the outermost regions, in accordance with [Chapter III of Regulation [ex (EC) No 247/2006] of the European Parliament and of the Council; or***
- d) exported within the quantitative limit fixed by the Commission by means of implementing acts, respecting the commitments resulting from agreements concluded in accordance with Article 218 of the Treaty.***
- (e) automatically released onto the internal market on the basis of the forecast supply balance to preserve the***

structural balance of the market, in quantities and subject to arrangements determined by the Commission.

The measures referred to in this Article shall be implemented before any activation of the measures to prevent market disturbance referred to in Article 154(1).

Other quantities shall be subject to the surplus levy referred to in Article 101 (x).

2. Implementing acts pursuant to this Article shall be adopted in accordance with the examination procedure referred to in Article 162(2).

Or. en

Amendment 1475
Jean-Paul Gauzès

Proposal for a regulation
Article 101 l (new)

Text proposed by the Commission

Amendment

Article 101l

Over-quota production

1. The sugar, isoglucose or inulin syrup produced during a marketing year in excess of the quota referred to in Article 101h may be:

- (a) used for the processing of certain products as referred to in Article 101m;*
- (b) carried forward to the quota production of the next marketing year, in accordance with Article 101n;*
- (c) used for the specific supply regime for the outermost regions, in accordance with Chapter III of Regulation [ex (EC) No 247/2006] of the European Parliament and of the Council; or*
- (d) exported within the quantitative limit*

fixed by the Commission by means of implementing acts, respecting the commitments resulting from agreements concluded in accordance with Article 218 of the Treaty; or

(e) automatically released onto the internal market on the basis of the forecast supply balance in order to maintain the structural balance of the market, in quantities and subject to arrangements determined by the Commission.

The measures referred to in this Article shall be implemented before any activation of the measures to prevent market disturbance referred to in Article 154(1).

Other surplus quantities shall be subject to the surplus levy referred to in Article 101o.

2. Implementing acts pursuant to this Article shall be adopted in accordance with the examination procedure referred to in Article 162(2).

Or. fr

Amendment 1476
Britta Reimers, George Lyon

Proposal for a regulation
Article 101 m (new)

Text proposed by the Commission

Amendment

Article 101 m

**Temporary market management
mechanism**

Until the end of the quota system, a temporary market management mechanism will be used to balance the market, automatically triggering the following measures:

- suspension of import duties, as described in Article 130b; and

- out of quota releases, as described in Article 101l(1)(e). If available at a volume comparable to the one allocated via suspension of import duties, and at zero levy.

The temporary market management mechanism will be automatically triggered as soon as European Commission data for imported raw sugar reach a level below 3.5 million tonnes for the marketing year. These assessments will commence for each marketing year, no later than October 30.

Before 1 March 2014, the European Commission will determine, by means of a delegated act adopted pursuant to article 101(1b)., all necessary arrangements required for the implementation of this Article.

Or. en

Justification

The sugar production quota limits EU production to 13.3 million tonnes white sugar while consumption is around 16.8 million tonnes. If preferential imports do not arrive as planned, increased sugar supplies from other sources must be allowed so as not to leave the EU market in deficit. In order to avoid discrimination between all actors in the chain, they (not just supplier) must have comparable equal access to this temporary market management mechanism.

Amendment 1477

Agustín Díaz de Mera García Consuegra

Proposal for a regulation

Article 101 m (new)

Text proposed by the Commission

Amendment

Article 101m

Industrial sugar

1. Industrial sugar, industrial isoglucose or industrial inulin syrup shall be reserved for the production of one of the products referred to in paragraph 2 when:

a) it has been subject to a delivery contract concluded before the end of the marketing year between a producer and a user which have both been granted approval in accordance with Article 101i; and

b) it has been delivered to the user by 30 November of the following marketing year at the latest.

2. In order to take account of technical developments, the Commission may, by means of delegated acts adopted in accordance with Article 160, draw up a list of products for the production of which industrial sugar, industrial isoglucose or industrial inulin syrup may be used.

The list shall in particular, include:

a) bioethanol, alcohol, rum, live yeast and quantities of syrups for spreading and those to be processed into “Rinse appelstroop”;

b) certain industrial products without sugar content but the processing of which uses sugar, isoglucose or inulin syrup;

c) certain products of the chemical or pharmaceutical industry which contain sugar, isoglucose or inulin syrup.

Or. es

Amendment 1478
Younous Omarjee

Proposal for a regulation
Article 101 m (new)

Text proposed by the Commission

Amendment

Article 101m

Industrial sugar

1. Industrial sugar, industrial isoglucose or industrial inulin syrup shall be reserved for the production of one of the products referred to in paragraph 2 when:

(a) it has been subject to a delivery contract concluded before the end of the marketing year between a producer and a user which have both been granted approval in accordance with Article XX; and

(b) it has been delivered to the user by 30 November of the following marketing year at the latest.

2. The Commission may draw up a list of products for the production of which industrial sugar, industrial isoglucose or industrial inulin syrup is required.

The list shall include, in particular :

(a) bioethanol, alcohol, rum, live yeast and quantities of syrups for spreading and those to be processed into ‘Rinse appelstroop’;

(b) certain industrial products without sugar content but the processing of which uses sugar, isoglucose or inulin syrup;

(c) certain products of the chemical or pharmaceutical industry which contain sugar, isoglucose or inulin syrup.

Or. fr

Amendment 1479
Agustín Díaz de Mera García Consuegra

Proposal for a regulation
Article 101 m (new)

Article 101n

Carry forward of surplus sugar

1. Each undertaking may decide to carry forward all or part of its production in excess of its sugar quota, its isoglucose quota or its inulin syrup quota to be treated as part of the next marketing year's production. Without prejudice to paragraph 3, that decision shall be irrevocable.

2. Undertakings which take the decision referred to in paragraph 1 shall:

a) inform the Member State concerned before a date to be determined by that Member State:

- between 1 February and 15 August of the current marketing year for quantities of cane sugar being carried forward;

between 1 February and 15 August of the current marketing year for other quantities of sugar or inulin syrup being carried forward;

b) undertake to store such quantities at their own expense until the end of the current marketing year.

3. If an undertaking's definitive production in the marketing year concerned was less than the estimate made when the decision in accordance with paragraph 1 was taken, the quantity carried forward may be adjusted retroactively by 31 October of the following marketing year at the latest.

4. The quantities carried forward shall be deemed to be the first quantities produced under the quota of the following marketing year.

5. Sugar stored in accordance with this Article during a marketing year may not be subject to any other storage measures

provided for in Articles 16 or 101d.

Or. es

Amendment 1480
Younous Omarjee

Proposal for a regulation
Article 101 n(new)

Text proposed by the Commission

Amendment

Article 101n

Carry-forward of surplus sugar

1. Each undertaking may decide to carry forward all or part of its production in excess of its sugar, isoglucose or inulin syrup quota to be treated as part of the next marketing year's production. Without prejudice to paragraph 3, that decision shall be irrevocable.

2. Undertakings which take the decision referred to in paragraph 1 shall:

(a) inform the Member State concerned before a date to be determined by that Member State:

- between 1 February and 15 August of the current marketing year for quantities of cane sugar being carried forward;

- between 1 February and 15 August of the current marketing year for other quantities of sugar or inulin syrup being carried forward;

(b) undertake to store such quantities at their own expense until the end of the current marketing year.

3. If an undertaking's definitive production in the marketing year concerned was less than the estimate made when the decision in accordance with paragraph 1 was taken, the quantity carried forward may be adjusted

retroactively no later than 31 October of the following marketing year.

4. The quantities carried forward shall be deemed to be the first quantities produced under the quota of the following marketing year.

5. Sugar stored in accordance with this Article during a marketing year may not be subject to any other storage measures provided for in Articles XX, XX or XX.

Or. fr

Amendment 1481
Agustín Díaz de Mera García Consuegra

Proposal for a regulation
Article 101 o (new)

Text proposed by the Commission

Amendment

Article 101o

Surplus levy

1. A surplus levy shall be levied on quantities of:

a) surplus sugar, surplus isoglucose and surplus inulin syrup produced during any marketing year, except for quantities carried forward to the quota production of the following marketing year and stored in accordance with Article 101n or quantities referred to in points (c), (d) and (e) of Article 101l(1);

b) industrial sugar, industrial isoglucose or industrial inulin syrup in respect of which no proof of use in one of the products referred to in Article 101m(2) has been supplied within a time limit to be fixed by the Commission by means of implementing acts adopted in accordance with Article 162;

c) sugar, isoglucose and inulin syrup withdrawn from the market in accordance

with Article 101d and for which the obligations provided for in Article 101d(3) are not met.

2. The surplus levy shall be fixed by the Commission, by means of implementing acts adopted in accordance with the examination procedure referred to in Article 162(2), at a level sufficiently high to prevent the accumulation of the quantities referred to in paragraph 1.

3. The surplus levy referred to in paragraph 1 shall be charged by the Member State to the undertakings on its territory according to the quantities of production referred to in paragraph 1 that have been established for those undertakings for the marketing year concerned.

Or. es

Amendment 1482
Younous Omarjee

Proposal for a regulation
Article 101 o (new)

Text proposed by the Commission

Amendment

Article 101o

Surplus levy

1. A surplus levy shall be levied on quantities of:

(a) surplus sugar, surplus isoglucose and surplus inulin syrup produced during any marketing year, except for quantities carried forward to the quota production of the following marketing year and stored in accordance with Article XX, or quantities referred to in points (c), (d) and (e) of Article XX;

(b) industrial sugar, industrial isoglucose or industrial inulin syrup in respect of

which no proof of use in one of the products referred to in Article XX(XX) has been supplied within a time limit to be fixed by the Commission by means of implementing acts adopted in accordance with the examination procedure referred to in Article 162(2);

(c) sugar, isoglucose and inulin syrup withdrawn in accordance with Article XX and for which the obligations provided for in Article XX(XX) are not met.

2. The surplus levy shall be fixed by the Commission, by means of implementing acts adopted in accordance with the examination procedure referred to in Article 162(2), at a level sufficiently high to prevent the accumulation of quantities as referred to in paragraph 1.

3. The surplus levy referred to in paragraph 1 shall be charged by the Member States to the undertakings on their territory according to the quantities produced referred to in paragraph 1 that have been established for those undertakings for the marketing year concerned.

Or. fr

Amendment 1483
Agustín Díaz de Mera García Consuegra

Proposal for a regulation
Article 101 p (new)

Text proposed by the Commission

Amendment

Article 101p

Delegated powers

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 160 to provide for measures listed in paragraphs 2 to 6 of this Article.

2. Given the need to ensure that undertakings referred to in Article 101i comply with their obligations, the Commission may adopt, by means of delegated acts, rules on granting and withdrawal of approval of such undertakings, as well as the criteria for administrative penalties.

3. Given the need to take into account the specificities of the sugar sector and to ensure that the interests of all parties are duly taken into account, the Commission may lay down, by means of delegated acts, further definitions, including of sugar, isoglucose and inulin syrup production, the production of an undertaking, and on the conditions governing sales to outermost regions.

4. Given the need to ensure that the beet growers are closely associated with a decision to carry forward a certain quantity of production, the Commission may, by means of delegated acts, lay down rules concerning carry forward of sugar.

5. Given the need to adjust the minimum price of sugar beet where its actual quality differs from the standard quality, the Commission may, by means of delegated acts, lay down rules for the increases and reductions referred to in Article 101g(3).

6. Given the need to prevent any disturbance of the market, the Commission may, by means of delegated acts, lay down the conditions for the release of the out-of-quota sugar referred to in Article 101l(1)(e) onto the market as quota sugar.

Or. es

Amendment 1484
Rareş-Lucian Niculescu

Proposal for a regulation
Article 101 p (new)

Text proposed by the Commission

Amendment

Article 101 p

Delegated powers

In order to take into account the specificities of the sugar sector and to ensure that the interests of all parties are duly taken into account, the Commission may, by means of delegated acts, adopt rules on the price adjustments to be applied as provided for in Article 101 g(3).

Or. en

Amendment 1485
Agustín Díaz de Mera García Consuegra

Proposal for a regulation
Article 101 q (new)

Text proposed by the Commission

Amendment

Article 101q

Implementing powers

With regard to the undertakings referred to in Article 101i, the Commission may, by means of implementing acts adopted in accordance with the examination procedure referred to in Article 162(2), establish rules concerning:

- a) applications for approval submitted by undertakings, records to be kept by approved undertakings, information to be submitted by approved undertakings;***
- b) the system of checks to be carried out by Member States on approved undertakings;***
- c) Member States' communications with the Commission and with approved undertakings;***

- d) the delivery to undertakings of raw materials, including delivery contracts and delivery notes;*
- e) equivalence regarding sugar as referred to in Article 101l(1)(a);*
- f) the specific supply regime for the outermost regions;*
- g) exports as referred to in Article 101l(1)(d);*
- h) Member State cooperation to ensure effective checks;*
- i) modifying the dates laid down in Article 101n;*
- j) the establishment of the surplus quantity, the notifications and payment of the surplus levy referred to in Article 101o;*
- k) the automatic release of the out-of-quota sugar referred to in Article 101l(1)(e) onto the market as quota sugar.*

Or. es

Amendment 1486
Mariya Gabriel

Proposal for a regulation
Article 101 q (new)

Text proposed by the Commission

Amendment

Article 101 q

Implementing powers

1 a. In order to take into account the specificities of the full time cane sugar refining sector, the power to adopt certain implementing acts in accordance with Article 291 of the Treaty should be conferred on the Commission in respect of establishing a list of full-time refiners.

Or. en

Amendment 1487
Luís Paulo Alves

Proposal for a regulation
Part II – Title II – Chapter II – Section 1 – paragraph 1 (new)

Text proposed by the Commission

Amendment

On the basis of the findings of the impact assessments, due to be carried out by 31 December 2012, on the milk quota system and the abolition of planting rights in the wine sector, the Commission shall, no later than 30 June 2013, submit a proposal on the continuation or revision of the processes for ending quotas and planting rights in the milk, wine, and sugar beet sectors.

Or. pt

Amendment 1488
Maria do Céu Patrão Neves

Proposal for a regulation
Article 102 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall maintain a vineyard register which shall contain updated information on the production potential.

1. Member States shall maintain a vineyard register which shall contain updated information on the production potential ***and which shall be integrated into the parcel identification systems forming part of the common agricultural policy Integrated Administration and Control System.***

Or. pt

Amendment 1489
Elisabeth Köstinger

Proposal for a regulation
Article 102 – paragraph 5

Text proposed by the Commission

Amendment

(5) After 1 January 2016, the Commission may, by means of an implementing act, decide that paragraphs 1 to 3 of this Article no longer apply. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 162(2).

deleted

Or. de

Amendment 1490
Agustín Díaz de Mera García Consuegra

Proposal for a regulation
Part 2 – title 2 – chapter 2 – section 1 b (new)

Text proposed by the Commission

Amendment

***SYSTEM OF PRODUCTION
LIMITATION***

Or. es

Amendment 1491
Eric Andrieu, Marielle de Sarnez, Marc Tarabella

Proposal for a regulation
Article 102 a (new)

Text proposed by the Commission

Amendment

Article 102a

***Responsible national authorities for the
wine sector***

***1. Without prejudice to any other
provisions of this Regulation concerning
the determination of competent national***

authorities, Member States shall designate one or more authorities which shall be responsible for ensuring compliance with Union rules in the wine sector. In particular, Member States shall designate the laboratories authorised to carry out official analyses in the wine sector. The designated laboratories shall meet the general criteria for the operation of testing laboratories set out in ISO/IEC 17025.

2. Member States shall inform the Commission of the names and addresses of the authorities and laboratories referred to in paragraph 1. The Commission shall make this information public and update it periodically.

Or. fr

Amendment 1492
Eric Andrieu, Marc Tarabella

Proposal for a regulation
Article 102 b (new)

Text proposed by the Commission

Amendment

Article 102b

Evaluations in the wine sector

Member States shall give notice of and draw up evaluations in the wine sector:

(a) As concerns unlawful plantings planted after 31 August 1998 referred to in Article 85a of Regulation (EC) No 1234/2007, Member States shall communicate to the Commission by 1 March each year the areas planted with vines without a corresponding planting right after 31 August 1998 as well as the areas grubbed up in accordance with paragraph 1 of that Article.

(b) As concerns obligatory regularisation of unlawful plantings planted before

1 September 1998 pursuant to Regulation (EC) No 1234/2007, Member States shall inform the Commission by 1 March of each of the relevant years about:

(i) the areas planted with vines without a corresponding planting right before 1 September 1998;

(ii) the areas regularised, the fees as provided for and the average value of the regional planting rights under Regulation (EC) No 1234/2007.

(c) Member States shall submit to the Commission by 1 March each year a report on the implementation of the measures provided for in their support programmes referred to in Section IV of Chapter II of Title I of Part II during the previous financial year.

The reports shall list and describe the measures for which Union assistance under the support programmes was granted and shall, in particular, provide details on the implementation of the promotion measures referred to in Article 43.

(d) Member States shall, no later than 1 March 2014, submit to the Commission an evaluation of the costs and benefits of the support programmes as well as an indication of how to increase their efficiency.

(e) The Commission may, by means of implementing acts, adopt rules on notifications and evaluation in order to ensure uniform application of this Article.

Or. fr

Amendment 1493
Maria do Céu Patrão Neves

Proposal for a regulation
Article 103 – paragraph 1

Text proposed by the Commission

1. The products of the wine sector shall be put into circulation in the Union with an officially authorised accompanying document.

Amendment

1. The products of the wine sector shall be put into circulation in the Union with an officially authorised accompanying document. ***Taking into account the need to standardise and simplify the documents used by Member States, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 laying down rules on the model circulation document to be used.***

Or. pt

Amendment 1494
Maria do Céu Patrão Neves

Proposal for a regulation
Article 103 – paragraph 2

Text proposed by the Commission

2. Natural or legal persons or groups of persons who hold products covered by the wine sector ***in the exercise of their trade***, in particular producers, bottlers and processors, as well as merchants, shall keep inwards and outwards registers in respect of those products.

Amendment

2. Natural or legal persons or groups of persons who, ***in the exercise of their trade***, hold products covered by the wine sector ***intended to be placed on the market***, in particular producers, bottlers and processors, as well as merchants, shall keep inwards and outwards registers in respect of those products.

Or. pt

Amendment 1495
Maria do Céu Patrão Neves

Proposal for a regulation
Article 103 – paragraph 3 – introductory part

Text proposed by the Commission

3. Taking into account the need to facilitate

Amendment

3. Taking into account the need to facilitate

the transport of wine products and verification thereof by Member States, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 on:

the transport of wine products and verification thereof by Member States, *as well as the provisions of paragraph 1 above*, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 on:

Or. pt

Amendment 1496
Maria do Céu Patrão Neves

Proposal for a regulation
Article 103 – paragraph 3 – point e a (new)

Text proposed by the Commission

Amendment

(ea) simplification and standardisation of the register.

Or. pt

Amendment 1497
Hans-Peter Mayer

Proposal for a regulation
Article 103 – paragraph 3 – point e a (new)

Text proposed by the Commission

Amendment

ea) rules on the composition of the register, the products to be contained therein, deadlines for entries in registers and the closures of registers.

Or. de

Amendment 1498
Hans-Peter Mayer

Proposal for a regulation
Article 103 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

a) rules on the composition of the register, the products to be contained therein, deadlines for entries in registers and the closures of registers;

deleted

Or. de

Amendment 1499

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

Proposal for a regulation

Article 102 b (new)

Text proposed by the Commission

Amendment

Article 103b

Prohibition on planting new vines

1. In general, the planting of vines of wine grape varieties classifiable according to Article 24(1) of Council Regulation (EC) 479/2008 of 29 April 2008 shall be prohibited.

2. The grafting-on of the wine grape varieties referred to in the foregoing paragraph 1, to varieties other than wine grape varieties referred to in the article cited shall also be prohibited.

3. Notwithstanding paragraphs 1 and 2, plantings and grafting-on as referred to in those paragraphs shall be permitted if covered by:

a) a new planting right granted pursuant to Article 103c;

b) a replanting right granted pursuant to Article 103d;

c) a planting right granted from a reserve as provided for in Articles 103e and 103f.

4. The planting rights referred to in

paragraph 3 shall be granted in hectares.

5. Articles 103c to 103f shall apply at least until 31 December 2020.

6. Member States may decide to extend in their territory the date fixed in the previous paragraph. In such case the rules governing the planting rights regime laid down in this Article shall apply accordingly in the given Member State.

Or. es

Amendment 1500
Izaskun Bilbao Barandica

Proposal for a regulation
Article 103 b (new)

Text proposed by the Commission

Amendment

Article 103b

Prohibition on planting new vines

1. In general, the planting of vines of wine grape varieties classifiable according to Article 24(1) of Council Regulation (EC) 479/2008 of 29 April 2008 shall be prohibited.

2. The grafting-on of the wine grape varieties referred to in the foregoing paragraph 1, to varieties other than wine grape varieties referred to in the article cited shall also be prohibited.

3. Notwithstanding paragraphs 1 and 2, plantings and grafting-on as referred to in those paragraphs shall be permitted if covered by:

a) a new planting right granted pursuant to Article 103c;

b) a replanting right granted pursuant to Article 103d;

c) a planting right granted from a reserve as provided for in Articles 103e and 103f.

4. The planting rights referred to in paragraph 3 shall be granted in hectares.

5. Articles 103c to 103f shall apply at least until 31 December 2020.

6. Member States may decide to extend in their territory the date fixed in the previous paragraph. In such case the rules governing the planting rights regime laid down in this Article shall apply accordingly in the given Member State.

Or. es

Justification

All the amendments to this Article seek to preserve a system that controls production potential and improves price quality and stability, which does not cost the Community anything and has proved to be effective.

Amendment 1501

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

Proposal for a regulation

Article 103 c (new)

Text proposed by the Commission

Amendment

Article 103c

New planting rights

1. Without prejudice to the previous Article, Member States may grant new planting rights to producers in respect of areas:

a) intended for new plantings carried out under measures for land consolidation or measures concerning compulsory purchases in the public interest adopted under national law;

b) intended for experimental purposes;

c) intended for graft nurseries; or

d) whose wine or vine products are intended solely for consumption by the wine-grower's household.

2. New planting rights granted shall be:

a) exercised by the producer to whom they are granted;

b) used before the end of the second wine year after the one in which they were granted;

c) used for the purposes for which they were granted.

Or. es

Amendment 1502
Izaskun Bilbao Barandica

Proposal for a regulation
Article 103 c (new)

Text proposed by the Commission

Amendment

Article 103c

New planting rights

1. Without prejudice to the previous Article, Member States may grant new planting rights to producers in respect of areas:

a) intended for new plantings carried out under measures for land consolidation or measures concerning compulsory purchases in the public interest adopted under national law;

b) intended for experimental purposes;

c) intended for graft nurseries; or

d) whose wine or vine products are intended solely for consumption by the wine-grower's household.

2. New planting rights granted shall be:

a) exercised by the producer to whom they

are granted;

b) used before the end of the second wine year after the one in which they were granted;

c) used for the purposes for which they were granted.

Or. es

Amendment 1503

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

**Proposal for a regulation
Article 103 d (new)**

Text proposed by the Commission

Amendment

Article 103d

Replanting rights

1. Member States shall grant replanting rights to producers who have grubbed up a legally recognised and registered area planted with vines. However, grubbed-up areas for which a grubbing-up premium has been granted shall not generate replanting rights.

2. Member States may grant replanting rights to producers who undertake to grub up an area planted with vines. In such cases, the grubbing-up of the pledged area shall be carried out at the latest at the end of the third year after which new vines for which the replanting rights had been granted have been planted.

3. Replanting rights granted shall correspond to the equivalent of the grubbed-up area in terms of pure crop.

4. The replanting rights shall be exercised on the holding in respect of which they were granted. Member States may further stipulate that such replanting rights may be exercised only on the area where the

grubbing-up was carried out.

5. By way of derogation from paragraph 4, Member States may decide that replanting rights may be transferred, in whole or in part, to another holding in the same Member State in the following cases:

a) part of the holding concerned is transferred to that other holding;

b) areas on that other holding are intended for:

i) the production of wines with a protected designation of origin or a protected geographical indication, or

ii) the cultivation of graft nurseries.

Member States shall ensure that the application of the derogation provided for in the first subparagraph does not lead to an overall increase in production potential on their territory, in particular when transfers are made from non-irrigated to irrigated areas.

6. Paragraphs 1 to 5 shall apply mutatis mutandis to rights similar to replanting rights acquired under prior Community or national legislation.

7. Replanting rights granted under Article 4(5) of Regulation (EC) No 1493/1999 shall be used within the periods provided for therein.

Or. es

Amendment 1504
Izaskun Bilbao Barandica

Proposal for a regulation
Article 103 d (new)

Text proposed by the Commission

Amendment

Article 103d

Replanting rights

1. Member States shall grant replanting rights to producers who have grubbed up a legally recognised and registered area planted with vines.

However, grubbed-up areas for which a grubbing-up premium has been granted shall not generate replanting rights.

2. Member States may grant replanting rights to producers who undertake to grub up an area planted with vines. In such cases, the grubbing-up of the pledged area shall be carried out at the latest at the end of the third year after which new vines for which the replanting rights had been granted have been planted.

3. Replanting rights granted shall correspond to the equivalent of the grubbed-up area in terms of pure crop.

4. The replanting rights shall be exercised on the holding in respect of which they were granted. Member States may further stipulate that such replanting rights may be exercised only on the area where the grubbing-up was carried out.

5. By way of derogation from paragraph 4, Member States may decide that replanting rights may be transferred, in whole or in part, to another holding in the same Member State in the following cases:

a) part of the holding concerned is transferred to that other holding;

b) areas on that other holding are intended for:

i) the production of wines with a protected designation of origin or a protected geographical indication, or

ii) the cultivation of graft nurseries.

Member States shall ensure that the application of the derogation provided for in the first subparagraph does not lead to an overall increase in production

potential on their territory, in particular when transfers are made from non-irrigated to irrigated areas.

6. Paragraphs 1 to 5 shall apply mutatis mutandis to rights similar to replanting rights acquired under prior Community or national legislation.

7. Replanting rights granted under Article 4(5) of Regulation (EC) No 1493/1999 shall be used within the periods provided for therein.

Or. es

Amendment 1505

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

Proposal for a regulation

Article 103 e (new)

Text proposed by the Commission

Amendment

Article 103e

National and regional reserves of planting rights

1. In order to improve management of the production potential, Member States shall create a national reserve or regional reserves of planting rights.

2. Member States which have established national or regional reserves of planting rights under Regulation (EC) No 1493/1999 may maintain those reserves as long as they apply the planting right regime in accordance with this Subsection.

3. The following planting rights shall be allocated to national or regional reserves if they are not used within the prescribed period:

a) new planting rights;

b) replanting rights;

c) planting rights granted from the reserve.

4. Producers may transfer replanting rights to national or regional reserves.

The conditions of such transfer, where necessary in return for a payment from national funds, shall be determined by the Member States taking into account the legitimate interests of the parties.

5. By way of derogation from paragraph 1, Member States may decide not to implement a reserve system provided that they can prove that an effective alternative system for managing planting rights exists throughout their territory. The alternative system may, where necessary, derogate from the relevant provisions of this Subsection.

Or. es

Amendment 1506
Izaskun Bilbao Barandica

Proposal for a regulation
Article 103 e (new)

Text proposed by the Commission

Amendment

Article 103e

Reserves of planting rights

1. In order to improve management of the production potential, Member States shall create a national reserve or regional reserves of planting rights.

2. Member States which have established national or regional reserves of planting rights under Regulation (EC) No 1493/1999 may maintain those reserves as long as they apply the planting right regime in accordance with this

Subsection.

3. The following planting rights shall be allocated to national or regional reserves if they are not used within the prescribed period:

- a) new planting rights;*
- b) replanting rights;*
- c) planting rights granted from the reserve.*

4. Producers may transfer replanting rights to national or regional reserves. The conditions of such transfer, where necessary in return for a payment from national funds, shall be determined by the Member States taking into account the legitimate interests of the parties.

5. By way of derogation from paragraph 1, Member States may decide not to implement a reserve system provided that they can prove that an effective alternative system for managing planting rights exists throughout their territory. The alternative system may, where necessary, derogate from the relevant provisions of this Subsection.

Or. es

Amendment 1507

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

**Proposal for a regulation
Article 103 f (new)**

Text proposed by the Commission

Amendment

Article 103f

Granting planting rights from a reserve

1. Member States may grant rights out of a reserve:

- a) without payment, to producers who are*

under 40 years of age, who possess adequate occupational skill and competence, who are setting up for the first time and who are established as the head of the holding;

b) against payment into national or, if appropriate, regional funds, to producers who intend to use the rights to plant vineyards the production of which has an assured outlet. Member States shall define the criteria for setting the amounts of the payment referred to in point

c) which may vary depending on the final intended product of the vineyards and the remaining lifetime of the rights being transferred.

2. Where planting rights granted from a reserve are used, Member States shall ensure that:

a) the location, the varieties and the cultivation techniques used guarantee that the subsequent production is adapted to market demand;

b) the yields concerned are typical of the average in the region, in particular where planting rights originating in non-irrigated areas are used in irrigated areas.

3. Planting rights granted from a reserve which are not used before the end of the second wine year after the one in which they were granted shall be forfeited and re-allocated to the reserve.

4. Planting rights in a reserve which are not disbursed before the end of the fifth wine year following their allocation to the reserve shall be extinguished.

5. If regional reserves exist in a Member State, the Member State may lay down rules permitting the transfer of planting rights between regional reserves. If both regional and national reserves exist in a Member State, the Member State may also allow for transfers, which may be subject to a reduction coefficient, between those

reserves.

Or. es

Amendment 1508
Izaskun Bilbao Barandica

Proposal for a regulation
Article 103 f (new)

Text proposed by the Commission

Amendment

Article 103f

Planting rights from a reserve

1. Member States may grant rights out of a reserve:

a) without payment, to producers who are under 40 years of age, who possess adequate occupational skill and competence, who are setting up for the first time and who are established as the head of the holding;

b) against payment into national or, if appropriate, regional funds, to producers who intend to use the rights to plant vineyards the production of which has an assured outlet.

Member States shall define the criteria for setting the amounts of the payment referred to in point b), which may vary depending on the final intended product of the vineyards concerned and the remaining lifetime of the rights being transferred.

2. Where planting rights granted from a reserve are used, Member States shall ensure that:

a) the location, the varieties and the cultivation techniques used guarantee that the subsequent production is adapted to market demand;

b) the yields concerned are typical of the

average in the region, in particular where planting rights originating in non-irrigated areas are used in irrigated areas.

3. Planting rights granted from a reserve which are not used before the end of the second wine year after the one in which they were granted shall be forfeited and re-allocated to the reserve.

4. Planting rights in a reserve which are not disbursed before the end of the fifth wine year following their allocation to the reserve shall be extinguished.

5. If regional reserves exist in a Member State, the Member State may lay down rules permitting the transfer of planting rights between regional reserves. If both regional and national reserves exist in a Member State, the Member State may also allow for transfers, which may be subject to a reduction coefficient, between those reserves.

Or. es

Amendment 1509

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

Proposal for a regulation

Article 103 g (new)

Text proposed by the Commission

Amendment

Article 103g

De minimis

This Subsection shall not apply in Member States where the Community planting rights regime did not apply by 31 December 2007.

Or. es

Amendment 1510

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

Proposal for a regulation

Article 103 h (new)

Text proposed by the Commission

Amendment

Article 103h

Stricter national rules

Member States may adopt stricter national rules in respect of the award of new planting rights or replanting rights.

They may also require that the respective applications and the relevant information to be supplied therein be supplemented by additional information necessary for monitoring the development of production potential.

Or. es

Amendment 1511

Izaskun Bilbao Barandica

Proposal for a regulation

Article 103 i (new)

Text proposed by the Commission

Amendment

Article 103j

Implementing measures

The measures necessary for the implementation of this Subsection shall be adopted in accordance with the procedure referred to in Article 162 of this Regulation.

Those measures may include any of the following:

a) provisions to avoid excessive administrative charges when applying said provisions;

- b) the co-existence of vines pursuant to Article 103f(2);*
- c) the application of the reduction coefficient referred to in Article 103f(5).*

Or. es

Amendment 1512

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

**Proposal for a regulation
Article 103 j (new)**

Text proposed by the Commission

Amendment

Article 103j

Implementing measures

The measures necessary for the implementation of this Subsection shall be adopted in accordance with the procedure referred to in Article 162 of this Regulation.

Those measures may include any of the following:

- a) provisions to avoid excessive administrative charges when applying said provisions;*
- b) the co-existence of vines pursuant to Article 103f(2);*
- c) the application of the reduction coefficient referred to in Article 103f(5).*

Or. es

Amendment 1513

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

**Proposal for a regulation
Part II – Title II – Chapter II – Section III – Subsection 1 (new)**

SUBSECTION 1

**SYSTEM OF PRODUCTION
LIMITATION IN THE MILK SECTOR**

Article 103k

Definitions

1. For the purposes of this Section, the following definitions shall apply:

- a) "milk" means the produce of the milking of one or more cows;**
- b) "other milk products" means any milk product other than milk, in particular skimmed milk, cream, butter, yoghurt and cheese; when relevant, these may be converted into "milk equivalents" by applying coefficients to be fixed by the Commission by means of implementing acts;**
- c) 'producer' means a farmer with a holding located within the geographical territory of a Member State, who produces and markets milk or who is preparing to do so in the very near future;**
- d) "holding": as defined in Article 4 of the EU Regulation on Direct Payments;**
- e) "purchaser" means an undertaking or group which buys milk from producers:
 - to subject it to collecting, packing, storing, chilling or processing, including under contract,**
 - to sell it to one or more undertakings treating or processing milk or other milk products;****
- f) "delivery" means any delivery of milk, not including any other milk products, by a producer to a purchaser, whether the transport is carried out by the producer, a purchaser, an undertaking processing or treating such products or a third party;**
- g) "direct sale" means any sale or**

transfer of milk by a producer directly to consumers, as well as any sale or transfer of other milk products by a producer;

h) "marketing" means deliveries of milk or direct sales of milk or other milk products;

i) "individual quota" means a producer's quota at 1 April of any twelve-month period;

j) "national quota" means the quota referred to in Article 1031, fixed for each Member State;

k) "available quota" means the quota available to producers on 31 March of the twelve-month period for which the surplus levy is calculated, taking account of all transfers, sales, conversions and temporary re-allocations provided for in this Regulation which have taken place during that twelve-month period.

2. As regards the definition given in point (e) of paragraph 1, any group of purchasers in the same geographical area which carries out the administrative and accounting operations necessary for the payment of the surplus levy on behalf of its members shall also be regarded as a purchaser. For the purposes of the first sentence of this subparagraph, Greece shall be considered a single geographical area and it may deem an official body to be a group of purchasers.

3. In order to ensure, in particular, that no quantity of marketed milk or other marketed milk products is excluded from quota arrangements, the Commission may, while respecting the definition of 'delivery' given in point (f), adjust the definition of 'direct sale' by means of a delegated act.

Article 1031

National quotas

1. The national quotas for the production of milk and other milk products marketed

during five consecutive periods of twelve months commencing on 1 April 2015 (hereinafter referred to as ‘twelve-month periods’) are fixed in Annex [VIIIa].

2. The quotas referred to in paragraph 1 shall be divided between producers in accordance with Article 103m, distinguishing between deliveries and direct sales. Any overrun of the national quotas shall be determined nationally in each Member State, in accordance with this Section and making a distinction between deliveries and direct sales.

3. The national quotas set out in Annex (VIIIa) shall be fixed without prejudice to possible review in the light of the general market situation and particular conditions existing in certain Member States.

4. For Bulgaria, the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Romania, Slovenia and Slovakia the national quotas shall include all milk or milk equivalent delivered to a purchaser or sold directly, irrespective of whether it is produced or marketed under a transitional measure applicable in those countries.

5. The Commission shall, by means of implementing acts, adopt the rules necessary for a uniform application of this Article in the Member States. Procedures, notifications and technical criteria shall be set out in these rules.

Article 103m

Individual quotas

1. The producers' individual quota or quotas at 1 April 2015 shall be equal to their individual reference quantity or quantities at 31 March 2015 without prejudice to transfers, sales and conversions of quota that take effect on 1 April 2015.

2. Producers may have either one or two

individual quotas, one for deliveries and the other for direct sales. A producer's quantities may be converted from one quota to the other only by the competent authority of the Member State, at the duly justified request of the producer.

3. Where a producer has two quotas, his contribution to any surplus levy due shall be calculated separately for each.

4. The part of the Finnish national quota allocated to the deliveries referred to in Article 105l may be increased by the Commission by means of implementing acts to compensate Finnish SLOM producers up to 200 000 tonnes. This reserve, to be allocated in accordance with Community legislation, must be used exclusively on behalf of producers whose right to take up production again has been affected as a result of accession.

5. Individual quotas shall be modified, where appropriate, for each of the twelve-month periods concerned, so that, for each Member State, the sum of the individual quotas for the deliveries and that for the direct sales does not exceed the corresponding part of the national quota adjusted in accordance with Article 103o, taking account of any reductions made for allocation to the national reserve as provided for in Article 103q.

Article 103n

Allocation of quotas from the national reserve

Member States shall adopt rules allowing for allocation to producers of all or part of the quotas from the national reserve provided for in Article 103q on the basis of objective criteria to be notified to the Commission.

Article 103o

Management of quotas

1. The Commission shall adjust for each Member State and for each period, before

the end of that period, by means of implementing acts provided for in Article 103af, the division between 'deliveries' and 'direct sales' of national quotas, in the light of the conversions requested by producers between individual quotas for deliveries and for direct sales.

2. Member States shall forward to the Commission each year, by dates to be fixed by the Commission and according to rules the latter shall establish by means of an implementing act in accordance with Article 162, the information necessary to:

- a) make the adjustment referred to in paragraph 1 of this Article;*
- b) calculate the surplus levy to be paid by each Member State.*

Article 103p

Fat content

1. Each producer shall be assigned a reference fat content, to be applied to the individual quota for deliveries allocated to that producer.

2. For the quotas allocated to producers on 31 March 2015 in accordance with Article 105c(1), the reference fat content referred to in paragraph 1 shall be the same as the reference fat content applied to that quota at that date.

3. The reference fat content shall be altered during the conversion referred to in Article 103m(2) and where quotas are acquired, transferred or temporarily transferred in accordance with rules to be established by the Commission by means of an implementing act pursuant to Article 103af(b).

4. For new producers having an individual quota for deliveries allocated entirely from the national reserve, the fat content shall be fixed in accordance with rules to be established by the Commission by means of an implementing act

pursuant to Article 103af(b).

5. The individual reference fat content referred to in paragraph 1 shall be adjusted, where appropriate, upon the entry into force of this Regulation and thereafter, at the beginning of each twelve-month period as necessary, so that, for each Member State, the weighted average of the individual representative fat contents does not exceed by more than 0.1 gram per kg the reference fat content set in Annex [VIIIb].

Article 103q

National reserve

1. Each Member State shall set up a national reserve as part of the national quotas fixed in Annex [VIIIa], in particular with a view to making the allocations provided for in Article 103l. The national reserve shall be replenished, as appropriate, by withdrawing some quantities as provided for in Article 103r, retaining part of transfers as provided for in Article 103w, or by making an across-the-board reduction in all individual quotas. The quotas in question shall retain their original purpose, i.e. deliveries or direct sales.

2. Any additional quotas allocated to a Member State shall automatically be placed in the national reserve and divided into deliveries and direct sales according to foreseeable needs.

3. The quotas placed in the national reserve shall not have a reference fat content.

Article 103r

Cases of inactivity

1. When a natural or legal person holding individual quotas no longer meets the conditions referred to in Article 103k a(c) during a twelve-month period, the corresponding quantities shall revert to the national reserve no later than 1 April

of the following calendar year, except where that person once again becomes a producer within the meaning of point (c) of Article 103l no later than that date.

Where that person becomes once again a producer not later than the end of the second twelve-month period following withdrawal, all or part of the individual quota which had been withdrawn shall revert to that person no later than 1 April following the date of application.

2. Where producers do not market a quantity equal to at least 85 % of their individual quota during at least one twelve-month period, Member States may decide whether and on what conditions all or part of the unused quota shall revert to the national reserve.

Member States may determine on what conditions a quota shall be re-allocated to the producer concerned should he resume marketing.

3. Paragraphs 1 and 2 shall not apply in cases of force majeure and in duly justified cases temporarily affecting the production capacity of the producers concerned and recognised by the competent authority.

Article 103s

Temporary transfers

1. By the end of each twelve-month period, Member States shall authorise, for the period concerned, any temporary transfers of part of individual quotas which the producers who are entitled thereto do not intend to use.

Member States may regulate transfer operations according to the categories of producers or milk production structures concerned, may limit them to the level of the purchaser or within regions, authorise complete transfers in the cases referred to in Article 103r(3) and determine to what extent the transferor can repeat transfer

operations.

2. Any Member State may decide not to implement paragraph 1 on the basis of one or both of the following criteria:

- a) the need to facilitate structural changes and adjustments;*
- b) overriding administrative needs.*

Article 103t

Transfers of quotas together with land

1. Individual quotas shall be transferred with the holding to the producers taking it over when it is sold, leased, transferred by actual or anticipated inheritance or any other means involving comparable legal effects for the producers, in accordance with detailed rules to be determined by the Member States, taking account of the areas used for dairy production or other objective criteria and, where applicable, of any agreement between the parties. The part of the quota which, where applicable, has not been transferred with the holding shall be added to the national reserve.

2. Where quotas have been or are transferred in accordance with paragraph 1 by means of rural leases or by other means involving comparable legal effects, Member States may decide, on the basis of objective criteria and with the aim of ensuring that quotas are attributed solely to producers, that the quota shall not be transferred with the holding.

3. Where land is transferred to the public authorities and/or for use in the public interest, or where the transfer is carried out for non-agricultural purposes, Member States shall ensure that the necessary measures are taken to protect the legitimate interests of the parties, and in particular that producers giving up such land are in a position to continue milk production if they so wish.

4. Where there is no agreement between the parties, in the case of tenancies due to expire without any possibility of renewal on similar terms, or in situations involving comparable legal effects, the individual quotas in question shall be transferred in whole or in part to the producer taking them over, in accordance with provisions adopted by the Member States, taking account of the legitimate interests of the parties.

Article 103u

Special transfer measures

1. With a view to successfully restructuring milk production or improving the environment, Member States may, in accordance with detailed rules which they shall lay down, taking account of the legitimate interests of the parties concerned:

a) grant compensation in one or more annual instalments to producers who undertake to abandon permanently all or part of their milk production and place the individual quotas thus released in the national reserve;

b) determine on the basis of objective criteria the conditions on which producers may obtain, in return for payment, at the beginning of a twelve-month period, the re-allocation by the competent authority or a body designated by that authority of individual quotas released definitively at the end of the preceding twelve-month period by other producers in return for compensation in one or more annual instalments equal to the abovementioned payment;

c) centralise and supervise transfers of quotas without land;

d) provide, in the case of land transferred with a view to improving the environment, for the individual quota concerned to be allocated to a producer giving up the land

but wishing to continue milk production;

e) determine, on the basis of objective criteria, the regions or collection areas within which the permanent transfer of quotas without transfer of the corresponding land is authorised, with the aim of improving the structure of milk production;

f) authorise, upon application by a producer to the competent authority or a body designated by that authority, the definitive transfer of quotas without transfer of the corresponding land, or vice versa, with the aim of improving the structure of milk production at the level of the holding or to allow for extensification of production.

2. Paragraph 1 may be implemented at national level, at the appropriate territorial level or in specified collection areas.

Article 103v

Retention of quotas

1. In the case of transfers as referred to in Articles 103t and 103u Member States may, on the basis of objective criteria, retain part of the individual quotas for their national reserve.

2. Where quotas have been or are transferred in accordance with Articles 103t and 103u with or without the corresponding land by means of rural leases or by other means involving comparable legal effects, Member States may decide, on the basis of objective criteria and with the aim of ensuring that quotas are solely attributed to producers, whether and under which conditions all or part of the transferred quota shall revert to the national reserve.

Article 103w

Aid for the acquisition of quotas

No financial assistance linked directly to

the acquisition of quotas may be granted by any public authority for the sale, transfer or allocation of quotas under this Section.

Article 103x

Surplus levy

1. A surplus levy shall be payable on milk and other milk products marketed in excess of the national quota.

The levy shall be set, per 100 kilograms of milk, at EUR 27.83.

2. Member States shall be liable to the Community for the surplus levy resulting from overruns of the national quota, determined nationally and separately for deliveries and direct sales, and between 16 October and 30 November following the twelve-month period concerned, shall pay 99 % of the amount due to the EAGF.

3. If the surplus levy provided for in paragraph 1 has not been paid before the due date, and after consultation of the Committee on the Agricultural Funds, the Commission shall deduct a sum equivalent to the unpaid surplus levy from the monthly payments within the meaning of Article xx and paragraph x of Article xx of the Horizontal (EC) Regulation. Before taking its decision, the Commission shall warn the Member State concerned, which shall make its position known within one week. Article xx of the Horizontal (EC) Regulation shall not apply.

Article 103y

Contribution of producers to the surplus levy due

The surplus levy shall be entirely allocated, in accordance with Articles 103x and 103ac, among the producers who have contributed to each of the overruns of the national quotas referred to in Article 103l(2).

Without prejudice to Articles 103z and 103ac(1), producers shall be liable vis-à-vis the Member State for payment of their contribution to the surplus levy due, calculated in accordance with Articles 103o, 103p and 103z, for the mere fact of having overrun their available quotas.

Article 103z

Surplus levy on deliveries

1. In order to draw up the definitive surplus levy statement, the quantities delivered by each producer shall be increased or reduced to reflect any difference between the real fat content and the reference fat content.

2. Each producer's contribution to payment of the surplus levy shall be established by decision of the Member State, after any unused part of the national quota allocated to deliveries has or has not been re-allocated, in proportion to the individual quotas of each producer or according to objective criteria to be set by the Member States:

a) either at national level on the basis of the amount by which each producer's quota has been exceeded,

b) or firstly at the level of the purchaser and thereafter at national level where appropriate.

Article 103aa

Role of purchasers

1. Purchasers shall be responsible for collecting from producers contributions due from the latter by virtue of the surplus levy and shall pay to the competent body of the Member State, before a date laid down by the Commission by means of implementing acts pursuant to Article 103af(d), (f) and (g), the amount of these contributions deducted from the price of the milk paid to the producers responsible for the overrun or, failing this, collected

by any other appropriate means.

2. Where a purchaser fully or partially replaces one or more other purchasers, the individual quotas available to the producers shall be taken into account for the remainder of the twelve-month period in progress, after deduction of quantities already delivered and account being taken of their fat content. This paragraph shall also apply where a producer transfers from one purchaser to another.

3. Where, during the reference period, quantities delivered by a producer exceed that producer's available quota, the relevant Member State may decide that the purchaser shall deduct part of the price of the milk in any delivery by the producer concerned in excess of the quota, by way of an advance on the producer's contribution, in accordance with detailed rules laid down by the Member State. The Member State may make specific arrangements to enable purchasers to deduct this advance where producers deliver to several purchasers.

Article 103ab

Authorisation

Purchaser status will be subject to prior approval by the Member State in accordance with criteria to be laid down by the Commission by means of delegated acts pursuant to Article 103ae(f) and in accordance with the procedure established by implementing acts pursuant to Article 103af.

Article 103ac

Surplus levy on direct sales

1. In the case of direct sales, each producer's contribution to payment of the surplus levy shall be established by decision of the Member State, after any unused part of the national quota allocated to direct sales has or has not been re-allocated, at the appropriate

territorial level or at national level.

2. Member States shall establish the basis of calculation of the producer's contribution to the surplus levy due on the total quantity of milk sold, transferred or used to manufacture the milk products sold or transferred by applying criteria fixed by the Commission by means of delegated acts pursuant to Article 103ae(b).

3. No correction linked to fat content shall be taken into account for the purpose of drawing up the definitive surplus levy statement.

4. The Commission shall determine by means of implementing acts pursuant to points (d) and (f) of Article 103af how and when the surplus levy shall be paid to the Member State's competent body.

Article 103ad

Amounts paid in excess or unpaid

1. Where, in the case of deliveries or direct sales, the surplus levy is found to be payable and the contribution collected from producers is greater than that levy, the Member State may:

a) use partially or totally the excess to finance the measures referred to in Article 103u(1)(a), and/or

b) redistribute it partially or totally to producers who:

- fall within priority categories established by the Member State on the basis of objective criteria and within the period to be laid down by the Commission by means of delegated acts pursuant to Article 103ae(g),

- are affected by an exceptional situation resulting from a national rule unconnected with the quota system for milk and other milk products set up by this Chapter.

2. Where it is established that no surplus

levy is payable, any advances collected by purchasers or the Member State shall be reimbursed no later than the end of the following twelve-month period.

3. Where a purchaser does not meet the obligation to collect the producers' contribution to the surplus levy in accordance with Article 103aa, the Member State may collect unpaid amounts directly from the producer, without prejudice to any penalties it may impose upon the defaulting purchaser.

4. Where a producer or a purchaser fails to comply with the time limit for payment, interest on arrears to be fixed by the Commission by means of an implementing act pursuant to Article 103af(e) shall be paid to the Member State.

Article 103ae

Delegated acts

In order to ensure that the milk quota system achieves its objectives, in particular, efficiency in the use and calculation of the individual quotas, and collection and use of the levy, the Commission shall by means of delegated acts adopt rules concerning:

- a) the temporary and definitive conversions of quotas;*
- b) the allocation of unused quotas;*
- c) the threshold for the fat correction factor;*
- d) the obligation on producers to deliver to approved purchasers;*
- e) the criteria for approval of purchasers by Member States;*
- f) the objective criteria for reallocation of the additional levy;*
- g) any modification to the definition of "direct sale", bearing in mind the definition of "delivery" laid down in*

Article 103k(f).

Article 103af

Implementing acts

The Commission shall, by means of implementing acts, lay down the rules necessary for the application of the quota system, including:

- a) definitive conversions and the division, after notification of Member States, of national quotas between deliveries and direct sales;*
- b) determination of the coefficient for fat content of individual quotas and fat correction;*
- c) determination by Member States of the milk equivalent;*
- d) the procedure, time scale and operation for payment of the levy, reallocation of the additional levy, and reduction or advances when the time scale has to be adhered to;*
- e) the imposition of interest for delays in payment and correct charges on the levy;*
- f) informing producers of new definitions, notification of individual quotas and of the levy;*
- g) information on applications and agreements in regard to the additional levy in the milk sector;*
- h) the establishment of a template for declarations of deliveries and direct sales;*
- i) the making of declarations, keeping of registers and notification of information by producers and purchasers;*
- j) checks on deliveries and direct sales.*

Or. es

Justification

The quota system should be maintained in the milk sector until at least 2020, in line with

Parliament's policy of extending the production limitation systems for sugar and wine. The milk sector needs more time to adjust, through a soft landing, to liberalisation of the market.

Amendment 1514

Agustín Díaz de Mera García Consuegra

Proposal for a regulation

Part II – Title II – Chapter II – Section III – Subsection 1 (new)

Text proposed by the Commission

Amendment

SUBSECTION 1

**SYSTEM OF PRODUCTION
LIMITATION IN THE MILK SECTOR**

Article 103k

Definitions

1. For the purposes of this Section, the following definitions shall apply:

- a) "milk" means the produce of the milking of one or more cows;**
- b) "other milk products" means any milk product other than milk, in particular skimmed milk, cream, butter, yoghurt and cheese; when relevant, these may be converted into "milk equivalents" by applying coefficients to be fixed by the Commission by means of implementing acts;**
- c) 'producer' means a farmer with a holding located within the geographical territory of a Member State, who produces and markets milk or who is preparing to do so in the very near future;**
- d) "holding": as defined in Article 4 of the EU Regulation on Direct Payments;**
- e) "purchaser" means an undertaking or group which buys milk from producers:**
 - to subject it to collecting, packing, storing, chilling or processing, including under contract,**
 - to sell it to one or more undertakings**

treating or processing milk or other milk products;

f) "delivery" means any delivery of milk, not including any other milk products, by a producer to a purchaser, whether the transport is carried out by the producer, a purchaser, an undertaking processing or treating such products or a third party;

g) "direct sale" means any sale or transfer of milk by a producer directly to consumers, as well as any sale or transfer of other milk products by a producer;

h) "marketing" means deliveries of milk or direct sales of milk or other milk products;

i) "individual quota" means a producer's quota at 1 April of any twelve-month period;

j) "national quota" means the quota referred to in Article 103l, fixed for each Member State;

k) "available quota" means the quota available to producers on 31 March of the twelve-month period for which the surplus levy is calculated, taking account of all transfers, sales, conversions and temporary re-allocations provided for in this Regulation which have taken place during that twelve-month period.

2. As regards the definition given in point (e) of paragraph 1, any group of purchasers in the same geographical area which carries out the administrative and accounting operations necessary for the payment of the surplus levy on behalf of its members shall also be regarded as a purchaser. For the purposes of the first sentence of this subparagraph, Greece shall be considered a single geographical area and it may deem an official body to be a group of purchasers.

3. In order to ensure, in particular, that no quantity of marketed milk or other marketed milk products is excluded from

quota arrangements, the Commission may, while respecting the definition of ‘delivery’ given in point (f), adjust the definition of ‘direct sale’ by means of a delegated act.

Article 103l

National quotas

1. The national quotas for the production of milk and other milk products marketed during five consecutive periods of twelve months commencing on 1 April 2015 (hereinafter referred to as ‘twelve-month periods’) are fixed in Annex [VIIIa].

2. The quotas referred to in paragraph 1 shall be divided between producers in accordance with Article 103m, distinguishing between deliveries and direct sales. Any overrun of the national quotas shall be determined nationally in each Member State, in accordance with this Section and making a distinction between deliveries and direct sales.

3. The national quotas set out in Annex (VIIIa) shall be fixed without prejudice to possible review in the light of the general market situation and particular conditions existing in certain Member States.

4. For Bulgaria, the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Romania, Slovenia and Slovakia the national quotas shall include all milk or milk equivalent delivered to a purchaser or sold directly, irrespective of whether it is produced or marketed under a transitional measure applicable in those countries.

5. The Commission shall, by means of implementing acts, adopt the rules necessary for a uniform application of this Article in the Member States. Procedures, notifications and technical criteria shall be set out in these rules.

Article 103m

Individual quotas

- 1. The producers' individual quota or quotas at 1 April 2015 shall be equal to their individual reference quantity or quantities at 31 March 2015 without prejudice to transfers, sales and conversions of quota that take effect on 1 April 2015.*
- 2. Producers may have either one or two individual quotas, one for deliveries and the other for direct sales. A producer's quantities may be converted from one quota to the other only by the competent authority of the Member State, at the duly justified request of the producer.*
- 3. Where a producer has two quotas, his contribution to any surplus levy due shall be calculated separately for each.*
- 4. The part of the Finnish national quota allocated to the deliveries referred to in Article 105l may be increased by the Commission by means of implementing acts to compensate Finnish SLOM producers up to 200 000 tonnes. This reserve, to be allocated in accordance with Community legislation, must be used exclusively on behalf of producers whose right to take up production again has been affected as a result of accession.*
- 5. Individual quotas shall be modified, where appropriate, for each of the twelve-month periods concerned, so that, for each Member State, the sum of the individual quotas for the deliveries and that for the direct sales does not exceed the corresponding part of the national quota adjusted in accordance with Article 103o, taking account of any reductions made for allocation to the national reserve as provided for in Article 103q.*

Article 103n

Allocation of quotas from the national reserve

Member States shall adopt rules allowing

for allocation to producers of all or part of the quotas from the national reserve provided for in Article 103q on the basis of objective criteria to be notified to the Commission.

Article 103o

Management of quotas

1. The Commission shall adjust for each Member State and for each period, before the end of that period, by means of implementing acts provided for in Article 103af, the division between 'deliveries' and 'direct sales' of national quotas, in the light of the conversions requested by producers between individual quotas for deliveries and for direct sales.

2. Member States shall forward to the Commission each year, by dates to be fixed by the Commission and according to rules the latter shall establish by means of an implementing act in accordance with Article 162, the information necessary to:

- a) make the adjustment referred to in paragraph 1 of this Article;*
- b) calculate the surplus levy to be paid by each Member State.*

Article 103p

Fat content

1. Each producer shall be assigned a reference fat content, to be applied to the individual quota for deliveries allocated to that producer.

2. For the quotas allocated to producers on 31 March 2015 in accordance with Article 105c(1), the reference fat content referred to in paragraph 1 shall be the same as the reference fat content applied to that quota at that date.

3. The reference fat content shall be altered during the conversion referred to in Article 103m(2) and where quotas are acquired, transferred or temporarily transferred in accordance with rules to be

established by the Commission by means of an implementing act pursuant to Article 103af(b).

4. For new producers having an individual quota for deliveries allocated entirely from the national reserve, the fat content shall be fixed in accordance with rules to be established by the Commission by means of an implementing act pursuant to Article 103af(b).

5. The individual reference fat content referred to in paragraph 1 shall be adjusted, where appropriate, upon the entry into force of this Regulation and thereafter, at the beginning of each twelve-month period as necessary, so that, for each Member State, the weighted average of the individual representative fat contents does not exceed by more than 0.1 gram per kg the reference fat content set in Annex [VIIIb].

Article 103q

National reserve

1. Each Member State shall set up a national reserve as part of the national quotas fixed in Annex [VIIIa], in particular with a view to making the allocations provided for in Article 103l. The national reserve shall be replenished, as appropriate, by withdrawing some quantities as provided for in Article 103r, retaining part of transfers as provided for in Article 103w, or by making an across-the-board reduction in all individual quotas. The quotas in question shall retain their original purpose, i.e. deliveries or direct sales.

2. Any additional quotas allocated to a Member State shall automatically be placed in the national reserve and divided into deliveries and direct sales according to foreseeable needs.

3. The quotas placed in the national reserve shall not have a reference fat

content.

Article 103r

Cases of inactivity

1. When a natural or legal person holding individual quotas no longer meets the conditions referred to Article 103k a(c) during a twelve-month period, the corresponding quantities shall revert to the national reserve no later than 1 April of the following calendar year, except where that person once again becomes a producer within the meaning of point (c) of Article 103l no later than that date.

Where that person becomes once again a producer not later than the end of the second twelve-month period following withdrawal, all or part of the individual quota which had been withdrawn shall revert to that person no later than 1 April following the date of application.

2. Where producers do not market a quantity equal to at least 85 % of their individual quota during at least one twelve-month period, Member States may decide whether and on what conditions all or part of the unused quota shall revert to the national reserve.

Member States may determine on what conditions a quota shall be re-allocated to the producer concerned should he resume marketing.

3. Paragraphs 1 and 2 shall not apply in cases of force majeure and in duly justified cases temporarily affecting the production capacity of the producers concerned and recognised by the competent authority.

Article 103s

Temporary transfers

1. By the end of each twelve-month period, Member States shall authorise, for the period concerned, any temporary transfers of part of individual quotas

which the producers who are entitled thereto do not intend to use.

Member States may regulate transfer operations according to the categories of producers or milk production structures concerned, may limit them to the level of the purchaser or within regions, authorise complete transfers in the cases referred to in Article 103r(3) and determine to what extent the transferor can repeat transfer operations.

2. Any Member State may decide not to implement paragraph 1 on the basis of one or both of the following criteria:

- a) the need to facilitate structural changes and adjustments;*
- b) overriding administrative needs.*

Article 103t

Transfers of quotas together with land

1. Individual quotas shall be transferred with the holding to the producers taking it over when it is sold, leased, transferred by actual or anticipated inheritance or any other means involving comparable legal effects for the producers, in accordance with detailed rules to be determined by the Member States, taking account of the areas used for dairy production or other objective criteria and, where applicable, of any agreement between the parties. The part of the quota which, where applicable, has not been transferred with the holding shall be added to the national reserve.

2. Where quotas have been or are transferred in accordance with paragraph 1 by means of rural leases or by other means involving comparable legal effects, Member States may decide, on the basis of objective criteria and with the aim of ensuring that quotas are attributed solely to producers, that the quota shall not be transferred with the holding.

3. Where land is transferred to the public authorities and/or for use in the public interest, or where the transfer is carried out for non-agricultural purposes, Member States shall ensure that the necessary measures are taken to protect the legitimate interests of the parties, and in particular that producers giving up such land are in a position to continue milk production if they so wish.

4. Where there is no agreement between the parties, in the case of tenancies due to expire without any possibility of renewal on similar terms, or in situations involving comparable legal effects, the individual quotas in question shall be transferred in whole or in part to the producer taking them over, in accordance with provisions adopted by the Member States, taking account of the legitimate interests of the parties.

Article 103u

Special transfer measures

1. With a view to successfully restructuring milk production or improving the environment, Member States may, in accordance with detailed rules which they shall lay down, taking account of the legitimate interests of the parties concerned:

a) grant compensation in one or more annual instalments to producers who undertake to abandon permanently all or part of their milk production and place the individual quotas thus released in the national reserve;

b) determine on the basis of objective criteria the conditions on which producers may obtain, in return for payment, at the beginning of a twelve-month period, the re-allocation by the competent authority or a body designated by that authority of individual quotas released definitively at the end of the preceding twelve-month period by other producers in return for

compensation in one or more annual instalments equal to the abovementioned payment;

c) centralise and supervise transfers of quotas without land;

d) provide, in the case of land transferred with a view to improving the environment, for the individual quota concerned to be allocated to a producer giving up the land but wishing to continue milk production;

e) determine, on the basis of objective criteria, the regions or collection areas within which the permanent transfer of quotas without transfer of the corresponding land is authorised, with the aim of improving the structure of milk production;

f) authorise, upon application by a producer to the competent authority or a body designated by that authority, the definitive transfer of quotas without transfer of the corresponding land, or vice versa, with the aim of improving the structure of milk production at the level of the holding or to allow for extensification of production.

2. Paragraph 1 may be implemented at national level, at the appropriate territorial level or in specified collection areas.

Article 103v

Retention of quotas

1. In the case of transfers as referred to in Articles 103t and 103u Member States may, on the basis of objective criteria, retain part of the individual quotas for their national reserve.

2. Where quotas have been or are transferred in accordance with Articles 103t and 103u with or without the corresponding land by means of rural leases or by other means involving comparable legal effects, Member States may decide, on the basis of objective

criteria and with the aim of ensuring that quotas are solely attributed to producers, whether and under which conditions all or part of the transferred quota shall revert to the national reserve.

Article 103w

Aid for the acquisition of quotas

No financial assistance linked directly to the acquisition of quotas may be granted by any public authority for the sale, transfer or allocation of quotas under this Section.

Article 103x

Surplus levy

1. A surplus levy shall be payable on milk and other milk products marketed in excess of the national quota.

The levy shall be set, per 100 kilograms of milk, at EUR 27.83.

2. Member States shall be liable to the Community for the surplus levy resulting from overruns of the national quota, determined nationally and separately for deliveries and direct sales, and between 16 October and 30 November following the twelve-month period concerned, shall pay 99 % of the amount due to the EAGF.

3. If the surplus levy provided for in paragraph 1 has not been paid before the due date, and after consultation of the Committee on the Agricultural Funds, the Commission shall deduct a sum equivalent to the unpaid surplus levy from the monthly payments within the meaning of Article xx and paragraph x of Article xx of the Horizontal (EC) Regulation. Before taking its decision, the Commission shall warn the Member State concerned, which shall make its position known within one week. Article xx of the Horizontal (EC) Regulation shall not apply.

Article 103y

***Contribution of producers to the surplus
levy due***

The surplus levy shall be entirely allocated, in accordance with Articles 103x and 103ac, among the producers who have contributed to each of the overruns of the national quotas referred to in Article 103l(2).

Without prejudice to Articles 103z and 103ac(1), producers shall be liable vis-à-vis the Member State for payment of their contribution to the surplus levy due, calculated in accordance with Articles 103o, 103p and 103z, for the mere fact of having overrun their available quotas.

Article 103z

Surplus levy on deliveries

1. In order to draw up the definitive surplus levy statement, the quantities delivered by each producer shall be increased or reduced to reflect any difference between the real fat content and the reference fat content.

2. Each producer's contribution to payment of the surplus levy shall be established by decision of the Member State, after any unused part of the national quota allocated to deliveries has or has not been re-allocated, in proportion to the individual quotas of each producer or according to objective criteria to be set by the Member States:

a) either at national level on the basis of the amount by which each producer's quota has been exceeded,

b) or firstly at the level of the purchaser and thereafter at national level where appropriate.

Article 103aa

Role of purchasers

1. Purchasers shall be responsible for collecting from producers contributions due from the latter by virtue of the surplus

levy and shall pay to the competent body of the Member State, before a date laid down by the Commission by means of implementing acts pursuant to Article 103af(d), (f) and (g), the amount of these contributions deducted from the price of the milk paid to the producers responsible for the overrun or, failing this, collected by any other appropriate means.

2. Where a purchaser fully or partially replaces one or more other purchasers, the individual quotas available to the producers shall be taken into account for the remainder of the twelve-month period in progress, after deduction of quantities already delivered and account being taken of their fat content. This paragraph shall also apply where a producer transfers from one purchaser to another.

3. Where, during the reference period, quantities delivered by a producer exceed that producer's available quota, the relevant Member State may decide that the purchaser shall deduct part of the price of the milk in any delivery by the producer concerned in excess of the quota, by way of an advance on the producer's contribution, in accordance with detailed rules laid down by the Member State. The Member State may make specific arrangements to enable purchasers to deduct this advance where producers deliver to several purchasers.

Article 103ab

Authorisation

Purchaser status will be subject to prior approval by the Member State in accordance with criteria to be laid down by the Commission by means of delegated acts pursuant to Article 103ae(f) and in accordance with the procedure established by implementing acts pursuant to Article 103af.

Article 103ac

Surplus levy on direct sales

- 1. In the case of direct sales, each producer's contribution to payment of the surplus levy shall be established by decision of the Member State, after any unused part of the national quota allocated to direct sales has or has not been re-allocated, at the appropriate territorial level or at national level.*
- 2. Member States shall establish the basis of calculation of the producer's contribution to the surplus levy due on the total quantity of milk sold, transferred or used to manufacture the milk products sold or transferred by applying criteria fixed by the Commission by means of delegated acts pursuant to Article 103ae(b).*
- 3. No correction linked to fat content shall be taken into account for the purpose of drawing up the definitive surplus levy statement.*
- 4. The Commission shall determine by means of implementing acts pursuant to points (d) and (f) of Article 103af how and when the surplus levy shall be paid to the Member State's competent body.*

Article 103ad

Amounts paid in excess or unpaid

- 1. Where, in the case of deliveries or direct sales, the surplus levy is found to be payable and the contribution collected from producers is greater than that levy, the Member State may:*
 - a) use partially or totally the excess to finance the measures referred to in Article 103u(1)(a), and/or*
 - b) redistribute it partially or totally to producers who:*
 - fall within priority categories established by the Member State on the basis of objective criteria and within the period to be laid down by the Commission by means*

of delegated acts pursuant to Article 103ae(g),

- are affected by an exceptional situation resulting from a national rule unconnected with the quota system for milk and other milk products set up by this Chapter.

2. Where it is established that no surplus levy is payable, any advances collected by purchasers or the Member State shall be reimbursed no later than the end of the following twelve-month period.

3. Where a purchaser does not meet the obligation to collect the producers' contribution to the surplus levy in accordance with Article 103aa, the Member State may collect unpaid amounts directly from the producer, without prejudice to any penalties it may impose upon the defaulting purchaser.

4. Where a producer or a purchaser fails to comply with the time limit for payment, interest on arrears to be fixed by the Commission by means of an implementing act pursuant to Article 103af(e) shall be paid to the Member State.

Article 103ae

Delegated acts

In order to ensure that the milk quota system achieves its objectives, in particular, efficiency in the use and calculation of the individual quotas, and collection and use of the levy, the Commission shall by means of delegated acts adopt rules concerning:

- a) the temporary and definitive conversions of quotas;*
- b) the allocation of unused quotas;*
- c) the threshold for the fat correction factor;*
- d) the obligation on producers to deliver to approved purchasers;*

- e) the criteria for approval of purchasers by Member States;*
- f) the objective criteria for reallocation of the additional levy;*
- g) any modification to the definition of "direct sale", bearing in mind the definition of "delivery" laid down in Article 103k(f).*

Article 103af

Implementing acts

The Commission shall, by means of implementing acts, lay down the rules necessary for the application of the quota system, including:

- a) definitive conversions and the division, after notification of Member States, of national quotas between deliveries and direct sales;*
- b) determination of the coefficient for fat content of individual quotas and fat correction;*
- c) determination by Member States of the milk equivalent;*
- d) the procedure, time scale and operation for payment of the levy, reallocation of the additional levy, and reduction or advances when the time scale has to be adhered to;*
- e) the imposition of interest for delays in payment and correct charges on the levy;*
- f) informing producers of new definitions, notification of individual quotas and of the levy;*
- g) information on applications and agreements in regard to the additional levy in the milk sector;*
- h) the establishment of a template for declarations of deliveries and direct sales;*
- i) the making of declarations, keeping of registers and notification of information by producers and purchasers;*

j) checks on deliveries and direct sales.

Or. es

Amendment 1515

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

Proposal for a regulation

Part II – Title II – Chapter II – Section III – Subsection 1 (new)

Text proposed by the Commission

Amendment

SUBSECTION 1

**SYSTEM OF PRODUCTION
LIMITATION IN THE MILK SECTOR**

Article 103k

Definitions

1. For the purposes of this Section, the following definitions shall apply:

- a) "milk" means the produce of the milking of one or more cows;**
- b) "other milk products" means any milk product other than milk, in particular skimmed milk, cream, butter, yoghurt and cheese; when relevant, these may be converted into "milk equivalents" by applying coefficients to be fixed by the Commission by means of implementing acts;**
- c) 'producer' means a farmer with a holding located within the geographical territory of a Member State, who produces and markets milk or who is preparing to do so in the very near future;**
- d) "holding": as defined in Article 4 of the EU Regulation on Direct Payments;**
- e) "purchaser" means an undertaking or group which buys milk from producers:
- to subject it to collecting, packing, storing, chilling or processing, including under contract,**

- to sell it to one or more undertakings treating or processing milk or other milk products;

f) "delivery" means any delivery of milk, not including any other milk products, by a producer to a purchaser, whether the transport is carried out by the producer, a purchaser, an undertaking processing or treating such products or a third party;

g) "direct sale" means any sale or transfer of milk by a producer directly to consumers, as well as any sale or transfer of other milk products by a producer;

h) "marketing" means deliveries of milk or direct sales of milk or other milk products;

i) "individual quota" means a producer's quota at 1 April of any twelve-month period;

j) "national quota" means the quota referred to in Article 103l, fixed for each Member State;

k) "available quota" means the quota available to producers on 31 March of the twelve-month period for which the surplus levy is calculated, taking account of all transfers, sales, conversions and temporary re-allocations provided for in this Regulation which have taken place during that twelve-month period.

2. As regards the definition given in point (e) of paragraph 1, any group of purchasers in the same geographical area which carries out the administrative and accounting operations necessary for the payment of the surplus levy on behalf of its members shall also be regarded as a purchaser. For the purposes of the first sentence of this subparagraph, Greece shall be considered a single geographical area and it may deem an official body to be a group of purchasers.

3. In order to ensure, in particular, that no quantity of marketed milk or other

marketed milk products is excluded from quota arrangements, the Commission may, while respecting the definition of ‘delivery’ given in point (f), adjust the definition of ‘direct sale’ by means of a delegated act.

Article 103l

National quotas

- 1. The national quotas for the production of milk and other milk products marketed during five consecutive periods of twelve months commencing on 1 April 2015 (hereinafter referred to as ‘twelve-month periods’) are fixed in Annex [VIIIa].*
- 2. The quotas referred to in paragraph 1 shall be divided between producers in accordance with Article 103m, distinguishing between deliveries and direct sales. Any overrun of the national quotas shall be determined nationally in each Member State, in accordance with this Section and making a distinction between deliveries and direct sales.*
- 3. The national quotas set out in Annex (VIIIa) shall be fixed without prejudice to possible review in the light of the general market situation and particular conditions existing in certain Member States.*
- 4. For Bulgaria, the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Romania, Slovenia and Slovakia the national quotas shall include all milk or milk equivalent delivered to a purchaser or sold directly, irrespective of whether it is produced or marketed under a transitional measure applicable in those countries.*
- 5. The Commission shall, by means of implementing acts, adopt the rules necessary for a uniform application of this Article in the Member States. Procedures, notifications and technical criteria shall be set out in these rules.*

Article 103m

Individual quotas

1. The producers' individual quota or quotas at 1 April 2015 shall be equal to their individual reference quantity or quantities at 31 March 2015 without prejudice to transfers, sales and conversions of quota that take effect on 1 April 2015.

2. Producers may have either one or two individual quotas, one for deliveries and the other for direct sales. A producer's quantities may be converted from one quota to the other only by the competent authority of the Member State, at the duly justified request of the producer.

3. Where a producer has two quotas, his contribution to any surplus levy due shall be calculated separately for each.

4. The part of the Finnish national quota allocated to the deliveries referred to in Article 105l may be increased by the Commission by means of implementing acts to compensate Finnish SLOM producers up to 200 000 tonnes. This reserve, to be allocated in accordance with Community legislation, must be used exclusively on behalf of producers whose right to take up production again has been affected as a result of accession.

5. Individual quotas shall be modified, where appropriate, for each of the twelve-month periods concerned, so that, for each Member State, the sum of the individual quotas for the deliveries and that for the direct sales does not exceed the corresponding part of the national quota adjusted in accordance with Article 103o, taking account of any reductions made for allocation to the national reserve as provided for in Article 103q.

Article 103n

Allocation of quotas from the national reserve

Member States shall adopt rules allowing for allocation to producers of all or part of the quotas from the national reserve provided for in Article 103q on the basis of objective criteria to be notified to the Commission.

Article 103o

Management of quotas

1. The Commission shall adjust for each Member State and for each period, before the end of that period, by means of implementing acts provided for in Article 103af, the division between 'deliveries' and 'direct sales' of national quotas, in the light of the conversions requested by producers between individual quotas for deliveries and for direct sales.

2. Member States shall forward to the Commission each year, by dates to be fixed by the Commission and according to rules the latter shall establish by means of an implementing act in accordance with Article 162, the information necessary to:

- a) make the adjustment referred to in paragraph 1 of this Article;*
- b) calculate the surplus levy to be paid by each Member State.*

Article 103p

Fat content

1. Each producer shall be assigned a reference fat content, to be applied to the individual quota for deliveries allocated to that producer.

2. For the quotas allocated to producers on 31 March 2015 in accordance with Article 105c(1), the reference fat content referred to in paragraph 1 shall be the same as the reference fat content applied to that quota at that date.

3. The reference fat content shall be altered during the conversion referred to in Article 103m(2) and where quotas are acquired, transferred or temporarily

transferred in accordance with rules to be established by the Commission by means of an implementing act pursuant to Article 103af(b).

4. For new producers having an individual quota for deliveries allocated entirely from the national reserve, the fat content shall be fixed in accordance with rules to be established by the Commission by means of an implementing act pursuant to Article 103af(b).

5. The individual reference fat content referred to in paragraph 1 shall be adjusted, where appropriate, upon the entry into force of this Regulation and thereafter, at the beginning of each twelve-month period as necessary, so that, for each Member State, the weighted average of the individual representative fat contents does not exceed by more than 0.1 gram per kg the reference fat content set in Annex [VIIIb].

Article 103q

National reserve

1. Each Member State shall set up a national reserve as part of the national quotas fixed in Annex [VIIIa], in particular with a view to making the allocations provided for in Article 103l. The national reserve shall be replenished, as appropriate, by withdrawing some quantities as provided for in Article 103r, retaining part of transfers as provided for in Article 103w, or by making an across-the-board reduction in all individual quotas. The quotas in question shall retain their original purpose, i.e. deliveries or direct sales.

2. Any additional quotas allocated to a Member State shall automatically be placed in the national reserve and divided into deliveries and direct sales according to foreseeable needs.

3. The quotas placed in the national reserve shall not have a reference fat

content.

Article 103r

Cases of inactivity

1. When a natural or legal person holding individual quotas no longer meets the conditions referred to in Article 103k a(c) during a twelve-month period, the corresponding quantities shall revert to the national reserve no later than 1 April of the following calendar year, except where that person once again becomes a producer within the meaning of point (c) of Article 103l no later than that date.

Where that person becomes once again a producer not later than the end of the second twelve-month period following withdrawal, all or part of the individual quota which had been withdrawn shall revert to that person no later than 1 April following the date of application.

2. Where producers do not market a quantity equal to at least 85 % of their individual quota during at least one twelve-month period, Member States may decide whether and on what conditions all or part of the unused quota shall revert to the national reserve.

Member States may determine on what conditions a quota shall be re-allocated to the producer concerned should he resume marketing.

3. Paragraphs 1 and 2 shall not apply in cases of force majeure and in duly justified cases temporarily affecting the production capacity of the producers concerned and recognised by the competent authority.

Article 103s

Temporary transfers

1. By the end of each twelve-month period, Member States shall authorise, for the period concerned, any temporary transfers of part of individual quotas

which the producers who are entitled thereto do not intend to use.

Member States may regulate transfer operations according to the categories of producers or milk production structures concerned, may limit them to the level of the purchaser or within regions, authorise complete transfers in the cases referred to in Article 103r(3) and determine to what extent the transferor can repeat transfer operations.

2. Any Member State may decide not to implement paragraph 1 on the basis of one or both of the following criteria:

- a) the need to facilitate structural changes and adjustments;*
- b) overriding administrative needs.*

Article 103t

Transfers of quotas together with land

1. Individual quotas shall be transferred with the holding to the producers taking it over when it is sold, leased, transferred by actual or anticipated inheritance or any other means involving comparable legal effects for the producers, in accordance with detailed rules to be determined by the Member States, taking account of the areas used for dairy production or other objective criteria and, where applicable, of any agreement between the parties. The part of the quota which, where applicable, has not been transferred with the holding shall be added to the national reserve.

2. Where quotas have been or are transferred in accordance with paragraph 1 by means of rural leases or by other means involving comparable legal effects, Member States may decide, on the basis of objective criteria and with the aim of ensuring that quotas are attributed solely to producers, that the quota shall not be transferred with the holding.

3. Where land is transferred to the public authorities and/or for use in the public interest, or where the transfer is carried out for non-agricultural purposes, Member States shall ensure that the necessary measures are taken to protect the legitimate interests of the parties, and in particular that producers giving up such land are in a position to continue milk production if they so wish.

4. Where there is no agreement between the parties, in the case of tenancies due to expire without any possibility of renewal on similar terms, or in situations involving comparable legal effects, the individual quotas in question shall be transferred in whole or in part to the producer taking them over, in accordance with provisions adopted by the Member States, taking account of the legitimate interests of the parties.

Article 103u

Special transfer measures

1. With a view to successfully restructuring milk production or improving the environment, Member States may, in accordance with detailed rules which they shall lay down, taking account of the legitimate interests of the parties concerned:

a) grant compensation in one or more annual instalments to producers who undertake to abandon permanently all or part of their milk production and place the individual quotas thus released in the national reserve;

b) determine on the basis of objective criteria the conditions on which producers may obtain, in return for payment, at the beginning of a twelve-month period, the re-allocation by the competent authority or a body designated by that authority of individual quotas released definitively at the end of the preceding twelve-month period by other producers in return for

compensation in one or more annual instalments equal to the abovementioned payment;

c) centralise and supervise transfers of quotas without land;

d) provide, in the case of land transferred with a view to improving the environment, for the individual quota concerned to be allocated to a producer giving up the land but wishing to continue milk production;

e) determine, on the basis of objective criteria, the regions or collection areas within which the permanent transfer of quotas without transfer of the corresponding land is authorised, with the aim of improving the structure of milk production;

f) authorise, upon application by a producer to the competent authority or a body designated by that authority, the definitive transfer of quotas without transfer of the corresponding land, or vice versa, with the aim of improving the structure of milk production at the level of the holding or to allow for extensification of production.

2. Paragraph 1 may be implemented at national level, at the appropriate territorial level or in specified collection areas.

Article 103v

Retention of quotas

1. In the case of transfers as referred to in Articles 103t and 103u Member States may, on the basis of objective criteria, retain part of the individual quotas for their national reserve.

2. Where quotas have been or are transferred in accordance with Articles 103t and 103u with or without the corresponding land by means of rural leases or by other means involving comparable legal effects, Member States may decide, on the basis of objective

criteria and with the aim of ensuring that quotas are solely attributed to producers, whether and under which conditions all or part of the transferred quota shall revert to the national reserve.

Article 103w

Aid for the acquisition of quotas

No financial assistance linked directly to the acquisition of quotas may be granted by any public authority for the sale, transfer or allocation of quotas under this Section.

Article 103x

Surplus levy

1. A surplus levy shall be payable on milk and other milk products marketed in excess of the national quota.

The levy shall be set, per 100 kilograms of milk, at EUR 27.83.

2. Member States shall be liable to the Community for the surplus levy resulting from overruns of the national quota, determined nationally and separately for deliveries and direct sales, and between 16 October and 30 November following the twelve-month period concerned, shall pay 99 % of the amount due to the EAGF.

3. If the surplus levy provided for in paragraph 1 has not been paid before the due date, and after consultation of the Committee on the Agricultural Funds, the Commission shall deduct a sum equivalent to the unpaid surplus levy from the monthly payments within the meaning of Article xx and paragraph x of Article xx of the Horizontal (EC) Regulation. Before taking its decision, the Commission shall warn the Member State concerned, which shall make its position known within one week. Article xx of the Horizontal (EC) Regulation shall not apply.

Article 103y

***Contribution of producers to the surplus
levy due***

The surplus levy shall be entirely allocated, in accordance with Articles 103x and 103ac, among the producers who have contributed to each of the overruns of the national quotas referred to in Article 103l(2).

Without prejudice to Articles 103z and 103ac(1), producers shall be liable vis-à-vis the Member State for payment of their contribution to the surplus levy due, calculated in accordance with Articles 103o, 103p and 103z, for the mere fact of having overrun their available quotas.

Article 103z

Surplus levy on deliveries

1. In order to draw up the definitive surplus levy statement, the quantities delivered by each producer shall be increased or reduced to reflect any difference between the real fat content and the reference fat content.

2. Each producer's contribution to payment of the surplus levy shall be established by decision of the Member State, after any unused part of the national quota allocated to deliveries has or has not been re-allocated, in proportion to the individual quotas of each producer or according to objective criteria to be set by the Member States:

a) either at national level on the basis of the amount by which each producer's quota has been exceeded,

b) or firstly at the level of the purchaser and thereafter at national level where appropriate.

Article 103aa

Role of purchasers

1. Purchasers shall be responsible for collecting from producers contributions due from the latter by virtue of the surplus

levy and shall pay to the competent body of the Member State, before a date laid down by the Commission by means of implementing acts pursuant to Article 103af(d), (f) and (g), the amount of these contributions deducted from the price of the milk paid to the producers responsible for the overrun or, failing this, collected by any other appropriate means.

2. Where a purchaser fully or partially replaces one or more other purchasers, the individual quotas available to the producers shall be taken into account for the remainder of the twelve-month period in progress, after deduction of quantities already delivered and account being taken of their fat content. This paragraph shall also apply where a producer transfers from one purchaser to another.

3. Where, during the reference period, quantities delivered by a producer exceed that producer's available quota, the relevant Member State may decide that the purchaser shall deduct part of the price of the milk in any delivery by the producer concerned in excess of the quota, by way of an advance on the producer's contribution, in accordance with detailed rules laid down by the Member State. The Member State may make specific arrangements to enable purchasers to deduct this advance where producers deliver to several purchasers.

Article 103ab

Authorisation

Purchaser status will be subject to prior approval by the Member State in accordance with criteria to be laid down by the Commission by means of delegated acts pursuant to Article 103ae(f) and in accordance with the procedure established by implementing acts pursuant to Article 103af.

Article 103ac

Surplus levy on direct sales

- 1. In the case of direct sales, each producer's contribution to payment of the surplus levy shall be established by decision of the Member State, after any unused part of the national quota allocated to direct sales has or has not been re-allocated, at the appropriate territorial level or at national level.*
- 2. Member States shall establish the basis of calculation of the producer's contribution to the surplus levy due on the total quantity of milk sold, transferred or used to manufacture the milk products sold or transferred by applying criteria fixed by the Commission by means of delegated acts pursuant to Article 103ae(b).*
- 3. No correction linked to fat content shall be taken into account for the purpose of drawing up the definitive surplus levy statement.*
- 4. The Commission shall determine by means of implementing acts pursuant to points (d) and (f) of Article 103af how and when the surplus levy shall be paid to the Member State's competent body.*

Article 103ad

Amounts paid in excess or unpaid

- 1. Where, in the case of deliveries or direct sales, the surplus levy is found to be payable and the contribution collected from producers is greater than that levy, the Member State may:*
 - a) use partially or totally the excess to finance the measures referred to in Article 103u(1)(a), and/or*
 - b) redistribute it partially or totally to producers who:*
 - fall within priority categories established by the Member State on the basis of objective criteria and within the period to be laid down by the Commission by means*

of delegated acts pursuant to Article 103ae(g),

- are affected by an exceptional situation resulting from a national rule unconnected with the quota system for milk and other milk products set up by this Chapter.

2. Where it is established that no surplus levy is payable, any advances collected by purchasers or the Member State shall be reimbursed no later than the end of the following twelve-month period.

3. Where a purchaser does not meet the obligation to collect the producers' contribution to the surplus levy in accordance with Article 103aa, the Member State may collect unpaid amounts directly from the producer, without prejudice to any penalties it may impose upon the defaulting purchaser.

4. Where a producer or a purchaser fails to comply with the time limit for payment, interest on arrears to be fixed by the Commission by means of an implementing act pursuant to Article 103af(e) shall be paid to the Member State.

Article 103ae

Delegated acts

In order to ensure that the milk quota system achieves its objectives, in particular, efficiency in the use and calculation of the individual quotas, and collection and use of the levy, the Commission shall by means of delegated acts adopt rules concerning:

- a) the temporary and definitive conversions of quotas;*
- b) the allocation of unused quotas;*
- c) the threshold for the fat correction factor;*
- d) the obligation on producers to deliver to approved purchasers;*

- e) the criteria for approval of purchasers by Member States;*
- f) the objective criteria for reallocation of the additional levy;*
- g) any modification to the definition of "direct sale", bearing in mind the definition of "delivery" laid down in Article 103k(f).*

Article 103af

Implementing acts

The Commission shall, by means of implementing acts, lay down the rules necessary for the application of the quota system, including:

- a) definitive conversions and the division, after notification of Member States, of national quotas between deliveries and direct sales;*
- b) determination of the coefficient for fat content of individual quotas and fat correction;*
- c) determination by Member States of the milk equivalent;*
- d) the procedure, time scale and operation for payment of the levy, reallocation of the additional levy, and reduction or advances when the time scale has to be adhered to;*
- e) the imposition of interest for delays in payment and correct charges on the levy;*
- f) informing producers of new definitions, notification of individual quotas and of the levy;*
- g) information on applications and agreements in regard to the additional levy in the milk sector;*
- h) the establishment of a template for declarations of deliveries and direct sales;*
- i) the making of declarations, keeping of registers and notification of information by producers and purchasers;*

j) checks on deliveries and direct sales.

Or. es

Amendment 1516

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

Proposal for a regulation

Article 103 k (new)

Text proposed by the Commission

Amendment

Article 103k

Section IV

Definitions

1. For the purposes of this section:

(a) “milk” means the produce of the milking of one or more cows;

(b) “other milk products” means any milk product other than milk, in particular skimmed milk, cream, butter, yoghurt and cheese, which, when relevant, shall be converted into “milk equivalents” by applying coefficients to be fixed by the Commission by means of implementing acts;

(c) “producer” means a farmer with a holding located within the geographical territory of a Member State who produces and markets milk or who is preparing to do so in the very near future;

(d) “holding” means a holding as defined in Article 4(b) of COM(2011)0625/3;

(e) “purchaser” means undertakings or groups which buy milk from producers:

– to subject it to collecting, packing, storing, chilling or processing, including under contract,

– to sell it to one or more undertakings treating or processing milk or other milk

products;

(f) “delivery” means any delivery of milk, not including any other milk products, by a producer to a purchaser, whether the transport is carried out by the producer, a purchaser, an undertaking processing or treating such products or a third party;

(g) “direct sale” means any sale or transfer of milk by a producer directly to consumers, as well as any sale or transfer of other milk products by a producer;

(h) “marketing” means deliveries of milk or direct sales of milk or other milk products;

(i) “individual quota” means a producer's quota at 1 April of any twelve-month period;

(j) “national quota” means the quota referred to in Article 105c, fixed for each Member State;

(k) “available quota” means the quota available to producers on 31 March of the twelve-month period for which the surplus levy is calculated, taking account of all transfers, sales, conversions and temporary re-allocations provided for in this Regulation which have taken place during that twelve-month period.

2. As regards the definition given in point (e) of paragraph 1, any group of purchasers in the same geographical area which carries out the administrative and accounting operations necessary for the payment of the surplus levy on behalf of its members shall be regarded as a purchaser. For that purpose, Greece shall be considered a single geographical area and it may deem an official body to be a group of purchasers.

3. In order to ensure, in particular, that no quantity of marketed milk or other milk products is excluded from the quota arrangements, the Commission may, while respecting the definition of

“delivery” given in point (f) of paragraph 1, adjust the definition of “direct sale” by means of delegated acts pursuant to Article 105x(c).

Or. pl

Amendment 1517
Luis Manuel Capoulas Santos, Luís Paulo Alves

Proposal for a regulation
Article 103 k (new)

Text proposed by the Commission

Amendment

SUBSECTION 1 (new)
PRODUCTION CONTROL SYSTEM
Article 103k
Definitions

For the purposes of this Subsection:

- (a) ‘milk’ means the product obtained from the milking of one or more cows;***
- (b) ‘other milk products’ means any milk product other than milk, including skimmed milk powder, cream, butter, yogurt, and cheese; where appropriate, these products shall be converted into ‘milk equivalent’ by applying factors to be determined by the Commission;***
- (c) ‘producer’ means a farmer whose holding is situated in the geographical territory of a Member State and who produces and markets milk or is preparing to do so in the very near future;***
- (d) ‘holding’ means a holding as defined in Article 4 of Regulation (EU) No (XXX) on direct payments;***
- (e) ‘purchaser’ means an undertaking or group which buys milk from producers in order to:***
 - collect, pack, store, chill, or process it,***

including under contract,

– sell it to one or more undertakings treating or processing milk or other milk products.

However, any group of purchasers in the same geographical area which carries out the administrative and accounting operations necessary for the payment of the surplus levy on behalf of its members shall be regarded as a purchaser. For the purposes of the first sentence of this subparagraph, Greece shall be considered a single geographical area and it may deem an official body to be a group of purchasers;

(f) ‘delivery’ means any delivery of milk, not including any other milk products, by a producer to a purchaser, whether the transport is carried out by the producer, a purchaser, an undertaking processing or treating such products, or a third party;

(g) ‘direct sale’ means any sale or transfer of milk by a producer directly to consumers and any sale or transfer of other milk products by a producer. The Commission may, by means of delegated acts in accordance with Article 160 and in keeping with the definition of ‘delivery’ set out in point (f), adjust the definition of ‘direct sale’ in order to ensure, in particular, that no marketed quantity of milk or other milk products is excluded from the quota system;

(h) ‘marketing’ means the delivery of milk or the direct sale of milk or other milk products;

(i) ‘individual quota’ means a producer’s quota on 1 April of any twelve-month period;

(j) ‘national quota’ means the quota referred to in Article 105b, fixed for each Member State;

(k) ‘available quota’ means the quota available to producers on 31 March of the

twelve-month period for which the surplus levy is calculated, taking into account all transfers, sales, conversions, and temporary reallocations provided for in this Regulation which have taken place during that twelve-month period.

Or. pt

Amendment 1518

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

Proposal for a regulation

Article 103 l (new)

Text proposed by the Commission

Amendment

Article 103l

Subsection II

National quotas

1. The national quotas for the production of milk and other milk products marketed during seven consecutive periods of twelve months commencing on 1 April 2014 (hereinafter referred to as “twelve-month periods”) are fixed in Annex VIIa.

2. The quotas referred to in paragraph 1 shall be divided between producers in accordance with Article 105d, distinguishing between deliveries and direct sales. Any overrun of the national quotas shall be determined nationally in each Member State, in accordance with this Section and making a distinction between deliveries and direct sales.

3. The national quotas set out in of Annex VIIa shall be fixed without prejudice to possible review in the light of the general market situation and particular conditions existing in certain Member States.

4. The Commission shall, by means of

implementing acts, adopt all rules necessary for uniform implementation of this Article in Member States. Those rules may relate to procedures, notifications and technical criteria.

Or. pl

Amendment 1519
Luis Manuel Capoulas Santos, Luís Paulo Alves

Proposal for a regulation
Article 103 I (new)

Text proposed by the Commission

Amendment

Article 103I

National quotas in the milk sector

1. The national quotas for the production of milk and other milk products to be marketed in the seven consecutive twelve-month periods commencing on 1 April 2015 (hereinafter ‘twelve-month periods’) are laid down in the new Annex VIb.

2. The quotas referred to in paragraph 1 shall be divided among producers in accordance with Article 105c, distinguishing between deliveries and direct sales. Any overrun of the national quotas shall be determined nationally in each Member State, in accordance with this Subsection, deliveries and direct sales being treated separately for that purpose.

3. The national quotas laid down in the new Annex VIb shall be fixed without prejudice to possible review in the light of the general market situation and particular conditions existing in given Member States.

4. In the cases of Bulgaria, the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Romania, Slovenia, and Slovakia, the

national quotas shall include all milk or milk equivalent delivered to a purchaser or sold directly, irrespective of whether it is produced or marketed under a transitional measure applicable in those countries.

5. By means of implementing acts adopted by the examination procedure referred to in Article 162(2), the Commission shall lay down the rules necessary to ensure that this Article is implemented uniformly in the Member States.

Or. pt

Amendment 1520

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

Proposal for a regulation

Article 103 l (new)

Text proposed by the Commission

Amendment

Article 103l

National quotas

1. The national quotas for the production of milk and other milk products marketed during seven consecutive periods of twelve months commencing on 1 April 2014 (hereinafter referred to as ‘twelve-month periods’) are fixed in Annex XX.

2. The quotas referred to in paragraph 1 shall be divided between producers in accordance with Article 101b, distinguishing between deliveries and direct sales. Any overrun of the national quotas shall be determined nationally in each Member State, in accordance with this Section and making a distinction between deliveries and direct sales.

3. The national quotas set out in Annex XX shall be fixed without prejudice to possible review in the light of

the general market situation and particular conditions existing in certain Member States.

Or. es

Amendment 1521

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

Proposal for a regulation

Article 103 m (new)

Text proposed by the Commission

Amendment

Article 103m

Individual quotas

1. The producers' individual quota or quotas at 1 April 2014 shall be equal to their individual quotas at 31 March 2014 without prejudice to transfers, sales and conversions of quota that take effect on 1 April 2014.

2. Producers may have either one or two individual quotas, one for deliveries and the other for direct sales. A producer's quantities may be converted from one quota to the other only by the competent authority of the Member State, at the duly justified request of the producer.

3. Where a producer has two quotas, his contribution to any surplus levy due shall be calculated separately for each.

4. Individual quotas shall be modified, where appropriate, for each of the twelve-month periods concerned, so that, for each Member State, the sum of the individual quotas for the deliveries and that for the direct sales does not exceed the corresponding part of the national quota adapted in accordance with Article 105f, taking account of any reductions made for allocation to the national reserve as provided for in

Amendment 1522

Luis Manuel Capoulas Santos, Luís Paulo Alves

Proposal for a regulation

Article 103 m (new)

Text proposed by the Commission

Amendment

Article 103m

Individual quotas in the milk sector

1. The quotas of producers at 1 April 2015 shall be equal to their individual reference quantities at 31 March 2015, without prejudice to transfers, sales, and quota conversions that take effect on 1 April 2015.

2. Producers may have one or two individual quotas, one for deliveries and the other for direct sales. A producer's quantities may be converted from one quota to the other only by the competent authority of the Member State concerned, where the producer makes a duly substantiated request to that effect.

3. Where a producer has two quotas, his contribution to any surplus levy due shall be calculated separately for each quota.

4. The Commission may, by means of implementing acts, raise the portion of the Finnish national quota reserved for the deliveries referred to in Article 105b, in order to compensate Finnish 'SLOM' producers, up to a maximum of 200 000 tonnes. This reserve, to be allocated in accordance with Union legislation, must be used solely for the benefit of producers whose right to resume production has been affected as a result of accession.

5. Individual quotas shall be altered,

where appropriate, for each of the twelve-month periods concerned, so that, for each Member State, the sum of the individual quotas for deliveries and for direct sales does not exceed the corresponding portion of the national quota adapted in accordance with Article 105e, taking into account any reductions made for allocation to the national reserve as provided for in Article 105g.

Or. pt

Amendment 1523

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

**Proposal for a regulation
Article 103 m (new)**

Text proposed by the Commission

Amendment

Article 103m

Individual quotas

- 1. The producers' individual quota or quotas at 1 April 2014 shall be equal to their individual reference quantity or quantities at 31 March 2014 without prejudice to transfers, sales and conversions of quota that take effect on 1 April 2014.*
- 2. Producers may have either one or two individual quotas, one for deliveries and the other for direct sales. A producer's quantities may be converted from one quota to the other only by the competent authority of the Member State, at the duly justified request of the producer.*
- 3. Where a producer has two quotas, his contribution to any surplus levy due shall be calculated separately for each.*
- 4. Individual quotas shall be modified, where appropriate, for each of the twelve-*

month periods concerned, so that, for each Member State, the sum of the individual quotas for the deliveries and that for the direct sales does not exceed the corresponding part of the national quota adjusted in accordance with Article 101d, taking account of any reductions made for allocation to the national reserve as provided for in Article 101f.

Or. es

Amendment 1524

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

**Proposal for a regulation
Article 103 m (new)**

Text proposed by the Commission

Amendment

Article 103m

Allocation of quotas from the national reserve

Member States shall adopt rules allowing the allocation to producers of all or part of the quotas from the national reserve provided for in Article 105h on the basis of objective criteria to be notified to the Commission.

Or. pl

Amendment 1525

Luis Manuel Capoulas Santos, Luís Paulo Alves

**Proposal for a regulation
Article 103 n (new)**

Text proposed by the Commission

Amendment

Article 103n

Allocation of quotas from the national reserve

Member States shall adopt rules enabling all or part of the quotas from the national reserve provided for in Article 105g to be allocated to producers on the basis of objective criteria to be notified to the Commission.

Or. pt

Amendment 1526

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

Proposal for a regulation

Article 103 n (new)

Text proposed by the Commission

Amendment

Article 103n

Allocation of quotas from the national reserve

Member States shall adopt rules allowing for allocation to producers of all or part of the quotas from the national reserve provided for in Article 101f on the basis of objective criteria to be notified to the Commission.

Or. es

Amendment 1527

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

Proposal for a regulation

Article 103 o (new)

Text proposed by the Commission

Amendment

Article 103o

Management of quotas

1. The Commission shall adapt, by means of implementing acts pursuant to Article 105y(a), for each Member State and for each period, before the end of that period, the division between “deliveries” and “direct sales” of national quotas, in the light of the conversions requested by producers, between individual quotas for deliveries and for direct sales.

2. Member States shall each year forward to the Commission, by dates to be fixed by the Commission, by means of implementing acts and in accordance with rules to be fixed by the Commission, by means of implementing acts pursuant to Article 157(3), the information necessary to:

(a) make the adaptation referred to in paragraph 1 of this Article;

(b) calculate the surplus levy to be paid by them.

3. Rules for the application of this Article shall be adopted by means of implementing acts in accordance with Article 105y(g).

Or. pl

Amendment 1528

Luis Manuel Capoulas Santos, Luís Paulo Alves

Proposal for a regulation

Article 103 o (new)

Text proposed by the Commission

Amendment

Article 103o

Administration of quotas

1. For each Member State and for each period, before the end of the period, the Commission shall, by means of implementing acts in accordance with

Article 162(2), adapt the division of national quotas into ‘deliveries’ and ‘direct sales’ in the light of the conversions requested by producers from and into individual quotas for deliveries and for direct sales.

2. Member States shall supply the Commission annually, by dates to be determined by the Commission and in accordance with rules which it shall lay down by means of an implementing act in accordance with Article 162(2), with the data required for:

(a) the adaptation referred to in paragraph 1 of this Article;

(b) calculation of the surplus levy to be paid by Member States.

Or. pt

Amendment 1529

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

**Proposal for a regulation
Article 103 o (new)**

Text proposed by the Commission

Amendment

Article 103o

Management of quotas

1. The Commission shall adjust for each Member State and for each period, before the end of that period, the division between ‘deliveries’ and ‘direct sales’ of national quotas, in the light of the conversions requested by producers between individual quotas for deliveries and for direct sales.

2. Member States shall forward to the Commission each year, by dates to be fixed by the Commission, the information necessary to:

- a) *make the adjustment referred to in paragraph 1 of this Article;*
- b) *calculate the surplus levy to be paid by each Member State.*

Or. es

Amendment 1530

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

**Proposal for a regulation
Article 103 p (new)**

Text proposed by the Commission

Amendment

Article 103p

Fat content

- 1. Each producer shall be assigned a reference fat content, to be applied to the individual quota for deliveries allocated to that producer.*
- 2. For the quotas allocated to producers on 31 March 2014 in accordance with Article 105c(1), the reference fat content referred to in paragraph 1 shall be the same as the reference fat content applied to that quota at that date.*
- 3. The reference fat content shall be altered during the conversion referred to in Article 105c(2) and where quotas are acquired, transferred or temporarily transferred in accordance with rules to be established by the Commission by means of implementing acts pursuant to Article 105y(b).*
- 4. For new producers having an individual quota for deliveries allocated entirely from the national reserve, the fat content shall be fixed in accordance with rules to be established by the Commission by means of implementing acts pursuant to Article 105y(b).*

5. The individual reference fat content referred to in paragraph 1 shall be adjusted, where appropriate, upon the entry into force of this Regulation and thereafter, at the beginning of each twelve-month period as necessary, so that, for each Member State, the weighted average of the individual representative fat contents does not exceed by more than 0.1 gram per kg the reference fat content set in Annex VIIb.

Or. pl

Amendment 1531
Luis Manuel Capoulas Santos, Luís Paulo Alves

Proposal for a regulation
Article 103 p (new)

Text proposed by the Commission

Amendment

Article 103p

Fat content

- 1. Each producer shall be assigned a reference fat content applicable to the individual quota for deliveries allocated to him.**
- 2. For quotas allocated to producers on 31 March 2015 in accordance with Article 105c(1), the reference fat content referred to in paragraph 1 shall be the same as the reference fat content applicable to those quotas on that date.**
- 3. The reference fat content shall be altered when a conversion is made under Article 105c(2) and where quotas are acquired, transferred, or temporarily transferred in accordance with rules to be laid down by the Commission by means of implementing acts in accordance with Article 162(2).**
- 4. For new producers whose individual quota for deliveries is allocated wholly**

from the national reserve, the fat content shall be determined in accordance with rules to be laid down by the Commission by means of implementing acts in accordance with Article 162(2).

5. The individual reference fat contents referred to in paragraph 1 shall be adjusted, where appropriate, when this Regulation enters into force and thereafter at the beginning of each twelve-month period as and where necessary to ensure that, for each Member State, the weighted average content is not more than 0.1 gram per kilogram higher than the reference fat content laid down in the new Annex VIa.

Or. pt

Amendment 1532

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

**Proposal for a regulation
Article 103 p (new)**

Text proposed by the Commission

Amendment

Article 103p

Fat content

1. Each producer shall be assigned a reference fat content, to be applied to the individual quota for deliveries allocated to that producer.

2. For the quotas allocated to producers on 31 March 2014 in accordance with Article 101b(1), the reference fat content referred to in paragraph 1 shall be the same as the reference fat content applied to that quota at that date.

3. The reference fat content shall be altered during the conversion referred to in Article 101b(2) and where quotas are acquired, transferred or temporarily

transferred in accordance with rules to be established by the Commission.

4. For new producers having an individual quota for deliveries allocated entirely from the national reserve, the fat content shall be fixed in accordance with rules to be established by the Commission.

5. The individual reference fat content referred to in paragraph 1 shall be adjusted, where appropriate, upon the entry into force of this Regulation and thereafter, at the beginning of each twelve-month period as necessary, so that, for each Member State, the weighted average of the individual representative fat contents does not exceed by more than 0.1 gram per kg the reference fat content set in Annex [X].

Or. es

Amendment 1533

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

**Proposal for a regulation
Article 103 q (new)**

Text proposed by the Commission

Amendment

Article 103q

National reserve

1. Each Member State shall set up a national reserve as part of the national quotas fixed in Annex VIIb, in particular with a view to making the allocations provided for in Article 105e. The national reserve shall be replenished, as appropriate, by withdrawing some quantities as provided for in Article 105i, retaining part of transfers as provided for in Article 105m, or by making an across-the-board reduction in all individual quotas. The quotas in question shall

retain their original purpose, i.e. deliveries or direct sales.

2. Any additional quota allocated to a Member State shall automatically be placed in the national reserve and divided into deliveries and direct sales according to foreseeable needs.

3. The quotas placed in the national reserve shall not have a reference fat content.

Or. pl

Amendment 1534
Luis Manuel Capoulas Santos, Luís Paulo Alves

Proposal for a regulation
Article 103 q (new)

Text proposed by the Commission

Amendment

Article 103q

National reserve

1. Each Member State shall establish a national reserve, within the national quotas laid down in the new Annex VIb, for the purposes of allocation under Article 105d. The national reserve shall be made up, depending on the case, of quantities withdrawn under Article 105h, deductions from transfers as referred to in Article 105l, or quotas released by linear reduction in all individual quotas. The quotas in question shall remain assigned to their initial purpose, that is to say, 'deliveries' or 'direct sales'.

2. Additional quotas allocated to a Member State shall be placed automatically in the national reserve and divided into deliveries and direct sales according to foreseeable needs.

3. Quotas placed in the national reserve shall not have a reference fat content.

Amendment 1535

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

Proposal for a regulation

Article 103 q (new)

Text proposed by the Commission

Amendment

Article 103q

National reserve

1. Each Member State shall set up a national reserve as part of the national quotas fixed in Annex ..., in particular with a view to making the allocations provided for in Article 101c.

The national reserve shall be replenished, as appropriate, by withdrawing some quantities as provided for in Article 101g, retaining part of transfers as provided for in Article 101k, or by making an across-the-board reduction in all individual quotas. The quotas in question shall retain their original purpose, i.e. deliveries or direct sales.

2. Any additional quotas allocated to a Member State shall automatically be placed in the national reserve and divided into deliveries and direct sales according to foreseeable needs.

3. The quotas placed in the national reserve shall not have a reference fat content.

Amendment 1536

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

**Proposal for a regulation
Article 103 r (new)**

Text proposed by the Commission

Amendment

Article 103r

Cases of inactivity

1. When a natural or legal person holding individual quotas no longer meets the conditions referred to in point (c) of Article 105b(1) during a twelve-month period, the corresponding quantities shall revert to the national reserve no later than 1 April of the following calendar year, unless that person becomes once again a producer within the meaning of point (c) of Article 105b(1) before that date.

Where that person becomes once again a producer not later than the end of the second twelve-month period following withdrawal, all or part of the individual quota which had been withdrawn shall revert to that person no later than 1 April following the date of application.

2. Where producers do not market a quantity equal to at least 85 % of their individual quota during at least one twelve-month period, Member States may decide whether and on what conditions all or part of the unused quota shall revert to the national reserve.

Member States may determine on what conditions a quota shall be re-allocated to the producer concerned should he resume marketing.

3. Paragraphs 1 and 2 shall not apply in cases of force majeure and in duly justified cases temporarily affecting the production capacity of the producers concerned and recognised by the competent authority.

Or. pl

Amendment 1537
Luis Manuel Capoulas Santos, Luís Paulo Alves

Proposal for a regulation
Article 103 r (new)

Text proposed by the Commission

Amendment

Article 103r

Cases of inactivity

1. Where a natural or legal person holding individual quotas ceases to satisfy the conditions set out in Article 105a(c) during a twelve-month period, the corresponding quantities shall revert to the national reserve no later than 1 April of the following calendar year unless the person concerned, before that date, again becomes a producer within the meaning of Article 105a(c). If the person concerned again becomes a producer at the latest by the end of the second twelve-month period following the withdrawal of the quantities, the individual quota withdrawn shall be returned to him, in part or in full, not later than the 1 April following the date of his request.

2. Where a producer fails to market a quantity not less than 85% of his individual quota during at least one twelve-month period, the Member State concerned may decide whether and under what conditions the whole or a portion of the unused quota should be placed in the national reserve. The Member State may determine the conditions under which a quota shall be reassigned to the producer concerned, should he resume marketing.

3. Paragraphs 1 and 2 shall not apply in cases of force majeure and in duly substantiated cases temporarily affecting the production capacity of the producers concerned and recognised as such by the competent authority.

Or. pt

Amendment 1538

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

Proposal for a regulation

Article 103 r (new)

Text proposed by the Commission

Amendment

Article 103r

Cases of inactivity

1. When a natural or legal person holding individual quotas stops producing and marketing milk during a twelve-month period, the corresponding quantities shall revert to the national reserve no later than 1 April of the following calendar year, unless that person becomes a producer once again before that date.

Where that person becomes once again a producer not later than the end of the second twelve-month period following withdrawal, all or part of the individual quota which had been withdrawn shall revert to that person no later than 1 April following the date of application.

2. Where producers do not market a quantity equal to at least 85 % of their individual quota during at least one twelve-month period, Member States may decide whether and on what conditions all or part of the unused quota shall revert to the national reserve. Member States may determine on what conditions a quota shall be re-allocated to the producer concerned should he resume marketing.

3. Paragraphs 1 and 2 shall not apply in cases of force majeure and in duly justified cases temporarily affecting the production capacity of the producers concerned and recognised by the competent authority.

Or. es

Amendment 1539

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

Proposal for a regulation

Article 103 s (new)

Text proposed by the Commission

Amendment

Article 103s

Temporary transfers

1. By the end of each twelve-month period, Member States shall authorise, for the period concerned, any temporary transfers of part of individual quotas which the producers who are entitled thereto do not intend to use.

Member States may regulate transfer operations according to the categories of producers or milk production structures concerned, may limit them to the level of the purchaser or within regions, authorise complete transfers in the cases referred to in Article 105i(3) and determine to what extent the transferor can repeat transfer operations.

2. Any Member State may decide not to implement paragraph 1 on the basis of one or both of the following criteria:

(a) the need to facilitate structural changes and adjustments;

(b) overriding administrative needs.

Or. pl

Amendment 1540

Luis Manuel Capoulas Santos, Luís Paulo Alves

Proposal for a regulation

Article 103 s (new)

Text proposed by the Commission

Amendment

Article 103s

Temporary transfers

1. Before the end of each twelve-month period, Member States shall, for the period concerned, authorise any temporary transfers of portions of individual quotas which the producers entitled to them do not intend to use. Member States may regulate transfer operations according to producer categories or milk production structures, restrict them to purchaser level or within regions, authorise full transfer in the cases referred to in Article 105h(3), and determine the extent to which a transferor may repeat transfer operations.

2. Member States may decide to refrain from implementing paragraph 1 on the basis of either or both of the following criteria:

- (a) the need to facilitate structural change and adjustment;*
- (b) overriding administrative needs.*

Or. pt

Amendment 1541

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

**Proposal for a regulation
Article 103 s (new)**

Text proposed by the Commission

Amendment

Article 103s

Temporary transfers

1. By the end of each twelve-month period, Member States shall authorise, for the period concerned, any temporary

transfers of part of individual quotas which the producers who are entitled thereto do not intend to use. Member States may regulate transfer operations according to the categories of producers or milk production structures concerned, may limit them to the level of the purchaser or within regions, authorise complete transfers in the cases referred to in Article 101g(3) and determine to what extent the transferor can repeat transfer operations.

2. Any Member State may decide not to implement paragraph 1 on the basis of one or both of the following criteria:

- a) the need to facilitate structural changes and adjustments;*
- b) overriding administrative needs.*

Or. es

Amendment 1542

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

**Proposal for a regulation
Article 103 t (new)**

Text proposed by the Commission

Amendment

Article 103t

Transfers of quotas together with land

1. Individual quotas shall be transferred with the holding to the producers taking it over when it is sold, leased, transferred by actual or anticipated inheritance or any other means involving comparable legal effects for the producers, in accordance with detailed rules to be determined by the Member States, taking account of the areas used for dairy production or other objective criteria and, where applicable, of any agreement between the parties. The part of the quota which, where applicable,

has not been transferred with the holding shall be added to the national reserve.

2. Where quotas have been or are transferred in accordance with paragraph 1 by means of rural leases or by other means involving comparable legal effects, Member States may decide, on the basis of objective criteria and with the aim of ensuring that quotas are attributed solely to producers, that the quota shall not be transferred with the holding.

3. Where land is transferred to the public authorities and/or for use in the public interest, or where the transfer is carried out for non-agricultural purposes, Member States shall ensure that the necessary measures are taken to protect the legitimate interests of the parties, and in particular, that producers giving up such land are in a position to continue milk production if they so wish.

4. Where there is no agreement between the parties, in the case of tenancies due to expire without any possibility of renewal on similar terms, or in situations involving comparable legal effects, the individual quotas in question shall be transferred in whole or in part to the producer taking them over, in accordance with provisions adopted by the Member States, taking account of the legitimate interests of the parties.

Or. pl

Amendment 1543

Luis Manuel Capoulas Santos, Luís Paulo Alves

Proposal for a regulation

Article 103 t (new)

Text proposed by the Commission

Amendment

Article 103t

Transfers of quotas together with land

1. Individual quotas shall be transferred with a holding to the producers taking it over when it is sold, leased, or transferred by actual or anticipated inheritance or any other means involving comparable legal effects for the producers, in accordance with detailed rules to be laid down by Member States, taking into account the areas used for milk production or other objective criteria and, where applicable, any agreement between the parties. The portion of the quota which, where applicable, has not been transferred with the holding shall be added to the national reserve.

2. Where quotas have been or are transferred in accordance with paragraph 1 by means of rural leases or by other means involving comparable legal effects, Member States may decide, on the basis of objective criteria and with the aim of ensuring that quotas are assigned solely to producers, that a quota shall not be transferred with the holding.

3. Where land is transferred to public authorities and/or for use in the public interest, or where the transfer is made for non-agricultural purposes, Member States shall ensure that the necessary measures are taken to protect the legitimate interests of the parties and, in particular, that producers giving up such land are in a position to continue milk production should they wish to do so.

4. Should there be no agreement between the parties, where tenancies are due to expire without any possibility of renewal on similar terms, or in situations involving comparable legal effects, the individual quotas in question shall be transferred in full or in part to the producer taking them over, in accordance with provisions to be adopted by Member States, taking into account the legitimate interests of the parties.

Amendment 1544

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

Proposal for a regulation

Article 103 t (new)

Text proposed by the Commission

Amendment

Article 103t

Transfers of quotas together with land

1. Individual quotas shall be transferred with the holding to the producers taking it over when it is sold, leased, transferred by actual or anticipated inheritance or any other means involving comparable legal effects for the producers, in accordance with detailed rules to be determined by the Member States, taking account of the areas used for dairy production or other objective criteria and, where applicable, of any agreement between the parties. The part of the quota which, where applicable, has not been transferred with the holding shall be added to the national reserve.

2. Where quotas have been or are transferred in accordance with paragraph 1 by means of rural leases or by other means involving comparable legal effects, Member States may decide, on the basis of objective criteria and with the aim of ensuring that quotas are attributed solely to producers, that the quota shall not be transferred with the holding.

3. Where land is transferred to the public authorities and/or for use in the public interest, or where the transfer is carried out for non-agricultural purposes, Member States shall ensure that the necessary measures are taken to protect the legitimate interests of the parties, and

in particular that producers giving up such land are in a position to continue milk production if they so wish.

4. Where there is no agreement between the parties, in the case of tenancies due to expire without any possibility of renewal on similar terms, or in situations involving comparable legal effects, the individual quotas in question shall be transferred in whole or in part to the producer taking them over, in accordance with provisions adopted by the Member States, taking account of the legitimate interests of the parties.

Or. es

Amendment 1545

Jarosław Kalinowski, Czesław Adam Siekierski, Artur Zasada, Elżbieta Katarzyna Lukacijewska, Janusz Wojciechowski

Proposal for a regulation

Article 103 u (new)

Text proposed by the Commission

Amendment

Article 103u

Special transfer measures

1. With a view to successfully restructuring milk production or improving the environment, Member States may, in accordance with detailed rules which they shall lay down, taking account of the legitimate interests of the parties concerned:

(a) grant compensation in one or more annual instalments to producers who undertake to abandon permanently all or part of their milk production and place the individual quotas thus released in the national reserve;

(b) determine on the basis of objective criteria the conditions on which producers may obtain, in return for payment, at the

beginning of a twelve-month period, the re-allocation by the competent authority or a body designated by that authority of individual quotas released definitively at the end of the preceding twelve-month period by other producers in return for compensation in one or more annual instalments equal to the abovementioned payment;

(c) centralise and supervise transfers of quotas without land;

(d) provide, in the case of land transferred with a view to improving the environment, for the individual quota concerned to be allocated to a producer giving up the land but wishing to continue milk production;

(e) determine, on the basis of objective criteria, the regions or collection areas within which the permanent transfer of quotas without transfer of the corresponding land is authorised, with the aim of improving the structure of milk production;

(f) authorise, upon application by a producer to the competent authority or a body designated by that authority, the definitive transfer of quotas without transfer of the corresponding land, or vice versa, with the aim of improving the structure of milk production at the level of the holding or to allow for extensification of production.

2. Paragraph 1 may be implemented at national level, at the appropriate territorial level or in specified collection areas.

Or. pl

Amendment 1546
Janusz Wojciechowski

Proposal for a regulation
Article 103 u (new)

Article 103u

Special transfer measures

1. With a view to successfully restructuring milk production or improving the environment, Member States may, in accordance with detailed rules which they shall lay down, taking account of the legitimate interests of the parties concerned:

(a) grant compensation in one or more annual instalments to producers who undertake to abandon permanently all or part of their milk production and place the individual quotas thus released in the national reserve;

(b) determine on the basis of objective criteria the conditions on which producers may obtain, in return for payment, at the beginning of a twelve-month period, the re-allocation by the competent authority or a body designated by that authority of individual quotas released definitively at the end of the preceding twelve-month period by other producers in return for compensation in one or more annual instalments equal to the abovementioned payment;

(c) centralise and supervise transfers of quotas without land;

(d) provide, in the case of land transferred with a view to improving the environment, for the individual quota concerned to be allocated to a producer giving up the land but wishing to continue milk production;

(e) determine, on the basis of objective criteria, the regions or collection areas within which the permanent transfer of quotas without transfer of the corresponding land is authorised, with the aim of improving the structure of milk production;

(f) authorise, upon application by a producer to the competent authority or a body designated by that authority, the definitive transfer of quotas without transfer of the corresponding land, or vice versa, with the aim of improving the structure of milk production at the level of the holding or to allow for extensification of production.

2. Paragraph 1 may be implemented at national level, at the appropriate territorial level or in specified collection areas.

Or. pl

Amendment 1547
Luis Manuel Capoulas Santos, Luís Paulo Alves

Proposal for a regulation
Article 103 u (new)

Text proposed by the Commission

Amendment

Article 103u

Special transfer measures

1. With a view to successfully restructuring milk production or improving the environment, Member States may, in accordance with detailed rules which they shall lay down, taking into account the legitimate interests of the parties concerned:

(a) grant compensation in one or more annual instalments to producers who undertake permanently to abandon all or part of their milk production and place the individual quotas thus released in the national reserve;

(b) determine, on the basis of objective criteria, the conditions under which producers may, at the beginning of a twelve-month period and in return for payment, have individual quotas

reallocated to them by the competent authority or a body designated by it where these were released definitively at the end of the preceding twelve-month period by other producers in return for compensation in one or more annual instalments equal to the above-mentioned payment;

(c) centralise and supervise transfers of quotas without land;

(d) provide, where land is transferred with a view to improving the environment, for the individual quota concerned to be allocated to a producer giving up the land but wishing to continue milk production;

(e) determine, on the basis of objective criteria, the regions or collection areas within which, with a view to improving the milk production structure, permanent transfers of quotas shall be authorised without any corresponding transfer of land;

(f) authorise, on application by a producer to the competent authority or a body designated by it, the definitive transfer of quotas without any corresponding transfer of land, or vice versa, with the aim of improving the milk production structure at holding level or extensifying production.

2. Paragraph 1 may be implemented at national level, at the appropriate territorial level, or in specified collection areas.

Or. pt

Amendment 1548

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

**Proposal for a regulation
Article 103 u (new)**

Article 103u

Special transfer measures

1. With a view to successfully restructuring milk production or improving the environment, Member States may, in accordance with detailed rules which they shall lay down, taking account of the legitimate interests of the parties concerned:

a) grant compensation in one or more annual instalments to producers who undertake to abandon permanently all or part of their milk production and place the individual quotas thus released in the national reserve;

b) determine on the basis of objective criteria the conditions on which producers may obtain, in return for payment, at the beginning of a twelve-month period, the re-allocation by the competent authority or a body designated by that authority of individual quotas released definitively at the end of the preceding twelve-month period by other producers in return for compensation in one or more annual instalments equal to the abovementioned payment;

c) centralise and supervise transfers of quotas without land;

d) provide, in the case of land transferred with a view to improving the environment, for the individual quota concerned to be allocated to a producer giving up the land but wishing to continue milk production;

e) determine, on the basis of objective criteria, the regions or collection areas within which the permanent transfer of quotas without transfer of the corresponding land is authorised, with the aim of improving the structure of milk production;

f) authorise, upon application by a producer to the competent authority or a body designated by that authority, the definitive transfer of quotas without transfer of the corresponding land, or vice versa, with the aim of improving the structure of milk production at the level of the holding or to allow for extensification of production.

2. Paragraph 1 may be implemented at national level, at the appropriate territorial level or in specified collection areas.

Or. es