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*Committee on Agriculture and Rural Development*

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**2011/0281(COD)**

5.6.2012

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## **DRAFT REPORT**

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)  
(COM(2011)0626 – C7-0339/2011 – 2011/0281(COD))

Committee on Agriculture and Rural Development

Rapporteur: Michel Dantin

### ***Symbols for procedures***

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

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

### ***Amendments to a draft act***

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

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

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## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the proposal for a regulation of the European Parliament and of the Council  
establishing a common organisation of the markets in agricultural products (Single  
CMO Regulation)  
(COM(2011)0626 – C7-0339/2011 – 2011/0281(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0626),
  - having regard to Article 294(2) and Articles 42, first indent and 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0339/2011),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the Court of Auditors of 8 March 2012<sup>1</sup>,
  - having regard to the opinion of the European Economic and Social Committee of 25 April 2012<sup>2</sup>,
  - having regard to the opinion of the Committee of the Regions of 4 May 2012<sup>3</sup>;
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Agriculture and Rural Development and the opinions of the Committee on Development, the Committee on Budgets and the Committee on Regional Development (A7-0000/2012),
1. Adopts its position at first reading hereinafter set out;
  2. Points out that the financial envelope specified in the legislative proposal constitutes only an indication to the legislative authority and cannot be fixed until agreement is reached on the proposal for a regulation laying down the multiannual financial framework for the years 2014-2020;
  3. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> OJ C ... / Not yet published in the Official Journal.

<sup>2</sup> OJ C ... / Not yet published in the Official Journal.

<sup>3</sup> OJ C ... / Not yet published in the Official Journal.

## **Amendment 1**

### **Proposal for a regulation**

#### **Citation 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***having regard to the opinion of the Court of Auditors<sup>1</sup>,***

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***<sup>1</sup> OJ C ... / Not yet published in the Official Journal.***

Or. fr

## **Amendment 2**

### **Proposal for a regulation**

#### **Citation 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***having regard to the opinion of the Committee of the Regions<sup>1</sup>,***

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***<sup>1</sup> OJ C ... / Not yet published in the Official Journal.***

Or. fr

## **Amendment 3**

### **Proposal for a regulation**

#### **Recital 1**

*Text proposed by the Commission*

*Amendment*

(1) The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of

(1) The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of

the Regions on "The CAP towards 2020: Meeting the food, natural resources and territorial challenges of the future" sets out potential challenges, objectives and orientations for the Common agricultural Policy (CAP) after 2013. In the light of the debate on that Communication, the CAP should be reformed with effect from 1 January 2014. That reform should cover all the main instruments of the CAP, including **Council Regulation (EU) No [COM(2010)799] of [...] establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)**. In view of the scope of the reform, it is appropriate to repeal Regulation (EU) No [COM(2010)799] and to replace it with a new Single CMO Regulation. The reform should also, as far as possible, harmonise, streamline and simplify the provisions, particularly those covering more than one agricultural sector, **including by ensuring that non-essential elements of measures may be adopted by the Commission by way of delegated acts.**

the Regions on "The CAP towards 2020: Meeting the food, natural resources and territorial challenges of the future" sets out potential challenges, objectives and orientations for the Common agricultural Policy (CAP) after 2013. In the light of the debate on that Communication, the CAP should be reformed with effect from 1 January 2014. That reform should cover all the main instruments of the CAP, including Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation). In view of the scope of the reform, it is appropriate to repeal Regulation (EC) No 1234/2007 and to replace it with a new Single CMO Regulation. The reform should also, as far as possible, harmonise, streamline and simplify the provisions, particularly those covering more than one agricultural sector.

Or. fr

#### *Justification*

*The justification of delegated acts must be based on Article 290 of the Treaty. This amendment is consistent with the position adopted by the Committee on Agriculture and Rural Development when considering Proposal for a Regulation (2010) 799 aligning the single CMO with the provisions of the Lisbon Treaty.*

#### **Amendment 4**

##### **Proposal for a regulation Recital 2**

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

(2) It is of particular importance that the Commission carry out appropriate

###### *Amendment*

**(2) *In order to ensure the proper functioning of the regime established by***

consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

***this Regulation, the power to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to enable it to supplement or modify certain non-essential elements of the present Regulation. The elements for which that power may be exercised should be defined, as well as the conditions to which that delegation is to be subject.*** It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Or. fr

#### *Justification*

*This amendment is consistent with the position adopted by the Committee on Agriculture and Rural Development when considering Proposal for a Regulation (2010) 799 aligning the single CMO with the provisions of the Lisbon Treaty.*

### **Amendment 5**

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

##### **Recital 3**

*Text proposed by the Commission*

*Amendment*

***(3) Pursuant to Article 43(3) of the Treaty on the Functioning of the European Union (the Treaty), the Council shall adopt measures on fixing prices, levies, aid and quantitative limitations. In the interest of clarity, where Article 43(3) of the Treaty applies, this Regulation should explicitly refer to the fact that measures will be adopted by the Council on that***

***deleted***



*basis.*

Or. fr

### *Justification*

*This amendment is consistent with the position adopted by the Committee on Agriculture and Rural Development when considering Proposal for a Regulation (2010) 799 aligning the single CMO with the provisions of the Lisbon Treaty. Article 43(3) of the Treaty does not apply. It is therefore appropriate to replace the relevant provisions of the Single CMO Regulation by those set out in the proposal for a Council regulation determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products (COM(2011) 629).*

## **Amendment 6**

### **Proposal for a regulation**

#### **Recital 4**

#### *Text proposed by the Commission*

(4) This Regulation should contain all the basic elements of the Single CMO. The fixing of prices, levies, aid and quantitative limitations is ***in certain cases*** inextricably linked to those basic elements.

#### *Amendment*

(4) This Regulation should contain all the basic elements of the Single CMO. The fixing of prices, levies, aid and quantitative limitations is ***as a general rule*** inextricably linked to those basic elements.

Or. fr

## **Amendment 7**

### **Proposal for a regulation**

#### **Recital 7**

#### *Text proposed by the Commission*

(7) This Regulation ***and other acts adopted under Article 43 to the Treaty refer*** to the description of products and references to the headings or subheadings of the combined nomenclature. Amendments to the Common Customs Tariff nomenclature may necessitate consequential technical adjustments to ***such Regulations. The Commission should be able to adopt***

#### *Amendment*

(7) This Regulation ***refers*** to the description of products and references to the headings or subheadings of the combined nomenclature. Amendments to the Common Customs Tariff nomenclature may necessitate consequential technical adjustments to ***this Regulation. The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to***

***implementing measures to make such adjustments.*** In the interests of clarity and simplicity, Council Regulation (EC) No 234/79 of 5 February 1979 on the procedure for adjusting the Common Customs Tariff nomenclature used for agricultural products which currently provides for such a power should be repealed and ***the power*** integrated into the present Regulation.

***the Commission.*** In the interests of clarity and simplicity, Council Regulation (EC) No 234/79 of 5 February 1979 on the procedure for adjusting the Common Customs Tariff nomenclature used for agricultural products which currently provides for such a power should be repealed ***and a new adjustment procedure should be*** integrated into the present Regulation.

Or. fr

#### *Justification*

*Under Article 290 of the Treaty, legislative acts, including non-essential elements of such acts, must be amended by means of delegated acts. Furthermore, the Commission cannot be given carte blanche by this Regulation to amend other acts adopted under Article 43 of the Treaty. The delegated powers in question should be stipulated in each act concerned. Brings the text into line with the amendment to Article 4.*

#### **Amendment 8**

##### **Proposal for a regulation Recital 9**

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

***(9) In order to ensure that production is orientated towards certain varieties of paddy rice, the Commission should be able to adopt implementing measures in respect of fixing increases and reductions of the public intervention price.***

###### *Amendment*

***deleted***

Or. fr

#### *Justification*

*Tabled to bring the text into line with the amendment to Article 14(3).*

## Amendment 9

### Proposal for a regulation Recital 10

#### *Text proposed by the Commission*

(10) Marketing years should be fixed for cereals, rice, sugar, dried fodder, seeds, olive oil and table olives, flax and hemp, fruit and vegetables, bananas, milk and milk products, and silkworms, and adapted as far as possible to the biological production cycles of each of those products.

#### *Amendment*

(10) Marketing years should be fixed for cereals, **wine**, rice, sugar, dried fodder, seeds, olive oil and table olives, flax and hemp, fruit and vegetables, **processed fruit and vegetables**, bananas, milk and milk products, and silkworms, and adapted as far as possible to the biological production cycles of each of those products.

Or. fr

#### *Justification*

*Article 6, to which this recital refers, also provides for fixed periods for the marketing years for wine and processed fruit and vegetables.*

## Amendment 10

### Proposal for a regulation Recital 11

#### *Text proposed by the Commission*

***(11) In order to take into account the specificities of the fruit and vegetables and processed fruit and vegetables sectors, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of fixing the marketing years for those products.***

#### *Amendment*

***deleted***

Or. fr

#### *Justification*

*Tabled to bring the text into line with the amendment to Article 6(1).*

## Amendment 11

### Proposal for a regulation Recital 13

#### *Text proposed by the Commission*

(13) For the sake of clarity and transparency, the provisions should be made subject to a common structure, whilst maintaining the policy pursued in each sector. For that purpose it is appropriate to distinguish between reference prices and intervention prices and to define the latter, in particular, clarifying that only intervention prices for public intervention correspond to the applied administered prices referred to in the first sentence of paragraph 8 of Annex 3 to the WTO Agreement on Agriculture (i.e. price gap support). ***In this context it*** should be understood that market intervention can take the form of public intervention as well as other forms of intervention that do not use ex-ante established price indications.

#### *Amendment*

(13) For the sake of clarity and transparency, the provisions should be made subject to a common structure, whilst maintaining the policy pursued in each sector. For that purpose it is appropriate to distinguish between reference prices and intervention prices and to define the latter, in particular, clarifying that only intervention prices for public intervention correspond to the applied administered prices referred to in the first sentence of paragraph 8 of Annex 3 to the WTO Agreement on Agriculture (i.e. price gap support). ***It*** should ***also*** be understood that market intervention can take the form of public intervention ***and aid for private storage***, as well as other forms of intervention that do not ***wholly or partially*** use ex-ante established price indications.

Or. fr

#### *Justification*

*Chapter I of Title I of this Regulation defines aid for private storage as a form of market intervention. A certain number of products eligible for private storage continue to benefit from reference prices explicitly referred to in the Regulation. For the sake of coherence, private storage should be reincorporated as a form of intervention based, at least in part, on ex-ante established price indications.*

## Amendment 12

### Proposal for a regulation Recital 14

#### *Text proposed by the Commission*

(14) As appropriate to each sector concerned in the light of the practice and experience under previous CMOs, the

#### *Amendment*

(14) As appropriate to each sector concerned in the light of the practice and experience under previous CMOs, the

system of intervention should be available during certain periods of the year and should be open during that period either on a permanent basis or should be opened depending on market prices.

system of *public* intervention should be available during certain periods of the year and should be open during that period either on a permanent basis or should be opened depending on market prices.

Or. fr

*Justification*

*Market intervention takes the form mainly of public intervention and aid for storage. It is important to use precise terms so as to avoid any confusion.*

**Amendment 13**

**Proposal for a regulation**

**Recital 16 a (new)**

*Text proposed by the Commission*

*Amendment*

***(16a) The Union scales for the classification of carcasses in the beef and veal, pigmeat and sheepmeat and goatmeat sectors are essential for the purposes of price recording and for the application of the intervention arrangements in those sectors. Moreover, they pursue the objective of improving market transparency.***

Or. fr

*Justification*

*Tabled to bring the text into line with the amendment to Article 9a and to Annex IIIa.*

**Amendment 14**

**Proposal for a regulation**

**Recital 16 b (new)**

*Text proposed by the Commission*

*Amendment*

***(16b) Aid for private storage should achieve its aims of stabilising markets and***

*contributing to a fair standard of living for the agricultural community. This tool should therefore be triggered in line with indicators linked to market prices, but also in response to particularly difficult market conditions, above all those which have a significant impact on agricultural producers' profit margins.*

Or. fr

*Justification*

*Tabled to bring the text into line with the amendment to Article 17(1)(b).*

**Amendment 15**

**Proposal for a regulation**

**Recital 17**

*Text proposed by the Commission*

(17) In order to ensure market transparency, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of laying down the conditions under which it *may decide* to grant private storage aid in order to achieve the aim of balancing the market and stabilising the market prices, and taking into account the market situation.

*Amendment*

(17) In order to ensure market transparency, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of laying down the conditions under which it *decides* to grant private storage aid in order to achieve the aim of balancing the market and stabilising the market prices, and taking into account the market situation.

Or. fr

*Justification*

*Tabled to bring the text into line with the amendment to Article 17(1), introductory part.*

## Amendment 16

### Proposal for a regulation Recital 22

#### *Text proposed by the Commission*

(22) In order to standardise the presentation of the different products for the purposes of improving market transparency, price recording and the application of market intervention arrangements in the form of public intervention and private storage, the power to adopt *certain* acts in accordance with Article 290 of the Treaty should be delegated to the Commission *in respect of Union scales* for the classification of carcasses in the beef and veal, pigmeat and sheepmeat and goatmeat sectors.

#### *Amendment*

(22) In order to standardise the presentation of the different products for the purposes of improving market transparency, price recording and the application of market intervention arrangements in the form of public intervention and private storage, *and in order to take account of the specific features found in the Union and of technical developments and sectoral requirements*, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission *in order to adapt and update the scales used in the Union* for the classification of carcasses in the beef and veal, pigmeat and sheepmeat and goatmeat sectors.

Or. fr

#### *Justification*

*Tabled to bring the text into line with the amendment to Article 18(8).*

## Amendment 17

### Proposal for a regulation Recital 23 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

*(23a) In order to strengthen and supplement the existing market management tools and to ensure their smooth operation, an instrument based on private supply management and the coordination of the various operators should be implemented. The latter should have the option of withdrawing a product during the marketing year through*

*recognised associations of producer organisations that have an appropriate size on the market.*

Or. fr

*Justification*

*Tabled to bring the text into line with the amendment to Article 17a.*

**Amendment 18**

**Proposal for a regulation  
Recital 23 b (new)**

*Text proposed by the Commission*

*Amendment*

*(23b) To prevent this instrument having effects contrary to the CAP's objectives or impairing the smooth operation of the internal market, the power to adopt acts pursuant to Article 290 of the Treaty, to establish rules on its operation and activation, should be delegated to the Commission. Furthermore, to ensure that this instrument is compatible with Union legislation, the power to adopt acts in accordance with Article 290 of the Treaty with regard to the rules on its financing should be delegated to the Commission, including the cases where it considers it would be appropriate to grant aid for private storage.*

Or. fr

*Justification*

*Tabled to bring the text into line with the amendment to Article 17a.*



## Amendment 19

### Proposal for a regulation Recital 25

*Text proposed by the Commission*

(25) *The* consumption of fruit and vegetables and milk products amongst children should be encouraged, including by durably increasing the share of those products in the diets of children at the stage when their eating habits are being formed. Union aid to finance or co-finance the supply to children in educational establishments *of such products* should therefore be promoted.

*Amendment*

(25) ***In order to promote the healthy eating habits of children, the*** consumption of fruit and vegetables and milk products amongst children should be encouraged, including by durably increasing the share of those products in the diets of children at the stage when their eating habits are being formed. Union aid to finance or co-finance the supply *of such products* to children in educational establishments, ***pre-schools and other establishments offering extracurricular activities*** should therefore be promoted. ***These schemes would thus also contribute to achieving the aims of the CAP, including raising farm incomes, stabilising markets and securing supply, both now and in the future.***

Or. fr

### *Justification*

*The original economic objectives of these two schemes should be recalled in this Regulation, and these objectives should be reconciled with those of the CAP as defined in the Treaty.*

## Amendment 20

### Proposal for a regulation Recital 26

*Text proposed by the Commission*

(26) In order to ensure a sound budgetary management of the schemes, appropriate provisions for each one should be established. Union aid should not be used to replace funding for any *national existing* school fruit schemes. In the light of budgetary constraints, Member States should nonetheless be able to replace their

*Amendment*

(26) In order to ensure a sound budgetary management of the schemes, appropriate provisions for each one should be established. Union aid should not be used to replace funding for any *existing national* school fruit, ***vegetable and milk product*** schemes. In the light of budgetary constraints, Member States should

financial contribution to **the** schemes with contributions from the private sector. In order to make their school fruit scheme effective, Member States should provide for accompanying measures for which Member States should be allowed to grant national aid.

nonetheless be able to replace their financial contribution to **any such national school fruit and vegetable** schemes with contributions from the private sector. In order to make their school fruit **and vegetable** scheme effective, Member States should provide for accompanying measures for which Member States should be allowed to grant national aid.

Or. fr

### *Justification*

*Tabled to bring the text into line with the amendments to Articles 20a to 26.*

## **Amendment 21**

### **Proposal for a regulation Recital 27**

#### *Text proposed by the Commission*

(27) In order to ***promote the healthy eating habits of children***, to ensure the efficient and targeted use of European Funds and to promote awareness of the ***scheme*** the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the school fruit scheme concerning: the products that are ineligible for the scheme; the target group of the scheme; the national or regional strategies that Member States must draw up in order to benefit from the aid, including the accompanying measures; the approval and selection of aid applicants; ***objective criteria for the allocation of aid between Member States***, the indicative allocation of aid between Member States and the method for reallocating aid between Member States based on applications received; the costs eligible for aid, including the possibility of fixing an overall ceiling for such costs; and ***requiring participating*** Member States to

#### *Amendment*

(27) In order to ***ensure that the programme is implemented effectively to achieve the objectives set for it***, to ensure the efficient and targeted use of European Funds and to promote awareness of the ***aid programme***, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the school fruit ***and vegetable*** scheme concerning: the products that are ineligible for the scheme; the target group of the scheme; the national or regional strategies that Member States must draw up in order to benefit from the aid, including the accompanying measures; the approval and selection of aid applicants; ***additional criteria relating to*** the indicative allocation of aid and the method for reallocating aid between Member States based on applications received; the costs eligible for aid, including the possibility of fixing an overall ceiling for such costs; ***monitoring***

publicise the subsidising role of the *scheme*.

*and evaluation; and establishing the conditions under which the Member States take action to publicise their participation in the aid programme and draw attention to the subsidising role of the European Union.*

Or. fr

### *Justification*

*Tabled to bring the text into line with the amendments to Articles 20a to 26.*

## **Amendment 22**

### **Proposal for a regulation Recital 28**

#### *Text proposed by the Commission*

(28) In order to *take account of the evolution in the dairy products consumption patterns and of the innovations and developments on the dairy products market*, to ensure that the appropriate beneficiaries and applicants qualify for the aid and to promote awareness of the aid *scheme*, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the school milk scheme concerning: the products that are eligible for the scheme; the national or regional strategies that Member States must draw up in order to benefit from the aid and the target group for the scheme; the conditions for granting aid; the lodging of a security guaranteeing the execution where an advance of aid is paid; monitoring and evaluation; and *requiring educational establishments to communicate* the subsidising role of the *scheme*.

#### *Amendment*

(28) In order to *ensure that the programme is implemented effectively to achieve the objectives set for it*, to ensure that the appropriate beneficiaries and applicants qualify for the aid and to promote awareness of the aid *programme*, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the school milk scheme concerning: the products that are eligible for the scheme; the national or regional strategies that Member States must draw up in order to benefit from the aid and the target group for the scheme; *the approval and selection of aid applicants*; the conditions for granting aid; the lodging of a security guaranteeing the execution where an advance of aid is paid; monitoring and evaluation; and *establishing the conditions under which the Member States take action to publicise their participation in the aid programme and draw attention to the subsidising role of the European Union.*

*Justification*

*Tabled to bring the text into line with the amendments to Articles 20a to 26.*

**Amendment 23**

**Proposal for a regulation**

**Recital 31**

*Text proposed by the Commission*

(31) In order to ensure that the aid provided for olive oil and table olive operator organisations meet their objective of improving the production quality of olive oil and table olives and to ensure that olive oil and table olive operator organisations respect their obligations, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission concerning the conditions for the approval of operator organisations for the purposes of the aid scheme, the suspension or withdrawal of such approval; the measures eligible for Union financing; the allocation of Union financing to particular measures; the activities and costs that are not eligible for Union financing; and the selection and approval of work programmes and concerning requiring the lodging of a security.

*Amendment*

(31) In order to ensure that the aid provided for olive oil and table olive operator organisations meet their objective of improving the production quality of olive oil and table olives and to ensure that olive oil and table olive operator organisations respect their obligations, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission concerning the conditions for the approval of operator organisations for the purposes of the aid scheme, **and the refusal**, suspension or withdrawal of such approval; **the details of** the measures eligible for Union financing; the allocation of Union financing to particular measures; the activities and costs that are not eligible for Union financing; and the selection and approval of work programmes; and concerning requiring the lodging of a security;

*Justification*

*Tabled to bring the text into line with the amendment to Article 28(1).*

## Amendment 24

### Proposal for a regulation Recital 33 a (new)

*Text proposed by the Commission*

*Amendment*

***(33a) In order to ensure that operational programmes in the fruit and vegetable sector are more effective, particularly crisis prevention and management measures, they should be implemented by structures that have an appropriate size on the market. It is therefore important that associations of producer organisations are encouraged to present and manage operational programmes and crisis prevention and management measures, in whole or in part.***

Or. fr

*Justification*

*Tabled to bring the text into line with the amendments to Articles 30, 31 and 32.*

## Amendment 25

### Proposal for a regulation Recital 35

*Text proposed by the Commission*

*Amendment*

(35) Support for setting up producer groups should be provided for all sectors in all Member States under rural development policy so the specific support in the fruit and vegetables sector should be discontinued.

(35) Support for setting up producer groups should be provided for all sectors in all Member States under rural development policy, so the specific support ***for their establishment*** in the fruit and vegetables sector should be discontinued.

Or. fr

## Amendment 26

### Proposal for a regulation Recital 40

#### *Text proposed by the Commission*

(40) One key measure eligible for national support programmes should be the promotion and marketing of Union wines in third countries. Restructuring and conversion activities should continue to be covered on account of their positive structural effects on the wine sector. Support should also be available for investments in the wine sector which are geared towards improving economic performance of the enterprises as such. Support for by-product distillation should be a measure available to Member States which desire to use such an instrument to ensure the quality of wine, while preserving the environment.

#### *Amendment*

(40) One key measure eligible for national support programmes should be the promotion and marketing of Union wines in third countries. ***Support should also be available for research and development activities on account of their importance for the competitiveness of the European wine sector.*** Restructuring and conversion activities should continue to be covered on account of their positive structural effects on the wine sector. Support should also be available for investments in the wine sector which are geared towards improving economic performance of the enterprises as such. Support for by-product distillation should be a measure available to Member States which desire to use such an instrument to ensure the quality of wine, while preserving the environment.

Or. fr

#### *Justification*

*Tabled to bring the text into line with the amendment to Article 43a.*

## Amendment 27

### Proposal for a regulation Recital 42

#### *Text proposed by the Commission*

***(42) The provisions on support to vine-growers by way of allocation of payment entitlements as decided by Member States were made definitive. Therefore the only such support which may be provided is the one decided by Member States by 1 December 2013 under Article 137 of***

#### *Amendment*

***deleted***

***Regulation (EU) No [COM(2011)799]  
and under the conditions set out in that  
provision.***

Or. fr

*Justification*

*Tabled to bring the text into line with the amendment to Article 42.*

**Amendment 28**

**Proposal for a regulation  
Recital 43**

*Text proposed by the Commission*

(43) In order to ensure that wine support programmes meet their objectives and that there is a targeted use of the European Funds, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of rules: on the responsibility for expenditure between the date of receipt of the support programmes, and modifications to support programmes and their date of applicability; on eligibility criteria of support measures, the type of expenditure and operations eligible for support, measures ineligible for support and the maximum level of support per measure; on changes to support programmes after they have become applicable; on requirements and thresholds for advance payments, including the requirement for a security where an advance payment is made; ***containing general provisions and definitions for the purposes of support programmes***; to avoid misuse of the support measures and double funding of projects; under which producers shall withdraw the by-products of winemaking, exceptions from this obligation in order to avoid additional administrative burden and provisions for the voluntary certification of

*Amendment*

(43) In order to ensure that wine support programmes meet their objectives and that there is a targeted use of the European Funds, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of rules: on the responsibility for expenditure between the date of receipt of the support programmes, and modifications to support programmes and their date of applicability; on eligibility criteria of support measures, the type of expenditure and operations eligible for support, measures ineligible for support and the maximum level of support per measure; on changes to support programmes after they have become applicable; on requirements and thresholds for advance payments, including the requirement for a security where an advance payment is made; to avoid misuse of the support measures and double funding of projects; under which producers shall withdraw the by-products of winemaking, exceptions from this obligation in order to avoid additional administrative burden and provisions for the voluntary certification of distillers; laying down the requirements for the Member States for the implementation of

distillers; laying down the requirements for the Member States for the implementation of the support measures, as well as restrictions to ensure consistency with the scope of the support measures; regarding payments to beneficiaries, including payments through insurance intermediaries.

the support measures, as well as restrictions to ensure consistency with the scope of the support measures; regarding payments to beneficiaries, including payments through insurance intermediaries.

Or. fr

### *Justification*

*Tabled to bring the text into line with the amendment to Article 50.*

## **Amendment 29**

### **Proposal for a regulation**

#### **Recital 44**

#### *Text proposed by the Commission*

(44) Beekeeping is characterised by the diversity of production conditions and yields and the dispersion and variety of economic operators, both at the production and marketing stages. Moreover, in view of the spread of varroasis in several Member States in recent years and the problems which that disease causes to honey production, action by the Union continues to be necessary as varroasis cannot be completely eradicated and is to be treated with approved products. Given such circumstances and in order to improve the production and marketing of apiculture products in the Union, national programmes for the sector should be drawn up every three years with a view to improving the general conditions for the production and marketing of apiculture products. Those national programmes should be partly financed by the Union.

#### *Amendment*

(44) Beekeeping is characterised by the diversity of production conditions and yields and the dispersion and variety of economic operators, both at the production and marketing stages. Moreover, in view of the spread of ***certain types of hive invasions, and particularly of*** varroasis in several Member States in recent years and the problems which that disease causes to honey production, action by the Union continues to be necessary as varroasis cannot be completely eradicated and is to be treated with approved products. Given such circumstances and in order to improve the production and marketing of apiculture products in the Union, national programmes for the sector should be drawn up every three years with a view to improving the general conditions for the production and marketing of apiculture products. Those national programmes should be partly financed by the Union.

Or. fr



*Justification*

*Tabled to bring the text into line with the amendment to Article 52.*

**Amendment 30**

**Proposal for a regulation**

**Recital 45**

*Text proposed by the Commission*

(45) In order to ensure a targeted use of Union funds for apiculture, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of: the measures which may be included in apiculture programmes, rules on the obligations relating to the content of national programmes, their drawing up and the related studies; and the conditions for the allocation of the Union's financial contribution to each participating Member State.

*Amendment*

(45) In order to ensure a targeted use of Union funds for apiculture, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of: ***the details of*** the measures which may be included in apiculture programmes; rules on the obligations relating to the content of national programmes, their drawing up and the related studies; and the conditions for the allocation of the Union's financial contribution to each participating Member State.

Or. fr

*Justification*

*Tabled to bring the text into line with the amendment to Article 53.*

## Amendment 31

### Proposal for a regulation Recital 50

#### *Text proposed by the Commission*

(50) In order to guarantee that all products are of sound, fair and marketable quality, and without prejudice to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, a basic general marketing standard as envisaged in the aforementioned Communication of the Commission should be appropriate for products not covered by marketing standards by sectors or products. When such products conform to an applicable international standard, as appropriate, those products should be considered as conforming to the general marketing standard.

#### *Amendment*

(50) In order to guarantee that all products are of sound, fair and marketable quality, and without prejudice to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, a basic general marketing standard as envisaged in the aforementioned Communication of the Commission should be appropriate for products not covered by marketing standards by sectors or products. When such products conform to an applicable international standard, as appropriate, those products should be considered as conforming to the general marketing standard. ***Without prejudice to Union legislation and the smooth operation of the internal market, the Member States should, however, retain the capacity to adopt or maintain national provisions for sectors or products subject to the general marketing standard or for sectors or products subject to specific marketing standards, in the case of elements not expressly harmonised under this regulation.***

Or. fr

*Justification*

*Tabled to bring the text into line with the amendment to Article 56. This amendment reiterates the position adopted by the Committee on Agriculture and Rural Development when considering Proposal for a Regulation (2010)738 on marketing standards.*

**Amendment 32**

**Proposal for a regulation**  
**Recital 53 a (new)**

*Text proposed by the Commission*

*Amendment*

***(53a) The marketing standards should be clearly divided between obligatory rules and optional reserved terms. The optional reserved terms should continue to support the aims of the marketing standards and should thus be limited in scope to the products listed in Annex I to the Treaty.***

Or. fr

*(Amendment 3 from report A7-0281/2011)*

*Justification*

*Tabled in line with the amendments to Articles 67a to 67e. This amendment reiterates the position adopted by the Committee on Agriculture and Rural Development when considering Proposal for a Regulation (2010)738 on marketing standards.*

**Amendment 33**

**Proposal for a regulation**  
**Recital 53 b (new)**

*Text proposed by the Commission*

*Amendment*

***(53b) In the light of the objectives of this Regulation and in the interest of clarity, existing optional reserved terms should be governed by this Regulation.***

Or. fr

(Amendment 4 from report A7-0281/2011)

*Justification*

*Tabled in line with the amendments to Articles 67a to 67e. This amendment reiterates the position adopted by the Committee on Agriculture and Rural Development when considering Proposal for a Regulation (2010)738 on marketing standards.*

**Amendment 34**

**Proposal for a regulation**

**Recital 56**

*Text proposed by the Commission*

(56) It is appropriate to provide for special rules in respect of products imported from third countries ***if national provisions in force in third countries justify derogations from the marketing standards if their equivalence to Union legislation is guaranteed.***

*Amendment*

(56) It is appropriate to provide for special rules in respect of products imported from third countries, ***adopted in accordance with Article 43(2) of the Treaty, which define the conditions under which imported products are considered as providing an equivalent level of compliance with the Union requirements concerning marketing standards and which allow for measures derogating from the rules that products be marketed in the Union only in accordance with such standards and determine the rules relating to the application of the marketing standards applicable to the products exported from the Union.***

Or. fr

*Justification*

*Tabled to bring the text into line with Article 66 and takes over part of recital 61. This recital should reflect Article 66.*

## Amendment 35

### Proposal for a regulation Recital 58

#### *Text proposed by the Commission*

(58) In order to address changes in the market situation, taking into account the specificity of each sector, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of acts to ***adopt***, modify and derogate from requirements related to the general marketing standard, and rules concerning the conformity to it.

#### *Amendment*

(58) In order to address changes in the market situation, taking into account the specificity of each sector, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of acts to ***supplement***, modify and derogate from requirements related to the general marketing standard, and rules concerning the conformity to it.

Or. fr

#### *Justification*

*Tabled to bring the text into line with the amendment to Article 57.*

## Amendment 36

### Proposal for a regulation Recital 61

#### *Text proposed by the Commission*

(61) In order to take account of the ***specificities in trade between the Union and certain third countries***, the special character of some agricultural products and the specificity of each sector, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission concerning a tolerance for each marketing standard beyond which the entire batch of products should be considered as not respecting the standard ***and concerning rules which define the conditions under which imported products are considered as providing an equivalent level of compliance with the Union requirements***

#### *Amendment*

(61) In order to take account of the special character of some agricultural products and the specificity of each sector, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission concerning a tolerance for each marketing standard beyond which the entire batch of products should be considered as not respecting the standard.

*concerning marketing standards and which allow for measures derogating from the rules that products be marketed in the Union only in accordance with such standards and determine the rules relating to the application of the marketing standards to products exported from the Union.*

Or. fr

*Justification*

*Tabled to bring the text into line with the amendment to recital 56. This recital should reflect Article 61.*

**Amendment 37**

**Proposal for a regulation**  
**Recital 69**

*Text proposed by the Commission*

(69) In order to take account of the specificities of the production in the demarcated geographical area, to ensure product quality and traceability and to ensure the legitimate rights or interests of producers or operators the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission concerning the ***principles for the*** demarcation of the geographical area, and ***definitions***, restrictions and derogations related to the production in the demarcated geographical area; concerning the conditions under which product specifications may include additional requirements; and concerning the elements of the product specification; the type of applicant that may apply for the protection of a designation of origin or geographical indication; the procedures to be followed in respect of an application for the protection of a designation of origin or geographical indication, including on preliminary

*Amendment*

(69) In order to take account of the specificities of the production in the demarcated geographical area, to ensure product quality and traceability and to ensure the legitimate rights or interests of producers or operators the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission ***with regard to additional details*** concerning the demarcation of the geographical area, and restrictions and derogations related to the production in the demarcated geographical area; concerning the conditions under which product specifications may include additional requirements; and concerning the elements of the product specification; the type of applicant that may apply for the protection of a designation of origin or geographical indication; the procedures to be followed in respect of an application for the protection of a designation of origin or geographical indication, including on preliminary

national procedures, scrutiny by the Commission, objection procedures, and procedure on amendment, cancellation and conversion of protected designations of origin or protected geographical indication; the procedures applicable to trans-border applications; procedures for applications relating to geographical areas in a third country; the date from which protection shall run; the procedures related to amendments to product specifications; and the date on which an amendment shall enter into force.

national procedures, scrutiny by the Commission, objection procedures, and procedure on amendment, cancellation and conversion of protected designations of origin or protected geographical indication; the procedures applicable to trans-border applications; procedures for applications relating to geographical areas in a third country; the date from which protection shall run; the procedures related to amendments to product specifications; and the date on which an amendment shall enter into force.

Or. fr

### *Justification*

*Tabled to bring the text into line with the amendment to Article 86(2).*

## **Amendment 38**

### **Proposal for a regulation Recital 74**

#### *Text proposed by the Commission*

(74) In order to ensure compliance with existing labelling practices, with horizontal rules related to labelling and presentation, and to consider the specificities of the wine sector; in order to ensure the efficiency of the certification, approval and verification procedures and the legitimate interests of operators and that economic operators are not prejudiced the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of exceptional circumstances justifying omitting reference to the terms “protected designation of origin” or “protected geographical indication”; in respect of the presentation and use of labelling particulars other than those provided for in this Regulation; certain compulsory particulars; optional

#### *Amendment*

(74) In order to ensure compliance with existing labelling practices, with horizontal rules related to labelling and presentation, and to consider the specificities of the wine sector; in order to ensure the efficiency of the certification, approval and verification procedures and the legitimate interests of operators and that economic operators are not prejudiced the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of exceptional circumstances justifying omitting reference to the terms “protected designation of origin” or “protected geographical indication”; in respect of the presentation and use of labelling particulars other than those provided for in this Regulation; certain compulsory particulars; optional

particulars; and presentation; in respect of the necessary measures as regards labelling and presentation of wines bearing a designation of origin or a geographical indication, whose designation of origin or geographical indication meets the necessary requirements; in respect of wine placed on the market and labelled before 1 August 2009; and in respect of derogations on labelling and presentation.

particulars; and presentation; in respect of the necessary measures as regards labelling and presentation of wines bearing a designation of origin or a geographical indication, whose designation of origin or geographical indication meets the necessary requirements; in respect of wine placed on the market and labelled before 1 August 2009; and in respect of derogations on labelling *of exports* and presentation.

Or. fr

*Justification*

*Tabled in line with the amendment to Article 99(6).*

**Amendment 39**

**Proposal for a regulation**  
**Recital 82 a (new)**

*Text proposed by the Commission*

*Amendment*

***(82a) For economic, social and environmental reasons and in the light of regional planning policy in rural areas with a wine-producing tradition, and going beyond the requirement to uphold the diversity, prestige and quality of European wine products, the present system of planting rights in the wine sector should be maintained until at least 2030.***

Or. fr

**Amendment 40**

**Proposal for a regulation**  
**Recital 83**

*Text proposed by the Commission*

*Amendment*

(83) Specific instruments ***will*** still ***be***

(83) Specific instruments ***are*** still needed



needed *after the end of the quota system* to ensure a fair balance of rights and obligations between sugar undertakings and sugar beet growers. Therefore, the standard provisions governing agreements between them should be established.

to ensure a fair balance of rights and obligations between sugar undertakings and sugar beet growers. Therefore, the standard provisions governing agreements between them should be established.

Or. fr

#### *Justification*

*Tabled because of the extension of the sugar quotas.*

### **Amendment 41**

#### **Proposal for a regulation Recital 84**

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

(84) In order to taking into account the specificities of the sugar sector and the interests of all parties, *the power to adopt certain acts in accordance with Article 290 of the Treaty* should be *delegated to the Commission* in respect of such agreements, in particular as regards the conditions governing the purchase, delivery, taking over and payment of beet.

##### *Amendment*

(84) In order to *take* into account the specificities of the sugar sector and the interests of all parties, *provision* should be *made for a series of rules* in respect of such agreements, in particular as regards the conditions governing the purchase, delivery, taking over and payment of beet.

Or. fr

#### *Justification*

*Tabled because the annex on agreements and contracts in the sugar sector has been reintroduced.*

## **Amendment 42**

### **Proposal for a regulation Recital 84 a (new)**

*Text proposed by the Commission*

*Amendment*

***(84a) To enable beet growers to complete their adaptation to the far-reaching reform carried out in the sugar sector in 2006 and to continue the efforts to become competitive undertaken since then, the present quota system should be extended until the end of the 2019-2020 marketing year. However, the considerable recurrent tensions observed on the European sugar market call for a mechanism that, for as long as necessary, automatically redesignates non-quota sugar as quota sugar, so it is possible to preserve the structural balance of this market.***

Or. fr

## **Amendment 43**

### **Proposal for a regulation Recital 84 b (new)**

*Text proposed by the Commission*

*Amendment*

***(84b) In view of the final abolition of the quota system after 2020, before 1 July 2018 the Commission should submit a report to Parliament and the Council on the appropriate procedures for relinquishing the present quota system and on the future of the sector after 2020, with any proposal needed to prepare the entire sector for the period after 2020.***

Or. fr

## Amendment 44

### Proposal for a regulation Recital 85

#### *Text proposed by the Commission*

(85) Producer organisations and their associations can play useful roles in concentrating supply and promoting best practices. *Interbranch organisations can play important part in allowing dialogue between actors in the supply chain, and in promoting best practices and market transparency. Existing rules on the definition and recognition of such organisations and their associations covering certain sectors should therefore be harmonised, streamlined and extended to provide for recognition on request under statutes set out in EU law in all sectors.*

#### *Amendment*

(85) Producer organisations and their associations can play useful roles in concentrating supply and promoting best practices, *especially in achieving the objectives of Article 39 of the Treaty, particularly stabilisation of producers' income, inter alia by making risk management tools available to their members, improving marketing, by concentrating supply and by negotiating contracts, thereby strengthening the producers' negotiating power.*

Or. fr

#### *Justification*

*There is a need for a clearer distinction between the horizontal organisations – the producers' organisations – and the vertical organisations – the interbranch organisations that are bound to have different tasks and activities in the food supply chain.*

## Amendment 45

### Proposal for a regulation Recital 85 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

*(85a) Interbranch organisations can play an important part in allowing dialogue between actors in the supply chain, and in promoting best practices and market transparency.*

Or. fr

## Amendment 46

### Proposal for a regulation Recital 85 b (new)

*Text proposed by the Commission*

*Amendment*

***(85b) Existing rules on the definition and recognition of producers' organisations, their associations, and interbranch organisations covering certain sectors should therefore be harmonised, streamlined and extended to provide for recognition on request under statutes set out in EU law for all sectors. In particular, the recognition criteria and rules of association of producers' organisations drawn up under Community rules must ensure that these bodies are set up on the initiative of farmers, who will democratically define the organisations' general policy and take the decisions on their internal running.***

Or. fr

### *Justification*

*Tabled to bring the text into line with the amendments relating to Articles 106a, 106b and 108a.*

## Amendment 47

### Proposal for a regulation Recital 87

*Text proposed by the Commission*

*Amendment*

***(87) As regards live plants, beef and veal, pigmeat, sheepmeat and goatmeat, eggs and poultrymeat*** provision should be made for the possibility of adopting certain measures to facilitate the adjustment of supply to market requirements which may contribute to stabilising the markets and to

(87) Provision should be made for the possibility of adopting certain measures to facilitate the adjustment of supply to market requirements which may contribute to stabilising the markets and to ensuring a fair standard of living for the agricultural

ensuring a fair standard of living for the  
agricultural community concerned.

community concerned.

Or. fr

*Justification*

*Tabled to bring the text into line with the amendment to Article 112.*

**Amendment 48**

**Proposal for a regulation**  
**Recital 88**

*Text proposed by the Commission*

(88) In order to encourage action by producer organisation, their associations and interbranch organisations to facilitate the adjustment of supply to market requirements, ***with the exception of action relating to withdrawal from the market,*** the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission ***in respect of measures concerning live plants, beef and veal, pigmeat, sheepmeat and goatmeat, eggs and poultrymeat sectors*** to improve quality; promote better organisation of production, processing and marketing; facilitate the recording of market price trends; and permit the establishment of short and long-term forecasts on the basis of the means of production used.

*Amendment*

(88) In order to encourage action by producer *organisations*, their associations and interbranch organisations to facilitate the adjustment of supply to market requirements, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission to improve quality; promote better organisation of production, processing and marketing; facilitate the recording of market price trends; and permit the establishment of short and long-term forecasts on the basis of the means of production used.

Or. fr

*Justification*

*Tabled to bring the text into line with the amendment to Article 112.*

## Amendment 49

### Proposal for a regulation Recital 89

#### *Text proposed by the Commission*

(89) In order to improve the operation of the market *for wines*, Member States should be able to implement decisions taken by interbranch organisations. The scope of such decisions should, however, exclude practices which could distort competition.

#### *Amendment*

(89) In order to improve the operation of the **internal** market, Member States should be able to implement decisions taken by interbranch organisations. The scope of such decisions should, however, exclude practices which could distort competition.

Or. fr

#### *Justification*

*Tabled to bring the text into line with the amendment to Article 113.*

## Amendment 50

### Proposal for a regulation Recital 90

#### *Text proposed by the Commission*

***(90) In the absence of Union legislation on formalised, written contracts, Member States may, within their own contract law systems, make the use of such contracts compulsory provided that in doing so the Union law is respected and in particular that the proper functioning of the internal market and the common market organisation is respected. Given the diversity of situations across the Union, in the interests of subsidiarity, such a decision should remain with Member States. However, in the milk and milk products sector, to ensure appropriate minimum standards for such contracts and good functioning of the internal market and the common market organisation, some basic conditions for the use of such contracts should be laid***

#### *Amendment*

***deleted***

*down at the Union level. Since some dairy co-operatives may have rules with similar effect in their statutes, in the interests of simplicity they should be exempted from the requirement for a contract. In order to ensure that any such system is effective it should apply equally where intermediate parties collect milk from farmers to deliver to processors.*

Or. fr

## **Amendment 51**

### **Proposal for a regulation Recital 90 a (new)**

*Text proposed by the Commission*

*Amendment*

*(90a) The use of formalised written contracts, concluded in advance of delivery containing basic elements is not widespread. However, such contracts may help to reinforce the responsibility of operators, as in the example of the dairy chain, and increase awareness of the need to better take into account the signals of the market, to improve price transmission and to adapt supply to demand, as well as to help to avoid certain unfair commercial practices.*

Or. fr

*(Text quoted from recital 8 of Regulation (EU) No 261/2012 – OJ L 94, 30.3.2012)*

#### *Justification*

*The amendment is based on Regulation (EU) No 261/2012 on contractual relations in the milk and milk products sector. It has been adapted to cover all sectors. Tabled to bring the text into line with the amendments relating to Articles 113a and 113b.*

## Amendment 52

### Proposal for a regulation Recital 90 b (new)

*Text proposed by the Commission*

*Amendment*

***(90b) In the absence of Union legislation concerning such contracts, Member States may, within their own contract law systems, decide to make the use of such contracts compulsory provided that in doing so Union law is respected and in particular that the proper functioning of the internal market and the common market organisation is respected. In view of the diversity of the situations that exist across the Union in relation to contract law, in the interests of subsidiarity, such a decision should remain with Member States. Equal conditions should apply to all deliveries on a given territory. Therefore, if a Member State decides that every delivery in its territory to a processor by a farmer must be covered by a written contract between the parties, this obligation should also apply to deliveries coming from other Member States, but it is not necessary for it to apply to deliveries to other Member States. In accordance with the principle of subsidiarity it should be left to Member States to decide whether to require a first purchaser to make a written offer to a farmer for such a contract.***

Or. fr

*(Text quoted from recital 9 of Regulation (EU) No 261/2012 – OJ L 94, 30.3.2012)*

#### *Justification*

*The amendment is based on Regulation (EU) No 261/2012 on contractual relations in the milk and milk products sector. It has been adapted to cover all sectors. Tabled to bring the text into line with the amendments relating to Articles 113a and 113b.*



## Amendment 53

### Proposal for a regulation Recital 91

*Text proposed by the Commission*

*Amendment*

*(91) In order to ensure the rational development of production and thus a fair standard of living for dairy farmers, their bargaining power vis-à-vis processors should be strengthened which should result in a fairer distribution of value-added along the supply chain. Therefore, in order to attain these CAP objectives, a provision should be adopted pursuant to Articles 42 and 43(2) of the Treaty to allow producer organisations constituted by dairy farmers or their associations to negotiate contract terms, including price, for some or all of its members' production with a dairy. In order to maintain effective competition on the dairy market, this possibility should be subject to appropriate quantitative limits.*

*deleted*

Or. fr

## Amendment 54

### Proposal for a regulation Recital 91 a (new)

*Text proposed by the Commission*

*Amendment*

*(91a) In order to ensure the viable development of production and thus to ensure a fair standard of living for farmers, their bargaining power vis-à-vis purchasers should be strengthened, thereby resulting in a fairer distribution of value added along the supply chain. Therefore, in order to achieve these common agricultural policy objectives, a provision should be adopted pursuant to*

*Articles 42 and 43(2) of the Treaty to allow producer organisations consisting solely of farmers or their associations to negotiate contract terms, including price, jointly for some or all of its members' production with a purchaser. However, only producer organisations which seek and obtain recognition should be eligible to benefit from that provision. In addition, that provision should not apply to cooperatives. Furthermore, provision should be made for the possibility of de facto recognition under this Regulation for existing producer organisations recognised under national law.*

Or. fr

*(Text adapted from recital 14 of Regulation (EU) No 261/2012 – OJ L 94, 30.3.2012)*

#### *Justification*

*The amendment is based on Regulation (EU) No 261/2012 on contractual relations in the milk and milk products sector. It has been adapted to cover all sectors. Tabled in line with the amendments relating to Articles 113a and 113b.*

### **Amendment 55**

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

#### **Recital 91 b (new)**

*Text proposed by the Commission*

*Amendment*

*(91b) In view of the importance of protected designations of origin (PDO) and protected geographical indications (PGI), notably for vulnerable rural regions, and in order to ensure the value added and to maintain the quality of, in particular, cheeses benefiting from PDO or PGI, and in the context of the expiring milk quota system, Member States should be allowed to apply rules to regulate the supply of such cheese produced in the defined geographical area. The rules should cover the entire production of the*

*cheese concerned and should be requested by an interbranch organisation, a producer organisation or a group as defined in Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs. Such a request should be supported by a large majority of milk producers representing a large majority of the volume of milk used for that cheese and, in the case of interbranch organisations and groups, by a large majority of cheese producers representing a large majority of the production of that cheese. Moreover, these rules should be subject to strict conditions, in particular in order to avoid damage to the trade in products in other markets and to protect minority rights. Member States should immediately publish and notify to the Commission the adopted rules, ensure regular checks and repeal the rules in case of non-compliance.*

Or. fr

*(Text quoted from recital 17 of Regulation (EU) No 261/2012 – OJ L 94, 30.3.2012)*

*Justification*

*The amendment is based on Regulation (EU) No 261/2012 on contractual relations in the milk and milk products sector.*

**Amendment 56**

**Proposal for a regulation**  
**Recital 91 c (new)**

*Text proposed by the Commission*

*Amendment*

***(91c) Pursuant to Regulation (EC) No 1234/2007, milk quotas will expire within a relatively short period after the entry into force of this Regulation. After***

*the repeal of Regulation (EC)  
No 1234/2007, the relevant provisions  
should continue to apply until the end of  
this scheme.*

Or. fr

*Justification*

*Linked to the deletion of recital 146.*

**Amendment 57**

**Proposal for a regulation  
Recital 91 d (new)**

*Text proposed by the Commission*

*Amendment*

*(91d) When it was decided that milk  
quotas were to be abolished, a  
commitment was made regarding a ‘soft  
landing’ for the milk and milk products  
sector. Regulation (EU) No 261/2012<sup>1</sup> on  
contractual relations in the milk and milk  
products sector is an interesting first step  
in that direction, although further  
legislation will also be needed. When  
there is a serious imbalance in the milk  
and milk products market, the  
Commission should therefore be  
authorised to grant aid to milk producers  
who voluntarily cut production, and to  
impose a levy on milk producers who  
increase production over the same period  
and in the same proportion.*

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<sup>1</sup> OJ L 94, 30.3.12, p. 38.

Or. fr

*Justification*

*Brings the text into line with the changes to Article 156.*

## Amendment 58

### Proposal for a regulation Recital 93

#### *Text proposed by the Commission*

(93) In order to ensure that the objectives and responsibilities of producer organisations, associations of producer organisations, interbranch organisations and operator organisations are clearly defined so as to contribute to the effectiveness of their actions, to take into account the specificities of each sector, and to ensure the respect of competition and the good functioning of the common market organisation, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of rules on: the specific aims which may, shall or shall not be pursued by such organisations and associations, **including derogations from** those listed in this Regulation; the rules of association, **the recognition**, structure, legal personality, membership, size, accountability and activities of such organisations and associations, the effects deriving from recognition, the withdrawal of recognition, and mergers; transnational organisations and associations; outsourcing of activities and the provision of technical means by organisations or associations; the minimum volume or value of marketable production of organisations and associations; the extension of certain rules of the organisations to non-members and the compulsory payment of subscriptions by non-members, including a list of stricter production rules which may be extended, further requirements as regards representativeness, the economic areas concerned, including Commission scrutiny of their definition, minimum periods during which the rules should be in force before their extension, the persons or organisations to whom the rules or

#### *Amendment*

(93) In order to ensure that the objectives and responsibilities of producer organisations, associations of producer organisations, interbranch organisations and operator organisations are clearly defined so as to contribute to the effectiveness of their actions, to take into account the specificities of each sector, and to ensure the respect of competition and the good functioning of the common market organisation, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of rules on: the specific aims which may, shall or shall not be pursued by such organisations and associations, **and, if necessary, may be added to** those listed in this Regulation; the rules of association **of organisations other than producer organisations, the specific conditions applicable to the rules of association of producer organisations in certain sectors**, structure, legal personality, membership, size, accountability and activities of such organisations and associations, the effects deriving from recognition, the withdrawal of recognition, and mergers; transnational organisations and associations, **including rules on providing administrative assistance where there is transnational cooperation; the conditions for the** outsourcing of activities and the provision of technical means by organisations or associations; the minimum volume or value of marketable production of organisations and associations; the extension of certain rules of the organisations to non-members and the compulsory payment of subscriptions by non-members, including a list of stricter production rules which may be extended,

contributions may be applied, and the circumstances in which the Commission may require that the extension of rules or compulsory contributions be refused or withdrawn.

further requirements as regards representativeness, the economic areas concerned, including Commission scrutiny of their definition, minimum periods during which the rules should be in force before their extension, the persons or organisations to whom the rules or contributions may be applied, and the circumstances in which the Commission may require that the extension of rules or compulsory contributions be refused or withdrawn; ***the specific conditions for implementing contractual arrangements and the specific amounts that may form the basis of contractual negotiations.***

Or. fr

#### *Justification*

*Brings the text into line with the amendment to Article 114.*

#### **Amendment 59**

##### **Proposal for a regulation Recital 94 a**

*Text proposed by the Commission*

*Amendment*

***(94a) However, the implementation of international agreements should not depart from the principle of reciprocity, particularly with regard to tariffs, plant health and the environment, and it should be carried out so as to ensure strict compliance with the mechanisms for entry prices, specific additional duties and compensatory levies.***

Or. fr

## Amendment 60

### Proposal for a regulation Recital 96

#### *Text proposed by the Commission*

(96) In order to take account of the evolution of trade and market developments, the needs of the markets concerned and when necessary for monitoring imports or exports, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission ***in respect of*** the list of the products of sectors subject to the presentation of an import or export licence; and the cases and situations where the presentation of an import or export licence is not required.

#### *Amendment*

(96) In order to take account of the evolution of trade and market developments, the needs of the markets concerned and when necessary for monitoring imports or exports, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission ***to amend and add to*** the list of the products of sectors subject to the presentation of an import or export licence; and the cases and situations where the presentation of an import or export licence is not required.

Or. fr

#### *Justification*

*Brings the text into line with the amendment to Article 118.*

## Amendment 61

### Proposal for a regulation Recital 100

#### *Text proposed by the Commission*

(100) In order to ensure the efficiency of the entry price system, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of providing for *inclusion* a check of the customs value against ***another value than*** the unit price.

#### *Amendment*

(100) In order to ensure the efficiency of the entry price system, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of providing for a check *to be made* of the customs value against the unit price ***or, where necessary, a check of the customs value against the flat-rate import value. The check on the customs value may under no circumstances be carried out using a deductive method which would reduce or prevent the imposition of specific***

*additional duties.*

Or. fr

*Justification*

*Brings the text into line with the amendment to Article 122.*

**Amendment 62**

**Proposal for a regulation**

**Recital 107**

*Text proposed by the Commission*

(107) Provisions for granting refunds on exports to third countries, based on the difference between prices within the Union and on the world market, and falling within the limits set by the commitments made within the WTO, should serve to safeguard the Union's participation in international trade in certain products falling within this Regulation. *Subsidised* exports should be subject to limits in terms of value and quantity.

*Amendment*

(107) Provisions for granting refunds on exports to third countries, based on the difference between prices within the Union and on the world market, and falling within the limits set by the commitments made within the WTO, should serve to safeguard the Union's participation in international trade in certain products falling within this Regulation. *Refunded* exports should be subject to limits in terms of value and quantity.

Or. fr

**Amendment 63**

**Proposal for a regulation**

**Recital 120**

*Text proposed by the Commission*

(120) In accordance with Article 42 of the Treaty the provisions of the Treaty concerning competition shall apply to production of and trade in agricultural products only to the extent determined by Union legislation within the framework of Article 43(2) *and (3)* of the Treaty and in accordance with the procedure laid down

*Amendment*

(120) In accordance with Article 42 of the Treaty, the provisions of the Treaty concerning competition shall apply to production of and trade in agricultural products only to the extent determined by Union legislation within the framework of Article 43(2) of the Treaty and in accordance with the procedure laid down



therein.

therein.

Or. fr

#### **Amendment 64**

##### **Proposal for a regulation Recital 121**

*Text proposed by the Commission*

*Amendment*

*(121) The rules on competition relating to the agreements, decisions and practices referred to in Article 101 of the Treaty and to the abuse of dominant positions should be applied to the production of, and trade in, agricultural products, in so far as their application does not jeopardise the attainment of the objectives of the CAP.*

*deleted*

Or. fr

#### **Amendment 65**

##### **Proposal for a regulation Recital 121 a (new)**

*Text proposed by the Commission*

*Amendment*

*(121a) More account needs to be taken of the specific characteristics of the agricultural sector in implementing EU competition rules, in particular to ensure that the tasks conferred on producer organisations, associations of producer organisations and interbranch organisations can be carried out correctly and effectively.*

Or. fr

## Amendment 66

### Proposal for a regulation Recital 121 b (new)

*Text proposed by the Commission*

*Amendment*

***(121b) In order to ensure uniform application of the provisions relating to competition law in this Regulation, thereby contributing to the smooth functioning of the internal market, the Commission should coordinate the activities of the various national competition authorities closely, and, to this end, publish guidelines and good practice guides to assist the various national competition authorities and businesses in the agricultural and agri-food sector.***

Or. fr

*Justification*

*Tabled to bring the text into line with the amendment to Article 143.*

## Amendment 67

### Proposal for a regulation Recital 122

*Text proposed by the Commission*

*Amendment*

(122) A special approach should be allowed in the case of ***farmers' or*** producer organisations or their associations the objective of which is the joint production or marketing of agricultural products or the use of joint facilities, unless such joint action excludes competition ***or jeopardises the attainment of the objectives of Article 39 of the Treaty.***

(122) A special approach should be allowed in the case of producer organisations or their associations, the objective of which is the joint production or marketing of agricultural products or the use of joint facilities, unless such joint action excludes competition. ***It is particularly important that the agreements, decisions and concerted practices of these organisations should be considered to be necessary for the attainment of the CAP objectives set out in Article 39 of the Treaty, and that***

*Article 101(1) of the Treaty should not apply to such agreements unless there is exclusion of competition. In this case, the procedures laid down in Article 2 of Regulation (EC) No 1/2003<sup>1</sup> should apply, and, in all proceedings brought for exclusion of competition, the burden of proof lies with the party or authority alleging the infringement.*

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

Or. fr

*Justification*

*Tabled to bring the text into line with the amendment to Article 143.*

**Amendment 68**

**Proposal for a regulation**  
**Recital 122 a (new)**

*Text proposed by the Commission*

*Amendment*

*(122a) In the light of the application of the procedural rules laid down in Regulation (EC) No 1/2003, and in order to guarantee legal certainty and provide operators with accurate information, the categories of producer organisation agreements, decisions and concerted practices to which the exemptions in this Regulation apply need to be specified, just as block exemption regulations are adopted pursuant to general competition law.*

Or. fr

## Amendment 69

### Proposal for a regulation Recital 124

#### *Text proposed by the Commission*

(124) The proper *working* of the **single** market would be jeopardised by the granting of national aid. Therefore, the provisions of the Treaty governing State aid should, as a general rule, apply to agricultural products. In certain situations exceptions should be allowed. Where such exceptions apply, the Commission should be in a position to draw up a list of existing, new or proposed national aid, to make appropriate observations to the Member States and to propose suitable measures.

#### *Amendment*

(124) The proper *functioning* of the **internal** market would be jeopardised by the granting of national aid. Therefore, the provisions of the Treaty governing State aid should, as a general rule, apply to agricultural products. In certain situations exceptions should be allowed. Where such exceptions apply, the Commission should be in a position to draw up a list of existing, new or proposed national aid, to make appropriate observations to the Member States and to propose suitable measures.

Or. fr

## Amendment 70

### Proposal for a regulation Recital 129

#### *Text proposed by the Commission*

(129) Member States should be allowed to continue to make national payments for nuts as **currently** provided for under Article 120 of Regulation (EC) No 73/2009 in order to cushion the effects of decoupling of the former Union aid scheme for nuts. For clarity, since that Regulation is to be repealed, the national payments should be provided for in this Regulation.

#### *Amendment*

(129) Member States should be allowed to continue to make national payments for nuts as provided for under Article 120 of Regulation (EC) No 73/2009 in order to cushion the effects of decoupling of the former Union aid scheme for nuts. For clarity, since that Regulation is to be repealed, the national payments should be provided for in this Regulation.

Or. fr

#### *Justification*

*Regulation (EC) No 73/2009 will be repealed when the new CAP starts, i.e. when this*

*regulation enters into force.*

## **Amendment 71**

### **Proposal for a regulation Recital 131**

#### *Text proposed by the Commission*

(131) The exceptional market support measures for beef and veal, milk and milk products, pigmeat, sheepmeat and goatmeat, eggs **and** poultrymeat should be directly related to health and veterinary measures adopted in order to combat the spread of disease. They should be taken at the request of Member States in order to avoid serious disruption on the markets.

#### *Amendment*

(131) The exceptional market support measures for beef and veal, milk and milk products, pigmeat, sheepmeat and goatmeat, eggs, poultrymeat **and horsemeat** should be directly related to health and veterinary measures adopted in order to combat the spread of disease. They should be taken at the request of Member States in order to avoid serious disruption on the markets.

Or. fr

#### *Justification*

*Brings the text into line with the amendment to Article 155.*

## **Amendment 72**

### **Proposal for a regulation Recital 135**

#### *Text proposed by the Commission*

(135) Undertakings, Member States and/or third countries may be required to submit communications for the purposes of applying this Regulation, monitoring, analysing and managing the market in agricultural products, ensuring market transparency, the proper functioning of CAP measures, of checking, controlling, monitoring, evaluating and auditing CAP measures, and implementing international agreements, including notification requirements under those agreements. In order to ensure a harmonised, streamlined

#### *Amendment*

(135) Undertakings, Member States and/or third countries may be required to submit communications for the purposes of applying this Regulation, monitoring, analysing and managing the market in agricultural products, ensuring market transparency, the proper functioning of CAP measures, of checking, controlling, monitoring, evaluating and auditing CAP measures, and implementing international agreements, including notification requirements under those agreements. In order to ensure a harmonised, streamlined

and simplified approach, the Commission should be empowered to adopt *all* the necessary measures regarding communications. In so doing it should take into account the data needs and synergies between potential data sources.

and simplified approach, the Commission should to be empowered to adopt *certain acts in accordance with Article 290 of the Treaty in respect of* the necessary measures regarding communications. In so doing it should take into account the data needs and synergies between potential data sources, *and ensure compliance with the principle ‘according to which personal data must not be further processed in a way incompatible with the original purpose of their collection’, as the European Data Protection Supervisor pointed out in his opinion of 14 December 2011<sup>1</sup>.*

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<sup>1</sup> OJ C 35, 9.2.2012, p. 1.

Or. fr

#### *Justification*

*Brings the text into line with the amendment to Article 157.*

### **Amendment 73**

#### **Proposal for a regulation Recital 137**

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

(137) Union legislation concerning the protection of individuals with regard to the processing of personal data and on the free movement of such data, in particular Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the

##### *Amendment*

(137) Union legislation concerning the protection of individuals with regard to the processing of personal data and on the free movement of such data, in particular Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data<sup>1</sup> and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the

Community institutions and bodies and on the free movement of such data are applicable.

Community institutions and bodies and on the free movement of such data<sup>2</sup> are applicable.

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<sup>1</sup> *OJ L 281, 23.11.1995, p. 31.*

<sup>2</sup> *OJ L 8, 12.01.2001, p. 1.*

Or. fr

## **Amendment 74**

### **Proposal for a regulation Recital 139**

#### *Text proposed by the Commission*

(139) In order to ensure the smooth transition from the arrangements provided for in Regulation **(EU)** No **[COM(2010)799]** to those laid down in this Regulation, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the necessary measures, in particular those necessary to protect the acquired rights and legitimate expectations of undertakings.

#### *Amendment*

(139) In order to ensure the smooth transition from the arrangements provided for in Regulation **(EC)** No **1234/2007** to those laid down in this Regulation, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the necessary measures, in particular those necessary to protect the acquired rights and legitimate expectations of undertakings.

Or. fr

## **Amendment 75**

### **Proposal for a regulation Recital 140**

#### *Text proposed by the Commission*

(140) The use of urgency procedure should be reserved for exceptional cases where this proves to be necessary in order to react efficiently and effectively against threats of market disturbance or where market

#### *Amendment*

(140) The use of urgency procedure should be reserved for exceptional cases where this proves to be necessary in order to react efficiently and effectively against threats of market disturbance, or where market

disturbances are occurring. The choice of an urgency procedure should be justified and the cases in which the urgency procedure should be used should be specified.

disturbances are occurring, ***or to resolve specific problems***. The choice of an urgency procedure should be justified and the cases in which the urgency procedure should be used should be specified.

Or. fr

#### *Justification*

*Brings the text into line with the amendment to Article 156.*

### **Amendment 76**

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

#### **Recital 143**

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

(143) The Commission should adopt immediately applicable implementing acts where, in duly justified cases imperative grounds of urgency so require, relating to adopting, amending or revoking Union safeguard measures, suspending the use of processing or inward or outward processing arrangements, if necessary to react immediately to the market situation, ***and resolving specific problems in an emergency***, if such immediate action is needed to deal with the problems.

##### *Amendment*

(143) The Commission should adopt immediately applicable implementing acts where, in duly justified cases imperative grounds of urgency so require, relating to adopting, amending or revoking Union safeguard measures, suspending the use of processing or inward or outward processing arrangements, if necessary to react immediately to the market situation, if such immediate action is needed to deal with the problems.

Or. fr

#### *Justification*

*Brings the text into line with the amendment to Article 156.*



## **Amendment 77**

### **Proposal for a regulation Recital 146**

*Text proposed by the Commission*

*Amendment*

***(146) Pursuant to Regulation (EU) No [COM(2010)799] several sectoral measures, including on milk quotas, sugar quotas and other sugar measures and the restrictions on the planting of vines, as well as certain state aids, will expire within a reasonable period following the entry in force of this Regulation. After the repeal of Regulation (EU) No [COM(2010)799], the relevant provisions should continue to apply until the end of the schemes concerned.***

***deleted***

Or. fr

## **Amendment 78**

### **Proposal for a regulation Recital 147**

*Text proposed by the Commission*

*Amendment*

***(147) In order to ensure a smooth transition from the arrangements provided for in Regulation (EU) No [COM(2010)799] to the provisions of this Regulation, the Commission should be empowered to adopt transitional measures.***

***deleted***

Or. fr

### *Justification*

*There is no article that corresponds to this recital. Article 162 only sets out transitional provisions introduced by means of delegated acts. Recital 139 renders this recital redundant.*

## Amendment 79

### Proposal for a regulation Recital 149

#### *Text proposed by the Commission*

(149) As regards contractual relations in the milk and milk products sectors, the measures set out in this Regulation, are justified in the current economic circumstances of the dairy market and the structure of the supply chain. They should therefore be applied for a sufficiently long duration (both before and after the abolition of milk quotas) to allow them to have full effect. However, given their far-reaching nature, they should nevertheless be temporary in nature, and be subject to review. The Commission should adopt reports on the development of the milk market, covering in particular potential incentives to encourage farmers to enter into joint production agreements, to be submitted by 30 June 2014 and 31 December 2018 respectively,

#### *Amendment*

(149) As regards contractual relations in the milk and milk products sectors, the measures set out in this Regulation, are justified in the current economic circumstances of the dairy market and the structure of the supply chain. They should therefore be applied for a sufficiently long duration (both before and after the abolition of milk quotas) to allow them to have full effect. However, given their far-reaching nature, they should nevertheless be temporary in nature, and be subject to review ***for the purpose of assessing their operation and establishing whether they should continue to apply.*** The Commission should adopt reports on the development of the milk market, covering in particular potential incentives to encourage farmers to enter into joint production agreements, to be submitted by 30 June 2014 and 31 December 2018 respectively,

Or. fr

#### *Justification*

*The amendment is based on Regulation (EU) No 261/2012 on contractual relations in the milk and milk products sector.*

## Amendment 80

### Proposal for a regulation Recital 150 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***(150a) International market trends, the world's growing population and the strategic approach required to supply***

*reasonably priced food to people in the EU are going to have a huge impact on the environment within which European agriculture is developing. The Commission should therefore present a report to Parliament and to the Council, no later than four years after the entry into force of this Regulation, on market trends and the future of agricultural market management tools. The report should assess the suitability of existing market management tools in the new international context and, if necessary, look into the possibility of establishing strategic stocks. The report should be accompanied by any suitable proposals on establishing a long-term strategy for the EU with a view to attaining the objectives laid down in Article 39 of the Treaty.*

Or. fr

## **Amendment 81**

### **Proposal for a regulation Article 1, paragraph 2**

#### *Text proposed by the Commission*

2. Agricultural products as defined in paragraph 1 shall be divided into the following sectors as listed in Annex I:

#### *Amendment*

2. Agricultural products as defined in paragraph 1 shall be divided into the following sectors as listed in Annex I ***to this Regulation:***

Or. fr

#### *Justification*

*Paragraph 1 mentions Annex I to the Treaty. The aim of this amendment is therefore to avoid any confusion.*

## Amendment 82

### Proposal for a regulation

#### Article 1, paragraph 2, point j

*Text proposed by the Commission*

*Amendment*

(j) processed fruit and **vegetables**, Part X of Annex I;

(j) processed fruit and **vegetable products**, Part X of Annex I;

Or. fr

#### *Justification*

*To avoid any confusion, the wording should be exactly the same as that used in Annex I to this Regulation.*

## Amendment 83

### Proposal for a regulation

#### Article 1, paragraph 2, point m

*Text proposed by the Commission*

*Amendment*

(m) live plants, Part XIII of Annex I;

(m) live **trees and other** plants, **bulbs, roots and the like, cut flowers and ornamental foliage**, Part XIII of Annex I;

Or. fr

#### *Justification*

*To avoid any confusion, the wording should be exactly the same as that used in Annex I to this Regulation.*

## Amendment 84

### Proposal for a regulation

#### Article 1, paragraph 2, point u

*Text proposed by the Commission*

*Amendment*

(u) ethyl alcohol, Part XXI of Annex I;

(u) ethyl alcohol **of agricultural origin**, Part XXI of Annex I;

*Justification*

*To avoid any confusion, the wording should be exactly the same as that used in Annex I to this Regulation.*

**Amendment 85**

**Proposal for a regulation**

**Article 1 – paragraph 2 – point v**

*Text proposed by the Commission*

(v) apiculture, Part XXII of Annex I;

*Amendment*

(v) apiculture **products**, Part XXII of Annex I;

*Justification*

*To avoid any confusion, the wording should be exactly the same as that used in Annex I to this Regulation.*

**Amendment 86**

**Proposal for a regulation**

**Article 3 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. For the purposes of this Regulation, ‘adverse climatic events’ shall mean weather conditions which can be assimilated to a natural disaster, such as frost, hail, ice, rain or drought, which destroy or reduce production by more than 30% compared to the average annual production of a given farmer. The average annual production shall be calculated on the basis of the preceding three-year period or on the basis of a three-year average based on the preceding***

*five-year period, excluding the highest and lowest entry.*

Or. fr

*Justification*

*Definitions are essential pieces of information, which should be included in the basic act. The definition of 'adverse climatic events' is relevant to all areas and should therefore feature early on in the Regulation. The amendment is based on Article 2(8) of Regulation (EC) No 1857/2006.*

**Amendment 87**

**Proposal for a regulation  
Article 4**

*Text proposed by the Commission*

The Commission ***may, by means of implementing*** acts, when necessary due to amendments to the combined nomenclature, adjust the description of products and references to the headings or subheadings of the combined nomenclature in this Regulation ***or other acts adopted under Article 43 of the Treaty. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).***

*Amendment*

The Commission ***shall be empowered to adopt delegated*** acts ***in accordance with Article 160***, when necessary due to amendments to the combined nomenclature, ***in order to*** adjust the description of products and references to the headings or subheadings of the combined nomenclature in this Regulation.

Or. fr

*Justification*

*Under Article 290 of the Treaty, legislative acts, including non-essential elements of such acts, must be amended by means of delegated acts. Furthermore, the Commission cannot be given carte blanche by this Regulation to amend other acts adopted under Article 43 of the Treaty. The delegated powers in question should be stipulated in each act concerned.*

## Amendment 88

### Proposal for a regulation Article 6 – point a

*Text proposed by the Commission*

*Amendment*

(a) 1 January to 31 December of a given year for the banana **sector**;

(a) 1 January to 31 December of a given year for the **fruit and vegetables, processed fruit and vegetables and** banana **sectors**;

Or. fr

#### *Justification*

*Given that the fruit and vegetables sector and the processed fruit and vegetables sector no longer have support schemes that track the harvest cycles of the products concerned, it is now possible and indeed desirable to harmonise all the marketing years so that they correspond with the calendar year. This provision is actually already laid down in Article 2 of Commission Implementing Regulation (EU) No 543/2011.*

## Amendment 89

### Proposal for a regulation Article 6 - last paragraph

*Text proposed by the Commission*

*Amendment*

***Taking into account the specificities of the fruit and vegetables and processed fruit and vegetables sectors, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to fix the marketing years for those products.***

***deleted***

Or. fr

#### *Justification*

*Given that the fruit and vegetables sector and the processed fruit and vegetables sector no longer have support schemes that track the harvest cycles of the products concerned, there is a need to harmonise the marketing years concerned so that they correspond with the calendar year. This provision is actually already laid down in Article 2 of Commission Implementing Regulation (EU) No 543/2011.*

## Amendment 90

### Proposal for a regulation

#### Article 7 – introductory phrase

*Text proposed by the Commission*

The following reference prices are fixed:

*Amendment*

***1. For the purposes of the application of Part II, Title I, Chapter I and Part V, Chapter I, the following reference prices are fixed:***

Or. fr

*Justification*

*For clarification, the use of the reference prices should be specified as they go beyond public intervention mechanisms and aid for private storage.*

## Amendment 91

### Proposal for a regulation

#### Article 7 – point d

*Text proposed by the Commission*

(d) as regards the beef and veal sector, EUR 2 224/tonne for carcasses of male bovine animals of grade R3 as laid down in the Union scale for the classification of carcasses of adult bovine animals pursuant to Article **18(8)**;

*Amendment*

(d) as regards the beef and veal sector, EUR 2 224/tonne for carcasses of male bovine animals of grade R3 as laid down in the Union scale for the classification of carcasses of adult bovine animals pursuant to Article **9a**;

Or. fr

*Justification*

*See amendment to Article 9a*



## Amendment 92

### Proposal for a regulation Article 7 – point f

*Text proposed by the Commission*

(f) as regards pigmeat, EUR  
1 509,39/tonne for pig carcasses of a  
standard quality defined in terms of weight  
and lean meat content as laid down in the  
Union scale for the classification of pig  
carcasses pursuant to Article **18(8)** as  
follows:

*Amendment*

(f) as regards pigmeat, EUR  
1 509,39/tonne for pig carcasses of a  
standard quality defined in terms of weight  
and lean meat content as laid down in the  
Union scale for the classification of pig  
carcasses pursuant to Article **9a** as follows:

Or. fr

*Justification*

*See amendment to Article 9a*

## Amendment 93

### Proposal for a regulation Article 7 – point f a (new)

*Text proposed by the Commission*

*Amendment*

***(fa) as regards the olive oil sector:***  
***(i) EUR 1980/tonne for extra virgin olive oil;***  
***(ii) EUR 1710/tonne for virgin olive oil;***  
***(iii) EUR 1524/tonne for lampante olive oil having 2 degrees of free acidity, this amount being reduced by EUR 36.70/tonne for each additional degree of acidity.***

Or. fr

*Justification*

*The reference prices represent essential information that should as far as possible be included in the basic act. The amendment quotes Article 33 of Regulation No 1234/2007. In*

*the interests of the quality of the olive oil, the reference price for extra virgin olive oil has been increased by 21 cents a litre.*

#### **Amendment 94**

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

##### **Article 7 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The reference prices may be changed in accordance with the procedure laid down in Article 43(2) of the Treaty, in the light of developments in production, production costs, particularly input, and the markets.***

Or. fr

*Justification*

*This is an important provision in the procedure, which appears in Article 8(4) of the proposal for a regulation aligning the single CMO with the provisions of the Lisbon Treaty (COM(2010)0799). It should be included in the present regulation.*

#### **Amendment 95**

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

##### **Article 9**

*Text proposed by the Commission*

*Amendment*

Origin of eligible products

Products eligible for buying-in under public intervention or for the granting of aid for private storage shall originate in the Union. In addition, if they come from crops, those crops shall have been harvested in the Union and if they ***come from milk, that milk shall have been produced*** in the Union.

Origin of eligible products

Products eligible for buying-in under public intervention or for the granting of aid for private storage shall originate in the Union. In addition, if they come from crops, those crops shall have been harvested in the Union and if they ***are animal products, the entire production process must have been carried out*** in the Union.

Or. fr

*Justification*

*Logically there must be clarification for all types of agricultural products eligible for public intervention and private storage aid, i.e. including all animal products.*

**Amendment 96**

**Proposal for a regulation**

**Article 9 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 9a**

***Union scales and inspections***

***1. Union scales for the classification of carcasses shall apply in accordance with the rules laid down in Annex IIIa in the following sectors:***

***(a) beef and veal as regards carcasses of adult bovine animals;***

***(b) pigmeat as regards carcasses of pigs other than those which have been used for breeding.***

***In the sheepmeat and goatmeat sector Member States may apply a Union scale for the classification of carcasses as regards sheep carcasses in accordance with the rules laid down in point C of Annex IIIa.***

***2. On-the-spot inspections in relation to the classification of carcasses of adult bovine animals and sheep shall be carried out on behalf of the Union by a Union inspection committee composed of experts from the Commission and experts appointed by the Member States. This Committee shall report back to the Commission and the Member States on the inspections carried out.***

***The Union shall bear the costs resulting from the inspections carried out.***

Or. fr

### *Justification*

*The scale for classifying carcasses is directly linked to the reference prices of the products concerned, which are set under the ordinary legislative procedure. Consequently Annex V (now Annex IIIa) and Article 34 (now Article 9a) of COM(2010)0799 of the proposal for a Regulation aligning the single CMO with the provisions of the Lisbon Treaty (COM (2010)0799) should be reincorporated in the basic act.*

### **Amendment 97**

#### **Proposal for a regulation Article 10 – introductory part**

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

Public intervention shall apply in respect of the following products ***subject to*** the conditions laid down in this Section and requirements and conditions ***to*** be determined by the Commission, by means of delegated and/or implementing acts, pursuant to Articles 18 and 19:

##### *Amendment*

Public intervention shall apply in respect of the following products ***in accordance with*** the conditions laid down in this Section and ***any additional*** requirements and conditions ***that may*** be determined by the Commission, by means of delegated and/or implementing acts, pursuant to Articles 18 and 19:

Or. fr

### **Amendment 98**

#### **Proposal for a regulation Article 11 – point c**

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

(c) beef and veal, ***throughout the marketing year***;

##### *Amendment*

(c) beef and veal ***from 1 January to 31 December***;

Or. fr

### *Justification*

*Article 6 does not define the marketing year specifically for beef and veal. Consequently a public intervention period corresponding to the calendar year should be laid down for this sector.*

## Amendment 99

### Proposal for a regulation Article 11 – point d

*Text proposed by the Commission*

(d) butter and skimmed milk powder, from  
1 **March** to 31 August.

*Amendment*

(d) butter and skimmed milk powder, from  
1 **January** to 31 August.

Or. fr

#### *Justification*

*The internationalisation of trade is tending to obliterate the seasonal effects of dairy production and there are thus longer periods in the year when there are concerns about excessive quantities on the market. Consequently the public intervention period for butter and skimmed milk powder should be extended.*

## Amendment 100

### Proposal for a regulation Article 12 – paragraph 1 – point b

*Text proposed by the Commission*

b) **may** be opened by the Commission, by means of implementing acts, for barley, maize, and paddy rice (including specific varieties or types of paddy rice), if the market situation so requires. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2);

*Amendment*

(b) **shall** be opened by the Commission, by means of implementing acts, for barley, maize, and paddy rice (including specific varieties or types of paddy rice), if the market situation so requires. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2);

Or. fr

#### *Justification*

*Producers need clear rules where there are no doubts about interpretation. Furthermore, there is no need to change the present rules, to create differences in the way the various sectors are treated or to raise doubts about the automatic application of the rules if the market situation makes intervention necessary.*

## Amendment 101

### Proposal for a regulation

#### Article 12 – paragraph 1 – point c

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

(c) **may** be opened for the beef and veal sector by the Commission, by means of other implementing acts, if the average market price over a representative period **adopted** pursuant to Article 19(a) in a Member State or in a region of a Member State recorded on the basis of the Union scale for the classification of carcasses as adopted pursuant to Article **18(8)** is below **EUR 1 560/tonne**.

##### *Amendment*

(c) **shall** be opened for the beef and veal sector by the Commission, by means of other implementing acts **adopted without the application of Article 162(2) or (3)**, if the average market price over a representative period **determined** pursuant to Article 19(a) in a Member State or in a region of a Member State recorded on the basis of the Union scale for the classification of carcasses as adopted pursuant to Article **9a** is below **90% of the reference price laid down in Article 7(1)(d)**.

Or. fr

##### *Justification*

*Producers need clear rules where there are no doubts about interpretation. Furthermore, there is no need to change the present rules, to create differences in the way the various sectors are treated or to raise doubts about the automatic application of the rules if the market situation makes intervention necessary. This amendment is necessary and takes over the position adopted by the Committee on Agriculture and Rural Development when considering the proposal for a Regulation aligning the single CMO with the provisions of the Lisbon Treaty (COM (2010) 799). (See amendments to Articles 9a and 14)*

## Amendment 102

### Proposal for a regulation

#### Article 12 – paragraph 2

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

2. The Commission may, by means of implementing acts, close public intervention for the beef and veal sector, where, over a representative period adopted pursuant to Article 19(a), the conditions provided for in point (c) of

##### *Amendment*

2. The Commission may, by means of implementing acts **adopted without the application of Article 162(2) or (3)**, close public intervention for the beef and veal sector, where, over a representative period adopted pursuant to Article 19(a), the

paragraph 1 are no longer fulfilled.

conditions provided for in point (c) of paragraph 1 are no longer fulfilled.

Or. fr

*Justification*

*Necessary procedural clarification.*

**Amendment 103**

**Proposal for a regulation**

**Article 13 – paragraph 1**

*Text proposed by the Commission*

1. Where public intervention is open pursuant to point (a) of Article 12(1), buying-in shall be carried out at *a* fixed price within the following limits for each period referred to in Article 11:

*Amendment*

1. Where public intervention is open pursuant to point (a) of Article 12(1), buying-in shall be carried out at *the* fixed price *set in Article 14(2)*, within the following limits for each period referred to in Article 11:

Or. fr

*Justification*

*Necessary procedural clarification.*

**Amendment 104**

**Proposal for a regulation**

**Article 13 – paragraph 1 – point b**

*Text proposed by the Commission*

b) for butter, **30 000** tonnes;

*Amendment*

b) for butter, **70 000** tonnes;

Or. fr

*Justification*

*The limit of 30 000 tonnes for butter is clearly too low, and has the unwelcome effect of destabilising the markets when prices approach the intervention price.*

## Amendment 105

### Proposal for a regulation

#### Article 14 – paragraph 2 – point c

*Text proposed by the Commission*

c) for beef and veal, shall not exceed the price *referred to* in point (c) of *Article 12(1)*.

*Amendment*

c) for beef and veal, shall not exceed **90% of the reference** price *stated* in point *(d)* of *Article 7(1)*.

Or. fr

*Justification*

*The intervention price, a fixed rate of EUR 1 560 per tonne, bears no relation to the realities of the market. It must therefore be increased and, as in other sectors, tied to a reference price, so it may automatically follow adjustments in that price.*

## Amendment 106

### Proposal for a regulation

#### Article 14 – paragraph 3

*Text proposed by the Commission*

3. The public intervention prices referred to in paragraphs 1 and 2 shall be without prejudice to price increases or reductions for quality reasons for common wheat, barley, maize and paddy rice. **Moreover, taking into account the need to ensure that production is orientated towards certain varieties of paddy rice, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to fix increases and reductions of the public intervention price.**

*Amendment*

3. The public intervention prices referred to in paragraphs 1 and 2 shall be without prejudice to price increases or reductions for quality reasons for common wheat, barley, maize and paddy rice.

Or. fr

*Justification*

*Given that intervention mechanisms for paddy rice are very rarely used, the deployment of*



*such means is disproportionate to the objective of orientating production towards certain varieties by increasing or reducing the intervention price. The reference price may still be increased or reduced by delegated act (see Article 18(3): 'price increases or reductions for quality reasons'). Furthermore, the purpose of public intervention is to provide a safety net, and not to orientate production.*

#### **Amendment 107**

##### **Proposal for a regulation Article 15 – paragraph 3 (new)**

*Text proposed by the Commission*

*Amendment*

***Each year the Commission shall publish details of the conditions under which the public intervention stocks were sold the previous year.***

Or. fr

#### **Amendment 108**

##### **Proposal for a regulation Article 16 – introductory part**

*Text proposed by the Commission*

*Amendment*

Aid for private storage ***may*** be granted in respect of the following products ***subject to*** the conditions set out in this Section and ***to*** requirements and conditions to be adopted by the Commission, by means of delegated and/or implementing acts, pursuant to *Article 17 to 19*:

Aid for private storage ***shall*** be granted in respect of the following products ***in accordance with*** the conditions set out in this Section and ***any further*** requirements and conditions to be adopted by the Commission, by means of delegated and/or implementing acts, pursuant to *Articles 17 to 19*:

Or. fr

## Amendment 109

### Proposal for a regulation Article 16 – point b

*Text proposed by the Commission*

b) olive oil;

*Amendment*

b) olive oil ***and table olives***;

Or. fr

## Amendment 110

### Proposal for a regulation Article 16 – point c

*Text proposed by the Commission*

c) flax fibre;

*Amendment*

c) flax ***and hemp*** fibre;

Or. fr

## Amendment 111

### Proposal for a regulation Article 16 – point h a (new)

*Text proposed by the Commission*

*Amendment*

***h a) poultry meat;***

Or. fr

## Amendment 112

### Proposal for a regulation Article 16 – point h b (nouveau)

*Text proposed by the Commission*

*Amendment*

***h b) goat's and ewe's curd;***

### Amendment 113

#### Proposal for a regulation

#### Article 16 – point h c (nouveau)

*Text proposed by the Commission*

*Amendment*

***h c) cheeses.***

### Amendment 114

#### Proposal for a regulation

#### Article 17 – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 160, where necessary in order to provide for market transparency to lay down the conditions under which it ***may*** decide to grant private storage aid for the products listed in Article 16, taking into account average recorded Union market prices and the reference prices for the products concerned or the need to respond to a particularly difficult market situation or economic developments in the sector in one or more Member States.

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 160, where necessary in order to provide for market transparency to lay down the conditions under which it ***shall*** decide to grant private storage aid for the products listed in Article 16, taking into account:

***a)*** average recorded Union market prices and the reference prices for the products concerned ***and/or***

***b)*** the need to respond to a particularly difficult market situation or economic developments ***and/or which have significant impact on producers' profit margins*** in the sector in one or more Member States.

*Justification*

*Producers need clear rules which leave no room for doubt as to their interpretation.*

**Amendment 115**

**Proposal for a regulation**

**Article 17 – paragraph 2**

*Text proposed by the Commission*

2. The Commission **may**, by means of implementing acts, decide to grant private storage aid for the products listed in Article 16, taking into account the conditions referred to in paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2);

*Amendment*

2. The Commission **shall**, by means of implementing acts, decide to grant private storage aid for the products listed in Article 16, taking into account the conditions referred to in paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2);

*Justification*

*Producers need clear rules which leave no room for doubt as to their interpretation.*

**Amendment 116**

**Proposal for a regulation**

**Part II – Title I – chapter I – Section 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**SECTION 3A**

**COORDINATION OF  
OPERATIONS INVOLVING  
TEMPORARY WITHDRAWAL  
FROM THE MARKET  
Article 17a**

***Coordination of operations involving***

*temporary withdrawal from the market*

*1. For the purpose of preventing major market imbalances or restoring the normal operation of the market in the event of it being seriously disrupted, associations of producer organisations from one of the sectors referred to in Paragraph 2(1) of this Regulation which are considered to be representative within the meaning of Article 110 of this Regulation may set up and operate a system for the coordination of temporary withdrawals from the market on the part of their members.*

*These provisions shall be applied without prejudice to Part IV of this Regulation and do not fall within the scope of Article 101(1) of the Treaty.*

*2. If an association of producer organisations decides to activate this system, it shall be mandatory for all its members.*

*3. The system shall be financed by:*

*(a) the financial contributions paid by member organisations and/or the association of producer organisations itself and, where appropriate,*

*(b) the Union aid referred to in Article 8, in accordance with the conditions laid down by the Commission under point (c) of Article 18(9a), which aid may not, in any event, exceed 50% of the total cost.*

*4. The Commission may, by means of delegated acts adopted pursuant to Article 160, adopt the necessary measures to ensure that the implementation of the system is consistent with the objectives of the CAP and does not impede the smooth functioning of the internal market.*

Or. fr

### *Justification*

*Intervening in the supply and demand for agricultural products via the minimal ‘safety net’ mechanism cannot be enough to combat the effects of increasing price volatility. It is appropriate, therefore, to clarify and specify the mechanisms which private sector stakeholders can use to avoid and manage the effects of such volatility. Special account should be taken of stakeholders substantial enough to have a significant impact on the market, and provision should be made for a financial contribution from public funds, subject to conditions – and at a level – laid down by the Commission.*

#### **Amendment 117**

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

##### **Part II – Title I – Chapter I – Section 4 – title**

*Text proposed by the Commission*

#### SECTION 4

COMMON PROVISIONS ON PUBLIC  
INTERVENTION AND AID FOR  
PRIVATE STORAGE

*Amendment*

#### SECTION 4

COMMON PROVISIONS ON PUBLIC  
INTERVENTION AND AID FOR  
PRIVATE STORAGE **AND FOR THE  
SYSTEM TO COORDINATE  
TEMPORARY WITHDRAWALS FROM  
THE MARKET**

Or. fr

#### **Amendment 118**

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

##### **Article 18 – paragraph 8**

*Text proposed by the Commission*

8. Taking into account the need to standardise the presentation of the different products for the purposes of improving market transparency, price recording and the application of the market intervention arrangements in the form of public intervention and aid for private storage, the Commission may, by means of delegated acts, **adopt** Union scales for the classification of carcasses in the following sectors:

*Amendment*

8. Taking into account ***the specificities encountered within the Union, technical advances, sectors’ changing requirements*** **and** the need to standardise the presentation of the different products for the purposes of improving market transparency, price recording and the application of the market intervention arrangements in the form of public intervention and aid for private storage, the Commission may, by means of delegated

acts, *adapt and update* Union *definitions and* scales for the classification of *the* carcasses *referred to in Annex III* in the following sectors:

Or. fr

*Justification*

*The scope of the delegation of power conferred on the Commission to modify Annex IIIa should be set out in greater detail.*

**Amendment 119**

**Proposal for a regulation**

**Article 18 – paragraph 9 a (new)**

*Text proposed by the Commission*

*Amendment*

***9a. Given the need to ensure that the system to coordinate temporary withdrawals from the market works properly, the Commission may, by means of delegated acts, lay down the requirements to be met by the system, including in particular:***

***(a) the general conditions governing its activation and the way it operates;***

***(b) the obligations which associations of producer organisations must fulfil to enable the system to be implemented;***

***(c) the rules governing its funding, and in particular the conditions subject to which the Commission shall decide that Community funding in the form of aid for private storage may – or may not – be granted to associations of producer organisations;***

***(d) rules to ensure that there is no possibility of an excessive percentage of products normally available being immobilised by the activation of the system.***

*Justification*

*See amendment to Article 17a.*

**Amendment 120**

**Proposal for a regulation  
Article 19 – point a**

*Text proposed by the Commission*

a) the representative periods, markets ***and*** market prices necessary for the application of this Chapter;

*Amendment*

a) the representative periods, markets, market prices ***and profit margin trends*** necessary for the application of this Chapter;

**Amendment 121**

**Proposal for a regulation  
Article 20 – paragraph 2 (new)**

*Text proposed by the Commission*

*Amendment*

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

*Justification*

*Necessary procedural clarification.*



## Amendment 122

### Proposal for a regulation

#### Part II – Title I – Chapter II – Section 1 – title

*Text proposed by the Commission*

**SCHEMES** TO IMPROVE ACCESS TO  
FOOD

*Amendment*

**PROGRAMMES** TO IMPROVE ACCESS  
TO FOOD **AND IMPROVE**  
**CHILDREN'S EATING HABITS**

*(The word 'scheme(s)' should be replaced  
by the word 'programme' throughout this  
section)*

Or. fr

#### *Justification*

*This section concerns two separate aid programmes, which are not combined in a single scheme. The proposed wording should, therefore, be made clearer. The main purpose of these programmes – to improve children's eating habits – should also be stated more explicitly.*

## Amendment 123

### Proposal for a regulation

#### Article 20 a (new)

*Text proposed by the Commission*

*Amendment*

**Article 20a**

**Target group**

***Aid programmes aimed at improving  
access to food and improving children's  
eating habits are intended for children  
who regularly attend primary or  
secondary-level educational  
establishments and nurseries, pre-school  
or other establishments offering  
extracurricular activities which are  
managed or approved by Member States'  
competent authorities.***

Or. fr

*Justification*

*The two food distribution programmes referred to in this section are targeted at the same potential recipients. The wording of this section should be rationalised as far as possible by making the aid programmes' target group a generally applicable provision. It should also be specified that this programme can also apply to establishments providing extra-curricular activities and out-of-school facilities, such as nurseries and day-centres.*

**Amendment 124**

**Proposal for a regulation**

**Part II – Title I – Chapter II – Section 1 – sub-section 1 – title**

*Text proposed by the Commission*

SCHOOL FRUIT ***SCHEME***

*Amendment*

SCHOOL FRESH FRUIT ***AND  
VEGETABLES PROGRAMME***

*(The addition of the words 'and vegetables' should apply throughout sub-section 1)*

Or. fr

*Justification*

*The aid programme referred to in this sub-section shall include vegetables.*

**Amendment 125**

**Proposal for a regulation**

**Article 21 – paragraph 1 – point a**

*Text proposed by the Commission*

a) the supply to children in educational establishments, including nurseries, other pre-school establishments, primary and secondary schools, of products of the fruit and vegetables, processed fruit and vegetables, and bananas sectors;

*Amendment*

a) the supply to children, in educational establishments ***and*** pre-school ***or other*** establishments ***offering extracurricular activities referred to in Article 20a,*** of products of the fruit and vegetables, processed fruit and vegetables, and bananas sectors;

Or. fr

*Justification*

*See amendment to Article 20a*

**Amendment 126**

**Proposal for a regulation**  
**Article 21 – paragraph 3**

*Text proposed by the Commission*

3. When drawing up their strategies, Member States shall draw up a list of products of the fruit and vegetables, processed fruit and vegetables, and bananas sectors that will be eligible under their respective schemes. This list, however, shall not include products excluded by the measures adopted by the Commission by means of delegated acts pursuant to point (a) of Article 22(2). Member States shall choose their products on the basis of objective criteria which may include seasonality, availability of produce or environmental concerns. In this connection, Member States **may** give preference to products originating in the Union.

*Amendment*

3. When drawing up their strategies, Member States shall draw up a list of products of the fruit and vegetables, processed fruit and vegetables, and bananas sectors that will be eligible under their respective schemes. This list, however, shall not include products excluded by the measures adopted by the Commission by means of delegated acts pursuant to point (a) of Article 22(2). Member States shall choose their products on the basis of objective criteria which may include **health benefits**, seasonality, availability of produce or environmental concerns. In this connection, Member States **shall** give preference to products originating in the Union.

Or. fr

*Justification*

*This is an important clarification, given that the aim of the aid programme is to encourage children to adopt healthy eating habits. Community preference within the internal market is one of the three underlying principles of the CAP. Its application to the products selected for this aid programme cannot be purely optional.*

## Amendment 127

### Proposal for a regulation Article 21 – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. The Union aid referred to in paragraph 1 shall neither:

*(Does not affect the English version)*

a) exceed EUR 150 million per school year; nor

b) exceed 75 % of the costs of supply and related costs referred to in paragraph 1, or 90 % of such costs in less developed regions and in the outermost regions referred to in Article 349 of the Treaty; nor

c) cover costs other than the costs of supply and related costs referred to in paragraph 1.

Or. fr

## Amendment 128

### Proposal for a regulation Article 21 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***4a. The Union aid provided for in paragraph 1 shall be allocated to each Member State on the basis of objective criteria based on the proportion of six to ten year old children enrolled with the educational establishments defined in Article 20a. However, Member States participating in the scheme shall each receive at least EUR 175 000 of Union aid. They shall request Union aid every year on the basis of their strategy. Following the requests of the Member States, the Commission shall decide on definitive allocations, within the appropriations available in the budget.***

*Justification*

*The general criteria for the allocation of aid between the Member States are key factors which should be incorporated in the basic act. This amendment takes over the wording of Article 128(5) of the proposal for a regulation aligning the single CMO with the provisions of the Lisbon Treaty (COM(2010) 799).*

**Amendment 129**

**Proposal for a regulation**

**Article 21 – paragraph 9 a (new)**

*Text proposed by the Commission*

*Amendment*

***9a. Member States participating in the programme shall publicise, at the places where the food is distributed, their involvement in the aid programme and the fact that it is subsidised by the European Union.***

*Justification*

*The Court of Auditors has been highly critical in relation to these points. These criticisms should be fully taken into account by including a publicity requirement in the basic act.*

**Amendment 130**

**Proposal for a regulation**

**Article 22 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. Taking into account the need to ***promote the healthy eating habits of children***, the Commission may, by means of delegated acts, adopt rules on:

2. Taking into account the need to ***ensure that the programme is implemented efficiently in order to achieve its intended objectives***, the Commission may, by means of delegated acts, adopt rules on:

### *Justification*

*The proposed justification for resorting to delegated acts mentions a policy objective. That objective justifies the existence of the aid programme. Recourse to delegated acts, on the other hand, should be justified by technical objectives.*

### **Amendment 131**

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

#### **Article 22 – paragraph 3 – point a**

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

a) ***objective*** criteria for ***the allocation of aid between Member States***, the indicative allocation of aid between Member States and the method for reallocating aid between Member States based on applications received;

##### *Amendment*

a) ***additional*** criteria for the indicative allocation of aid between Member States and the method for reallocating aid between Member States based on applications received;

Or. fr

### *Justification*

*As the general criteria for allocating aid between the Member States have been incorporated into the basic act, only the additional criteria can be adopted by delegated act.*

### **Amendment 132**

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

#### **Article 22 – paragraph 4**

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

4. Taking into account the need to promote awareness of the ***scheme*** the Commission may, by means of delegated acts, ***require participating*** Member States ***to*** publicise ***the subsidising role of the scheme***.

##### *Amendment*

4. Taking into account the need to promote awareness of the ***programme*** the Commission may, by means of delegated acts, ***specify the conditions in accordance with which*** Member States ***shall*** publicise ***their participation in the aid programme and the fact that it is subsidised by the European Union***.

Or. fr

### *Justification*

*Since the requirement to publicise the programme has been incorporated in the basic act, only the conditions governing the implementation of that requirement can be adopted by means of a delegated act.*

### **Amendment 133**

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

#### **Article 23 – introductory part**

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

The Commission may, by means of implementing acts, adopt ***all*** necessary measures related to this Subsection as regards, ***in particular***:

##### *Amendment*

The Commission may, by means of implementing acts, adopt ***the*** necessary measures related to this sub-section regarding:

Or. fr

### *Justification*

*The wording of provisions relating to the Commission's ability to resort to implementing acts should be tightened up.*

### **Amendment 134**

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

#### **Article 24 – title**

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

Supply of milk products to children

##### *Amendment*

***Aid for the distribution of milk and*** milk products to children

Or. fr

### *Justification*

*To simplify matters, the wording of the provisions governing the two aid programmes for the distribution of foodstuffs in schools needs to be rationalised to the greatest possible extent.*

## Amendment 135

### Proposal for a regulation Article 24 – paragraph 1

*Text proposed by the Commission*

1. Union aid shall be granted for supplying to children in educational establishments certain products of the milk and milk products sector.

*Amendment*

1. ***Subject to conditions laid down by the Commission by means of delegated acts and implementing acts adopted in accordance with Articles 25 and 26,*** Union aid shall be granted ***to facilitate the distribution of*** certain products of the milk and milk products sector to children in ***the*** educational establishments ***and pre-school or other establishments offering extracurricular activities referred to in Article 20a .***

Or. fr

*Justification*

*To simplify matters, the wording of the provisions governing the two aid programmes for the distribution of foodstuffs in schools needs to be rationalised to the greatest possible extent.*

## Amendment 136

### Proposal for a regulation Article 24 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. The Union aid provided for in paragraph 1 shall not be used to replace funding for any existing national programmes to encourage the consumption of milk and milk products at school or other school distribution programmes that include milk or milk products. However, where a Member State has already put in place a programme which could benefit from Union aid under the present article and intends to extend it or make it more effective, particularly as regards its target group or duration, Union aid may be granted. In this case,***



*the Member State shall indicate in its implementation strategy how it intends to extend its programme or make it more effective.*

Or. fr

*Justification*

*To simplify matters, the wording of the provisions governing the two aid programmes for the distribution of foodstuffs in schools needs to be rationalised to the greatest possible extent.*

**Amendment 137**

**Proposal for a regulation**

**Article 24 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. The Union school milk and milk products programme shall be without prejudice to any separate national school programmes to encourage the consumption of milk and milk products which are compatible with Union law.***

Or. fr

*Justification*

*To simplify matters, the wording of the provisions governing the two aid programmes for the distribution of foodstuffs in schools needs to be rationalised to the greatest possible extent.*

**Amendment 138**

**Proposal for a regulation**

**Article 24 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

***4. Measures on fixing the Union aid for all milk shall be taken by the Council in accordance with Article 43(3) of the***

***deleted***

*Treaty.*

Or. fr

*Justification*

*Article 43(3) of the Treaty does not apply. This amendment is consistent with the position adopted by the Committee on Agriculture and Rural Development when considering the proposal for a regulation aligning the single CMO with the provisions of the Lisbon Treaty (COM(2010)0799).*

**Amendment 139**

**Proposal for a regulation**

**Article 24 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5a. Member States participating in the programme shall publicise, at the places where the food is distributed, their involvement in the aid programme and the fact that it is subsidised by the European Union.***

Or. fr

*Justification*

*The Court of Auditors has been highly critical in relation to these points. These criticisms should be taken fully into account by including a publicity requirement in the basic act.*

**Amendment 140**

**Proposal for a regulation**

**Article 25 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

***2. Taking into account of the evolution in the dairy products consumption patterns and of the innovations and developments on the dairy products market, and taking into account nutritional aspects, the***

***2. Taking into account the need to ensure that the programme is implemented efficiently in order to achieve its intended objectives, the Commission may, by means***

Commission *shall*, by means of delegated acts, **determine** the products that are eligible for the **scheme and adopt rules on** the national or regional strategies that Member States must draw up in order to benefit from the aid and the target group for the scheme.

of delegated acts, **adopt rules on**:

- (a) the products that are eligible for the programme, taking into account nutritional considerations;**
- (b) the programme's target group;**
- (c) the national or regional strategies that Member States must draw up in order to benefit from the aid;**
- (d) the approval and selection of aid applicants;**
- (e) monitoring and evaluation.**

Or. fr

#### *Justification*

*The proposed justification for resorting to delegated acts mentions a policy objective. That objective justifies the existence of the aid programme. Recourse to delegated acts, on the other hand, should be justified by technical objectives. To simplify matters, the wording of the provisions governing the two aid programmes for the distribution of foodstuffs in schools needs to be rationalised to the greatest possible extent. This is an important clarification, given that the aim of the aid programme is to encourage children to adopt healthy eating habits.*

#### **Amendment 141**

##### **Proposal for a regulation Article 25 – paragraph 4**

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

4. Taking into account the need to promote awareness of the aid **scheme**, the Commission may, by means of delegated acts, **require educational establishments to** communicate the subsidising role **of the scheme**.

###### *Amendment*

4. Taking into account the need to promote awareness of the aid **programme**, the Commission may, by means of delegated acts, **lay down the conditions under which participating Member States shall publicise their participation and**

communicate the subsidising role *played by the European Union*.

Or. fr

*Justification*

*To simplify matters, the wording of the provisions governing the two aid programmes for the supply of foodstuffs in schools needs to be rationalised to the greatest possible extent. This is an important clarification, given that the aim of the aid programme is to encourage children to adopt healthy eating habits.*

**Amendment 142**

**Proposal for a regulation  
Article 26 – introductory part**

*Text proposed by the Commission*

The Commission may, by means of implementing acts, adopt *all* necessary measures as regards, *in particular*:

*Amendment*

The Commission may, by means of implementing acts, adopt *the* necessary measures *relating to this sub-section* as regards:

Or. fr

*Justification*

*Stricter limits need to be placed on the Commission's ability to make use of implementing acts, and the wording of the provisions governing the two aid programmes for the supply of foodstuffs in schools needs to be rationalised to the greatest possible extent.*

**Amendment 143**

**Proposal for a regulation  
Article 26 – point b**

*Text proposed by the Commission*

(b) *approval of applicants*, aid applications and payments;

*Amendment*

(b) aid applications and payments;

Or. fr

*Justification*

*Stricter limits need to be placed on the Commission's ability to make use of implementing acts, and the wording of the provisions governing the two aid programmes for the supply of foodstuffs in schools needs to be rationalised to the greatest possible extent.*

**Amendment 144**

**Proposal for a regulation**

**Article 26 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) the fixing of aid for all types of milk and milk products, taking into account the need to sufficiently encourage the supply of milk products to educational, pre-school and related establishments.***

Or. fr

*Justification*

*This amendment is consistent with the position adopted by the Committee on Agriculture and Rural Development when considering the proposal for a regulation aligning the single CMO with the provisions of the Lisbon Treaty (COM(2010)0799).*

**Amendment 145**

**Proposal for a regulation**

**Article 27 – paragraph 1 – point -a (new)**

*Text proposed by the Commission*

*Amendment*

***(-a) market follow-up and management in the olive oil and table olives sector;***

Or. fr

*Justification*

*Given that the general objectives of the work programmes are essential pieces of information, a comprehensive list of them needs to be included in the basic act. This amendment takes over*

*part of Article 5 of Regulation No 867/2008.*

#### **Amendment 146**

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

##### **Article 27 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) the dissemination of information on measures carried out by operators' organisations to improve the quality of olive oil and table olives.***

Or. fr

##### *Justification*

*Given that the general objectives of the work programmes are essential pieces of information, a comprehensive list of them needs to be included in the basic act. This amendment takes over part of Article 5 of Regulation No 867/2008.*

#### **Amendment 147**

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

##### **Article 27 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Member States may adopt additional conditions specifying the eligible measures, provided that these do not render their presentation or implementation impossible.***

Or. fr

##### *Justification*

*This is an important provision which needs to be included in the basic act.*

## Amendment 148

### Proposal for a regulation

#### Article 27 – paragraph 3 – point a

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

(a) 75 % for activities in the areas referred to in **point** (a) of paragraph 1;

##### *Amendment*

(a) 75 % for activities in the areas referred to in **points (-a) and** (a) of paragraph 1;

Or. fr

##### *Justification*

*Market follow-up and management is one of the principal tasks of producer organisations. This needs to be reflected in the cofinancing rates for work programmes.*

## Amendment 149

### Proposal for a regulation

#### Article 27 – paragraph 3 – point c

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

(c) 75 % for the work programmes carried out in at least three third countries or non-producing Member States by approved operator organisations from at least two producer Member States in the areas referred to in **point** (c) of paragraph 1, and 50 % for the other activities in these areas.

##### *Amendment*

(c) 75 % for the work programmes carried out in at least three third countries or non-producing Member States by approved operator organisations from at least two producer Member States in the areas referred to in **points** (c) **and** (d) of paragraph 1, and 50 % for the other activities in these areas.

Or. fr

##### *Justification*

*It is of essential importance to improve quality in the olive oil sector. This needs to be reflected in the cofinancing rates for work programmes.*

## Amendment 150

### Proposal for a regulation

#### Article 28 – paragraph 1 – point a

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

(a) conditions for the approval of operator organisations for the purposes of the aid scheme, and for the suspension or withdrawal of such approval;

##### *Amendment*

(a) conditions for the approval of operator organisations for the purposes of the aid scheme, and for the ***withholding***, suspension or withdrawal of such approval;

Or. fr

##### *Justification*

*This amendment is based on Articles 2 and 3 of Regulation No 867/2008.*

## Amendment 151

### Proposal for a regulation

#### Article 28 – paragraph 1 – point b

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

(b) measures eligible for Union financing;

##### *Amendment*

(b) ***the substance of*** measures eligible for Union financing;

Or. fr

##### *Justification*

*The general objectives for the work programmes set out relatively precisely in the basic act the types of measure eligible for EU funding. Delegated acts can cover only the substance of such measures.*

## Amendment 152

### Proposal for a regulation

#### Article 30 – paragraph 1

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

1. Producer organisations in the fruit and

##### *Amendment*

1. Producer organisations ***and their***



vegetables sector may set up an operational fund. The fund shall be financed by:

**associations** in the fruit and vegetables sector may set up an operational fund. The fund shall be financed by:

Or. fr

*Justification*

*Experience of operational programmes in the fruit and vegetables sector demonstrates the necessity of promoting modes of organisation which will enable producers to attain an appropriate size on the market, particularly in the interests of crisis prevention and management. Associations of producer organisations may be a good vehicle for this.*

**Amendment 153**

**Proposal for a regulation**

**Article 30 – paragraph 1 – point (a)**

*Text proposed by the Commission*

a) financial contributions **of** members or **of** the producer organisation itself;

*Amendment*

(a) financial contributions **from**:

**(i)** members **and/or** the producer organisation itself;

**(ii) producer organisations to their associations.**

Or. fr

*Justification*

*Experience of operational programmes in the fruit and vegetables sector demonstrates the necessity of promoting modes of organisation which will enable producers to attain an appropriate size on the market, particularly in the interests of crisis prevention and management. Associations of producer organisations may be a good vehicle for this.*

**Amendment 154**

**Proposal for a regulation**

**Article 30 - paragraph 1 – point (b)**

*Text proposed by the Commission*

b) Union financial assistance which may be

*Amendment*

(b) Union financial assistance which may

granted to producer organisations, in accordance with the terms and conditions set out in delegated and implementing acts adopted by the Commission pursuant to Articles 35 and 36.

be granted to producer organisations *or associations thereof where those associations present, manage and implement an operational programme*, in accordance with the terms and conditions set out in delegated and implementing acts adopted by the Commission pursuant to Articles 35 and 36.

Or. fr

#### *Justification*

*See previous amendment.*

### **Amendment 155**

#### **Proposal for a regulation Article 31 – paragraph 1**

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

1. Operational programmes in the fruit and vegetables sector shall have at least two of the objectives referred to in Article 106(c) or the following objectives:

##### *Amendment*

1. Operational programmes in the fruit and vegetables sector shall have two or more of the objectives referred to in Article 106(c) or *two of* the following objectives:

Or. fr

### **Amendment 156**

#### **Proposal for a regulation Article 31 – paragraph 1 – point b**

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

b) improvement of product quality;

##### *Amendment*

(b) improvement of *fresh or processed* product quality;

Or. fr

## Amendment 157

### Proposal for a regulation

#### Article 31 – paragraph 1 – point e

*Text proposed by the Commission*

(e) environmental measures and methods of production **respecting** the environment, including organic farming;

*Amendment*

(e) environmental measures, **particularly relating to water**, and methods of production, **manufacture and processing that respect** the environment, including organic farming and **integrated production**;

Or. fr

## Amendment 158

### Proposal for a regulation

#### Article 31 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. Associations of producer organisations may substitute for their members in managing, processing, implementing and presenting operational programmes. Such associations may also present a partial operational programme composed of measures identified, but not carried out, by member organisations under their operational programmes.***

***These partial operational programmes shall be subject to the same rules as other operational programmes and shall be considered at the same time as the operational programmes of member organisations.***

***To that end, the Member States shall ensure that:***

***(a) measures under partial operational programmes are entirely financed by the contributions of the member organisations of the association in question and that this funding is collected***

*from the operational funds of those member organisations;*

*(b) the measures and their corresponding financial participation are identified in the operational programme of each member organisation;*

*(c) there is no duplication of funding.*

Or. fr

*Justification*

*Experience of operational programmes in the fruit and vegetables sector demonstrates the necessity of promoting modes of organisation which will enable producers to attain an appropriate size on the market, particularly in the interests of crisis prevention and management. Associations of producer organisations may be a good vehicle for this.*

**Amendment 159**

**Proposal for a regulation**

**Article 31 – paragraph 2 – point -a (new)**

*Text proposed by the Commission*

*Amendment*

*-a) production and consumption forecasting and follow-up;*

Or. fr

**Amendment 160**

**Proposal for a regulation**

**Article 31 – paragraph 2 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*ba) grubbing-up aid for the reconversion of orchards;*

Or. fr

## Amendment 161

### Proposal for a regulation

#### Article 31 – paragraph 2 – point d a (new)

*Text proposed by the Commission*

*Amendment*

***da) investments to improve the management of volumes marketed;***

Or. fr

## Amendment 162

### Proposal for a regulation

#### Article 31 – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

Crisis prevention and management measures, including any repayment of capital and interest as referred to in the ***third*** subparagraph, shall not comprise more than ***one-third*** of the expenditure under the operational programme.

Crisis prevention and management measures, including any repayment of capital and interest as referred to in the ***fourth*** subparagraph, shall not comprise more than ***40%*** of the expenditure under the operational programme.

Or. fr

### *Justification*

*The problem of crisis prevention and management is a particularly central aspect of the fruit and vegetables sector. It should be possible for operational programmes to reflect this reality, providing for the possibility of additional financing of crisis prevention and management measures.*

## Amendment 163

### Proposal for a regulation

#### Article 31 – paragraph 2 – subparagraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***Harvest insurance actions shall comprise measures which contribute to***

*safeguarding producers' incomes and to covering market losses incurred by producer organisations and/or their members where these are affected by natural disasters, adverse climatic events, diseases or pest infestations.*

Or. fr

*Justification*

*Definitions are basic information and must be derived from the basic act. The amendment quotes Article 88 of Regulation No 543/2011.*

**Amendment 164**

**Proposal for a regulation**

**Article 31 – paragraph 2 – subparagraph 3**

*Text proposed by the Commission*

Producer organisations may take out loans on commercial terms for financing crisis prevention and management measures. In that case, the repayment of the capital and interest on those loans may form part of the operational programme and so may be eligible for Union financial assistance under Article 32. Any specific action under crisis prevention and management *shall* be financed *either* by such loans, or directly, *but not both*.

*Amendment*

Producer organisations may take out loans on commercial terms for financing crisis prevention and management measures. In that case, the repayment of the capital and interest on those loans may form part of the operational programme and so may be eligible for Union financial assistance under Article 32. Any specific action under crisis prevention and management *may* be financed by such loans *and/or* directly *by producer organisations*.

Or. fr

**Amendment 165**

**Proposal for a regulation**

**Article 31 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. For the purposes of this section:**

*(a) "green harvesting" means the total or partial harvesting of non-marketable products on a given area carried out before the beginning of the normal harvest. The products concerned shall not have been already damaged prior to the green harvesting, whether due to climatic reasons or disease or otherwise.*

*(b) "non-harvesting" means the situation where all or part of commercial production is not taken from the area concerned during the normal production cycle. However, destruction of products due to a climatic event or disease shall not be considered as non-harvesting;*

Or. fr

#### *Justification*

*Definitions are basic information and must be derived from the basic act. These two definitions are quoted from Article 84 of Regulation No 543/2011.*

#### **Amendment 166**

##### **Proposal for a regulation Article 32 – paragraph 2**

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

2. The Union financial assistance shall be limited to 4,1 % of the value of the marketed production of each producer organisation.

However, that percentage may be increased to 4,6 % of the value of the marketed production provided that the amount in excess of 4,1 % of the value of the marketed production is used solely for crisis prevention and management measures.

###### *Amendment*

2. The Union financial assistance shall be limited to 4,1 % of the value of the marketed production of each producer organisation ***and/or of their association***.

However, that percentage may be increased to 4,6 % of the value of the marketed production ***of the producer organisation*** provided that the amount in excess of 4,1 % of the value of the marketed production is used solely for crisis prevention and management measures.

***This percentage may, however, be altered to 5% of the value of the production marketed by the association of producer organisations on condition that the***

*measures referred to in the second subparagraph of this paragraph are implemented by an association of producer organisations on behalf of its members.*

Or. fr

*Justification*

*See amendment to Article 30.*

**Amendment 167**

**Proposal for a regulation**

**Article 32 – paragraph 3 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

*(da) the programme is presented by several recognised producer organisations grouped together in a joint marketing subsidiary;*

Or. fr

*Justification*

*See amendment to Article 30.*

**Amendment 168**

**Proposal for a regulation**

**Article 32 – paragraph 3 – point h**

*Text proposed by the Commission*

*Amendment*

*(h) it covers solely specific support for actions to promote the consumption of fruit and vegetables targeted at children in educational establishments.*

*deleted*

Or. fr



### *Justification*

*Distribution of fruit and vegetables to children is already amply covered by this regulation, particularly by means of the school fruit and vegetables scheme and the free distribution provided for in the next paragraph. It is not desirable to run the risk of double or even triple financing of the same measure.*

### **Amendment 169**

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

#### **Article 32 – paragraph 4 – point b**

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

(b) free distribution to penal institutions, schools and **public** education institutions and to children's holiday camps as well as to hospitals and old people's homes designated by the Member States, which shall take all necessary steps to ensure that the quantities thus distributed are additional to the quantities normally bought in by such establishments.

##### *Amendment*

(b) free distribution to penal institutions, schools and education institutions ***managed or approved by the competent authorities of a Member State*** and to children's holiday camps as well as to hospitals and old people's homes designated by the Member States, which shall take all necessary steps to ensure that the quantities thus distributed are additional to the quantities normally bought in by such establishments.

Or. fr

### *Justification*

*Private education institutions should not be excluded from this measure.*

### **Amendment 170**

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

#### **Article 34 – paragraph 1 – subparagraph 2**

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

Member States shall submit their proposed framework to the Commission which, by means of implementing acts, may require modifications within three months if it finds that the proposal would not contribute to the pursuit of the objectives set out in Article 191 of the Treaty and in

##### *Amendment*

Member States shall submit their proposed framework to the Commission which, by means of implementing acts ***adopted without the application of Article 162(2) or (3)***, may require modifications within three months if it finds that the proposal would not contribute to the pursuit of the

the seventh Union environment action programme. Investments on individual holdings supported by operational programmes shall also respect those objectives.

objectives set out in Article 191 of the Treaty and in the seventh Union environment action programme. Investments on individual holdings supported by operational programmes shall also respect those objectives.

Or. fr

*Justification*

*Necessary procedural clarification.*

**Amendment 171**

**Proposal for a regulation  
Article 35 – point a – point iii**

*Text proposed by the Commission*

(iii) the eligibility of measures, actions or expenditure under an operational programme and respective complementary national rules;

*Amendment*

(iii) the eligibility of measures, actions or expenditure under an operational programme, ***rules on investment in individual holdings*** and respective complementary national rules;

Or. fr

*Justification*

*See amendments to Articles 30 and 31.*

**Amendment 172**

**Proposal for a regulation  
Article 35 - point a - point v a (new)**

*Text proposed by the Commission*

*Amendment*

***(va) the specific rules applicable to cases in which associations of producer organisations wholly or partially substitute for their members in managing, processing, implementing and presenting***

*operational programmes;*

Or. fr

*Justification*

*See amendments to Articles 30 and 31.*

**Amendment 173**

**Proposal for a regulation**

**Article 35 – point c – point iv a (new)**

*Text proposed by the Commission*

*Amendment*

*(iva) the specific rules applicable to the financing of operational programmes of associations of producer organisations, particularly those relating to the ceilings referred to in Article 32(2);*

Or. fr

*Justification*

*See amendments to Articles 30 and 31.*

**Amendment 174**

**Proposal for a regulation**

**Article 35 – point d – point ii**

*Text proposed by the Commission*

*Amendment*

(ii) *the definition of* market withdrawal;

(ii) *the conditions under which* market withdrawal *is triggered*;

Or. fr

*Justification*

*This is essential information, which should be included in the basic act.*

## Amendment 175

### Proposal for a regulation Article 35 – point d – point ix

*Text proposed by the Commission*

*Amendment*

**(ix) the definitions of green harvesting and non-harvesting;**

**deleted**

Or. fr

#### *Justification*

*This is essential information, which should be included in the basic act. The definitions of non-harvesting and green harvesting have been reincorporated into the basic act.*

## Amendment 176

### Proposal for a regulation Article 35 – point d – point xi

*Text proposed by the Commission*

*Amendment*

(xi) the **objectives of** harvest insurance;

(xi) the **implementation conditions applicable to** harvest insurance;

Or. fr

#### *Justification*

*This is essential information, which should be included in the basic act. As the objectives of harvest insurance have been defined in the basic act, only the conditions for its implementation can be adopted by means of a delegated act.*

## Amendment 177

### Proposal for a regulation Article 35 – point d – point xii

*Text proposed by the Commission*

*Amendment*

**(xii) the definition of adverse climatic event;**

**deleted**

*Justification*

*This is essential information, which should be included in the basic act.*

**Amendment 178**

**Proposal for a regulation**  
**Article 36 – point 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) operational programmes and funds of associations of producer organisations.***

*Justification*

*Experience of operational programmes in the fruit and vegetables sector demonstrates the necessity of promoting modes of organisation which will enable producers to attain an appropriate size on the market, particularly in the interests of crisis prevention and management. Associations of producer organisations may be a good vehicle for this.*

**Amendment 179**

**Proposal for a regulation**  
**Article 38 – paragraph 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Member States shall be responsible for providing for, and applying, the necessary penalties in case of non-compliance with the support programmes.***

*Justification*

*This is an important provision drawn from Article 132 of Proposal for a Regulation (2010) 799 aligning the single CMO with the provisions of the Lisbon Treaty. It should be included*

*in the present regulation.*

#### **Amendment 180**

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

##### **Article 38 – paragraph 3 – point a**

*Text proposed by the Commission*

*Amendment*

***(a) research projects and measures to support research projects without prejudice to points (d) and (e) of Article 43(3);***

***deleted***

Or. fr

##### *Justification*

*Research has a fundamental role to play in ensuring the competitiveness of European wines on the international market. It should be possible to include it in national support programmes.*

#### **Amendment 181**

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

##### **Article 39 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The support measures in the support programmes shall be drawn up at the geographical level which the Member State deems most appropriate. Before being submitted to the Commission the support programme shall be subject to consultation with the competent authorities and organisations at the appropriate territorial level.***

Or. fr

##### *Justification*

*This is an important provision drawn from Article 133 of Proposal for a Regulation (2010) 799 aligning the single CMO with the provisions of the Lisbon Treaty. It should be included*

*in the present regulation.*

## **Amendment 182**

### **Proposal for a regulation**

#### **Article 39 – paragraph 1 – subparagraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***Each Member State shall submit one single draft support programme, which may accommodate regional particularities.***

Or. fr

*Justification*

*This is an important provision drawn from Article 133 of Proposal for a Regulation (2010) 799 aligning the single CMO with the provisions of the Lisbon Treaty. It should be included in the present regulation.*

## **Amendment 183**

### **Proposal for a regulation**

#### **Article 40 – point h a (new)**

*Text proposed by the Commission*

*Amendment*

***(ha) research and development pursuant to Article 43 a.***

Or. fr

*Justification*

*See amendment to Article 38.*

## Amendment 184

### Proposal for a regulation Article 42 – paragraph 1

*Text proposed by the Commission*

Support programmes may ***only*** include support to vine-growers in the form of allocation of payment entitlements decided by Member States by ***1 December 2012*** under ***Article 137*** of Regulation ***(EU) No [COM(2010)799]*** and under the conditions set out in that Article.

*Amendment*

Support programmes may include support to vine-growers in the form of allocation of payment entitlements decided by Member States by ***1 August 2013*** under ***Article 103n*** of Regulation ***(EC) No 1234/2007*** and under the conditions set out in that Article.

Or. fr

*Justification*

*Establishes consistency with the draft report on the single payment scheme and support to vine-growers.*

## Amendment 185

### Proposal for a regulation Article 43 a (new)

*Text proposed by the Commission*

*Amendment*

***Article 43 a***

***Research and Development***

***Support for R&D makes it possible to fund research projects geared, in particular, to improving the quality of products, the environmental impact of production and health safety.***

Or. fr

*Justification*

*See amendment to Article 38.*



## Amendment 186

### Proposal for a regulation

#### Article 44 – paragraph 3 – point c a (new)

*Text proposed by the Commission*

*Amendment*

***(ca) replanting for health reasons.***

Or. fr

#### *Justification*

*This reiterates the position adopted by the Committee on Agriculture and Rural Development when considering Proposal for a Regulation (2010) 799 aligning the single CMO with the provisions of the Lisbon Treaty.*

## Amendment 187

### Proposal for a regulation

#### Article 44 – paragraph 3 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

The normal renewal of vineyards ***which*** have come to the end of their natural life shall not be supported.

The normal renewal of vineyards, ***i.e. replanting of the same parcel of land with the same variety according to the same system of vine cultivation, when vines*** have come to the end of their natural life, shall not be supported.

Or. fr

#### *Justification*

*This reiterates the position adopted by the Committee on Agriculture and Rural Development when considering Proposal for a Regulation (2010) 799 aligning the single CMO with the provisions of the Lisbon Treaty.*

## Amendment 188

### Proposal for a regulation

#### Article 44 – paragraph 3 – subparagraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***Member States may lay down further specifications, especially as regards the age of the vineyards replaced.***

Or. fr

#### *Justification*

*This reiterates the position adopted by the Committee on Agriculture and Rural Development when considering Proposal for a Regulation (2010) 799 aligning the single CMO with the provisions of the Lisbon Treaty.*

## Amendment 189

### Proposal for a regulation

#### Article 44 – paragraph 5 – point a

*Text proposed by the Commission*

*Amendment*

(a) notwithstanding Subsection II of Section V of Chapter III of Title I of Part II of Regulation ***(EU) No [COM(2010)799]*** setting out the transitional planting right regime, the permission for old and new vines to coexist ***until the end of the transitional regime*** for a maximum period which shall not exceed three years;

(a) notwithstanding Subsection II of Section V of Chapter III of Title I of Part II of Regulation ***(EC) No 1234/2007*** setting out the transitional planting right regime, the permission for old and new vines to coexist for a maximum period which shall not exceed three years;

Or. fr

## Amendment 190

### Proposal for a regulation

#### Article 45 – paragraph 1 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***Leaving commercial grapes on the plants at the end of the normal production cycle (non-harvesting) shall not be considered to be green harvesting.***

Or. fr

#### *Justification*

*This reiterates the position adopted by the Committee on Agriculture and Rural Development when considering Proposal for a Regulation (2010) 799 aligning the single CMO with the provisions of the Lisbon Treaty.*

## Amendment 191

### Proposal for a regulation

#### Article 46 – paragraph 2

*Text proposed by the Commission*

*Amendment*

2. Support for the setting up of mutual funds may be granted in the form of temporary and degressive aid to cover the administrative costs of the funds.

2. Support for the setting up of mutual funds may be granted in the form of temporary and degressive aid to cover the administrative costs of the funds ***by the means provided for in Article 28(2) and (3) of Regulation (EU) No [...] on support for rural development by the European Agricultural Fund for Rural Development (EAFRD).***

Or. fr

#### *Justification*

*In the interests of clarity and legal certainty, the various regulations governing the CAP should be rendered as consistent as possible.*

## Amendment 192

### Proposal for a regulation Article 47 – paragraph 1

#### *Text proposed by the Commission*

1. Support for harvest insurance shall contribute to safeguarding producers' incomes where these are affected by natural disasters, adverse climatic events, diseases or pest infestations.

#### *Amendment*

1. Support for harvest insurance shall contribute to safeguarding producers' incomes ***and covering market losses incurred by producer organisations and/or their members*** where these are affected by natural disasters, adverse climatic events, diseases or pest infestations.

Or. fr

#### *Justification*

*The aim is to align the scope of harvest insurance as referred to in this article with that referred to in Article 31(2).*

## Amendment 193

### Proposal for a regulation Article 48 – paragraph 1

#### *Text proposed by the Commission*

1. Support may be granted for tangible or intangible investments in processing facilities, winery infrastructure and marketing of wine which improve the overall performance of the enterprise and concern one or more of the following:

#### *Amendment*

1. Support may be granted for tangible or intangible investments in processing facilities, winery infrastructure, ***distilleries*** and marketing of wine which improve the overall performance of the enterprise and concern one or more of the following:

Or. fr

#### *Justification*

*The aim here is to make investment by distilleries – which play an environmental role in the disposal of by-products – eligible for national support programmes, particularly to support investment in processing of by-products and improving their energy performance.*

## **Amendment 194**

### **Proposal for a regulation**

#### **Article 48 - paragraph 1 - point (b a) (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) processing of by-products of distilleries or investment which helps to improve their energy performance.***

Or. fr

#### *Justification*

*The aim here is to make investment by distilleries – which play an environmental role in the disposal of by-products – eligible for national support programmes, particularly to support investment in processing of by-products and improving their energy performance.*

## **Amendment 195**

### **Proposal for a regulation**

#### **Article 49 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The maximum applicable aid levels shall be based on collection and processing costs and fixed by the Commission by means of implementing acts pursuant to Article 51.

*Does not affect the English version.*

Or. fr

#### *Justification*

*An inconsistency has arisen from a translation error.*

## **Amendment 196**

### **Proposal for a regulation**

#### **Article 50 – point a**

*Text proposed by the Commission*

*Amendment*

(a) on the responsibility for expenditure

*Does not affect the English version.*

between the date of receipt of the support programmes, and modifications to support programmes and their date of applicability;

Or. fr

#### **Amendment 197**

##### **Proposal for a regulation Article 50 – point c**

*Text proposed by the Commission*

*Amendment*

(c) on changes to support programmes after they have become applicable;

*Does not affect the English version.*

Or. fr

#### **Amendment 198**

##### **Proposal for a regulation Article 50 – point d**

*Text proposed by the Commission*

*Amendment*

(d) on requirements and thresholds for advance payments, including the requirement for a security where an advance payment is made;

*Does not affect the English version.*

Or. fr

#### **Amendment 199**

##### **Proposal for a regulation Article 50 – point e**

*Text proposed by the Commission*

*Amendment*

***(e) containing general provisions and definitions for the purposes of this Section;***

***deleted***

*Justification*

*General provisions are a responsibility of the legislature, and the same applies to definitions. It is therefore not part of the Commission's task to adopt them.*

**Amendment 200**

**Proposal for a regulation**  
**Article 52 – paragraph 3**

*Text proposed by the Commission*

3. To be eligible for the Union contribution provided for in paragraph 2, Member States shall carry out a study of the production and marketing structure in the beekeeping sector in their territory.

*Amendment*

3. To be eligible for the Union contribution provided for in paragraph 2, Member States ***shall establish a reliable system of identification which makes it possible to perform regular censuses of bee populations and*** shall carry out a study of the production and marketing structure in the beekeeping sector in their territory.

*Justification*

*This amendment reflects the European Parliament's wishes as expressed in its resolutions of 25 November 2010 and 15 November 2011 on beekeeping.*

**Amendment 201**

**Proposal for a regulation**  
**Article 52 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. Apiculture programmes shall be drawn up in close collaboration with the representative organisations and beekeeping cooperatives.***

### *Justification*

*In its resolutions of 25 November 2010 and 15 November 2011, the European Parliament stressed the need to consult beekeepers when drawing up programmes in order to ensure that they are effective and are genuinely implemented. It is therefore desirable to reinstate this requirement, which no longer appears in the proposal for a regulation.*

### **Amendment 202**

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

#### **Article 52 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***3b. The measures which may be included in apiculture programmes shall be the following:***

***(a) technical assistance to beekeepers and beekeepers' organisations;***

***(b) combating beehive invaders and diseases, particularly varroosis;***

***(c) rationalisation of transhumance;***

***(d) support for material and non-material investment in production or marketing of apiculture products with the aim of improving the overall performance of undertakings, particularly in laboratories which analyse the physicochemical properties of honey;***

***(e) monitoring of the bee population of the Union and support for restocking;***

***(f) cooperation with specialised bodies for the implementation of applied research programmes in the field of beekeeping and apiculture products;***

***(g) market monitoring;***

***(h) enhancement of product quality with a view to exploiting the potential of products on the market;***

***(i) the introduction of a traceability and certification system for honey sold to the***



*final consumer.*

Or. fr

*Justification*

*In a number of its resolutions, the European Parliament has expressed its interest in beekeeping programmes because of the strategic importance of beekeeping for biodiversity in the Union. It is therefore important that the substance of the programmes should be retained in the basic act. This list is based on that which appears in Article 149 of Proposal for a Regulation (2010) 799 aligning the single CMO with the provisions of the Lisbon Treaty.*

**Amendment 203**

**Proposal for a regulation**  
**Article 53 – point a**

*Text proposed by the Commission*

(a) the measures which may be included in apiculture programmes,

*Amendment*

(a) **details of** the measures which may be included in apiculture programmes,

Or. fr

*Justification*

*As the general definition of the measures which may be included in apiculture programmes has been reincorporated into the basic act, only the details of these measures can be adopted by delegated act.*

**Amendment 204**

**Proposal for a regulation**  
**Article 56 – paragraph 3**

*Text proposed by the Commission*

3. A product shall be considered as conforming to the general marketing standard where the product intended to be marketed is in conformity with an applicable standard adopted by any of the international organisations listed in Annex V.

*Amendment*

3. **Without prejudice to any additional Union requirements in the sanitary, commercial, ethical or any other field,** a product shall be considered as conforming to the general marketing standard where the product intended to be marketed is in conformity with an applicable standard adopted by any of the international

organisations listed in Annex V.

Or. fr

*(Paragraph 3 of Amendment 5 in report A7-0281/2011)*

*Justification*

*All the amendments to Articles 56 to 68 reiterate the position adopted by the Committee on Agriculture and Rural Development when considering Proposal for a Regulation (2010) 738 on marketing standards.*

**Amendment 205**

**Proposal for a regulation**

**Article 56 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. This Regulation does not prevent the Member States from adopting or maintaining national provisions on aspects of marketing which are not specifically harmonised by this Regulation. Moreover, Member States may adopt or maintain national rules on marketing standards for sectors or products to which the general marketing standard applies, provided that those rules are in compliance with Union law and with the rules on the functioning of the internal market.***

Or. fr

*(Paragraph 3a of Amendment 5 in report A7-0281/2011)*

**Amendment 206**

**Proposal for a regulation**

**Article 57 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Taking into account the need to address

Taking into account the need to address

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changes in the market situation, and the specificity of each sector, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to **adopt**, modify **and derogate from** the requirements concerning general marketing standard referred to in Article 56(1), **and rules on conformity referred to in Article 56(3)**.

changes in the market situation, and the specificity of each sector, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to **supplement and** modify the requirements concerning general marketing standard referred to in Article 56(1) **or to derogate from these criteria**.

Or. fr

*(Adapted from Paragraph 1a of Amendment 5 in report A7-0281/2011)*

#### *Justification*

*It is the task of Parliament and the Council to adopt the criteria to be laid down in the general standard. This amendment reiterates the position adopted by the Committee on Agriculture and Rural Development when considering Proposal for a Regulation (2010) 738 on marketing standards.*

#### **Amendment 207**

##### **Proposal for a regulation Article 57 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The Commission shall adopt delegated acts in accordance with Article 160 concerning rules laying down the conditions for implementing and monitoring the conformity that is referred to in Article 56(3), taking into account the need to avoid lowering the general marketing standard to the point where the quality of European products starts to decline.***

Or. fr

*(Adapted from Paragraph 1a of Amendment 5 in report A7-0281/2011)*

#### *Justification*

*It is the task of Parliament and the Council to adopt the criteria to be laid down in the*

*general standard. This amendment reiterates the position adopted by the Committee on Agriculture and Rural Development when considering Proposal for a Regulation (2010) 738 on marketing standards.*

## **Amendment 208**

### **Proposal for a regulation Article 59 – paragraph 1**

#### *Text proposed by the Commission*

1. Taking into account the expectations of consumers and the need to improve the economic conditions for the production and marketing of agricultural products as well as their quality, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 on marketing standards referred to in Article 55, at all stages of the marketing, as well as derogations and exemptions from such standards to adapt to the constantly changing market conditions, to the evolving consumer demands, to developments in relevant international standards and avoid creating obstacles to product innovation.

#### *Amendment*

1. Taking into account the expectations of consumers and the need to improve the economic conditions for the production and marketing of agricultural products as well as their quality, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 on marketing standards referred to in Article 55, at all stages of the marketing, as well as derogations and exemptions from such standards, ***only for a limited period and in exceptional cases***, to adapt to the constantly changing market conditions, to the evolving consumer demands, to developments in relevant international standards and avoid creating obstacles to product innovation.

Or. fr

## **Amendment 209**

### **Proposal for a regulation Article 59 – paragraph 1 – subparagraph 1 a (new)**

#### *Text proposed by the Commission*

#### *Amendment*

***Adjustments made in this way must not entail additional costs which would be borne solely by farmers.***

Or. fr

## Amendment 210

### Proposal for a regulation

#### Article 59 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. However, the Commission's power to adopt modifications of derogations and exemptions from existing marketing standards shall not apply to Annex VII.***

Or. fr

## Amendment 211

### Proposal for a regulation

#### Article 59 – paragraph 2 – point a

*Text proposed by the Commission*

*Amendment*

(a) the definition, designation and/or sales descriptions other than those set out in this Regulation and lists of carcasses and parts thereof to which Annex VI applies;

(a) the definition, designation and/or sales descriptions other than those set out in this Regulation and lists of carcasses and parts thereof to which Annex VI applies;  
***however, the present point shall not apply to products of the wine sector;***

Or. fr

## Amendment 212

### Proposal for a regulation

#### Article 59 – paragraph 2 – point d

*Text proposed by the Commission*

*Amendment*

(d) the presentation, sales descriptions, labelling linked to obligatory marketing standards, packaging, rules to be applied in relation to packing centres, marking, wrapping, year of harvesting and use of specific terms;

(d) the presentation, sales descriptions, labelling linked to obligatory marketing standards, packaging, rules to be applied in relation to packing centres, marking, wrapping, and use of specific terms, ***except for products of the wine sector;***

### Amendment 213

#### Proposal for a regulation

#### Article 59 – paragraph 2 – point g

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

(g) the type of farming and production method ***including oenological practices*** and related administrative rules, and operating circuit;

##### *Amendment*

(g) the type of farming and production method and related administrative rules, and operating circuit;

### Amendment 214

#### Proposal for a regulation

#### Article 59 – paragraph 2 – point h

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

***(h) coupage of must and wine including definitions thereof, blending and restrictions thereof;***

##### *Amendment*

***deleted***

### Amendment 215

#### Proposal for a regulation

#### Article 59 – paragraph 3

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

3. The marketing standards by sectors or products adopted pursuant to paragraph 1 shall be established without prejudice to ***Title IV of Regulation (EU) No [COM(2010)733] on agricultural product quality schemes***, and shall take into

##### *Amendment*

3. The marketing standards by sectors or by products referred to in paragraph 1 shall be established without prejudice to ***the provisions on optional reserved terms of Article 67a and Annex VIIa***, and shall take into account:

account:

Or. fr

## Amendment 216

### Proposal for a regulation

#### Article 59 – paragraph 3 – point c

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

(c) the interest of consumers to receive adequate and transparent product information, including the place of farming to be determined on a case by case approach at the appropriate geographical level;

##### *Amendment*

(c) the interest of consumers to receive adequate and transparent product information, including the place of farming to be determined on a case by case approach at the appropriate geographical level, ***after conducting an impact assessment which shall notably consider the costs and administrative burdens for operators, as well as the benefits offered to producers and the end consumer;***

Or. fr

##### *Justification*

*All the amendments to Articles 59, 60, 61, 62, 65, 66, 67a to 67e and 68 reiterate the position adopted by the Committee on Agriculture and Rural Development when considering Proposal for a Regulation (2010) 738 on marketing standards.*

## Amendment 217

### Proposal for a regulation

#### Article 59 – paragraph 3 – point e a (new)

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

##### *Amendment*

***(ea) the need to preserve the natural and essential characteristics of products and to avoid causing a substantial change in the composition of the product concerned.***

Or. fr

## Amendment 218

### Proposal for a regulation

#### Article 60 – paragraph 1 – point e

*Text proposed by the Commission*

(e) poultrymeat;

*Amendment*

(e) poultrymeat **and eggs**;

Or. fr

## Amendment 219

### Proposal for a regulation

#### Article 61

*Text proposed by the Commission*

Taking into account the specificity of each sector, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 on tolerance for each standard beyond which the entire batch of products shall be considered as not respecting that standard.

*Amendment*

Taking into account the specificity of each sector, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 on tolerance for each ***specific*** standard beyond which the entire batch of products shall be considered as not respecting that standard. ***This tolerance defined on the basis of thresholds shall not alter the intrinsic characteristics of the product and shall apply only to weight, size and other minor criteria.***

Or. fr

## Amendment 220

### Proposal for a regulation

#### Article 61 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***Member States may adopt or maintain additional national legislation on products covered by a Union marketing***



*standard, provided that these provisions  
are consistent with Union law,  
particularly concerning compliance with  
the principle of free movement of goods.*

Or. fr

*(Amendment 11 from report A7-0281/2011)*

## **Amendment 221**

### **Proposal for a regulation Article 62 – paragraph 1**

*Text proposed by the Commission*

1. Only oenological practices authorised in accordance with Annex VII and provided for in ***point (g) of Article 59(2) and in*** paragraphs 2 and 3 of Article 65 shall be used in the production and conservation of the products listed in Part II of Annex VI in the Union.

*Amendment*

1. Only oenological practices authorised in accordance with Annex VII and provided for in paragraphs 2 and 3 of Article 65 shall be used in the production and conservation of the products listed in Part II of Annex VI in the Union.

Or. fr

## **Amendment 222**

### **Proposal for a regulation Article 62 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. When authorising oenological practices for wine as referred to in ***point (g) of Article 59(2)***, the Commission shall:

*Amendment*

2. When ***making proposals on*** authorising oenological practices for wine as referred to in ***paragraph 1***, the Commission shall:

Or. fr

## Amendment 223

### Proposal for a regulation

#### Article 62 – paragraph 2 – point c

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

(c) take into account the possible risk of consumers being misled due to their expectations **and perceptions**, having regard to the availability and feasibility of informational means to exclude such risks;

##### *Amendment*

(c) take into account the possible risk of consumers being misled due to their ***established perception of the product and the corresponding*** expectations, having regard to the availability and feasibility of informational means to exclude such risks;

Or. fr

##### *Justification*

*This amendment is consistent with the position adopted in the García Pérez report on marketing standards (A7-281/2011 - Proposal COM(2010)738).*

## Amendment 224

### Proposal for a regulation

#### Article 62 – paragraph 3 – subparagraph 1

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

3. ***The Commission shall, where necessary, adopt*** methods referred to in point (d) of Article 59(3) for products listed in Part II of Annex VI ***by means of implementing acts***. Those methods shall be based on any relevant methods recommended and published by the OIV, unless they would be ineffective or inappropriate in view of the ***legitimate*** objective pursued. ***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2);***

##### *Amendment*

3. ***The*** methods referred to in point (d) of Article 59(3) for products listed in Part II of Annex VI ***shall be adopted pursuant to Article 43(2) of the Treaty***. Those methods shall be based on any relevant methods recommended and published by the OIV, unless they would be ineffective or inappropriate in view of the objective pursued ***by the Union***.

Or. fr

## Amendment 225

### Proposal for a regulation

#### Article 62 – paragraph 3 – subparagraph 2

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

Pending the adoption of such rules, the methods to be used shall be those allowed by the Member State concerned.

##### *Amendment*

Pending the adoption of such methods and rules, the methods **and rules** to be used shall be those allowed by the Member State concerned.

Or. fr

## Amendment 226

### Proposal for a regulation

#### Article 65 – paragraph 4 a (new)

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

##### *Amendment*

***4a. Member States may adopt or maintain marketing standards for sectors or products, provided that these measures are consistent with EU law.***

Or. fr

*(Amendment 13 from report A7-0281/2011)*

## Amendment 227

### Proposal for a regulation

#### Article 66

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

##### *Amendment*

Taking into account the specificities in trade between the Union and certain third countries **and** the special character of some agricultural products, **the Commission shall be empowered to adopt delegated acts in accordance with Article 160** to define the conditions under which imported products are considered to have an

Taking into account the specificities in trade between the Union and certain third countries, the special character of some agricultural products **and the need to ensure that consumers are not misled due to their established perception of the products and their corresponding expectations, measures may be adopted**

equivalent level of compliance with the Union marketing standards and conditions allowing derogation from Article 58 and determine the rules concerning the application of the marketing standards to products exported from the Union.

*pursuant to Article 43(2) of the Treaty* to define the conditions under which imported products are considered to have an equivalent level of compliance with the Union marketing standards and conditions allowing derogation from Article 58 and determine the rules concerning the application of the marketing standards to products exported from the Union.

Or. fr

## **Amendment 228**

### **Proposal for a regulation**

#### **Part II – Title II – Chapter 1 – Subsection 4 a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***SUBSECTION 4a***

#### ***OPTIONAL RESERVED TERMS***

##### ***Article 67a***

##### ***Scope***

*A scheme for optional reserved terms is established in order to help producers of agricultural products which possess value-adding characteristics or attributes to communicate such characteristics or attributes within the internal market, particularly with the aim of supporting and complementing specific marketing standards.*

##### ***Article 67b***

##### ***Existing optional reserved terms***

*1. The optional reserved terms covered by this scheme at the date of entry into force of this Regulation are listed in Annex VIIa to this Regulation together with the acts laying down the terms in question and their conditions of use.*

*2. The optional reserved terms referred to in paragraph 1 shall remain in force,*

*subject to any amendment, unless  
cancelled pursuant to Article 67c.*

#### *Article 67c*

#### *Reservation, amendment and cancellation of optional reserved terms*

*In order to take account of the  
expectations of consumers, developments  
in scientific and technical knowledge, the  
situation in the market and developments  
in marketing standards and in  
international standards, the Commission  
shall be empowered to adopt delegated  
acts in accordance with Article 160, to:*

- (a) reserve an additional optional reserved  
term, laying down its conditions of use,*
- (b) amend the conditions of use of an  
optional reserved term, or*
- (c) cancel an optional reserved term.*

#### *Article 67d*

#### *Additional optional reserved terms*

*1. A term shall be eligible to be an  
additional optional reserved term only if it  
fulfils the following criteria:*

- (a) the term relates to a characteristic of a  
product or to a farming or processing  
attribute and relates to a marketing  
standard, viewed in the light of a sector-  
by-sector approach;*
- (b) the use of the term adds value to the  
product in comparison with products of a  
similar type, and*
- (c) the product has been placed on the  
market with the characteristic or attribute  
referred to in point (a) identified to  
consumers in several Member States.*

*The Commission shall take account of  
any relevant international standard and of  
the current reserved terms existing for the  
products or sectors involved.*

*2. Optional terms that describe technical  
product qualities for the purposes of  
implementing compulsory marketing*

*standards and that are not intended to inform consumers about those product qualities shall not be reserved under this scheme.*

*3. In order to take into account the special characteristics of certain sectors as well as consumer expectations, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 concerning detailed rules relating to the requirements for the creation of the additional optional reserved terms referred to in paragraph 1.*

#### *Article 67e*

##### *Restrictions on use of optional reserved terms*

*1. An optional reserved term may only be used to describe products that conform to the applicable conditions of use.*

*2. Member States shall adopt appropriate measures to ensure that product labelling does not give rise to confusion with optional reserved terms.*

*3. The Commission shall be empowered to adopt delegated acts in accordance with Article 160 concerning rules for the use of optional reserved terms.*

Or. fr

*(Text adapted from Amendment 15 in report A7-0281/2011)*

#### *Justification*

*This amendment is consistent with the position adopted by the Committee on Agriculture and Rural Development in the report on marketing standards (A7-281/2011 - Proposal COM(2010)738).*

## **Amendment 229**

### **Proposal for a regulation Article 68 – point g a (new)**

*Text proposed by the Commission*

*Amendment*

***(ga) lay down rules on the national procedures concerning the withdrawal and destruction of wine products that do not comply with the requirements of this Regulation;***

Or. fr

*(Amendment 17 from report A7-0281/2011)*

*Justification*

*This amendment is consistent with the position adopted in the García Pérez report on marketing standards (A7-281/2011 - Proposal COM(2010)738).*

## **Amendment 230**

### **Proposal for a regulation Article 70 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. For the purpose of the application of points (a)(iii) and (b)(iii) of the first paragraph, ‘production’ shall cover all the operations involved, from the harvesting of the grapes to the completion of the wine-making process, with the exception of any post-production processes.***

***For the purpose of the application of point (b)(ii) of the first paragraph, the up-to-15 % share of grapes which may originate outside the demarcated geographical area shall originate from the Member State or third country concerned in which the demarcated area is situated.***

*By way of derogation from points (a)(iii) and (b)(iii) of the first paragraph, and on condition that the product specification laid down in Article 71(2) so provides, a product with a protected designation of origin or protected geographical indication may be made into wine either:*  
*(a) in an area in the immediate proximity of the demarcated area concerned; or*  
*(b) in an area located within the same administrative unit or within a neighbouring administrative unit, in conformity with national rules; or*  
*(c) in the case of a trans-border designation of origin or geographical indication, or where an agreement on control measures exists between two or more Member States or between one or more Member State(s) and one or more third country(-ies), in an area situated in the immediate proximity of the demarcated area in question.*

*By way of derogation from point (a)(iii) of the first paragraph, and on condition that the product specification laid down in Article 71(2) so provides, a product may be made into sparkling wine or semi-sparkling wine with a protected designation of origin beyond the immediate proximity of the demarcated area in question if this practice was in use prior to 1 March 1986.*

Or. fr

*(Amendment 26 from report A7-0281/2011, without paragraph 2c)*

#### *Justification*

*Definitions are basic information and must be derived from the basic act. This amendment is consistent with the position adopted by the Committee on Agriculture and Rural Development when considering Proposal for a Regulation (2010) 799 aligning the single CMO with the provisions of the Lisbon Treaty.*



## Amendment 231

### Proposal for a regulation

#### Article 79 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

1. ***Where a designation of origin or a geographical indication is protected under this Regulation, the registration of a trade mark*** the use of which falls under Article 80(2) and relating to a product falling under one of the categories listed in Part II of Annex VI shall be refused if the application for registration of the trade mark is submitted after the date of ***submission*** of the application for protection of the designation of origin or geographical indication to the Commission and the designation of origin or geographical indication is subsequently protected.

*Amendment*

1. ***The registration of a trade mark which contains a designation of origin or geographical indication protected under this Regulation, or which is constituted by such a designation or indication,*** the use of which falls under Article 80(2) and relating to a product falling under one of the categories listed in Part II of Annex VI shall be refused if the application for registration of the trade mark is submitted after the date of ***lodging*** of the application for protection of the designation of origin or geographical indication to the Commission and the designation of origin or geographical indication is subsequently protected.

Or. fr

#### *Justification*

*These provisions need to be aligned with the existing provisions for spirit drinks with a geographical indication, which are set out in Article 23 of Regulation (EC) No 110/2008. That regulation offers stronger protection vis-à-vis trade marks and provides that, in the event of conflict, a trade mark must, in order to be recognised, have been registered either before the date of protection of the geographical indication – a provision that also applies to protected designations of origin and protected geographical indications for wine – or before 1 January 1996 (the date of entry into force of the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement) – a provision hitherto specific to spirit drinks.*

## Amendment 232

### Proposal for a regulation

#### Article 79 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

2. Without prejudice to Article 78(2), a trade mark the use of which falls under Article 80(2), which has been ***applied for***,

*Amendment*

2. Without prejudice to Article 78(2), a trade mark the use of which falls under Article 80(2), which has been ***lodged***,

registered or ***established*** by use, if that possibility is provided for by the legislation concerned, in the territory of the Union before the date ***on which the application for*** protection of the designation of origin or geographical indication ***is submitted to the Commission***, may continue to be used ***and renewed*** notwithstanding the protection of a designation of origin or geographical indication, provided that no grounds for the trade mark's invalidity or revocation exist under Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks or by Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark .

registered or ***acquired*** by use ***in good faith***, if that possibility is provided for by the legislation concerned, in the territory of the Union ***either*** before the date ***of*** protection of the designation of origin or geographical indication ***in the country of origin, or before 1 January 1996***, may continue to be used notwithstanding the protection of a designation of origin or geographical indication, provided that no grounds for the trade mark's invalidity or revocation exist under Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks or by Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark.

Or. fr

#### *Justification*

*These provisions need to be aligned with the existing provisions for spirit drinks with a geographical indication, which are set out in Article 23 of Regulation (EC) No 110/2008. That regulation offers stronger protection vis-à-vis trade marks and provides that, in the event of conflict, a trade mark must, in order to be recognised, have been registered either before the date of protection of the geographical indication – a provision that also applies to protected designations of origin and protected geographical indications for wine – or before 1 January 1996 (the date of entry into force of the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement) – a provision hitherto specific to spirit drinks.*

#### **Amendment 233**

##### **Proposal for a regulation Article 83 – paragraph 1**

#### *Text proposed by the Commission*

The Commission may, on its own initiative or on a duly substantiated request by a Member State, a third country or a natural or legal person having a legitimate interest, by means of an implementing act, decide to cancel the protection of a designation of

#### *Amendment*

The Commission may, on its own initiative or on a duly substantiated request by a Member State, a third country or a natural or legal person having a legitimate interest, by means of an implementing act, ***and after hearing the applicants concerned, as***

origin or a geographical indication if compliance with the corresponding product specification is no longer ensured.

*referred to in Article 72*, decide to cancel the protection of a designation of origin or a geographical indication if compliance with the corresponding product specification is no longer ensured.

Or. fr

#### **Amendment 234**

##### **Proposal for a regulation Article 84 – paragraph 2**

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

2. The Commission shall take the corresponding formal step of removing wine names to which Article **191(3) of Regulation (EU) No [COM(2010)799]** applies from the register provided for in Article 81 by means of implementing acts.

###### *Amendment*

2. The Commission shall take the corresponding formal step of removing wine names to which Article **118s(3) of Regulation (EC) No 1234/2007** applies from the register provided for in Article 81 by means of implementing acts.

Or. fr

#### **Amendment 235**

##### **Proposal for a regulation Article 84 – paragraph 3 – subparagraph 2**

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

Until 31 December 2014 the Commission may, on its own initiative, by means of implementing acts, decide to cancel protection of existing protected wine names referred to in paragraph 1 of this Article if they do not meet the conditions laid down in Article 70.

###### *Amendment*

Until 31 December 2014 the Commission may, on its own initiative, by means of implementing acts, **and after hearing the applicants concerned, as referred to in Article 72**, decide to cancel protection of existing protected wine names referred to in paragraph 1 of this Article if they do not meet the conditions laid down in Article 70.

Or. fr

## Amendment 236

### Proposal for a regulation

#### Article 86 – paragraph 2 – point a

*Text proposed by the Commission*

(a) the ***principles*** for the demarcation of the geographical area, and

*Amendment*

(a) the ***additional details*** for the demarcation of the geographical area, and

Or. fr

#### *Justification*

*As the principles for demarcation of the areas constitute essential information included in the basic act, only additional details may be adopted by delegated act.*

## Amendment 237

### Proposal for a regulation

#### Article 86 – paragraph 2 – point b

*Text proposed by the Commission*

(b) the ***definitions***, restrictions and derogations concerning the production in the demarcated geographical area.

*Amendment*

(b) the restrictions and derogations concerning the production in the demarcated geographical area.

Or. fr

#### *Justification*

*As the definitions concerning production in the demarcated geographical area constitute essential information reintroduced into the basic act, mention of them here should be deleted.*

## Amendment 238

### Proposal for a regulation

#### Article 91 – paragraph 4

*Text proposed by the Commission*

4. Taking into account the specificities in trade between the Union and certain third countries, the Commission may, by means

*Amendment*

4. Taking into account the specificities in trade between the Union and certain third countries, the Commission may, by means

of delegated acts, adopt the conditions under which traditional terms may be used on products from third countries and provide for derogations from Article 89.

of delegated acts, ***by way of derogation from Article 89***, adopt the conditions under which traditional terms may be used on products from third countries and provide for derogations from Article 89.

Or. fr

*Justification*

*Establishing conditions under which traditional terms may be used on products from third countries is per se a derogation from Article 89, which does not provide for any such procedure.*

**Amendment 239**

**Proposal for a regulation**  
**Article 93 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***These implementing acts shall be adopted without applying the procedure referred to in Article 162(2) or (3).***

Or. fr

*Justification*

*Necessary procedural clarification.*

**Amendment 240**

**Proposal for a regulation**  
**Article 95**

*Text proposed by the Commission*

*Amendment*

Save as otherwise provided for in this Regulation, Directive 2008/95/EC, Council Directive 89/396/EEC, Directive 2000/13/EC of the European Parliament and of the Council and Directive 2007/45/EC of the European Parliament and of the Council shall apply to the

***1.*** Save as otherwise provided for in this Regulation, Directive 2008/95/EC, Council Directive 89/396/EEC, Directive 2000/13/EC of the European Parliament and of the Council and Directive 2007/45/EC of the European Parliament and of the Council shall apply to the

labelling and presentation.

labelling and presentation.

*The labelling of the products referred to in points 1 to 11, 13, 15 and 16 of Part II of Annex VI may not be supplemented by any particulars other than those provided for in this Regulation unless they satisfy the requirements of Article 2(1)(a) of Directive 2000/13/EC.*

*1a. Where one or more of the ingredients listed in Annex IIIa to Directive 2000/13/EC are present in one of the products referred to in Part II of Annex VI to this Regulation, they must be indicated on the labelling, preceded by the term “contains”.*

*For sulphites, the following terms may be used: “sulphites”, “sulfites”, “sulphur dioxide” or “sulfur dioxide”.*

*1b. The labelling obligation referred to in paragraph 2 may be accompanied by the use of a pictogram to be determined by means of a delegated act adopted in accordance with Article 160.*

Or. fr

*(Amendment 27 from report A7-0322/2011)*

#### *Justification*

*This reiterates the position adopted by the Committee on Agriculture and Rural Development when considering Proposal for a Regulation COM(2010)799 aligning the single CMO with the provisions of the Lisbon Treaty. It should be included in the present regulation.*

#### **Amendment 241**

##### **Proposal for a regulation Article 96 – paragraph 2**

#### *Text proposed by the Commission*

2. By way of derogation from point (a) of paragraph 1, the reference to the category of the grapevine product may be omitted for wines whose labels include the name of

#### *Amendment*

2. By way of derogation from paragraph 1(a), the reference to the category of the grapevine product may be omitted for wines whose labels include the

a protected designation of origin or a protected geographical indication.

name of a protected designation of origin or a protected geographical indication **and for quality sparkling wines whose labels include the term “Sekt”.**

Or. fr

*Justification*

*This reiterates the position adopted by the Committee on Agriculture and Rural Development when considering Proposal for a Regulation COM(2010)799 aligning the single CMO with the provisions of the Lisbon Treaty. It should be included in the present regulation.*

**Amendment 242**

**Proposal for a regulation**

**Article 96 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) where a traditional term as referred to Article 89(a) is displayed on the label;

*Amendment*

(a) where a traditional term referred to in Article 89(1)(a) is displayed on the label **in accordance with the legislation of a Member State or the product specification referred to in Article 71(2) of this Regulation;**

Or. fr

*Justification*

*This amendment reiterates the position adopted by the Committee on Agriculture and Rural Development when considering Proposal for a Regulation (2010)738 on marketing standards.*

**Amendment 243**

**Proposal for a regulation**

**Article 99 – paragraph 2**

*Text proposed by the Commission*

2. Taking into account the need to ensure the conformity with horizontal rules related to labelling and presentation, and to

*Amendment*

2. Taking into account the need to ensure the conformity with horizontal rules related to labelling and presentation, and to

consider the specificities of the wine sector, the Commission may, by means of delegated acts, adopt **definitions**, rules and restrictions on:

consider the specificities of the wine sector, the Commission may, by means of delegated acts, adopt rules and restrictions on:

Or. fr

*Justification*

*General provisions are a responsibility of the legislature, and the same applies to definitions. It is therefore not part of the Commission's task to adopt them.*

**Amendment 244**

**Proposal for a regulation**  
**Article 99 – paragraph 6**

*Text proposed by the Commission*

6. Taking into account the need to take account of the specificities in trade between the Union and certain third countries, the Commission may, by means of delegated acts, adopt derogations from this Section as regards **trade between the Union and** certain third countries.

*Amendment*

6. Taking into account the need to take account of the specificities in trade between the Union and certain third countries, the Commission may, by means of delegated acts, adopt derogations from this Section as regards **exports to** certain third countries.

Or. fr

*Justification*

*As this provision is intended to apply only to exports, it should be worded more specifically.*

**Amendment 245**

**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 apply until the end of the 2019/2020 marketing year.***

Or. fr

*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 situations of market tension.*

**Amendment 246**

**Proposal for a regulation**

**Part II – Title II – Chapter II – Section 1 – subsection 1 (new)**

*Text proposed by the Commission*

*Amendment*

***SUBSECTION 1***

***SPECIFIC MEASURES***

Or. fr

**Amendment 247**

**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 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, on their behalf, the organisations of which they are members,*** and Union sugar undertakings, ***and shall***

*comply with the provisions of paragraph 2a, of Annex III d and of Annex II, Part Ia, point 11.*

Or. fr

**Amendment 248**

**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 249**

**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.***

Or. fr

*(Taken from Article 43(3 et seq.) of Commission proposal COM(2010)799)*

## **Amendment 250**

### **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. fr

## **Amendment 251**

### **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. fr

## **Amendment 252**

### **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. fr

## **Amendment 253**

### **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. fr

## **Amendment 254**

### **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 with confidentiality.*

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

Or. fr

*(Taken largely from Article 9 of Commission proposal COM(2010)799)*

## **Amendment 255**

### **Proposal for a regulation Article 101 b (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 101b**

##### **Production charge**

**1. A production charge shall be levied on the sugar quota, the isoglucose quota and the inulin syrup quota held by undertakings producing sugar, isoglucose or inulin syrup as referred to in Article 101h(2) and on the out-of-quota quantities referred to in Article 101l(1)(e).**

**2. The production charge shall be set at EUR 12.00 per tonne of quota sugar and quota inulin syrup. For isoglucose, the production charge shall be set at 50% of the charge applicable to sugar.**

**3. The totality of the production charge paid in accordance with paragraph 1 shall be charged by the Member State to the undertakings on its territory according to the quota held during the marketing year concerned.**

**Payments shall be made by the**

*undertakings by the end of February of the relevant marketing year at the latest.*

*4. Union sugar and inulin syrup undertakings may require sugar-beet or sugar-cane growers or chicory suppliers to bear up to 50% of the production charge concerned.*

Or. fr

*(Taken from Article 44 of Commission proposal COM(2010)799 (paragraph 1 adapted))*

## **Amendment 256**

### **Proposal for a regulation Article 101 c (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 101c*

##### *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. fr

*(Taken largely from Articles 99 and 100 of Commission proposal COM(2010)799)*

**Amendment 257**

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

*Text proposed by the Commission*

*Amendment*

***Article 101d***

***Withdrawal of sugar***

***1. Given the need to avoid price collapses in the internal market and to remedy situations of overproduction 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 produced under quotas which exceed the threshold calculated in accordance with paragraph 2 of this Article.***

***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 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. fr

*(Taken largely from Article 45 of Commission proposal COM(2010)799)*

## **Amendment 258**

### **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. fr

*(Taken largely from Article 46 of Commission proposal COM(2010)799)*

**Amendment 259**

**Proposal for a regulation**

**Part II – Title II – Chapter II – Section 1 – sub-section 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***SUBSECTION 1a***  
***SYSTEM OF PRODUCTION***  
***LIMITATION***

Or. fr

**Amendment 260**

**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. fr

*(Taken largely from Article 49 of Commission proposal COM(2010)799)*

**Amendment 261**

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

*Text proposed by the Commission*

*Amendment*

**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 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. fr

*(Taken largely from Article 42 of Commission proposal COM(2010)799)*

**Amendment 262**

**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 Regulation (EC) No 318/2006 which was allocated to the undertaking for the marketing year 2005/2006<sup>1</sup>.***

***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.***

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<sup>1</sup> ***OJ L 58, 28.02.06, p. 1.***

Or. fr

*(Taken largely from Article 50 of Commission proposal COM(2010)799)*

**Amendment 263**

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

*Text proposed by the Commission*

*Amendment*

***Article 100i***

***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. fr

*(Taken from Article 51 of Commission proposal COM(2010)799 (paragraph 1 adapted))*

**Amendment 264**

**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. fr

**Amendment 265**

**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 as 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. fr

*(Taken largely from Article 53 of Commission proposal COM(2010)799)*

## **Amendment 266**

### **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;***

***(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 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

*(Taken largely from Article 54 of Commission proposal COM(2010)799, with additions)*

## **Amendment 267**

### **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 a delegated act 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. fr

*(Taken largely from Article 55 of Commission proposal COM(2010)799)*

## **Amendment 268**

### **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 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 101n.*

Or. fr

*(Taken largely from Article 56 of Commission proposal COM(2010)799)*

## **Amendment 269**

### **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 the examination procedure referred to in Article 162(2);***

***(c) sugar, isoglucose and inulin syrup withdrawn from the market in accordance with Article 101n and for which the obligations provided for in Article 101n(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. fr

*(Taken largely from Article 57 of Commission proposal COM(2010)799)*

## **Amendment 270**

### **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. fr

*(Paragraphs 2, 3 and 4 taken largely from Commission proposal COM(2010)799)*

## **Amendment 271**

### **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 101(i), the Commission may, by means of implementing acts adopted in accordance with Article 162(2), establish rules concerning:***

- (a) applications for approval by undertakings, the records to be kept by approved undertakings, the 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 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 communications 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. fr

*(Taken largely from Article 79 of Commission proposal COM(2010)799, with an addition)*

#### **Amendment 272**

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

##### **Part II – Title II – Chapter II – Section 2 – sub-section 1 (new)**

*Text proposed by the Commission*

*Amendment*

##### **SUBSECTION 1**

##### **MONITORING PRODUCTION AND MARKETING**

Or. fr

#### **Amendment 273**

##### **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*

*deleted*

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

Or. fr

*Justification*

*Vineyard registers are an essential part of the system of planting rights. They cannot therefore be discontinued.*

**Amendment 274**

**Proposal for a regulation**

**Part II – Title II – Chapter II – Section 2 – sub-section 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***SUBSECTION 1a***  
***SYSTEM OF PRODUCTION***  
***LIMITATION***

Or. fr

**Amendment 275**

**Proposal for a regulation**

**Article 103 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 103a***

***Duration***

***This Subsection shall apply until the end of the 2029/2030 marketing year.***

Or. fr

*Justification*

*The aim of all the amendments to this subsection is to reflect and update the system of planting rights (and the articles necessarily associated with it), as set out in Proposal for a*

**Amendment 276**

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

*Text proposed by the Commission*

*Amendment*

***Article 103b***

***Prohibition on planting vines***

***1. Without prejudice to Article 63 and in particular paragraph 4 thereof, the planting of vines of wine grape varieties classifiable according to Article 63(2) shall be prohibited.***

***2. Grafting-on of wine grape varieties classifiable according to Article 63(2) to varieties other than wine grape varieties referred to in that Article shall also be prohibited.***

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

***(a) a new planting right, as provided for in Article 103c;***

***(b) a replanting right, as provided for in 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.***

Or. fr

*(Taken largely from Article 89 of Commission proposal COM(2010)799)*



**Amendment 277**

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

*Text proposed by the Commission*

*Amendment*

**Article 103c**

***New planting rights***

***1. 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 the 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. fr

*(Taken from Article 90 of Commission proposal COM(2010)799)*

## **Amendment 278**

### **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 an area planted with vines.***

***However, grubbed-up areas for which a grubbing-up premium has been granted in accordance with Subsection III of Section IVa of Chapter III of Title I of Part II of Regulation (EC) No 1234/2007 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. 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 Union 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. fr

*(Taken from Article 91 of Commission proposal COM(2010)799)*

## **Amendment 279**

### **Proposal for a regulation Article 103 e (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 103e*

#### *National and regional reserve 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 transitional 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.*

*The first subparagraph shall also apply to Member States which cease the operation of national or regional reserves under Regulation (EC) No 1493/1999.*

Or. fr

*(Taken from Article 92 of Commission proposal COM(2010)799)*

**Amendment 280**

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

*Text proposed by the Commission*

*Amendment*

***Article 103f***

***Granting planting rights from the reserve***

***1. Member States may grant rights from a reserve:***

***(a) without payment, to producers who are under 40 years of age, who possess adequate occupational skills and competences, 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) of the first subparagraph, which may vary depending on the final intended product of the vineyards concerned and on the residual transitional period during which the prohibition on new plantings, as provided for in Article 103b(1) and (2), applies.***

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

***(a) the location and 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 between those reserves.*

*Transfers may be subject to a reduction coefficient.*

Or. fr

*(Taken largely from Article 93 of Commission proposal COM(2010)799)*

#### **Amendment 281**

#### **Proposal for a regulation Article 103 g (new)**

*Text proposed by the Commission*

*Amendment*

*Article 103g*

*De-minimis rule*

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

Or. fr

*(Taken from Article 94 of Commission proposal COM(2010)799)*

## **Amendment 282**

### **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 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. fr

*(Taken from Article 95 of Commission proposal COM(2010)799)*

## **Amendment 283**

### **Proposal for a regulation Article 103 i (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 103i**

##### **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 4 of this Article.***

***2. Taking into account the need to avoid and increase in production potential, the Commission may, by means of delegated acts:***

***(a) establish a list of situations in which grubbing-up does not generate replanting rights;***

*(b) adopt rules concerning transfers of planting rights between the reserves;*  
*(c) prohibit the marketing wine or vine products intended solely for consumption by a vine grower's family.*

*3. Given the need to provide for an equal treatment of producers that engage in grubbing-up, the Commission may, by means of delegated acts, adopt rules to ensure effectiveness of grubbing-up where replanting rights are granted.*

*4. Given the need to protect Union funds and the identity, provenance and quality of Union wine, the Commission may by means of delegated acts:*

*(a) provide for the establishment of an analytical databank of isotopic data that will help detect fraud to be constructed on the basis of samples collected by Member States; and for rules on the Member States' own databanks;*

*(b) adopt rules on control bodies and the mutual assistance between them;*

*(c) adopt rules on the common use of Member States' findings;*

*(d) adopt rules on the treatment of sanctions in the case of exceptional circumstances.*

Or. fr

*(From paragraph 2 onwards: taken largely from Article 96 of Commission proposal COM(2010)799)*

## **Amendment 284**

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

*Text proposed by the Commission*

*Amendment*

*Article 103j*



### ***Implementing powers***

***The Commission may, by means of implementing acts, adopt all necessary measures related to this Subsection, including rules on:***

***(a) granting of new planting rights including recording and communication obligations;***

***(b) the transfer of replanting rights, including a reduction coefficient;***

***(c) records to be kept by the Member States and notifications to the Commission, including a possible choice of a reserve system;***

***(d) granting planting rights from the reserve;***

***(e) checks to be undertaken by Member States and the reporting of information on such checks to the Commission.***

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

Or. fr

*(Taken largely from Article 97 of Commission proposal COM(2010)799)*

### **Amendment 285**

#### **Proposal for a regulation Article 104**

*Text proposed by the Commission*

*Amendment*

#### ***Article 104***

***deleted***

#### ***Contractual relations in the milk and milk products sector***

***1. If a Member State decides that every delivery of raw milk by a farmer to a processor of raw milk must be covered by a written contract between the parties,***

*such contract shall fulfil the conditions laid down in paragraph 2.*

*In the case described in the first subparagraph, the Member State concerned shall also decide that if the delivery of raw milk is made through one or more collectors, each stage of the delivery must be covered by such a contract between the parties. To this end, a "collector" means an undertaking which transports raw milk from a farmer or another collector to a processor of raw milk or another collector, where the ownership of the raw milk is transferred in each case.*

**2. The contract shall:**

*(a) be concluded in advance of the delivery,*

*(b) be made in writing, and*

*(c) include, in particular, the following elements:*

*(i) the price payable for the delivery, which shall:*

*– be static and be set out in the contract, and/or*

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

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

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

**3. By way of derogation from paragraph 1, a contract shall not be required where raw milk is delivered by a farmer to a processor of raw milk where the processor is a co-operative of which the farmer is a member if its statutes contain provisions having similar effects as those set out in**

*points (a), (b) and (c) of paragraph 2.*

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

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

Or. fr

*Justification*

*The aim of all the amendments to this section is to reflect Regulation (EU) No 261/2012 on contractual relations in the milk and milk products sector.*

**Amendment 286**

**Proposal for a regulation**  
**Article 104 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 104a**

***Contractual relations in the milk and milk products sector***

***If a Member State decides that every delivery of raw milk in its territory by a farmer to a processor of raw milk must be covered by a written contract between the parties and/or decides that first purchasers must make a written offer for a contract for the delivery of raw milk by the farmers, such a contract and/or such an offer for a contract shall fulfil the conditions laid down in paragraph 2.***

*Where the Member State decides that deliveries of raw milk by a farmer to a processor of raw milk must be covered by a written contract between the parties, it shall also decide which stage or stages of the delivery shall be covered by such a contract if the delivery of raw milk is made through one or more collectors. For the purposes of this Article, a “collector” means an undertaking which transports raw milk from a farmer or another collector to a processor of raw milk or another collector, where the ownership of the raw milk is transferred in each case.*

*2. The contract and/or the offer for a contract shall:*

*(a) be made in advance of the delivery,*

*(b) be made in writing, and*

*(c) include, in particular, the following elements:*

*(i) the price payable for the delivery, which shall:*

*– be static and be set out in the contract, and/or*

*– be calculated by combining various factors set out in the contract, which may include market indicators reflecting changes in market conditions, the volume delivered and the quality or composition of the raw milk delivered;*

*(ii) the volume of raw milk which may and/or must be delivered and the timing of such deliveries;*

*(iii) the duration of the contract, which may include either a definite or an indefinite duration with termination clauses;*

*(iv) details regarding payment periods and procedures;*

*(v) arrangements for collecting or delivering raw milk; and*

*(vi) rules applicable in the event of force*

*majeure.*

*3. By way of derogation from paragraph 1, a contract and/or an offer for a contract shall not be required where raw milk is delivered by a farmer to a cooperative of which the farmer is a member if the statutes of that cooperative or the rules and decisions provided for in or derived from these statutes contain provisions having similar effects to the provisions set out in points (a), (b) and (c) of paragraph 2.*

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

*Notwithstanding the first subparagraph,*

*(i) where a Member State decides to make written contracts for the delivery of raw milk compulsory in accordance with paragraph 1 of this Article, it may establish a minimum duration, applicable only to written contracts between a farmer and the first purchaser of raw milk. Such a minimum duration shall be at least six months and shall not impair the proper functioning of the internal market; and/or*

*(ii) where a Member State decides that the first purchaser of raw milk must make a written offer for a contract to the farmer in accordance with paragraph 1, it may provide that the offer must include a minimum duration for the contract, set by national law for this purpose. Such a minimum duration shall be at least six months and shall not impair the proper functioning of the internal market.*

*The second subparagraph shall be without prejudice to the farmer's right to refuse such a minimum duration provided that he does so in writing. In this case, the parties shall be free to negotiate all elements of the contract, including those*

*elements referred to in paragraph 2(c).*

*5. Member States which make use of the options referred to in this Article shall notify the Commission of how they are applied.*

*6. The Commission may adopt implementing acts laying down measures necessary for the uniform application of paragraph 2(a) and (b) and paragraph 3 of this Article and measures relating to notifications to be made by the Member States in accordance with this Article.*

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

Or. fr

*(Text adapted from Article 185f of Regulation (EU) No 261/2012 – OJ L 94, 30.3.2012)*

#### *Justification*

*The aim of all the amendments to this section is to reflect Regulation (EU) No 261/2012 on contractual relations in the milk and milk products sector.*

#### **Amendment 287**

##### **Proposal for a regulation Article 105**

*Text proposed by the Commission*

*Amendment*

##### **Article 105**

***deleted***

##### ***Contractual negotiations in the milk and milk products sector***

***1. Contracts for the delivery of raw milk by a farmer to a processor of raw milk, or to a collector within the meaning of the second subparagraph of Article 104(1), may be negotiated by a producer organisation in the milk and milk products sector which is recognised under Article 106, on behalf of its farmer members for part or all of their joint***

*production.*

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

*a) whether or not there is a transfer of ownership of the raw milk by the farmers to the producer organisation,*

*b) whether or not the price negotiated is the same as regards the joint production of some or all of the farmer members,*

*c) provided that the total volume of raw milk covered by such negotiations by a particular producer organisation does not exceed:*

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

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

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

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

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

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

*4. By way of derogation from paragraph 2(c)(ii) and (iii), even where the threshold of 33% is not exceeded, the competition*

*authority referred to in the second subparagraph may decide in an individual case that the negotiation by the producer organisation may not take place if it considers that this is necessary in order to prevent competition being excluded or in order to avoid serious prejudice to SME processors of raw milk in its territory.*

*The decision referred to in the first subparagraph shall be taken by the Commission, by way of an implementing act, adopted in accordance with the advisory procedure referred to in Article 14 of Regulation (EC) No 1/2003 for negotiations covering the production of more than one Member State. In other cases it shall be taken by the national competition authority of the Member State the production of which is covered by the negotiations.*

*The decisions referred to in the first and second subparagraphs shall not apply earlier than the date of their notification to the undertakings concerned.*

*5. For the purposes of this Article:*

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

*b) a "SME" shall mean a micro, small or medium-sized enterprise within the meaning of Commission Recommendation 2003/361/EC.*

Or. fr

(See Article 126c of Regulation (EU) No 261/2012 – OJ L 94, 30.3.2012)



## **Amendment 288**

### **Proposal for a regulation Article 105 a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Article 105a***

##### ***Contractual negotiations in the milk and milk products sector***

***1. A producer organisation in the milk and milk products sector which is recognised under Articles 106 and 106a, may negotiate on behalf of its farmer members, in respect of part or all of their joint production, contracts for the delivery of raw milk by a farmer to a processor of raw milk, or to a collector within the meaning of the second subparagraph of Article 104a(1).***

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

***(a) whether or not there is a transfer of ownership of the raw milk by the farmers to the producer organisation;***

***(b) whether or not the price negotiated is the same as regards the joint production of some or all of the farmer members;***

***(c) provided that, for a particular producer organisation:***

***(i) the volume of raw milk covered by such negotiations does not exceed 3.5% of total Union production, and***

***(ii) the volume of raw milk covered by such negotiations which is produced in any particular Member State does not exceed 33% of the total national production of that Member State, and***

***(iii) the volume of raw milk covered by such negotiations which is delivered in any particular Member State does not exceed 33% of the total national production of that Member State;***

*(d) provided that the farmers concerned are not members of any other producer organisation which also negotiates such contracts on their behalf; however, Member States may derogate from this condition in duly justified cases where farmers hold two distinct production units located in different geographic areas;*

*(e) provided that the raw milk is not covered by an obligation to deliver arising from the farmer's membership of a cooperative in accordance with the conditions set out in the cooperative's statutes or the rules and decisions provided for in or derived from these statutes; and*

*(f) provided that the producer organisation notifies the competent authorities of the Member State or Member States in which it operates of the volume of raw milk covered by such negotiations.*

*3. Notwithstanding the conditions set out in points (c)(ii) and (iii) of paragraph 2, a producer organisation may negotiate pursuant to paragraph 1, provided that, with regard to that producer organisation, the volume of raw milk covered by the negotiations which is produced in or delivered in a Member State having a total annual raw milk production of less than 500 000 tonnes does not exceed 45% of the total national production of that Member State.*

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

*5. For the purposes of applying point (c) of paragraph 2 and paragraph 3, the Commission shall publish, by such means as it considers appropriate, the amounts of raw milk production in the Union and the Member States using the most up-to-date information available.*

*6. By way of derogation from point (c) of paragraph 2 and paragraph 3, even where the thresholds set out therein are not exceeded, the national competition authority referred to in the second subparagraph of this paragraph may decide in an individual case that a particular negotiation by the producer organisation should either be reopened or should not take place at all if it considers that this is necessary in order to prevent competition being excluded or in order to avoid seriously damaging SME processors of raw milk in its territory.*

*For negotiations covering more than one Member State, the decision referred to in the first subparagraph shall be taken by the Commission, by means of an implementing act adopted without the application of Article 162(2) or (3). In other cases, that decision shall be taken by the national competition authority of the Member State to which the negotiations relate.*

*The decisions referred to in this paragraph shall not apply earlier than the date of their notification to the undertakings concerned.*

*7. For the purposes of this Article:*

*(a) a “national competition authority” shall be the authority referred to in Article 5 of Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 101 and 102 of the Treaty;*

*(b) “SME” shall mean a micro, small or medium-sized enterprise within the meaning of Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises.*

*8. The Member States in which negotiations take place in accordance with this Article shall notify the*

*Commission of the application of paragraph 2(f) and of paragraph 6.*

*9. The Commission shall be empowered to adopt delegated acts in accordance with Article 160 to lay down additional rules for calculating the volumes of raw milk covered by the negotiations referred to in paragraphs 2 and 3.*

*10. The Commission may, by means of implementing acts, make the necessary detailed provisions for the notification referred to in point (f) of paragraph 2 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2);*

Or. fr

*(Text adapted from Article 126d of Regulation (EU) No 261/2012 – OJ L 94, 30.3.2012)*

#### **Amendment 289**

#### **Proposal for a regulation Article 105 b (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 105b*

*Regulation of supply for cheese with a protected designation of origin or protected geographical indication*

*1. Upon the request of a producer organisation recognised under Articles 106 and 106a, an interbranch organisation recognised under Articles 108(1) and 108a or a group of operators referred to in Article 5(1) of Regulation (EC) No 510/2006, Member States may lay down, for a limited period of time, binding rules for the regulation of the supply of cheese benefiting from a protected designation of origin or from a protected geographical indication under*

***Article 2(1)(a) and (b) of Regulation (EC) No 510/2006.***

***2. The rules referred to in paragraph 1 shall comply with the conditions set out in paragraph 4 and shall be subject to the existence of a prior agreement between the parties in the geographical area referred to in Article 4(2)(c) of Regulation (EC) No 510/2006. Such an agreement shall be concluded between at least two-thirds of the milk producers or their representatives representing at least two-thirds of the raw milk used for the production of the cheese referred to in paragraph 1 and, if appropriate, at least two-thirds of the producers of that cheese representing at least two-thirds of the production of that cheese in the geographical area referred to in Article 4(2)(c) of Regulation (EC) No 510/2006.***

***3. For the purpose of paragraph 1, concerning cheese benefiting from a protected geographical indication, the geographical area of origin of the raw milk, as set in the product specification for the cheese, shall be the same as the geographical area referred to in Article 4(2)(c) of Regulation (EC) No 510/2006 related to that cheese.***

***4. The rules referred to in paragraph 1:***

***(a) shall only cover the regulation of supply of the product concerned and shall have the aim of adapting the supply of that cheese to demand;***

***(b) shall have effect only on the product concerned;***

***(c) may be made binding for no more than three years and be renewed after this period, following a new request, as referred to in paragraph 1;***

***(d) shall not damage the trade of products other than those concerned by the rules referred to in paragraph 1;***

***(e) shall not relate to any transaction after***

*the first marketing of the cheese concerned;*

*(f) shall not allow for price fixing, including where prices are set for guidance or recommendation;*

*(g) shall not render unavailable an excessive proportion of the product concerned that would otherwise be available;*

*(h) shall not create discrimination, constitute a barrier for new entrants in the market, or lead to small producers being adversely affected;*

*(i) shall contribute to maintaining the quality and/or the development of the product concerned;*

*(j) shall be without prejudice to Article 105a.*

*5. The rules referred to in paragraph 1 shall be published in an official publication of the Member State concerned.*

*6. Member States shall carry out checks in order to ensure that the conditions laid down in paragraph 4 are complied with, and, where it has been found by the competent national authorities that such conditions have not been complied with, shall repeal the rules referred to in paragraph 1.*

*7. Member States shall notify the Commission forthwith of the rules referred to in paragraph 1 which they have adopted. The Commission shall inform Member States of any notification of such rules.*

*8. The Commission may at any time adopt implementing acts requiring that a Member State repeal the rules laid down by that Member State pursuant to paragraph 1 if the Commission finds that those rules do not comply with the conditions laid down in paragraph 4, prevent or distort competition in a*

*substantial part of the internal market or jeopardise free trade or the attainment of the objectives of Article 39 TFEU.*

*These implementing acts shall be adopted without applying the procedure referred to in Article 162(2) or (3).*

Or. fr

*(Text adapted from Article 126a of Regulation (EU) No 261/2012 – OJ L 94, 30.3.2012)*

## **Amendment 290**

### **Proposal for a regulation**

#### **Article 106 – paragraph c – point iii**

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

(iii) optimising production costs **and** stabilising producer prices;

##### *Amendment*

(iii) optimising production costs, stabilising producer prices **and guaranteeing fair prices for consumers;**

Or. fr

##### *Justification*

*For all amendments to Article 106(c): Interbranch organisations must henceforth take on a major role in running agri-foodstuff markets. For their activities to be genuinely effective, the tasks entrusted to them should cover a wider spectrum than that proposed by the Commission.*

## **Amendment 291**

### **Proposal for a regulation**

#### **Article 106 – paragraph c – point v a (new)**

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

##### *Amendment*

**(va) establishing stricter production rules than those laid down at Union or national level;**

Or. fr

## **Amendment 292**

### **Proposal for a regulation**

#### **Article 106 – paragraph c – point v b (new)**

*Text proposed by the Commission*

*Amendment*

**(vb) managing the use of certified seed;**

Or. fr

## **Amendment 293**

### **Proposal for a regulation**

#### **Article 106 – paragraph c point vi**

*Text proposed by the Commission*

*Amendment*

vi) the management of by-products and of waste in particular to protect the quality of water, soil and landscape and preserving or encouraging biodiversity; **and**

vi) the management of by-products and of waste in particular to protect the quality of water, soil and landscape and preserving or encouraging biodiversity;

Or. fr

## **Amendment 294**

### **Proposal for a regulation**

#### **Article 106 – paragraph c – point vii a (new)**

*Text proposed by the Commission*

*Amendment*

**(vii a) developing initiatives to strengthen innovation;**

Or. fr



## **Amendment 295**

### **Proposal for a regulation**

#### **Article 106 – paragraph c – point vii b (new)**

*Text proposed by the Commission*

*Amendment*

***(viib) the management of the mutual funds referred to in Article 37 of Regulation (EU) No [...] on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), as well as the operational programmes and funds referred to in Articles 30 and 31 of this Regulation;***

Or. fr

## **Amendment 296**

### **Proposal for a regulation**

#### **Article 106 – paragraph c – point vii c (new)**

*Text proposed by the Commission*

*Amendment*

***(viic) implementing crisis-prevention and crisis-management instruments, notably through the withdrawal of products, their private storage, transformation and promotion and through promotional sales;***

Or. fr

## **Amendment 297**

### **Proposal for a regulation**

#### **Article 106 – paragraph c – point vii d (new)**

*Text proposed by the Commission*

*Amendment*

***(viid) promoting their members' use of the futures markets and of insurance schemes and providing the requisite technical***

*assistance;*

Or. fr

#### **Amendment 298**

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

##### **Article 106 – paragraph c – point vii e (new)**

*Text proposed by the Commission*

*Amendment*

*vii e) negotiating, on their own behalf or where applicable on behalf of their members, input supply contracts with operators in upstream sectors;*

Or. fr

#### **Amendment 299**

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

##### **Article 106 – paragraph c – point vii f (new)**

*Text proposed by the Commission*

*Amendment*

*vii f) negotiating, on their own behalf or where applicable on behalf of their members, contracts for the delivery of agricultural products and agri-foodstuffs, with operators in downstream sectors;*

Or. fr

#### **Amendment 300**

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

##### **Article 106 – paragraph d**

*Text proposed by the Commission*

*Amendment*

*d) do not hold a dominant position on a deleted*

*given market unless this is necessary in pursuance of the objectives of Article 39 of the Treaty.*

Or. fr

*Justification*

*Holding a dominant position is not wrong in itself, unlike abuse of dominant position. This provision would pose serious problems should a producer organisation acquire a dominant position on its own merits. It is, furthermore, contrary to the Commission's declared objective of concentrating supply in order to restore the balance in relationships within the food supply chain. It should therefore be deleted.*

**Amendment 301**

**Proposal for a regulation  
Article 106 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 106a**

**Rules of association of producer organisations**

**1. The rules of association of a producer organisation shall require its producer members, in particular, to:**

**(a) apply the rules adopted by the producer organisation relating to production reporting, production, marketing and protection of the environment;**

**(b) be members of only one producer organisation for any given product of the holding, without prejudice to any derogation granted by the Member State concerned in duly justified cases where producer members hold two distinct production units located in different geographical areas;**

**(c) provide the information requested by the producer organisation for statistical purposes, in particular on growing areas, production, yields and direct sales;**

*2. The rules of association of a producer organisation shall also provide for:*

*(a) procedures for laying down, adopting and amending the rules referred to in paragraph 1;*

*(b) the imposition on members of financial contributions needed to finance the producer organisation;*

*(c) rules enabling the producer members to scrutinise democratically their organisation and its decisions;*

*(d) penalties for infringement of obligations under the articles of association, particularly non-payment of financial contributions, or of the rules laid down by the producer organisation;*

*(e) rules on the admission of new members, and in particular the minimum period of membership which may not be less than one year;*

*(f) the accounting and budgetary rules necessary for the operation of the organisation.*

*3. Producer organisations shall be deemed to be acting in the name and on behalf of their members in economic matters.*

Or. fr

#### *Justification*

*This is essential information, which should be reintroduced into the basic act. These provisions are based on Article 213 of Proposal for a Regulation (2010) 799 aligning the single COM with the provisions of the Lisbon Treaty.*

## **Amendment 302**

### **Proposal for a regulation Article 106 b (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 106b**

##### ***Recognition of producer organisations***

***1. Member States shall recognise as producer organisations all legal entities or clearly defined parts of legal entities applying for such recognition, provided that they:***

***(a) meet the requirements laid down in points (b) and (c) of the first paragraph of Article 106;***

***(b) have a minimum number of members and/or cover a minimum volume of marketable production, to be laid down by the Member State concerned, in the area where they operate;***

***(c) provide sufficient evidence that they can carry out their activities properly, both over time and in terms of effectiveness, provision of human, material and technical support to their members, and concentration of supply;***

***(d) have rules of association that are consistent with points (a), (b) and (c) of this paragraph.***

***2. Member States may decide that producer organisations which have been recognised before 1 January 2014 on the basis of national law and which fulfil the conditions laid down in paragraph 1 of this Article are deemed to be recognised as producer organisations pursuant to Article 106.***

***3. Producer organisations which have been recognised before 1 January 2014 on the basis of national law and which do not fulfil the conditions laid down in paragraph 1 of this Article may continue to exercise their activities under national***

*law until 1 January 2015.*

**4. Member States shall:**

*(a) decide whether to grant recognition to a producer organisation within four months of the lodging of an application accompanied by all the relevant supporting evidence; this application shall be lodged with the Member State where the organisation has its headquarters;*

*(b) carry out, at intervals to be determined by them, checks to verify that recognised producer organisations are complying with the provisions in this Chapter;*

*(c) in the event of non-compliance or irregularities in the implementation of the measures provided for in this Chapter, impose on those organisations and associations the applicable penalties they have laid down and decide whether, if necessary, recognition should be withdrawn;*

*(d) inform the Commission once a year and no later than 31 March of every decision to grant, refuse or withdraw recognition taken during the previous calendar year.*

Or. fr

*(Text adapted from Article 126a of Regulation (EU) No 261/2012 – OJ L 94, 30.3.2012)*

*Justification*

*This is essential information, which should be reintroduced into the basic act. These provisions are based on Article 214 of Proposal for a Regulation (2010) 799 aligning the single COM with the provisions of the Lisbon Treaty and correspond to Article 1(3) of Regulation No 261/2012 on contractual relations in the milk and milk products sector.*

## Amendment 303

### Proposal for a regulation Article 106 c (new)

*Text proposed by the Commission*

*Amendment*

*Article 106c*

*Outsourcing*

*Member States may permit a recognised producer organisation or a recognised association of producer organisations to outsource any of its activities, including to subsidiaries, provided that it provides sufficient evidence to the Member State concerned that doing so is an appropriate way to achieve the objectives of the producer organisation or association of producer organisations concerned.*

Or. fr

*Justification*

*This is essential information which should be reintroduced into the basic act and which corresponds to Article 216 of Proposal for a Regulation (2010) 799 aligning the single CMO with the provisions of the Lisbon Treaty.*

## Amendment 304

### Proposal for a regulation Article 108 – paragraph 1 – point a

*Text proposed by the Commission*

*Amendment*

a) are constituted of representatives of economic activities linked to the production ***of, trade in, and/or*** processing of products in one or more sectors;

a) are constituted of representatives of economic activities linked to the production ***and to at least one of the following stages of the supply chain: the processing of or marketing of, including distribution of,*** products in one or more sectors;

Or. fr

### *Justification*

*For all amendments to Article 108: interbranch organisations must henceforth take on a major role in running agri-foodstuff branches. For their activities to be genuinely effective, the tasks entrusted to them should cover a wider spectrum than that proposed by the Commission. These provisions also take account of the provisions in Article 1(2) of Regulation (EU) No 261/2012 on contractual relations in the milk and milk products sector.*

### **Amendment 305**

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

#### **Article 108 – paragraph 1 – point c**

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

c) pursue a specific aim, which may include ***at least*** one of the following objectives:

##### *Amendment*

c) pursue a specific aim ***taking account of the interests of their members and of consumers***, which may include ***in particular*** one of the following objectives:

Or. fr

### **Amendment 306**

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

#### **Article 108 – paragraph 1 – point c – point i**

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

i) improving knowledge and the transparency of production and the market, including by publication of statistical data on ***the*** prices, volumes and duration of contracts which have been previously concluded, and by providing analyses of potential future market developments at regional ***or*** national level;

##### *Amendment*

i) improving knowledge and the transparency of production and the market, including by publication of statistical data on ***production costs***, prices, ***including where appropriate price indicators***, volumes and duration of contracts which have been previously concluded, and by providing analyses of potential future market developments at regional, national ***or international*** level;

Or. fr



## Amendment 307

### Proposal for a regulation

#### Article 108 – paragraph 1 – point c – point i a (new)

*Text proposed by the Commission*

*Amendment*

*i a) facilitating advance knowledge of  
production potential, and recording  
market prices;*

Or. fr

## Amendment 308

### Proposal for a regulation

#### Article 108 – paragraph 1 – point c – point ii a (new)

*Text proposed by the Commission*

*Amendment*

*ii a) exploring potential export markets;*

Or. fr

## Amendment 309

### Proposal for a regulation

#### Article 108 – paragraph 1 – point c – point iii

*Text proposed by the Commission*

*Amendment*

(iii) drawing up standard forms of contract  
compatible with Union rules;

(iii) drawing up standard forms of contract  
compatible with Union rules, ***without  
prejudice to provisions laid down in  
Articles 104a and 113a;***

Or. fr

## Amendment 310

### Proposal for a regulation

#### Article 108 – paragraph 1 – point c – point iv

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

iv) exploiting to a fuller extent the potential of the products;

##### *Amendment*

iv) exploiting to a fuller extent the potential of the products, ***including at the level of market outlets, and that of green chemistry in particular;***

Or. fr

## Amendment 311

### Proposal for a regulation

#### Article 108 – paragraph 1 – point c – point v

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

v) providing the information and carrying out the research necessary to rationalise, improve and adjust production towards products more suited to market requirements and consumer tastes and expectations, in particular with regard to product quality, including the particular characteristics of products with a protected designation of origin or a protected geographical indication, and protection of the environment;

##### *Amendment*

v) providing the information and carrying out the research necessary to ***innovate***, rationalise, improve and adjust production, ***and where applicable the processing and/or marketing***, towards products more suited to market requirements and consumer tastes and expectations, in particular with regard to product quality, including the particular characteristics of products with a protected designation of origin or a protected geographical indication, and protection of the environment;

Or. fr

## Amendment 312

### Proposal for a regulation

#### Article 108 – paragraph 1 – point c – point vi

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

vi) seeking ways of restricting the use of

##### *Amendment*

vi) seeking ways of restricting the use of

animal-health or plant protection products  
**and** other inputs **and** ensuring product  
quality and soil and water conservation;

animal-health or plant protection products,  
**of better managing** other inputs, **of**  
ensuring product quality and soil and water  
conservation, **of enhancing food safety, in**  
**particular through traceability of**  
**products, and improving animal health**  
**and welfare;**

Or. fr

### **Amendment 313**

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

#### **Article 108 – paragraph 1 – point c – point vii**

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

(vii) developing methods and instruments  
for improving product quality at all stages  
of production and marketing;

##### *Amendment*

(vii) developing methods and instruments  
for improving product quality at all stages  
of production and, **where applicable, of**  
**processing and/or** marketing;

Or. fr

### **Amendment 314**

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

#### **Article 108 – paragraph 1 – point c – point vii a (new)**

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

##### *Amendment*

**vii a) defining minimum qualities and**  
**defining minimum standards of packing**  
**and presentation;**

Or. fr

## Amendment 315

### Proposal for a regulation

#### Article 108 – paragraph 1 – point c – point viii

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

viii) ***exploiting the potential of*** organic farming and ***protecting and promoting such farming as well as*** designations of origin, quality labels and geographical indications;

##### *Amendment*

viii) ***taking all possible actions to uphold, protect and promote*** organic farming and designations of origin, quality labels and geographical indications;

Or. fr

## Amendment 316

### Proposal for a regulation

#### Article 108 – paragraph 1 – point c – point x

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

x) encouraging healthy consumption of the products and informing about the harm linked to hazardous consumption patterns;

##### *Amendment*

x) encouraging healthy consumption of the products ***on the internal market*** and/or informing about the harm linked to hazardous consumption patterns ***and promoting consumption and/or furnishing information concerning products on the internal market and external markets;***

Or. fr

## Amendment 317

### Proposal for a regulation

#### Article 108 – paragraph 1 – point c – point xi

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

***xi) carrying out promotion actions, especially in third countries.***

##### *Amendment*

***deleted***

Or. fr

## **Amendment 318**

### **Proposal for a regulation**

#### **Article 108 - paragraph 1 - point c – point xi a (new)**

*Text proposed by the Commission*

*Amendment*

*(xia) implementing collective measures to prevent and manage the health, plant-protection and environmental risks and uncertainties linked to the production and, where applicable to the processing and/or marketing and/or distribution of agricultural and food products.*

Or. fr

## **Amendment 319**

### **Proposal for a regulation**

#### **Article 108 a (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 108a*

#### *Recognition of interbranch organisations*

*1. Member States shall recognise interbranch organisations applying for such recognition, provided that they:*

*(a) meet the requirements laid down in Article 108;*

*(b) carry out their activities in one or more regions in the territory concerned;*

*(c) account for a significant share of the economic activities referred to in Article 108(1)(a);*

*(d) with the exception of the cases laid down in Article 108(2), do not themselves engage in production, processing and/or trade.*

*2. Member States may decide that*

*interbranch organisations which have been recognised before 1 January 2014 on the basis of national law and which fulfil the conditions laid down in paragraph 1 are deemed to be recognised as interbranch organisations pursuant to Article 108.*

*3. Interbranch organisations which have been recognised before 1 January 2014 on the basis of national law and which do not fulfil the conditions laid down in paragraph 1 of this Article may continue to exercise their activities under national law until 1 January 2015.*

*4. Where Member States recognise an interbranch organisation in accordance with paragraph 1 and/or 2, they shall:*

*(a) decide whether to grant recognition within four months of the lodging of an application with all relevant supporting documents; this application shall be lodged with the Member State where the organisation has its headquarters;*

*(b) carry out, at intervals to be determined by them, checks to verify that recognised interbranch organisations are complying with the conditions governing their recognition;*

*(c) in the event of non-compliance or irregularities in the implementation of the measures provided for in this Regulation, impose on those organisations the applicable penalties they have laid down and decide whether, if necessary, recognition should be withdrawn;*

*(d) withdraw recognition if:*

*(i) the requirements and conditions for recognition laid down in this Article are no longer met;*

*(ii) the interbranch organisation engages in any of the agreements, decisions and concerted practices referred to in Article 145(4), without prejudice to any other penalties to be imposed pursuant to*

*national law;*

*(iii) the interbranch organisation fails to comply with the notification obligation referred to in Article 145(2);*

*(e) inform the Commission once a year and no later than 31 March of every decision to grant, refuse or withdraw recognition taken during the previous calendar year.*

Or. fr

*(Text adapted from Article 126b of Regulation (EU) No 261/2012 – OJ L 94, 30.3.2012)*

*Justification*

*This is essential information, which should be reintroduced into the basic act. These provisions are based on Article 223 of Proposal for a Regulation (2010) 799 aligning the single COM with the provisions of the Lisbon Treaty and correspond to Article 1(3) of Regulation No 261/2012 on contractual relations in the milk and milk products sector.*

**Amendment 320**

**Proposal for a regulation  
Article 109 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 109a***

***Approval of operators' organisations***

***1. Member States shall approve operators' organisations as defined in Article 109 of this Regulation.***

***2. Member States shall draw up the conditions for approval, which shall include at least the following:***

***(a) producer organisations shall be composed exclusively of olive producers who are not members of any other approved producer organisation;***

***(b) associations of producer organisations shall be composed exclusively of approved producer organisations which are not part***

*of any other approved association of producer organisations;*

*(c) other operators' organisations shall be composed exclusively of operators in the olive sector who are not part of any other approved operators' organisation;*

*(d) interbranch organisations shall provide a broad and balanced representation of all economic activities linked to the production and processing of, and trade in, olive oil and/or table olives;*

*(e) the operators' organisation shall be in a position to submit a work programme for at least one of the areas referred to in points (a), (b), (c) and (ca) of the first subparagraph of Article 27(1);*

*(f) the operators' organisation shall undertake to submit to the checks provided for in Article 14 of Regulation (EC) No 867/2008<sup>1</sup>.*

*3. In evaluating the applications for approval submitted by operators' organisations, Member States shall consider in particular the following aspects:*

*(a) the specific features of the olive sector in each regional area defined by the Member States;*

*(b) consumer interests and market balance;*

*(c) improving the production quality of olive oil and table olives;*

*(d) an assessment of the effectiveness of the work programmes submitted.*

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<sup>1</sup> OJ L 237, 4.9.2008, p. 5

Or. fr



### *Justification*

*This is essential information, which should be included in the basic act. These provisions are adapted from Article 2 of Regulation (EC) No 867/2008.*

### **Amendment 321**

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

#### **Article 109 b (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 109b**

#### **Role of groups**

***1. In order to improve and stabilise the operation of the market in products which have been assigned a protected designation of origin or a protected geographical indication pursuant to Regulation (EC) No XXXXXXXX on agricultural product quality schemes, producer Member States may lay down marketing rules to regulate supply, in particular by implementing decisions taken by the groups referred to in Article 42 of Regulation (EC) No XXXXXXXX on agricultural product quality schemes.***

***2. Such rules shall be proportionate to the objective pursued and:***

***(a) only cover the regulation of supply and aim to bring the supply of the product into line with demand;***

***(b) not be made binding for more than a renewable period of five years of marketing;***

***(c) shall not relate to any transaction after the first marketing of the product concerned;***

***(d) must not allow for price fixing, including where prices are set for guidance or by way of recommendation;***

***(e) shall not render unavailable an excessive proportion of the product concerned that would otherwise be***

*available;*

*(f) shall not have the effect of preventing an operator from starting production of the product concerned;*

*3. The rules referred to in paragraph 1 shall be brought to the attention of operators by being set out in extenso in an official publication of the Member State concerned.*

*4. The decisions and measures taken by the Member States in year n in accordance with this Article shall be notified to the Commission before 1 March of year n+1.*

*5. The Commission may ask a Member State to withdraw its decision if it finds that that decision precludes competition in a substantial part of the internal market, compromises the free movement of goods or is at odds with the objectives of Article 39 of the Treaty on the Functioning of the European Union.*

Or. fr

#### *Justification*

*This amendment reiterates the position adopted by the Committee on Agriculture and Rural Development when considering Proposal for a Regulation (2010) 738 on marketing standards.*

#### **Amendment 322**

##### **Proposal for a regulation Article 110 – paragraph 4**

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

4. The rules for which extension to other operators may be requested as provided in paragraph 1 shall **have** one of the **following aims**:

**a) production and market reporting;**

###### *Amendment*

4. The rules for which extension to other operators may be requested as provided in paragraph 1 shall **pertain to** one of the **activities meeting the objectives laid down in Article 106(c) or Article 108(1)(c).**

- b) stricter production rules than those laid down in Union or national rules;*
- c) drawing up of standard contracts which are compatible with Union rules;*
- d) rules on marketing;*
- e) rules on protecting the environment;*
- f) measures to promote and exploit the potential of products;*
- g) measures to protect organic farming as well as designations of origin, quality labels and geographical indications;*
- h) research to add value to the products, in particular through new uses which do not pose a threat to public health;*
- i) studies to improve the quality of products;*
- j) research, in particular into methods of cultivation permitting reduced use of plant protection or animal health products and guaranteeing conservation of the soil and the environment;*
- k) definition of minimum qualities and definition of minimum standards of packing and presentation;*
- l) use of certified seed and monitoring of product quality.*

Or. fr

#### *Justification*

*As extension of the rules is permitted for producer organisations, their associations and the interbranch organisations, the dividing line between the tasks for which each is responsible should be made clear. That being the case, Member States should be able to implement and select the system for extending the rules that best suits their own situation, to avoid there being any duplication or confusion or upsetting balances arrived at within each branch.*

## **Amendment 323**

### **Proposal for a regulation**

#### **Article 110 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. Where an interbranch organisation that has been recognised for one or more products exists, Member States shall determine which decisions and practices of the producer organisations may not be extended owing to these being matters for which the interbranch organisation in question is responsible.***

Or. fr

#### *Justification*

*As extension of the rules is permitted for producer organisations, their associations and the interbranch organisations, the dividing line between the tasks for which each is responsible should be made clear. That being the case, Member States should be able to implement and select the system for extending the rules that best suits their own situation, to avoid there being any duplication or confusion or upsetting balances arrived at within each branch.*

## **Amendment 324**

### **Proposal for a regulation**

#### **Article 110 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

***4b. The extension of the rules referred to in paragraph 1 shall be brought to the attention of operators by publication in extenso in an official publication of the Member State concerned.***

Or. fr

## Amendment 325

### Proposal for a regulation

#### Article 110 – paragraph 4 c (new)

*Text proposed by the Commission*

*Amendment*

***4c. Member States shall inform the Commission each year, by 31 March at the latest, of any decisions taken under this Article.***

Or. fr

## Amendment 326

### Proposal for a regulation

#### Article 111 – paragraph 1

*Text proposed by the Commission*

*Amendment*

Where rules of a recognised producer organisation, a recognised association of producer organisations or a recognised interbranch organisation are extended under Article 110 and the activities covered by those rules are in the general economic interest of persons whose activities relate to the products concerned, the Member State which has granted recognition may decide that individuals or groups which are not members of the organisation but which benefit from those activities shall pay the organisation all or part of the financial contributions paid by its members to the extent that such contributions are intended to cover costs ***directly incurred as a result of pursuing*** the activities in question.

Where rules of a recognised producer organisation, a recognised association of producer organisations or a recognised interbranch organisation are extended under Article 110 and the activities covered by those rules are in the general economic interest of persons whose activities relate to the products concerned, ***irrespective of whether the latter are produced and/or marketed in*** the Member State which has granted recognition, ***said Member State*** may decide that individuals or groups which are not members of the organisation but which benefit from those activities shall pay the organisation all or part of the financial contributions paid by its members to the extent that such contributions are intended to cover ***all*** costs ***necessary to pursuit of*** the activities in question.

Or. fr

*Justification*

*Financial contributions from non-members should also apply to imported products that would benefit from the extended rules, promotional campaigns being one example.*

**Amendment 327**

**Proposal for a regulation**

**Article 112 – introductory part**

*Text proposed by the Commission*

Taking into account the need to encourage action by the organisations referred to in Articles 106 to 108 to facilitate the adjustment of supply to market requirements, with the exception of action relating to withdrawal from the market, the Commission shall be empowered to adopt delegated acts in accordance with Article 160, concerning the ***live plants, beef and veal, pigmeat, sheepmeat and goatmeat, eggs and poultrymeat*** sectors on measures:

*Amendment*

Taking into account the need to encourage action by the organisations referred to in Articles 106 to 108 to facilitate the adjustment of supply to market requirements, with the exception of action relating to withdrawal from the market, the Commission shall be empowered to adopt delegated acts in accordance with Article 160, concerning the sectors ***listed in Article 1(2)***, on measures:

Or. fr

*Justification*

*It may so happen that measures to facilitate the adjustment of supply to market requirements prove necessary in all agricultural sectors. The scope of this measure should therefore be widened.*

**Amendment 328**

**Proposal for a regulation**

**Article 113 – title**

*Text proposed by the Commission*

Article 113

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

*Amendment*

Article 113

Marketing rules to improve and stabilise the operation of the ***internal*** market

Or. fr

*Justification*

*It may so happen that marketing rules to improve and stabilise the operation of markets prove necessary in all agricultural sectors. The scope of this measure should therefore be widened.*

**Amendment 329**

**Proposal for a regulation**  
**Article 113 – paragraph 1**

*Text proposed by the Commission*

In order to improve and stabilise the operation of the **common** market **in wines, including the grapes, musts and wines from which they derive**, producer Member States may lay down marketing rules to regulate supply, particularly by way of decisions taken by the interbranch organisations recognised under Article 108.

*Amendment*

**1.** In order to improve and stabilise the operation of the **internal** market, producer Member States may lay down marketing rules to regulate supply, particularly by way of decisions taken by the interbranch organisations recognised under Article 108.

Or. fr

*Justification*

*It may so happen that marketing rules to improve and stabilise the operation of markets prove necessary in all agricultural sectors. The scope of this measure should therefore be widened.*

**Amendment 330**

**Proposal for a regulation**  
**Article 113 – point d**

*Text proposed by the Commission*

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

*Amendment*

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

Or. fr

*Justification*

*It may so happen that marketing rules to improve and stabilise the operation of markets prove necessary in all agricultural sectors. The scope of this measure should therefore be widened.*

**Amendment 331**

**Proposal for a regulation**

**Article 113 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The rules provided for in paragraph 1 must be brought to the attention of operators by publication in extenso in an official publication of the Member State concerned.***

Or. fr

**Amendment 332**

**Proposal for a regulation**

**Article 113 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. Member States shall inform the Commission each year, by 31 March at the latest, of any decisions taken under this Article.***

Or. fr

**Amendment 333**

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

***SECTION 3A***



## **FORMAL CONTRACT SYSTEMS**

### **Article 113a**

#### **Contractual Relations**

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

**Where the Member State decides that deliveries of the products concerned by a producer to a processor must be covered by a written contract between the parties, it shall also decide which stage or stages of the delivery shall be covered by such a contract if delivery of the products concerned is made through one or more intermediaries.**

**2. The contract and/or the offer for a contract shall:**

**(a) be made in advance of the delivery,**

**(b) be made in writing, and**

**(c) include, in particular, the following elements:**

**(i) the price payable for the delivery, which shall:**

**– be static and be set out in the contract, and/or**

**– be calculated by combining various factors set out in the contract, which may include market indicators reflecting changes in market conditions, the quantities delivered and the quality or**

*composition of the agricultural products delivered,*

*(ii) the quantity and quality of the products concerned which may and/or must be delivered and the timing of such deliveries,*

*(iii) the duration of the contract, which may include either a definite or an indefinite duration with termination clauses,*

*(iv) details regarding payment periods and procedures,*

*(v) arrangements for collecting or delivering the agricultural products, and*

*(vi) rules applicable in the event of force majeure.*

*3. By way of derogation from paragraph 1, a contract and/or an offer for a contract shall not be required where the products concerned are delivered by a producer to a purchaser being a cooperative of which the producer is a member if the statutes of that cooperative or the rules and decisions provided for in or derived from these statutes contain provisions having similar effects to the provisions set out in points (a), (b) and (c) of paragraph 2.*

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

*Notwithstanding the first subparagraph,*

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

*Such a minimum duration shall be at least six months and shall not impair the proper functioning of the internal market; and/or*

*(ii) where a Member State decides that the first purchaser of agricultural products must make the producer a written offer for a contract in accordance with paragraph 1, it may provide that the offer must include a minimum duration for the contract, set by national law for this purpose. Such a minimum duration shall be at least six months and shall not impair the proper functioning of the internal market.*

*The second subparagraph shall be without prejudice to the producer's right to refuse such a minimum duration provided that he does so in writing. In this case, the parties shall be free to negotiate all elements of the contract, including those elements referred to in paragraph 2(c).*

*5. Member States which make use of the options referred to in this Article shall notify the Commission of how they are applied.*

*6. The Commission may adopt implementing acts laying down measures necessary for the uniform application of paragraph 2(a) and (b) and paragraph 3 of this Article and measures relating to notifications to be made by the Member States in accordance with this Article.*

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

Or. fr

#### *Justification*

*The adoption of Regulation (EU) No 261/2012 on contractual relations in the milk and milk products sector has been widely hailed as representing progress in relationships within the food supply chain. All sectors should be allowed to benefit from an optional system of formal*

*contracts.*

## **Amendment 334**

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

*Text proposed by the Commission*

*Amendment*

#### ***Article 113b***

##### ***Contractual negotiations***

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

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

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

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

***(c) provided that the farmers concerned are not members of any other producer organisation which also negotiates such contracts on their behalf; however, Member States may derogate from this condition in duly justified cases where producers hold two distinct production units located in different geographic areas;***

***(d) provided that the products in question are not covered by an obligation to deliver arising from the farmer's membership of a cooperative in accordance with the conditions set out in the cooperative's***

*statutes or the rules and decisions provided for in or derived from these statutes; and*

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

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

*4. For negotiations covering more than one Member State, the decision referred to in the first subparagraph shall be taken by the Commission, by means of an implementing act adopted without the application of Article 162(2) or (3). In other cases, that decision shall be taken by the national competition authority of the Member State to which the negotiations relate.*

*The decisions referred to in this paragraph shall not apply earlier than the date of their notification to the undertakings concerned.*

*5. The Member States in which negotiations take place in accordance with this Article shall notify the Commission of the application of paragraph 2(f) and of paragraph 5.*

Or. fr

#### *Justification*

*The adoption of Regulation (EU) No 261/2012 on contractual relations in the milk and milk products sector has been widely hailed as representing progress in relationships within the food supply chain. All sectors should be allowed to benefit from an optional system of formal contracts.*

## Amendment 335

### Proposal for a regulation Article 114 – point -a (new)

*Text proposed by the Commission*

*Amendment*

***-a) the specific rules applicable in one or more of the sectors listed in Article 1(2) of this Regulation;***

Or. fr

*Justification*

*Specific provisions relating to certain specific sectors should be adopted by delegated act.*

## Amendment 336

### Proposal for a regulation Article 114 – point a

*Text proposed by the Commission*

*Amendment*

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

a) the specific aims which may, shall or shall not be pursued by such organisations and associations, ***and where applicable added to*** those laid down in Articles 106 to 109,

Or. fr

## Amendment 337

### Proposal for a regulation Article 114 – point b

*Text proposed by the Commission*

*Amendment*

b) the rules of association, the ***recognition***, structure, legal personality, membership, size, accountability and activities of such organisations and associations, ***the requirement referred to in point (d) of***

b) the rules of association ***of organisations other than producer organisations***, the ***specific conditions applicable to the rules of association of producer organisations in certain sectors***, the structure, legal

***Article 106 for recognition of a producer organisation that it does not hold a dominant position on a given market unless this is necessary in pursuance of the objectives of Article 39 of the Treaty,*** the effects deriving from recognition, the withdrawal of recognition, and mergers;

personality, membership, size, accountability and activities of such organisations and associations, ***the conditions for recognition,*** the effects deriving from recognition, the withdrawal of recognition, and mergers

Or. fr

## **Amendment 338**

### **Proposal for a regulation Article 114 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***ca) rules relating to the establishment and the conditions of administrative assistance to be given by the relevant competent authorities in the case of transnational cooperation;***

Or. fr

### *Justification*

*The amendment is based on Article 1(3) of Regulation (EU) No 261/2012 on contractual relations in the milk and milk products sector.*

## **Amendment 339**

### **Proposal for a regulation Article 114 – point d**

*Text proposed by the Commission*

*Amendment*

d) outsourcing of activities and the provision of technical means by organisations or associations;

d) ***conditions for*** outsourcing of activities and the provision of technical means by organisations or associations;

Or. fr

## Amendment 340

### Proposal for a regulation Article 114 – point f

#### *Text proposed by the Commission*

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

#### *Amendment*

f) the extension of certain rules of the organisations provided for in Article 110 to non-members and the compulsory payment of subscriptions by non-members referred to in Article 111, further requirements as regards representativeness, the economic areas concerned, including Commission scrutiny of their definition, minimum periods during which the rules shall apply before their extension, the persons or organisations to whom the rules or contributions may be applied, and the circumstances in which the Commission may require, ***for a specific period***, that the extension of rules or compulsory contributions shall be refused or withdrawn.

Or. fr

## Amendment 341

### Proposal for a regulation Article 114 – point f a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***fa) the specific conditions for implementing contractual systems in the sectors referred to in Article 113a(1);***

Or. fr



## Amendment 342

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

#### *Text proposed by the Commission*

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

#### *Amendment*

The Commission may, by means of implementing acts, adopt the necessary measures concerning this Chapter, in particular ***measures concerning:***

- (a) implementation of the conditions for recognition of producer organisations and interbranch organisations set out in Articles 106b and 108a;***
- (b) notifications to be made by the Member States to the Commission in accordance with Article 106b(4)(d), Article 108a(3)(e), Article 105a(8) and Article 105b(7);***
- (c) procedures relating to administrative assistance in the case of transnational cooperation;***
- (d) procedures and technical conditions as regards the implementation of the measures referred to in Articles 110 and 112.***

Or. fr

#### *Justification*

*The amendment is based on Article 1(3) of Regulation (EU) No 261/2012 on contractual relations in the milk and milk products sector. It has been adapted to cover all sectors.*

## Amendment 343

### Proposal for a regulation Article 116 – point a

#### *Text proposed by the Commission*

a) the recognition of organisations carrying out activities in more than one Member State, pursuant to the rules adopted under Article 114(c);

#### *Amendment*

a) the recognition, ***the refusal or the repeal of recognition*** of organisations carrying out activities in more than one Member State, pursuant to the rules adopted under Article 114(c);

Or. fr

#### *Justification*

*The Commission must be able to act directly in regard to the entire process of recognising organisations when the latter operate in more than one Member State.*

## Amendment 344

### Proposal for a regulation Article 116 – point b

#### *Text proposed by the Commission*

b) ***the refusal of or repeal of recognition of interbranch organisations, repeal of the extension of rules or compulsory contributions, approval of, or decisions on the amendment of economic areas notified by Member States pursuant to the rules adopted under Article 114(f).***

#### *Amendment*

b) the extension of rules or compulsory contributions ***of the organisations referred to in point a) and their repeal.***

Or. fr

#### *Justification*

*The Commission must not encroach upon Member States' competences in regard to the process of recognising organisations and extending their rules or their compulsory contributions when these organisations operate in just one Member State.*

## **Amendment 345**

### **Proposal for a regulation**

#### **Article 116 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The Commission may, by means of implementing acts, adopt decisions concerning the approval or modification of the economic areas notified by Member States in application of the rules adopted in accordance with Article 114(f).***

***These implementing acts shall be adopted without applying the procedure referred to in Article 162(2) or (3).***

Or. fr

*Justification*

*These decisions are not individual decisions in that they are not addressed directly to one or more named natural or legal persons, but directly to the Member States.*

## **Amendment 346**

### **Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

#### ***SECTION 5***

#### ***TRANSPARENCY AND MARKET INFORMATION***

#### ***Article 116a***

#### ***European Food Price Monitoring Tool***

***1. In order to provide businesses and all public authorities with information concerning price formation throughout the food supply chain, and to facilitate the observation and recording of market trends, the Commission shall report regularly to the Council and to the European Parliament on the activities of***

*the European Food Price Monitoring Tool and the results of the latter's studies, and shall ensure that these results are made public.*

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

*(a) production and supply;*

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

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

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

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

Or. fr

#### *Justification*

*The Commission's work in setting up a European Food Price Monitoring Tool within Eurostat is to be welcomed. However, there should be regular reporting to the European Parliament and the Council on the outcome of its work. The European Food Price Monitoring Tool should also look at the broadest possible spectrum of economic factors, so that the public authorities and businesses can have the most precise, the most transparent and the*

*fullest information possible on the situation in the various sectors and in the food supply chain.*

#### **Amendment 347**

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

##### **Article 117 – paragraph 1 – sub-paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The following products shall be subject to a licensing requirement: cereals, rice, sugar, flax, hemp, seeds, live plants, olive oil, fruit and vegetables, processed fruit and vegetables, bananas, beef and veal, pigmeat, sheepmeat and goatmeat, poultrymeat, eggs, milk and milk products, wine, agricultural ethyl alcohol.***

Or. fr

*Justification*

*This is the list drawn from Article 233 of the proposal for a regulation aligning the single CMO with the provisions of the Lisbon Treaty (COM(2010) 799). The list of eligible products must appear in the basic act. Given the volatility of the market in agricultural products, prior monitoring of imports and exports is essential with a view to ensuring a good level of knowledge of the market and predicting disturbances.*

#### **Amendment 348**

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

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

*Text proposed by the Commission*

*Amendment*

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

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

Or. fr

*Justification*

*See amendment to Article 117.*

## Amendment 349

### Proposal for a regulation

#### Article 118 – paragraph 2 – introductory part

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

2. Taking into account the need to **define the main elements of** the licence system, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to:

##### *Amendment*

Taking into account the need to **clarify the rules concerning** the licence system, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to:

Or. fr

##### *Justification*

*Defining the main elements of the licensing system is the task of the legislator, not the Commission.*

## Amendment 350

### Proposal for a regulation

#### Article 119 – introductory part

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

The Commission shall, by means of implementing acts, adopt necessary measures concerning this **Section**, including rules on:

##### *Amendment*

The Commission shall, by means of implementing acts, adopt necessary measures concerning this **Chapter**, including rules on:

Or. fr

##### *Justification*

*This article forms part of a chapter, not a section.*

## Amendment 351

### Proposal for a regulation

#### Article 120 – subparagraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***These implementing acts shall be adopted without applying the procedure referred to in Article 162(2) or (3).***

Or. fr

*Justification*

*Necessary procedural clarification.*

## Amendment 352

### Proposal for a regulation

#### Article 121

*Text proposed by the Commission*

*Amendment*

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

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

Or. fr

*Justification*

*The Commission cannot be given carte blanche by this Regulation to amend other acts adopted in accordance with Article 43 of the Treaty. The delegated powers in question should be stipulated in each act concerned.*

## Amendment 353

### Proposal for a regulation Article 122 — paragraph 1

*Text proposed by the Commission*

1. For the application of the Common Customs Tariff duty rate for products of the fruit and vegetables and processed fruit and vegetables sectors and for grape juice and musts, the entry price of a consignment shall be equal to its customs value calculated in accordance with the provisions of Regulation (EC) No 2913/1992 of 12 October 1992 establishing the Community Customs Code (the Customs Code) and Regulation (EC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (CCIP).

*Amendment*

*Does not affect the English version.*

Or. fr

## Amendment 354

### Proposal for a regulation Article 122 — paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1(a) The entry price of a consignment may also, where appropriate, be determined by means of a standard import value calculated by origin and by product on the basis of the weighted average of the prices of the products concerned on representative import markets in the Member States, or, where appropriate, on other markets.***

Or. fr



### *Justification*

*Partially reiterates Article 246 of proposal for a Regulation (COM (2010) 799) aligning the single CMO with the provisions of the Lisbon Treaty. It seems important to provide a definition, even if only a brief one, of the standard import value.*

## **Amendment 355**

### **Proposal for a regulation Article 122 — paragraph 2**

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Or. fr

### *Justification*

*The whole of Article 30 should be referred to so that all customs clearance methods are covered.*

## **Amendment 356**

### **Proposal for a regulation Article 122 — paragraph 3**

#### *Text proposed by the Commission*

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

#### *Amendment*

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

against *another* value.

check of the customs value against *the standard import* value.

Or. fr

*Justification*

*It is essential to retain the reference to the standard import value, which remains a vital tool both for assessing the customs value and for triggering the entry price mechanism itself.*

**Amendment 357**

**Proposal for a regulation**  
**Article 123 — paragraph 1**

*Text proposed by the Commission*

1. The Commission *may*, by means of implementing acts, determine the products of the cereals, rice, sugar, fruit and vegetables, processed fruit and vegetables, beef and veal, milk and milk products, pig meat, sheep meat and goat meat, eggs, poultry and bananas sectors, as well as of grape juice and grape must, to which, when imported subject to the rate of duty laid down in the Common Customs Tariff, an additional import duty shall apply in order to prevent or counteract adverse effects on the Union market which may result from those imports, if:

*Amendment*

1. The Commission *shall*, by means of implementing acts, determine the products of the cereals, rice, sugar, fruit and vegetables, processed fruit and vegetables, beef and veal, milk and milk products, pig meat, sheep meat and goat meat, eggs, poultry and bananas sectors, as well as of grape juice and grape must, to which, when imported subject to the rate of duty laid down in the Common Customs Tariff, an additional import duty shall apply in order to prevent or counteract adverse effects on the Union market which may result from those imports, if:

Or. fr

*Justification*

*Reinstates the automatic application of the additional duties provided for in Article 141 of Regulation No 1234/2007*

## Amendment 358

### Proposal for a regulation

#### Article 124 – sub-paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***These implementing acts shall be adopted without applying the procedure referred to in Article 162(2) or (3).***

Or. fr

*Justification*

*Necessary procedural clarification.*

## Amendment 359

### Proposal for a regulation

#### Article 125 – paragraph 3 – point a

*Text proposed by the Commission*

*Amendment*

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

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

Or. fr

*Justification*

*Some tariff quotas do not distinguish between raw and finished products. Consequently the Union market's specific supply requirements for finished or raw products are not always adequately met.*

## Amendment 360

### Proposal for a regulation

#### Article 127 – paragraph 1 – point e

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

e) the use of licences, and, when necessary, specific rules relating to, in particular, the ***conditions under which*** applications for import ***shall be submitted and authorisation granted*** within the tariff quota;

##### *Amendment*

(e) the use of licences, and, when necessary, specific rules relating to, in particular, the ***procedures for lodging*** applications for import, ***as well as for granting authorisations*** within the tariff quota;

Or. fr

##### *Justification*

*This amendment is consistent with the position adopted by the Committee on Agriculture and Rural Development when considering the proposal for a Regulation aligning the single CMO with the provisions of the Lisbon Treaty (COM(2010)0799). Rules implying obligations and, in particular, the term 'conditions', are normally used in delegated acts. The amendment clarifies the scope through a more precise wording.*

## Amendment 361

### Proposal for a regulation

#### Article 128 – paragraph 2 – subparagraph 2 (new)

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

##### *Amendment*

***These implementing acts shall be adopted without applying the procedure referred to in Article 162(2) or (3).***

Or. fr

##### *Justification*

*Necessary procedural clarification.*

**Amendment 362**

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

*Text proposed by the Commission*

*Amendment*

**Article 130 a**

***Traditional supply need for sugar refining***

***1. Until the end of the 2019-2020 marketing year, the traditional supply needs of sugar for refining are fixed for the EU at 2 500 000 tonnes per marketing year, expressed in white sugar.***

***2. The sole sugar beet processing plant at work in 2005 in Portugal is deemed to be a full-time refiner.***

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

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

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

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

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

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

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

Or. fr

#### *Justification*

*This amendment takes over the wording of Articles 260, 261 and 262 of the proposal for a regulation aligning the single CMO with the provisions of the Lisbon Treaty (COM(2010) 799). In extending the sugar quotas scheme, it is important to reinstate for the same period the existing provisions on sugar imports, particularly to avoid harming the interests of refiners importing cane sugar. To that end, the quota of 2 489 735 provided in the proposal for a Regulation (COM(2010) 799) is raised to 2 500 000 tonnes.*

#### **Amendment 363**

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

*Text proposed by the Commission*

*Amendment*

##### **Article 130 b**

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

***Until the end of the 2019-2020 marketing year, the Commission may, by means of implementing acts, suspend import duties in whole or in part for certain quantities of the following products in order to guarantee the supply required for the manufacture of the products referred to in Article 101m (2):***

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

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

*Justification*

*This amendment takes over the wording of Article 248 of the proposal for a regulation aligning the single CMO with the provisions of the Lisbon Treaty (COM(2010) 799).*

**Amendment 364**

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

*Text proposed by the Commission*

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

*Amendment*

**2. Refunds shall be fixed by the Commission by means of implementing acts adopted in accordance with the examination procedure referred to in Article 162(2).**

***They may be fixed:***

***(a) at regular intervals;***

***(b) by tendering procedures for cereals, rice, sugar and milk and milk products.***

***Except where fixed by tendering procedure, the Commission shall fix the list of products on which an export refund is granted and the amount of export refunds at least once every three months. The amount of the refund may, however, remain at the same level for more than three months and may, where necessary, be adjusted in the intervening period by the Commission, without the application of Article 162(2) or (3), either at the request of a Member State or on its own initiative.***

***2a. One or more of the following aspects shall be taken into account when refunds for a certain product are being fixed:***

***(a) the existing situation and the future trend with regard to:***

***i) prices and availabilities of that product on the Union market,***

*(ii) prices for that product on the world market.*

*(b) the aims of the common market organisation which are to ensure equilibrium and the natural development of prices and trade on this market;*

*(c) the need to avoid disturbances likely to cause a prolonged imbalance between supply and demand on the Union market;*

*(d) the economic aspects of the proposed exports;*

*(e) the limits resulting from agreements concluded in accordance with Article 218 of the Treaty;*

*(f) the need to establish a balance between the use of Union basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under processing arrangements;*

*(g) the most favourable marketing costs and transport costs from Union markets to Union ports or other places of export, together with forwarding costs to the countries of destination;*

*(h) demand on the Union market;*

*i) in respect of the pigmeat, eggs and poultrymeat sectors, the difference between prices within the Union and prices on the world market for the quantity of feed grain input required for the production in the Union of products of those sectors.*

Or. fr

*(Amendment 31 from report A7-0281/2011)*

#### *Justification*

*This amendment is consistent with the position adopted by the Committee on Agriculture and Rural Development when considering the proposal for a Regulation aligning the single CMO with the provisions of the Lisbon Treaty (COM (2010) 799). Article 43(3) of the Treaty does not apply. The amendment takes over the wording of Article 2 of the proposal for a Council*



*regulation determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products (COM(2011) 629).*

## **Amendment 365**

### **Proposal for a regulation Article 135 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 135 a**

##### ***Specific measures on export refunds for cereals and rice***

***1. The Commission may, by means of implementing acts, fix a corrective amount applicable to the export refunds fixed in respect of the cereals and rice sectors. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2). Where necessary, the Commission may, by means of implementing acts, amend the corrective amounts.***

***The Commission may apply the first subparagraph to products of the cereals and rice sectors that are exported in the form of processed goods in accordance with Council Regulation (EC) No 1216/2009.***

***2. For the first three months of the marketing year, the refund applicable to exports of malt, either in storage at the end of the previous marketing year or made from barley in stock at that time, shall be that which would have applied in respect of the export licence in question to exports made during the last month of the preceding marketing year.***

***3. The refund on products listed in points (a) and (b) of Part I of Annex I, established in accordance with Article 136(2), may be adjusted by the Commission by means of implementing acts in line with any changes in the level***

*of the intervention price.*

*The first subparagraph may be applied, in whole or in part, to products listed in points (c) and (d) of Part I of Annex I as well as to products listed in Part I of that Annex I and exported in the form of processed goods in accordance with Regulation (EC) No 1216/2009. In that case, the Commission shall, by means of implementing acts, correct the adjustment referred to in the first subparagraph by applying a coefficient expressing the ratio between the quantity of basic product and the quantity thereof contained in the processed product exported or used in the goods exported.*

*The implementing acts provided for in the first and second subparagraphs of this paragraph shall be adopted in accordance with the examination procedure referred to in Article 162(2).*

Or. fr(Amendment 32 from report A7-0281/2011)

#### *Justification*

*This amendment is consistent with the position adopted by the Committee on Agriculture and Rural Development when considering the proposal for a Regulation aligning the single CMO with the provisions of the Lisbon Treaty (COM (2010) 799). Article 43(3) of the Treaty does not apply. The amendment takes over the wording of Article 4 of the proposal for a Council regulation determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products (COM(2011) 629).*

#### **Amendment 366**

##### **Proposal for a regulation Article 136 a (new)**

*Text proposed by the Commission*

*Amendment*

##### **Article 136 a**

##### **Granting of export refund**

***To take account of the specific conditions for the trading and transport of eggs for hatching and day-old chicks, export***

*licences may be issued retroactively.*

Or. fr

*Justification*

*In view of the constraints affecting this sector, export licences may be issued retroactively. It is important to include this provision in the basic act.*

**Amendment 367**

**Proposal for a regulation**

**Article 141 – sub-paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***These implementing acts shall be adopted without applying the procedure referred to in Article 162(2) or (3).***

Or. fr

*Justification*

*Necessary procedural clarification.*

**Amendment 368**

**Proposal for a regulation**

**Article 143 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

***Save as otherwise provided for in this Regulation***, Articles 101 to 106 of the Treaty and implementation provisions thereof shall, ***subject to Articles 144 to 145 of this Regulation***, apply to all agreements, decisions and practices referred to in Article 101(1) and Article 102 of the Treaty which relate to the production of, or trade in, agricultural products.

***In accordance with Article 42 of the Treaty***, Articles 101 to 106 of the Treaty and implementation provisions thereof shall apply to all agreements, decisions and practices referred to in Article 101(1) and Article 102 of the Treaty which relate to the production of, or trade in, agricultural products ***only to the extent determined in Article 143a to 146 of this Regulation***.

Or. fr

### *Justification*

*The Treaty has always provided that ‘the provisions of the Chapter relating to rules on competition shall apply to production of and trade in agricultural products only to the extent determined by the European Parliament and the Council’. It is important to restate this essential legal basis and, in the context of a policy of rebalancing relations within the food supply chain and ending the policy of administered prices, to rely upon this article which acknowledges the specific situation of agriculture with regard to competition law.*

### **Amendment 369**

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

#### **Article 143 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***In order to ensure uniform application of Articles 143a to 146,, the Commission shall publish guidelines and good practice guides to assist the various national competition authorities and businesses in the agricultural and agri-food sector***

Or. fr

### *Justification*

*In order to contribute to the smooth functioning of the internal market, it is essential that one of its fundamental elements, namely competition law, be applied in a genuinely uniform manner in all the Member States, which is not currently the case.*

### **Amendment 370**

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

#### **Article 143 a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Article 143 a***

#### ***The relevant market***

***1. The definition of the relevant market is a tool to identify and define the boundaries of competition between firms, and is founded on two cumulative elements:***

*(a) The relevant product market: for the purposes of this Chapter, 'product market' means the market comprising all those products which are regarded as interchangeable or substitutable by the consumer by reason of the products' characteristics, their prices and their intended use;*

*(b) The relevant geographic market: for the purposes of this Chapter, 'geographic market' means the market comprising the area in which the firms concerned are involved in the supply of the relevant products, in which the conditions of competition are sufficiently homogeneous and which can be distinguished from neighbouring areas, particularly because the conditions of competition are appreciably different in those areas.*

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

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

*(b) the relevant geographic market shall be considered in the first instance to be the EU market; wherever a smaller subdivision is used, this shall be duly substantiated.*

Or. fr

#### *Justification*

*Paragraph 1 takes over the wording of paragraphs 7 and 8 of the Commission's Notice on the definition of relevant market for the purposes of Community competition law (97/C 372/03). Paragraph 2 takes a broad approach to the elements that make up the definition of 'relevant markets' so as not to jeopardise, by restrictively partitioning the scope of producer organisations' activities, the Commission's stated aim of grouping supply.*

## Amendment 371

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

*Text proposed by the Commission*

*Amendment*

#### **Article 143b**

##### ***Dominant position***

***1. For the purposes of this Chapter, 'dominant position' means a position of economic strength enjoyed by an undertaking which enables it to prevent effective competition being maintained in the relevant market by giving it the power to behave to an appreciable extent independently of its competitors, customers and ultimately of consumers.***

***2. A dominant position shall be deemed not to be present where the market shares held on a relevant market by an undertaking, or by several undertakings linked by a horizontal agreement, in the agricultural and agri-foodstuffs sector, are smaller than the market shares held by the largest undertaking on the same relevant market at the next stage down in the supply chain.***

Or. fr

##### *Justification*

*Paragraph 1 restates the Community case law on the definition of a dominant position (ECJ, Hoffmann – La Roche judgment of 13 February 1979). Paragraph 2 seeks to propose a broader approach to the defining features of a dominant position, particularly by making it a guiding principle that such a position cannot be considered without also looking at the degree of concentration of the purchasers, and cannot at any rate be present if the downstream sectors remain significantly more concentrated.*

## Amendment 372

### Proposal for a regulation Article 144 – title

#### *Text proposed by the Commission*

Exceptions for the objectives of the CAP and *farmers* and their *associations*

#### *Amendment*

Exceptions for the objectives of the CAP and *producers* and their *organisations or associations of organisations*

Or. fr

## Amendment 373

### Proposal for a regulation Article 144 – paragraph 1 – sub-paragraph 1

#### *Text proposed by the Commission*

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

#### *Amendment*

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

Or. fr

## Amendment 374

### Proposal for a regulation Article 144 – paragraph 1 – sub-paragraph 2

#### *Text proposed by the Commission*

In particular, *Article 101(1) of the Treaty shall not apply to* agreements, decisions and practices of *farmers, farmers' associations, or associations of such associations*, or producer organisations recognised under Article 106 of this Regulation, or associations of producer organisations recognised under Article 107 of this Regulation, which concern the

#### *Amendment*

In particular, agreements, decisions and *concerted* practices of *producers* or producer organisations recognised under Article 106 of this Regulation, or associations of producer organisations recognised under Article 107 of this Regulation, which concern the production or sale of agricultural products or the use of joint facilities for the storage, treatment

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

or processing of agricultural products ***shall be presumed to be necessary to achieve the objectives of Article 39 of the Treaty.***

Or. fr

#### *Justification*

*If the objective of implementing a regulatory framework for competition tailored to the needs of agriculture is to be achieved in a way that gives it real substance, it is necessary to introduce a presumption that horizontal agreements are compatible with the objectives of the CAP and with Article 101 of the Treaty.*

#### **Amendment 375**

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

##### **Article 144 – paragraph 1 – sub-paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***These agreements, decisions and concerted practices shall not entail an obligation to charge an identical price, except as regards the contracts referred to in Articles 105a and 113b.***

Or. fr

#### **Amendment 376**

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

##### **Article 144 – paragraph 1 – sub-paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***This paragraph shall not apply where competition is excluded, in which case the burden of proof shall rest on the party or the authority alleging the infringement, in accordance with Article 2 of Regulation***



*Justification*

*Where competition is excluded by means of agreements, decisions or concerted practices, it should be for the party or the authority alleging the infringement to prove such exclusion.*

**Amendment 377**

**Proposal for a regulation**

**Article 144 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. In particular, Article 101(1) of the Treaty shall not apply to:***

***(a) agreements seeking to stabilise production prices and guarantee fair prices for consumers;***

***(b) agreements relating to rules which may be extended in accordance with Article 110 of this Regulation, including adjustments to take account of seasonal products;***

***(c) marketing agreements;***

***(d) agreements relating to reductions or fixed-rate commercial bonuses;***

***(e) codes of conduct which do not contain an anti-competitive clause;***

***(f) research agreements;***

***(g) agreements on quality rules;***

***(h) agreements developing initiatives with a view to improving quality and innovation in the food products sector.***

## **Amendment 378**

### **Proposal for a regulation**

#### **Article 144 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. The Commission may, by means of delegated acts adopted in accordance with Article 160, clarify or add to the list of agreements referred to in paragraph 1 of this article.***

Or. fr

## **Amendment 379**

### **Proposal for a regulation**

#### **Article 144 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

***deleted***

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

Or. fr

## Amendment 380

### Proposal for a regulation Article 144 — paragraph 3

*Text proposed by the Commission*

*Amendment*

**3. The publication of the Decision referred to in the first subparagraph of paragraph 2 shall state the names of the parties and the main content of the decision. It shall have regard to the legitimate interest of undertakings in the protection of their business secrets.**

*deleted*

Or. fr

## Amendment 381

### Proposal for a regulation Article 145 – paragraph 2 – point b

*Text proposed by the Commission*

*Amendment*

b) within two months of receipt of all the details required the Commission, by means of implementing acts, has not found that ***the agreements, decisions or concerted practices are incompatible with Union rules.***

(b) within two months of receipt of all the details required the Commission, by means of implementing acts ***adopted without applying Article 162(2) or (3)***, has not found that ***these agreements fall within the scope of paragraph 4.***

Or. fr

### *Justification*

*With a view to upholding legal certainty for businesses, the Commission's scope for interpretation when examining agreements, decisions and concerted practices of inter-branch organisations should be narrowed and, as regards competition, restricted to the cases referred to in paragraph 4.*

## Amendment 382

### Proposal for a regulation

#### Article 145 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. Notwithstanding paragraph 2 of this article, in the event of a crisis, the agreements, decisions and concerted practices referred to in paragraph 1 shall enter into force and shall be notified to the Commission as soon as they are adopted.***

***With effect from the date of notification the Commission shall have 21 days to find, where appropriate, by means of implementing acts adopted without applying Article 162(2) or (3), that these agreements fall within the scope of paragraph 4.***

Or. fr

#### *Justification*

*In the event of a crisis on the markets, the two-month period required before the entry into force of agreements, decisions and concerted practices of inter-branch organisations is unrealistic. This period should therefore be reduced and provision made for applicability with effect from adoption.*

## Amendment 383

### Proposal for a regulation

#### Article 145 – paragraph 4 – point d

*Text proposed by the Commission*

*Amendment*

d) entail the fixing of prices ***or the fixing of quotas***;

(d) entail the fixing of prices;

Or. fr

*Justification*

*The various measures for managing production volumes which inter-branch organisations have at their disposal are often similar to quotas. Any legal uncertainty should be avoided.*

**Amendment 384**

**Proposal for a regulation**  
**Article 145 – paragraph 6**

*Text proposed by the Commission*

6. In the case of multiannual agreements, the notification for the first year shall be valid for the subsequent years of the agreement. ***However, in that event, the Commission may, on its own initiative or at the request of another Member State, issue a finding of incompatibility at any time.***

*Amendment*

6. In the case of multiannual agreements, the notification for the first year shall be valid for the subsequent years of the agreement.

Or. fr

**Amendment 385**

**Proposal for a regulation**  
**Article 145 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***6a. The Commission may adopt implementing acts laying down measures necessary for the uniform application of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).***

Or. fr

## **Amendment 386**

### **Proposal for a regulation Article 146 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 146a**

##### ***Specific provisions for the milk and milk products sector***

***1. Subject to Article 107(2) of the Treaty, aids the amount of which is fixed on the basis of the price or quantity of products listed in Part XVI of Annex I to this Regulation shall be prohibited.***

***National measures permitting equalisation between the prices of products listed in Part XVI of Annex I to this Regulation shall also be prohibited.***

***2. Until 31 March 2014 Member States may grant state aid of a total annual amount of up to 55 % of the ceiling set out in Article 69(4) and (5) of Regulation (EC) No 73/2009 to farmers in the dairy sector in addition to Union support granted in accordance with Article 68(1)(b) of that Regulation. However, the total amount of Union support under the measures referred to in Article 69(4) of that Regulation and State aid shall in no case exceed the ceiling referred to in Article 69(4) and (5).***

Or. fr

*Justification*

*(See the amendment to Article 163(1)(d))*

## Amendment 387

### Proposal for a regulation Article 154 – paragraph 2

*Text proposed by the Commission*

2. The measures referred to in paragraph 1 shall **not** apply to products listed in **Section 2 of Part XXIV of Annex I**.

*Amendment*

2. The measures referred to in paragraph 1 shall apply to **all of the** products listed in Annex I

Or. fr

*Justification*

*In view of the need for a security net that can cover all CMO products in times of crisis, this restrictive wording needs to be removed.*

## Amendment 388

### Proposal for a regulation Article 155 – paragraph 2 – point f a (new)

*Text proposed by the Commission*

*Amendment*

**(fa) horse meat.**

Or. fr

## Amendment 389

### Proposal for a regulation Article 155 – paragraph 2 – indent 2

*Text proposed by the Commission*

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

*Amendment*

The measures provided for in point (b) of paragraph 1 related to a loss in consumer confidence due to public or plant health risks shall also apply to all other agricultural products.

Or. fr

### *Justification*

*In view of the need for a security net that can cover all CMO products in times of crisis, this restrictive wording needs to be removed.*

### **Amendment 390**

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

#### **Article 156**

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

1. The Commission shall, by means of **implementing** acts, **adopt** necessary and justifiable emergency measures to resolve specific problems. Those measures may derogate from the provisions of this Regulation only to an extent that is strictly necessary and for a period that is strictly necessary. ***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).***

2. To resolve specific problems, on duly justified grounds of urgency, the Commission shall adopt ***immediately applicable implementing*** acts in accordance with the procedure referred to in Article **162(3)**.

##### *Amendment*

1. The Commission shall, by means of ***delegated*** acts ***adopted in accordance with the urgency procedure referred to in Article 161, lay down*** necessary and justifiable emergency measures to resolve specific problems. Those measures may derogate from the provisions of this Regulation ***and from the provisions of the other regulations governing the common agricultural policy in order to resolve specific problems, but*** only to an extent that is strictly necessary and for a period that is strictly necessary.

2. To resolve specific problems, on duly justified grounds of ***extreme*** urgency, the Commission shall adopt ***delegated*** acts in accordance with the procedure referred to in Article **161**.

Or. fr

### *Justification*

*This amendment is consistent with the position adopted by the Committee on Agriculture and Rural Development when considering the proposal for a Regulation aligning the single CMO with the provisions of the Lisbon Treaty (COM(2010)0799). In accordance with Article 290 of the Treaty, derogations from basic acts of general application must be adopted by means of delegated acts. Furthermore, Article 161 of the Regulation provides for the possibility of delegated acts being adopted under the urgency procedure, wherever necessary.*



## **Amendment 391**

### **Proposal for a regulation Article 156 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 156a**

***Measures to address severe imbalances in the market for milk and milk products***

***1. In the event of a severe imbalance in the market for milk and milk products, the Commission may decide to grant aid to milk producers who voluntarily cut their production by at least 5% compared with the same period in the previous year, for a period of at least three months, which may be extended.***

***When granting such aid, the Commission shall also impose a levy on milk producers who increase their production during the same period and in the same proportion.***

***2. The supply of milk, free of charge, to charitable organisation may be deemed a cut in production under the conditions laid down by the Commission pursuant to paragraph 4.***

***3. During the period referred to in paragraph 1, subparagraph 1, the products of undertakings that have implemented this system under the arrangements provided for in that subparagraph shall be given priority when intervention measures, as referred to in Title I of Part II are taken on the market for milk and milk products.***

***4. Taking into account the need to ensure that this scheme is operated in an effective and appropriate manner, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to establish:***

***(a) the amount of the aid and the size of the levy referred to in paragraph 1;***

- (b) the criteria to be met in order to be eligible for aid;*
- (c) the specific conditions that will trigger implementation of this scheme;*
- (d) the terms under which free distribution of milk to charitable organisations, as referred to in paragraph 2, may be deemed a cut in production.*

Or. fr

## Amendment 392

### Proposal for a regulation Part V – Chapter I – Section 3 a (new)

*Text proposed by the Commission*

*Amendment*

#### **SECTION 3A**

#### **AGREEMENTS, DECISIONS AND CONCERTED PRACTICES DURING PERIODS OF SEVERE IMBALANCE IN MARKETS**

#### **Article 156b**

#### ***Application of Article 101(1) of the Treaty***

***1. During periods of severe imbalance in markets, Article 101(1) of the Treaty shall not apply under any circumstances to agreements, decisions and concerted practices involving recognised producer organisations, associations thereof and recognised interbranch organisations in any of the sectors referred to in Article 1(2)(a) to (w) of this Regulation, provided that such agreements, decisions or concerted practices seek to stabilise the relevant sector by introducing price fixing and production control measures.***

***This paragraph shall also apply to agreements, decisions and concerted practices between organisations.***

***2. Paragraph 1 shall apply only if the Commission has already adopted one of***

*the measures referred to in this chapter or it has authorised public intervention or aid for private storage as referred to in Chapter I of Title I of Part II, and if the agreements, decisions and concerted practices referred to in paragraph 1 are considered by the Member State(s) concerned to be justified in the light of the imbalance in the market.*

*3. The agreements, decisions and concerted practices referred to in paragraph 1 may be valid for a period of no more than six months unless the Commission has given authorisation, under an implementing decision, for them to be extended by a further six months.*

Or. fr

#### *Justification*

*In extreme cases, such as large-scale health crises or market crises that the use of public intervention or private storage measures have failed to resolve, operators should be allowed, for a limited period and under the supervision of the Commission and the Member States, to come together to fix prices and keep a tight control over production and marketing in order to prevent the sector from collapsing.*

#### **Amendment 393**

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

##### **Article 157 – paragraph 1 – subparagraph 1**

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

1. For the purposes of applying this Regulation, monitoring, analysing and managing the market in agricultural products, ensuring market transparency, the proper functioning of CAP measures, of checking, controlling, monitoring, evaluating and auditing CAP measures, implementing international agreements, including notification requirements under those agreements, the Commission may in accordance with the procedure referred to

###### *Amendment*

1. For the purposes of applying this Regulation, monitoring, analysing and managing the market in agricultural products, ensuring market transparency, the proper functioning of CAP measures, of checking, controlling, monitoring, evaluating and auditing CAP measures, implementing international agreements, including notification requirements under those agreements, the Commission may in accordance with the procedure referred to

in paragraph 2 adopt the necessary measures regarding communications to be made by undertakings, Member States and/or third countries. In so doing it shall take into account the data needs and synergies between potential data sources.

in paragraph 2 adopt the necessary measures regarding communications to be made by undertakings, Member States and/or third countries. In so doing it shall take into account the data needs and synergies between potential data sources ***and shall ensure compliance with the principle according to which personal data must not be further processed in a way incompatible with the original purpose of their collection.***

Or. fr

#### *Justification*

*In line with the European Data Protection Supervisor's opinion of 14 December 2011.*

#### **Amendment 394**

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

##### **Article 157 – paragraph 1 – subparagraph 2**

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

The information obtained may be transmitted or made available to international organisations, the competent authorities of third countries and may be made public, subject to the protection of personal data and the legitimate interest of undertakings in the protection of their business secrets, including prices.

###### *Amendment*

The information obtained may be transmitted or made available to international organisations, the competent authorities of third countries and may be made public, subject to the protection of personal data and the legitimate interest of undertakings in the protection of their business secrets, including prices. ***In particular, the transmission of personal data to international organisations or to the competent authorities of third countries must comply with the provisions of Article 9 of Regulation 45/2001/EC and Articles 25 and 26 of Directive 95/46/EC, and such data may be transmitted only for the purpose of implementing international agreements.***

Or. fr

*Justification*

*In line with the European Data Protection Supervisor's opinion of 14 December 2011.*

**Amendment 395**

**Proposal for a regulation**

**Article 157 – paragraph 2 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) in respect of personal data, the types of data to be processed, the access rights to such data, the minimum and maximum retention periods and the purpose of processing, in particular in the event of the publication of such data and their transfer to third countries.***

Or. fr

*Justification*

*In line with the European Data Protection Supervisor's opinion of 14 December 2011.*

**Amendment 396**

**Proposal for a regulation**

**Article 157 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 157a***

***Compulsory declarations in the milk and milk products sector***

***From 1 April 2015, the first purchasers of raw milk shall declare to the competent national authority the quantity of raw milk that has been delivered to them each month.***

***For the purpose of this Article and of Article 104a, a "first purchaser" means an undertaking or group which buys milk from producers in order to:***

*(a) subject it to collecting, packing, storing, chilling or processing, including under a contract;*

*(b) sell it to one or more undertakings treating or processing milk or other milk products.*

*Member States shall notify the Commission of the quantity of raw milk referred to in the first subparagraph.*

*The Commission may adopt implementing acts laying down rules on the content, format and timing of such declarations and measures relating to the notifications to be made by the Member States in accordance with this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).*

Or. fr

*(From Article 185e of Regulation (EU) No 261/2012 – OJ L 94, 30.3.2012.)*

#### *Justification*

*The amendment is based on Regulation (EU) No 261/2012 on contractual relations in the milk and milk products sector.*

#### **Amendment 397**

##### **Proposal for a regulation Article 157 b (new)**

*Text proposed by the Commission*

*Amendment*

##### *Article 157b*

##### *Compulsory declarations in the wine sector*

*1. Producers of grapes for wine making and producers of must and wine shall declare to the competent national authorities each year the quantities produced from the last harvest.*

*2. Member States may require merchants of grapes for wine making to declare each year the quantities marketed from the last harvest.*

*3. Producers of must and wine, and merchants other than retailers, shall declare to the competent national authorities each year their stocks of must and wine, whether from the harvest of the current year or from the harvest of preceding years. Must and wine imported from third countries shall be stated separately.*

*4. In order to ensure that the producers and merchants referred to in paragraphs 1, 2 and 3 respect their obligations, the Commission may, by means of delegated acts adopted in accordance with Article 160, lay down rules:*

*(a) on the content of compulsory declarations and exemptions;*

*b) on the content of the declarations referred to in point (a) and the conditions for submission, as well as exemptions from the obligation to submit the declarations;*

*(c) on penalties to be applied where declarations are not submitted to Member States within due time.*

*5. The Commission may, by means of implementing acts:*

*(a) lay down conditions in relation to the model forms to be used for the compulsory declarations;*

*b) adopt rules on conversion coefficients for products other than wine;*

*(c) specify the deadlines for submission of compulsory declarations;*

*(d) lay down rules on inspections and reporting by Member States to the Commission.*

*Those implementing acts shall be adopted in accordance with the examination*

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

Or. fr

*Justification*

*This amendment takes over the wording of Article 305 of the proposal for a regulation aligning the single CMO with the provisions of the Lisbon Treaty (COM(2010)0799). Compulsory declarations need to be retained in the wine sector in order to ensure that the sector is properly monitored.*

**Amendment 398**

**Proposal for a regulation  
Article 158 – point b**

*Text proposed by the Commission*

(b) by 30 June 2014 and also by 31 December 2018 on the development of the market situation in the milk and milk products sector and in particular on the operation of Articles **104 to 107 and 145** in that sector covering, **in particular**, potential incentives to encourage farmers to enter into joint production agreements together with any appropriate proposals.

*Amendment*

(b) by 30 June 2014 and also by 31 December 2018 on the development of the market situation in the milk and milk products sector and in particular on the operation of Articles **104a, 105a, 105b and 157a** in that sector, **assessing, in particular, the effects on milk producers and milk production in disadvantaged regions in connection with the general objective of maintaining production in such regions, and** covering potential incentives to encourage farmers to enter into joint production agreements together with any appropriate proposals.

Or. fr

*Justification*

*The amendment is based on Regulation (EU) No 261/2012 on contractual relations in the milk and milk products sector.*



## **Amendment 399**

### **Proposal for a regulation Article 158 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) no later than 12 months after the entry into force of this Regulation, on the feasibility of introducing specific marketing rules for pigmeat, sheepmeat and goatmeat. That report shall outline the relevant provisions which the Commission proposes to adopt by means of delegated acts;***

Or. fr

#### *Justification*

*This amendment reiterates the position adopted by the Committee on Agriculture and Rural Development when considering proposal for a regulation (2010)0738 on marketing standards.*

## **Amendment 400**

### **Proposal for a regulation Article 158 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

***(bb) by 1 January 2018 on the development of the market situation in the sugar sector, on appropriate means of discontinuing the current quota system and on the sector's future after 2020, paying particular attention to the need to maintain a fair contractual system and a sugar price declaration system, together with any appropriate proposals;***

Or. fr

## **Amendment 401**

### **Proposal for a regulation Article 158 – point b c (new)**

*Text proposed by the Commission*

*Amendment*

*(bc) no later than four years after the entry into force of this Regulation, on the operation and effectiveness of agricultural market management tools and their fitness for purpose in the new international context, with particular attention being paid to their consistency with the objectives laid down in Article 39 of the Treaty, together with any appropriate proposals;*

Or. fr

## **Amendment 402**

### **Proposal for a regulation Article 158 – point b d (new)**

*Text proposed by the Commission*

*Amendment*

*(bd) no later than two years after the entry into force of this Regulation, on the application of competition rules to the farming and agrifoods sector in all the Member States, with particular attention being paid to the application of the exemptions referred to in Articles 144 and 145 and potential disparities in the interpretation and implementation of both national and European competition rules, together with any appropriate proposals;*

Or. fr

## **Amendment 403**

### **Proposal for a regulation Article 158 – point b e**

*Text proposed by the Commission*

*Amendment*

***(be) no later than one year after the entry into force of this Regulation, on the introduction of simplified marketing standards tailored to the local animal breeds and plant varieties used and produced by small-scale producers, together with any appropriate proposals for addressing the difficulties experienced by those producers in complying with EU marketing standards;***

Or. fr

#### *Justification*

*This amendment reiterates the position adopted by the Committee on Agriculture and Rural Development when considering proposal for a regulation (2010)0738 on marketing standards.*

## **Amendment 404**

### **Proposal for a regulation Article 158 – point b f (new)**

*Text proposed by the Commission*

*Amendment*

***(bf) every three years following the entry into force of this Regulation, on the steps taken to protect designations of origin and geographical indications against misuse in third countries.***

Or. fr

## Amendment 405

### Proposal for a regulation Article 160 – paragraph 2

#### *Text proposed by the Commission*

2. The delegations of power referred to in this Regulation shall be conferred on the Commission for *an indeterminate* period of *time* from the entry into force of this Regulation.

#### *Amendment*

2. The delegation of powers referred to in this Regulation shall be conferred on the Commission for *a* period of *five* years from the entry into force of this Regulation. *The Commission shall draw up a report in respect of the delegated power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

Or. fr

#### *Justification*

*This amendment is consistent with the position adopted by the Committee on Agriculture and Rural Development when considering the proposal for a regulation aligning the single CMO with the provisions of the Lisbon Treaty (COM(2010)0799).*

## Amendment 406

### Proposal for a regulation Article 163 – paragraph 1 – subparagraph 1

#### *Text proposed by the Commission*

1. Regulation (EU) No [COM(2010)799] is repealed.

#### *Amendment*

1. Regulation (EC) No 1234/2007 is repealed.

Or. fr

## Amendment 407

### Proposal for a regulation

#### Article 163 – paragraph 1 – subparagraph 2

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

However, the following provisions of Regulation **(EU)** No **[COM(2010)799]** shall continue to apply:

##### *Amendment*

However, the following provisions of Regulation **(EC)** No **1234/2007** shall continue to apply:

Or. fr

## Amendment 408

### Proposal for a regulation

#### Article 163 – paragraph 1 – point a

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

**(a) as regards the sugar sector, Title I of Part II, Articles 248, 260 to 262 and Part II of Annex III until the end of the 2014/2015 marketing year for sugar on 30 September 2015;**

##### *Amendment*

**deleted**

Or. fr

## Amendment 409

### Proposal for a regulation

#### Article 163 – paragraph 1 – point c – point i

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

(i) Articles **82** to **87** as regards areas referred to in Article **82(2)** which have not yet been grubbed up and as regards areas referred to in Article **83(1)** which have not been regularised until such areas are grubbed up or regularised,

##### *Amendment*

(i) Articles **85a** to **85d** as regards areas referred to in Article **85a(2)** which have not yet been grubbed up and as regards areas referred to in Article **85b(1)** which have not been regularised until such areas are grubbed up or regularised,

Or. fr

## Amendment 410

### Proposal for a regulation

#### Article 163 – paragraph 1 – point c – point ii

*Text proposed by the Commission*

*Amendment*

***(ii) the transitional planting right regime set out in Subsection II of Section V of Chapter III of Title I of Part II, until 31 December 2015, or, to the extent necessary in order to give effect to any decision taken by Member States under Article 89(5), until 31 December 2018;*** ***deleted***

Or. fr

## Amendment 411

### Proposal for a regulation

#### Article 163 – paragraph 1 – point d

*Text proposed by the Commission*

*Amendment*

***(d) Article 291(2) until 31 March 2014;*** ***deleted***

Or. fr

### *Justification*

*See amendment covering Article 146a. Article 291 from proposal for a regulation (2010)0799 needs to be reinserted in the basic act for the first three months of implementation, given that Article 181 of Regulation (EC) No 1234/2007 does not provide for any exemptions.*

## Amendment 412

### Proposal for a regulation

#### Article 163 – paragraph 1 – point e

*Text proposed by the Commission*

*Amendment*

***(e) the first and second paragraph of Article 293 until the end of the 2013/2014***

***(e) the first and second paragraph of Article 182(3) until the end of the***

marketing year for sugar;

**2018/2019** marketing year for sugar;

Or. fr

#### **Amendment 413**

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

##### **Article 163 – paragraph 1 – point g**

*Text proposed by the Commission*

*Amendment*

**(g) Article 326.**

***deleted***

Or. fr

#### *Justification*

*See amendment covering Article 163a. Neither Regulation (EC) No 1234/2007 nor this proposal for a regulation contains a provision equivalent to Article 326 of proposal for a regulation (2010)0799. Article 326 therefore needs to be reinserted in the basic act, so that it may continue to apply.*

#### **Amendment 414**

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

##### **Article 163 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. References to Regulation **(EU)** No **[COM(2010)799]** shall be construed as references to this Regulation and to Regulation (EU) No [...] on the financing, management and monitoring of the common agricultural policy and be read in accordance with the correlation tables set out in Annex VIII to this Regulation.

2. References to Regulation **(EC)** No **1234/2007** shall be construed as references to this Regulation and to Regulation (EU) No [...] on the financing, management and monitoring of the common agricultural policy and be read in accordance with the correlation tables set out in Annex VIII to this Regulation.

Or. fr

## Amendment 415

### Proposal for a regulation Article 163 a

*Text proposed by the Commission*

*Amendment*

#### *Article 163a*

##### *Date of application of marketing rules*

*In order to ensure legal certainty as regards the application of marketing rules, the Commission shall, by means of delegated acts adopted in accordance with Article 160, determine the date on which the following provisions of Regulation (EC) No 1234/2007 cease to apply to the sector concerned:*

- Articles 113a, 113b, 114, 115, 116 and 117(1) to (4);*
- subparagraph 2 of point II of Annex XIa, points IV to IX of Annex XIa, paragraph 2 of point IV of Annex XII, subparagraph 2 of point VI of Annex XIII, part A of Annex XIV, paragraphs 2 and 3 of point I of part B of Annex XIV, point III of part B of Annex XIV, part C of Annex XIV and points II, III, IV and VI of Annex XV.*

*That date shall be the date of application of the corresponding marketing rules to be established pursuant to the delegated acts provided for in Section I of Chapter I of Title II of Part II of this Regulation.*

Or. fr

#### *Justification*

*See justification for amendment to Article 163(1)(g).*



## Amendment 416

### Proposal for a regulation Article 164

#### *Text proposed by the Commission*

Taking into account the need to ensure the smooth transition from the arrangements provided for in Regulation **(EU)** No **[COM(2010)799]** to those laid down in this Regulation, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 concerning measures necessary to protect the acquired rights and legitimate expectations of undertakings.

#### *Amendment*

Taking into account the need to ensure the smooth transition from the arrangements provided for in Regulation **(EC)** No **1234/2007** to those laid down in this Regulation, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 concerning measures necessary to protect the acquired rights and legitimate expectations of undertakings.

Or. fr

## Amendment 417

### Proposal for a regulation Article 164 – paragraph 1 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***All multiannual aid programmes adopted before 1 January 2014 on the basis of Articles 103, 103i and 105a of Regulation (EC) No 1234/2007 shall continue to be governed by those provisions following the entry into force of this Regulation until those programmes come to an end.***

Or. fr

#### *Justification*

*Multiannual programmes already in progress in the wine, bee and olive oil sectors must run their full course.*

## Amendment 418

### Proposal for a regulation

#### Article 165 – paragraph 1 – subparagraph 3

*Text proposed by the Commission*

However, Articles 7, 16 **and 101 and Annex III, as regards the sugar sector**, shall only apply after the end of the **2014/2015** marketing year for sugar on 1 October **2015**.

*Amendment*

However, Articles 7 **and** 16 shall only apply after the end of the **2019/2020** marketing year for sugar on 1 October **2020**.

Or. fr

## Amendment 419

### Proposal for a regulation

#### Article 165 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

2. As regards the milk and milk products sector, Articles **104** and **105** shall apply until 30 June 2020.

*Amendment*

2. As regards the milk and milk products sector, Articles **104a**, **105a** and **105b** shall apply until 30 June 2020, **and Article 146a shall apply until 31 March 2014**.

Or. fr

*Justification*

*See amendments covering Articles 163 and 163a.*

## Amendment 420

### Proposal for a regulation

#### Annex I – Part V – product line (new)

*Text proposed by the Commission*

*Amendment*

**ex 1207 99 15**  
**Hemp seeds**

– *for sowing*

Or. fr

## Amendment 421

### Proposal for a regulation Annex I – Part IX

#### *Text proposed by the Commission*

CN Code	Description
0702 00 00	Tomatoes, fresh or chilled
0703	Onions, shallots, garlic, leeks and other alliaceous vegetables, fresh or chilled
0704	Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled
0705	Lettuce ( <i>Lactuca sativa</i> ) and chicory ( <i>Cichorium</i> spp.), fresh or chilled
0706	Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled
0707 00	Cucumbers and gherkins, fresh or chilled
0708	Leguminous vegetables, shelled or unshelled, fresh or chilled
ex 0709	Other vegetables, fresh or chilled, excluding vegetables of subheadings 0709 60 91, 0709 60 95, 0709 60 99, 0709 90 31, 0709 90 39 and 0709 90 60
ex 0802	Other nuts, fresh or dried, whether or not shelled or peeled, excluding areca (or betel) and cola nuts falling within subheading 0802 90 20
0803 00 11	Fresh plantains
ex 0803 00 90	Dried plantains
0804 20 10	Figs, fresh
0804 30 00	Pineapples
0804 40 00	Avocados
0804 50 00	Guavas, mangos and mangosteens
0805	Citrus fruit, fresh or dried
0806 10 10	Fresh table grapes
0807	Melons (including watermelons) and papaws (papayas), fresh
0808	Apples, pears and quinces, fresh
0809	Apricots, cherries, peaches (including nectarines), plums and sloes, fresh
0810	Other fruit, fresh
0813 50 31 0813 50 39	Mixtures exclusively of nuts of headings 0801 and 0802
0910 20	Saffron
ex 0910 99	Thyme, fresh or chilled
ex 1211 90 85	Basil, melissa, mint, <i>origanum vulgare</i> (oregano/wild marjoram), rosemary, sage, fresh or chilled
1212 99 30	Locust beans

#### *Amendment*

CN Code	Description
0702 00 00	Tomatoes, fresh or chilled
0703	Onions, shallots, garlic, leeks and other alliaceous vegetables, fresh or chilled
0704	Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled
0705	Lettuce ( <i>Lactuca sativa</i> ) and chicory ( <i>Cichorium</i> spp.), fresh or chilled
0706	Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled
0707 00	Cucumbers and gherkins, fresh or chilled
0708	Leguminous vegetables, shelled or unshelled, fresh or chilled
ex 0709	<b><i>Truffles and</i></b> other vegetables, fresh or chilled, excluding vegetables of subheadings 0709 60 91, 0709 60 95, 0709 60 99, 0709 90 31, 0709 90 39 and 0709 90 60
<b>071320 00</b>	<b><i>Chickpeas (garbanzos)</i></b>
<b>07 13 40 00</b>	<b><i>Lentils</i></b>
<b>07 14 90</b>	<b><i>Yams and Jerusalem artichokes</i></b>
<b>Ex 1214</b>	<b><i>Swedes</i></b>
<b>09 05 00 00</b>	<b><i>Vanilla</i></b>
<b>0906</b>	<b><i>Cinnamon and cinnamon-tree flowers</i></b>
<b>09 07 00 00</b>	<b><i>Cloves</i></b>
<b>09 08</b>	<b><i>Nutmeg, mace and cardamoms</i></b>
<b>09 09</b>	<b><i>Seeds of anise, badian, fennel, coriander, cumin or caraway; juniper berries</i></b>
<b>Ex 0910</b>	<b><i>Ginger, turmeric (curcuma), bay leaves, curry and other spices excluding thyme and saffron</i></b>
ex 0802	Other nuts, fresh or dried, whether or not shelled or peeled, excluding areca (or betel) and cola nuts falling within subheading 0802 90 20
0803 00 11	Fresh plantains
ex 0803 00 90	Dried plantains
0804 20 10	Figs, fresh
0804 30 00	Pineapples
0804 40 00	Avocados
0804 50 00	Guavas, mangos and mangosteens
0805	Citrus fruit, fresh or dried
0806 10 10	Fresh table grapes
0807	Melons (including watermelons) and papaws (papayas), fresh
0808	Apples, pears and quinces, fresh
0809	Apricots, cherries, peaches (including nectarines), plums and sloes, fresh
0810	Other fruit, fresh
0813 50 31 0813 50 39	Mixtures exclusively of nuts of headings 0801 and 0802
0910 20	Saffron
ex 0910 99	Thyme, fresh or chilled
ex 1211 90 85	Basil, melissa, mint, <i>origanum vulgare</i> (oregano/wild marjoram), rosemary, sage, fresh or chilled
1212 99 30	Locust beans

Or. fr

## Amendment 422

### Proposal for a regulation Annex I – Part X – product lines (new)

#### *Text proposed by the Commission*

CN Code	Description
(a) ex 0710	Vegetables (uncooked or cooked by steaming or boiling in water) frozen, excluding sweetcorn of subheading 0710 40 00, olives of subheading 0710 80 10 and fruits of the genus Capsicum or of the genus Pimenta of subheading 0710 80 59
ex 0711	Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption, excluding olives of subheading 0711 20, fruits of the genus Capsicum or of the genus Pimenta of subheading 0711 90 10 and sweetcorn of subheading 0711 90 30
ex 0712	Dried vegetables, whole, cut, sliced, broken or in powder, but not further prepared, excluding potatoes dehydrated by artificial heat-drying and unfit for human consumption falling within subheading ex 0712 90 05, sweetcorn falling within the subheadings 0712 90 11 and 0712 90 19 and olives falling within subheading ex 0712 90 90
0804 20 90	Dried figs
0806 20	Dried grapes
ex 0811	Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, not containing added sugar or other sweetening matter, excluding frozen bananas falling within subheading ex 0811 90 95
CN Code	Description
ex 0812	Fruit and nuts, provisionally preserved (for example by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption, excluding bananas provisionally preserved falling within subheading ex 0812 90 98
ex 0813	Fruit, dried, other than that of headings 0801 to 0806; mixtures of nuts or dried fruits of this chapter excluding mixtures exclusively of nuts of headings 0801 and 0802 falling within subheadings 0813 50 31 and 0813 50 39
0814 00 00	Peel of citrus fruit or melons (including watermelons), fresh, frozen, dried or provisionally preserved in brine, in sulphur water or in other preservative solutions
0904 20 10	Dried sweet peppers, neither crushed nor ground
(b) ex 0811	Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, containing added sugar or other sweetening matter
ex 1302 20	Pectic substances and pectinates
ex 2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid, excluding: <ul style="list-style-type: none"><li>- fruit of the genus Capsicum other than sweet peppers or pimentos of subheading 2001 90 20</li><li>- sweetcorn (Zea mays var. saccharata) of subheading 2001 90 30</li><li>- yams, sweet potatoes and similar edible parts of plants, containing 5 % or more by weight of starch of subheading 2001 90 40</li><li>- palm hearts of subheading 2001 90 60</li><li>- olives of subheading 2001 90 65</li><li>- vine leaves, hop shoots and other similar edible parts of plants falling within subheading ex 2001 90 97</li></ul>
2002	Tomatoes prepared or preserved otherwise than by vinegar or acetic acid
2003	Mushrooms and truffles, prepared or preserved otherwise than by vinegar or acetic acid
ex 2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than the products of heading 2006, excluding sweetcorn (Zea mays var. saccharata) of subheading 2004 90 10, olives of subheading ex 2004 90 30 and potatoes prepared or preserved in the form of flour, meal or flakes of subheading 2004 10 91
ex 2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than

		products of heading 2006 excluding olives of subheading 2005 70 00, sweetcorn ( <i>Zea mays</i> var. <i>saccharata</i> ) of subheading 2005 80 00 and fruit of the genus <i>Capsicum</i> , other than sweet peppers or pimentos of subheading 2005 99 10 and potatoes prepared or preserved in the form of flour, meal or flakes of subheading 2005 20 10
ex	2006 00	Fruit, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallised), excluding bananas preserved by sugar falling within headings ex 2006 00 38 and ex 2006 00 99
ex	2007	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, being cooked preparations, whether or not containing added sugar or other sweetening matter, excluding: <ul style="list-style-type: none"> <li>- homogenised preparations of bananas of subheading ex 2007 10</li> <li>- jams, jellies, marmalades, purée or pastes of bananas of subheadings ex 2007 99 39, ex 2007 99 50 and ex 2007 99 97</li> </ul>
ex	2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included, excluding: <ul style="list-style-type: none"> <li>- peanut butter of subheading 2008 11 10</li> <li>- palm hearts of subheading 2008 91 00</li> <li>- maize of subheading 2008 99 85</li> <li>- yams, sweet potatoes and similar edible parts of plants, containing 5 % or more by weight of starch of subheading 2008 99 91</li> <li>- vine leaves, hop shoots and other similar edible parts of plants falling within subheading ex 2008 99 99</li> <li>- mixtures of banana otherwise prepared or preserved of subheadings ex 2008 92 59, ex 2008 92 78, ex 2008 92 93 and ex 2008 92 98</li> <li>- bananas otherwise prepared or preserved of subheadings ex 2008 99 49, ex 2008 99 67 and ex 2008 99 99</li> </ul>
ex	2009	Fruit juices (excluding grape juice and grape must of subheadings 2009 61 and 2009 69 and banana juice of subheading ex 2009 80) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter

### *Amendment*

CN Code		Description
(a)	ex 0710	Vegetables (uncooked or cooked by steaming or boiling in water) frozen, excluding sweetcorn of subheading 0710 40 00, olives of subheading 0710 80 10 and fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> of subheading 0710 80 59
	ex 0711	Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption, excluding olives of subheading 0711 20, fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> of subheading 0711 90 10 and sweetcorn of subheading 0711 90 30
	ex 0712	Dried vegetables, whole, cut, sliced, broken or in powder, but not further prepared, excluding potatoes dehydrated by artificial heat-drying and unfit for human consumption falling within subheading ex 0712 90 05, sweetcorn falling within the subheadings 0712 90 11 and 0712 90 19 and olives falling within subheading ex 0712 90 90
	0804 20 90	Dried figs
	0806 20	Dried grapes
	ex 0811	Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, not containing added sugar or other sweetening matter, excluding frozen bananas falling within subheading ex 0811 90 95
CN Code		Description
	ex 0812	Fruit and nuts, provisionally preserved (for example by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption, excluding bananas provisionally preserved falling within subheading ex 0812 90 98
	ex 0813	Fruit, dried, other than that of headings 0801 to 0806; mixtures of nuts or dried fruits of this chapter excluding mixtures exclusively of nuts of headings 0801 and 0802 falling within subheadings 0813 50 31 and 0813 50 39
	0814 00 00	Peel of citrus fruit or melons (including watermelons), fresh, frozen, dried or provisionally preserved in brine, in sulphur water or in other preservative solutions
	0904 20 10	Dried sweet peppers, neither crushed nor ground

(b)	ex 0811	Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, containing added sugar or other sweetening matter
	ex 1302 20	Pectic substances and pectinates
	ex 2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid, excluding: <ul style="list-style-type: none"> <li>- fruit of the genus <i>Capsicum</i> other than sweet peppers or pimentos of subheading 2001 90 20</li> <li>- sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>) of subheading 2001 90 30</li> <li>- yams, sweet potatoes and similar edible parts of plants, containing 5 % or more by weight of starch of subheading 2001 90 40</li> <li>- palm hearts of subheading 2001 90 60</li> <li>- olives of subheading 2001 90 65</li> <li>- vine leaves, hop shoots and other similar edible parts of plants falling within subheading ex 2001 90 97</li> </ul>
	2002	Tomatoes prepared or preserved otherwise than by vinegar or acetic acid
	2003	Mushrooms and truffles, prepared or preserved otherwise than by vinegar or acetic acid
	ex 2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than the products of heading 2006, excluding sweetcorn ( <i>Zea mays</i> var. <i>saccharata</i> ) of subheading 2004 90 10, olives of subheading ex 2004 90 30 and potatoes prepared or preserved in the form of flour, meal or flakes of subheading 2004 10 91
	ex 2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006 excluding olives of subheading 2005 70 00, sweetcorn ( <i>Zea mays</i> var. <i>saccharata</i> ) of subheading 2005 80 00 and fruit of the genus <i>Capsicum</i> , other than sweet peppers or pimentos of subheading 2005 99 10 and potatoes prepared or preserved in the form of flour, meal or flakes of subheading 2005 20 10
	ex 2006 00	Fruit, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallised), excluding bananas preserved by sugar falling within headings ex 2006 00 38 and ex 2006 00 99
	ex 2007	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, being cooked preparations, whether or not containing added sugar or other sweetening matter, excluding: <ul style="list-style-type: none"> <li>- homogenised preparations of bananas of subheading ex 2007 10</li> <li>- jams, jellies, marmalades, purée or pastes of bananas of subheadings ex 2007 99 39, ex 2007 99 50 and ex 2007 99 97</li> </ul>
	ex 2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included, excluding: <ul style="list-style-type: none"> <li>- peanut butter of subheading 2008 11 10</li> <li>- palm hearts of subheading 2008 91 00</li> <li>- maize of subheading 2008 99 85</li> <li>- yams, sweet potatoes and similar edible parts of plants, containing 5 % or more by weight of starch of subheading 2008 99 91</li> <li>- vine leaves, hop shoots and other similar edible parts of plants falling within subheading ex 2008 99 99</li> <li>- mixtures of banana otherwise prepared or preserved of subheadings ex 2008 92 59, ex 2008 92 78, ex 2008 92 93 and ex 2008 92 98</li> <li>- bananas otherwise prepared or preserved of subheadings ex 2008 99 49, ex 2008 99 67 and ex 2008 99 99</li> </ul>
	ex 2009	Fruit juices (excluding grape juice and grape must of subheadings 2009 61 and 2009 69 and banana juice of subheading ex 2009 80) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter
	ex 0910	<i>dried thyme</i>
	ex 1211	<i>dried, whole, cut, crushed or powdered, basil, melissa, mint, origanum vulgare (oregano/wild marjoram), rosemary and sage</i>
	ex 0904	<i>pepper ; dried or crushed or ground fruits of the genus Capsicum or of the genus Pimenta, excluding sweet peppers falling within subheading 0904 20 10</i>
	ex220600	<i>cider</i>

Or. fr

## Amendment 423

### Proposal for a regulation

#### Annex I – Part XV – sub-part a – CN code 0201 – indents (new)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
0201 – Meat of bovine animals, fresh or chilled	0201 – Meat of bovine animals, fresh or chilled: – <b>0201 10 00 – Carcasses and half-carcasses</b> – <b>0201 20 – other cuts with bone in:</b> – <b>0201 20 20 – ‘compensated’ quarters</b> – <b>0201 20 30 – separated or unseparated forequarters</b> – <b>0201 20 50 – separated or unseparated hindquarters</b>

Or. fr

## Amendment 424

### Proposal for a regulation

#### Annex II – Part I a (new)

<i>Text proposed by the Commission</i>	<i>Amendment</i>
	<b><i>Part Ia: Definitions concerning the sugar sector</i></b>  <b><i>1. ‘White sugars’ means sugars, not flavoured or coloured or containing any other added substances, containing, in the dry state, 99,5 % or more by weight of sucrose, determined by the polarimetric method.</i></b>  <b><i>2. ‘Raw sugars’ means sugars, not flavoured or coloured or containing any other added substances, containing, in the dry state, less than 99,5 % by weight of sucrose, determined by the polarimetric</i></b>



*method.*

**3. ‘Isoglucose’ means the product obtained from glucose or its polymers with a content by weight in the dry state of at least 10 % fructose.**

**4. ‘Inulin syrup’ means the immediate product obtained by hydrolysis of inulin or oligofructoses, containing in the dry state at least 10 % fructose in free form or as sucrose, and expressed as sugar/isoglucose equivalents. In order to avoid restrictions on the market for products with low sweetening power produced by inulin fibre processors without inulin syrup quota, this definition may be amended by the Commission.**

**5. ‘Quota sugar’, ‘quota isoglucose’ and ‘quota inulin syrup’ mean any quantity of sugar, isoglucose or inulin syrup production attributed to a specific marketing year under the quota of the undertaking concerned.**

**6. ‘Industrial sugar’ means any quantity of sugar production attributed to a specific marketing year over and above the sugar quantity referred to in point 5, intended for the production by the industry of one of the products referred to in Article 101m(2).**

**7. ‘Industrial isoglucose’ and ‘industrial inulin syrup’ mean any quantity of isoglucose or inulin syrup production attributed to a specific marketing year, intended for the production by the industry of one of the products referred to in Article 101m(2).**

**8. ‘Surplus sugar’, ‘surplus isoglucose’ and ‘surplus inulin syrup’ mean any quantity of sugar, isoglucose or inulin syrup production attributed to a specific marketing year over and above the respective quantities referred to in points 5, 6 and 7.**

**9. ‘Quota beet’ means all sugar beet**

*processed into quota sugar.*

*10. 'Delivery contract' means a contract concluded between a seller and an undertaking for the delivery of beet for the manufacture of sugar.*

*11. 'Agreement within the trade' means one of the following:*

*(a) an agreement concluded at Union level, prior to the conclusion of any delivery contract, between a group of national undertakings' organisations on the one hand and a group of national sellers' organisations on the other;*

*(b) an agreement concluded, prior to the conclusion of any delivery contract, between undertakings or an undertakings' organisation recognised by the Member State concerned on the one hand and a sellers' association recognised by the Member State concerned on the other;*

*(c) in the absence of any agreement as referred to in point (a) or (b), the law on companies and the law on cooperatives, in so far as they govern the delivery of sugar beet by the shareholders or members of a company or cooperative manufacturing sugar;*

*(d) in the absence of any agreement as referred to in point (a) or (b), the arrangements existing before the conclusion of any delivery contract, provided the sellers accepting the arrangement supply at least 60% of the total beet bought by the undertaking for the manufacture of sugar in one or more factories;*

*12. 'Full-time refiner' means a production unit:*

*– of which the sole activity consists of refining imported raw cane sugar, or*

*– which refined in the marketing year 2004/2005 a quantity of at least 15,000 tonnes of imported raw cane sugar.*

**Amendment 425**

**Proposal for a regulation  
Annex III – Title**

*Text proposed by the Commission*

*Amendment*

STANDARD QUALITY OF RICE AND  
SUGAR AS REFERRED TO IN  
ARTICLE 7

STANDARD QUALITY OF RICE AND  
SUGAR AS REFERRED TO IN  
ARTICLE 7 **AND ARTICLE 101G**

**Amendment 426**

**Proposal for a regulation  
Annex III a (new)**

*Amendment*

**ANNEX IIIa**

***UNION SCALES FOR THE CLASSIFICATION OF CARCASSES REFERRED TO IN  
ARTICLE 7***

**A: Union scale for the classification of carcasses of adult bovine animals**

***I. Definitions***

***The following definitions shall apply:***

- 1. 'carcass': the whole body of a slaughtered animal as presented after bleeding, evisceration and skinning;***
- 2. 'half-carcass': the product obtained by separating the carcass referred to in point (1) symmetrically through the middle of each cervical, dorsal, lumbar and sacral vertebra and through the middle of the sternum and the ischiopubic symphysis.***

***II. Categories***

***The carcasses of adult bovine animals shall be divided into the following categories:***

*A: carcasses of uncastrated young male animals of less than two years of age;  
 B: carcasses of other uncastrated male animals;  
 C: carcasses of castrated male animals;  
 D: carcasses of female animals that have calved;  
 E: carcasses of other female animals.*

### **III. Classification**

*The carcasses shall be classified by successive assessment of:*

#### **1. Conformation, defined as follows:**

*Development of carcass profiles, in particular the essential parts (round, back, shoulder)*

<b>Conformation class</b>	<b>Description</b>
<b>S Superior</b>	<i>All profiles extremely convex; exceptional muscle development (double muscled carcass type)</i>
<b>E Excellent</b>	<i>All profiles convex to super-convex; exceptional muscle development</i>
<b>U Very good</b>	<i>Profiles on the whole convex; very good muscle development</i>
<b>R Good</b>	<i>Profiles on the whole straight; good muscle development</i>
<b>O Fair</b>	<i>Profiles straight to concave; average muscle development</i>
<b>P Poor</b>	<i>All profiles concave to very concave; poor muscle development</i>

*Member States shall be authorised to subdivide each of the classes that are provided for in points 1 and 2 into a maximum of three subclasses.*

#### **2. Fat cover, defined as follows:**

*Amount of fat on the outside of the carcass and in the thoracic cavity*

<b>Class of fat cover</b>	<b>Description</b>
<b>1 low</b>	<i>None up to low fat cover</i>
<b>2 slight</b>	<i>Slight fat cover, flesh visible almost everywhere</i>
<b>3 average</b>	<i>Flesh with the exception of the round and shoulder, almost everywhere covered with fat, slight deposits of fat in the thoracic cavity</i>
<b>4 high</b>	<i>Flesh covered with fat, but on the round and shoulder still partly visible, some distinctive fat deposits in the thoracic cavity</i>

<b>5</b> <b>very high</b>	<b><i>Entire carcass covered with fat; heavy deposits in the thoracic cavity</i></b>
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#### ***IV. Presentation***

***Carcasses and half-carcasses shall be presented:***

- 1. without the head and without the feet; the head shall be separated from the carcass at the atlanto-occipital joint and the feet shall be severed at the carpometacarpal or tarsometatarsal joints,***
- 2. without the organs contained in the thoracic and abdominal cavities with or without the kidneys, the kidney fat and the pelvic fat,***
- 3. without the sexual organs and the attached muscles and without the udder or the mammary fat.***

#### ***V. Classification and identification***

***Slaughterhouses approved under Article 4 of Regulation (EC) No 853/2004 of the European Parliament and of the Council shall take measures to ensure that all carcasses or half-carcasses from adult bovine animals slaughtered in such slaughterhouses and bearing a health mark provided for Article 5(2) in conjunction with Chapter III of Section I of Annex I to Regulation (EC) No 854/2004 of the European Parliament and of the Council are classified and identified in accordance with the Union scale.***

***Before identification by marking, Member States may grant authorisation to have the external fat removed from the carcasses or half-carcasses if this is justified by the fat cover.***

#### ***B: Union scale for the classification of pig carcasses***

##### ***I. Definition***

***'Carcass' shall mean the body of a slaughtered pig, bled and eviscerated, whole or divided down the mid-line.***

##### ***II. Classification***

***Carcasses shall be divided into classes according to their estimated lean-meat content and classified accordingly:***

<b><i>Classes</i></b>	<b><i>Lean meat as percentage of carcass weight</i></b>
<b><i>S</i></b>	<b><i>60 or more (*)</i></b>
<b><i>E</i></b>	<b><i>55 and more</i></b>
<b><i>U</i></b>	<b><i>50 or more but less than 55</i></b>
<b><i>R</i></b>	<b><i>45 or more but less than 50</i></b>
<b><i>O</i></b>	<b><i>40 or more but less than 45</i></b>
<b><i>P</i></b>	<b><i>less than 40</i></b>

*(\*) [Member States may introduce, for pigs slaughtered in their territory, a separate class of 60 % or more of lean meat designated with the letter S.]*

### ***III. Presentation***

*Carcasses shall be presented without tongue, bristles, hooves, genital organs, flare fat, kidneys and diaphragm.*

### ***IV. Lean-meat content***

*1. The lean-meat content shall be assessed by means grading methods authorised by the Commission. Only statistically proven assessment methods based on the physical measurement of one or more anatomical parts of the pig carcass may be authorised. Authorisation of grading methods shall be subject to compliance with a maximum tolerance for statistical error in assessment.*

*2. However, the commercial value of the carcasses shall not be determined solely by their estimated lean-meat content.*

### ***V. Identification of carcasses***

*Unless otherwise provided for by the Commission, classified carcasses shall be identified by marking in accordance with the Union scale.*

## **C: Union scale for the classification of sheep carcasses**

### ***I. Definition***

*As regards the terms 'carcass' and 'half-carcass' the definitions laid down in point A.I shall apply.*

### ***II. Categories***

*The carcasses shall be divided into the following categories:*

*A: carcasses of sheep under 12 months old,*

*B: carcasses of other sheep.*

### ***III. Classification***

*1. The carcasses shall be classified by way of application of the provisions in point A.III mutatis mutandis. However, the term 'round' in point A.III.1 and in rows 3 and 4 of the table under point A.III.2. shall be replaced by the term 'hindquarter'.*

*2. By way of derogation from point 1, for lambs of less than 13 kg carcass weight, Member States may be authorised by the Commission, by means of implementing acts adopted*

*without applying Article 162(2) or (3), to use the following criteria for classification:*

- (a) carcass weight;*
- (b) colour of meat;*
- (c) fat cover.*

#### ***IV. Presentation***

***Carcasses and half-carcasses shall be presented without the head (severed at the atlantooccipital joint), the feet (severed at the carpometacarpal or tarso-metatarsal joints), the tail (severed between the sixth and seventh caudal vertebrae), the udder, the genitalia, the liver and the pluck. Kidneys and kidney fat are included in the carcass.***

#### ***V. Identification of carcasses***

***Classified carcasses and half-carcasses shall be identified by marking in accordance with the Union scale.***

Or. fr

#### ***Justification***

*This amendment is consistent with the position adopted by the Committee on Agriculture and Rural Development when considering the proposal for a regulation aligning the single CMO with the provisions of the Lisbon Treaty (COM(2010)0799).*

*Codification of the CMO must be carried out on the basis of established law. Accordingly, the entire text of the existing annex should be included.*

#### **Amendment 427**

##### **Proposal for a regulation Annex III b (new)**

*Text proposed by Parliament*

#### **ANNEX IIIb**

##### ***NATIONAL AND REGIONAL QUOTAS FOR THE PRODUCTION OF SUGAR, ISOGLUCOSE AND INULIN SYRUP AS REFERRED TO IN ARTICLE 101H***

***(in tonnes)***

<b><i>Member States or regions (1)</i></b>	<b><i>Sugar (2)</i></b>	<b><i>Isoglucose (3)</i></b>	<b><i>Inulin syrup (4)</i></b>
<b><i>Belgium</i></b>	<b><i>676 235,0</i></b>	<b><i>114 580,2</i></b>	<b><i>0</i></b>
<b><i>Bulgaria</i></b>	<b><i>0</i></b>	<b><i>89 198,0</i></b>	

<i>Czech Republic</i>	<i>372 459,3</i>		
<i>Denmark</i>	<i>372 383,0</i>		
<i>Germany</i>	<i>2 898 255,7</i>	<i>56 638,2</i>	
<i>Ireland</i>	<i>0</i>		
<i>Greece</i>	<i>158 702,0</i>	<i>0</i>	
<i>Spain</i>	<i>498 480,2</i>	<i>53 810,2</i>	
<i>France (metropolitan)</i>	<i>3 004 811,15</i>		<i>0</i>
<i>French overseas departments</i>	<i>432 220,05</i>		
<i>Italy</i>	<i>508 379,0</i>	<i>32 492,5</i>	
<i>Latvia</i>	<i>0</i>		
<i>Lithuania</i>	<i>90 252,0</i>		
<i>Hungary</i>	<i>105 420,0</i>	<i>220 265,8</i>	
<i>Netherlands</i>	<i>804 888,0</i>	<i>0</i>	<i>0</i>
<i>Austria</i>	<i>351 027,4</i>		
<i>Poland</i>	<i>1 405 608,1</i>	<i>42 861,4</i>	
<i>Portugal (mainland)</i>	<i>0</i>	<i>12 500,0</i>	
<i>Autonomous Region of the Azores</i>	<i>9 953,0</i>		
<i>Romania</i>	<i>104 688,8</i>	<i>0</i>	
<i>Slovenia</i>	<i>0</i>		
<i>Slovakia</i>	<i>112 319,5</i>	<i>68 094,5</i>	
<i>Finland</i>	<i>80 999,0</i>	<i>0</i>	
<i>Sweden</i>	<i>293 186,0</i>		
<i>United Kingdom</i>	<i>1 056 474,0</i>	<i>0</i>	
<b><i>TOTAL</i></b>	<b><i>13 336 741,2</i></b>	<b><i>690 440,8</i></b>	<b><i>0</i></b>

Or. fr

## Amendment 428

### Proposal for a regulation

#### Annex II c (new)

*Text proposed by Parliament*

#### Annex IIIc

### **DETAILED RULES ON TRANSFERS OF SUGAR OR ISOGLUCOSE QUOTAS IN ACCORDANCE WITH ARTICLE 101K**

#### **I**

*For the purpose of this Annex:*

*(a) 'merger of undertakings' means the consolidation of two or more undertakings into a single undertaking;*

*(b) 'transfer of an undertaking' means the transfer or absorption of the assets of an undertaking having quota to one or more undertakings;*



*(c) 'transfer of a factory' means the transfer of ownership of a technical unit, including all the plant required to manufacture the product concerned, to one or more undertakings, resulting in the partial or total absorption of the production of the undertaking making the transfer;*

*(d) 'lease of a factory' means the leasehold contract of a technical unit including all the plant required for the manufacture of sugar, with a view to its operation, concluded for a period of at least three consecutive marketing years, which the parties agree not to terminate before the end of the third marketing year, with an undertaking which is established in the same Member State as the factory concerned, if, after the lease takes effect, the undertaking which rents the factory can be considered a solely sugar-producing undertaking for its entire production.*

## **II**

*1. Without prejudice to point 2, in the event of the merger or transfer of sugar-producing undertakings or the transfer of sugar factories, the quota shall be adjusted as follows:*

*(a) in the event of the merger of sugar-producing undertakings, the Member States shall allocate to the undertaking resulting from the merger a quota equal to the sum of the quotas allocated prior to the merger to the sugar-producing undertakings concerned;*

*(b) in the event of the transfer of a sugar-producing undertaking, the Member State shall allocate the quota of the transferred undertaking to the transferee undertaking for the production of sugar or, if there is more than one transferee undertaking, the allocation shall be made in proportion to the sugar production absorbed by each of them;*

*(c) in the event of the transfer of a sugar factory, the Member State shall reduce the quota of the undertaking transferring ownership of the factory and shall increase the quota of the sugar-producing undertaking or undertakings purchasing the factory in question by the quantity deducted in proportion to the production absorbed.*

*2. Where a number of the sugar-beet or cane growers directly affected by one of the operations referred to in point 1 expressly show their willingness to supply their beet or cane to a sugar-producing undertaking which is not party to those operations, the Member State may make the allocation on the basis of the production absorbed by the undertaking to which they intend to supply their beet or cane.*

*3. In the event of closure, in circumstances other than those referred to in point 1, of:*

*(a) a sugar-producing undertaking,*

*(b) one or more factories of a sugar-producing undertaking,*

*the Member State may allocate the part of the quotas involved in such closure to one or more sugar-producing undertakings.*

*Also in the case referred to in point (b) of the first subparagraph, where some of the producers concerned expressly show their willingness to supply their beet or cane to a given sugar-producing undertaking, the Member State may allocate the proportion of the quotas corresponding to the beet or cane concerned to the undertaking which they intend to supply with those products.*

*4. Where the derogation referred to in Article 101(5) is invoked, the Member State concerned may require the beet growers and the sugar undertakings concerned by that*

*derogation to include in their agreements within the trade special clauses enabling the Member State to apply points 2 and 3 of this Section.*

*5. In the event of the lease of a factory belonging to a sugar-producing undertaking, the Member State may reduce the quota of the undertaking offering the factory for rent and allocate the portion by which the quota was reduced to the undertaking which rents the factory in order to produce sugar in it.*

*If the lease is terminated during the period of three marketing years referred to in point I (d) the adjustment of quota under the first subparagraph of this point shall be cancelled retroactively by the Member State as at the date on which the lease took effect. However, if the lease is terminated by reason of force majeure, the Member State shall not be bound to cancel the adjustment.*

*6. Where a sugar-producing undertaking can no longer ensure that it meets its obligations under Union legislation towards the sugar-beet or cane producers concerned, and where that situation has been ascertained by the competent authorities of the Member State concerned, the latter may allocate for one or more marketing years the part of the quotas involved to one or more sugar-producing undertakings in proportion to the production absorbed.*

*7. Where a Member State grants a sugar producing undertaking price and outlet guarantees for processing sugar beet into ethyl alcohol, that Member State may, in agreement with that undertaking and the beet growers concerned, allocate all or part of the sugar production quotas to one or more other undertakings for one or more marketing years.*

### **III**

*In the event of the merger or transfer of isoglucose-producing undertakings or the transfer of an isoglucose-producing factory, the Member State may allocate the quotas involved for the production of isoglucose to one or more other undertakings, whether or not they have a production quota.*

### **IV**

*The measures taken pursuant to Sections II and III may take effect only if the following conditions are met:*

- (a) the interests of each of the parties concerned are taken into consideration;*
- (b) the Member State concerned considers that they are likely to improve the structure of the beet, cane and sugar-manufacturing sectors;*
- (c) they concern undertakings established in the same territory for which the quota is set in Annex IIIb.*

### **V**

*When the merger or transfer occurs between 1 October and 30 April of the following year, the measures referred to in Sections II and III shall take effect for the current marketing year.*

*When the merger or transfer occurs between 1 May and 30 September of the same year, the measures referred to in Sections II and III shall take effect for the following marketing year.*

## **VI**

*Where Sections II and III are applied, Member States shall inform the Commission of the adjusted quotas not later than 15 days after the expiry of the periods referred to in Section V.*

Or. fr

### **Amendment 429**

#### **Proposal for a regulation Annex III d (new)**

*Text proposed by Parliament*

#### **ANNEX III d *Purchase terms for beets, referred to in Article 101***

##### **POINT I**

*For the purposes of this Annex ‘Contracting Parties’ means:*

- (a) sugar undertakings (hereinafter referred to as manufacturers), and*
- (b) beet sellers (hereinafter referred to as sellers).*

##### **POINT II**

- 1. Delivery contracts shall be made in writing for a specified quantity of quota beet.*
- 2. Delivery contracts shall specify whether an additional quantity of beet may be supplied, and under what terms.*

##### **POINT III**

- 1. Delivery contracts shall indicate the purchase prices for the quantities of beet referred to in point (a) and, if appropriate, point (b), of Article 101(2a) of this Regulation. In the case of the quantities referred to in point (a) of Article 101(2a), those prices may not be lower than the minimum price for quota beet referred to in Article 101g(1).*
- 2. Delivery contracts shall lay down a fixed sugar content for beet. They shall include a conversion scale showing the different sugar contents and factors for converting the quantities of beet supplied into quantities corresponding to the sugar content shown in the delivery contract.*

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

*3. Where a seller has signed a delivery contract with a manufacturer for the delivery of beet as referred to in point (a) of Article 101(2a), all deliveries by that seller, converted in accordance with paragraph 2 of this Point, shall be considered to be deliveries within the meaning of point (a) of Article 101(2a), up to the quantity of beet specified in the delivery contract.*

*4. Manufacturers producing a quantity of sugar lower than their quota beet for which they have signed pre-sowing delivery contracts under point (a) of Article 101(2a), shall distribute the quantity of beet corresponding to any additional production up to the amount of their quota among the sellers with whom they have signed pre-sowing delivery contracts within the meaning of point (a) of Article 101(2a).*

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

#### **POINT IV**

*1. Delivery contracts shall contain provisions concerning the staggering and normal duration of beet deliveries.*

*2. Provisions referred to in paragraph 1 shall be those applicable during the previous marketing year, taking account of the level of actual production; agreements within the trade may derogate therefrom.*

#### **POINT V**

*1. Delivery contracts shall provide for beet collection places.*

*2. Where sellers and manufacturers have already signed a delivery contract for the previous marketing year, the collection places agreed upon by them for deliveries during that marketing year shall remain in operation. Agreements within the trade may derogate from this provision.*

*3. Delivery contracts shall provide that loading and transport costs from the collection places are to be borne by the manufacturer subject to special agreements based on local rules or usages in operation before the previous marketing year.*

*4. However, in Denmark, Greece, Spain, Ireland, Portugal, Finland and the United Kingdom, where beet is delivered free-at-factory, delivery contracts shall require manufacturers to contribute to loading and transport costs and shall stipulate the percentage or amounts.*

#### **POINT VI**

*1. Delivery contracts shall provide for reception points for beet.*

*2. Where sellers and manufacturers have already signed a delivery contract for the previous*

*marketing year, the reception points agreed upon by them for deliveries during that marketing year shall remain in operation. Agreements within the trade may derogate from this provision.*

#### **POINT VII**

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

#### **POINT VIII**

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

- (a) jointly, by the manufacturer and the beet growers' trade organisation, if an agreement within the trade so provides;*
- (b) by the manufacturer, under the supervision of the beet growers' trade organisation;*
- (c) by the manufacturer, under the supervision of an expert recognised by the Member State concerned, provided the seller defrays the costs thereof.*

#### **POINT IX**

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

- (a) to return the fresh pulp from the tonnage of beet delivered free of charge to the seller, ex-factory;*
- (b) to return part of that pulp, pressed, dried or dried and molassed, free of charge to the seller, ex-factory;*
- (c) to return the pulp, pressed or dried, to the seller, ex-factory; in this case, the manufacturer may require the seller to pay the pressing or drying costs;*
- (d) to pay the seller compensation which takes account of the possibilities of selling the pulp concerned.*

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

*2. Agreements within the trade may provide for pulp to be delivered at a stage other than*

*that referred to in paragraph 1(a), (b) and (c).*

#### **POINT X**

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

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

#### **POINT XI**

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

#### **POINT XII**

*1. Agreements in the trade as described in Annex II, Part Ia, point 11 to this Regulation shall contain arbitration clauses.*

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

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

*(a) rules on the distribution to sellers of quantities of beet which the manufacturer decides to buy prior to sowing, for the manufacture of sugar within the limits of the quota;*

*(b) rules on distribution as referred to in Point III(4);*

*(c) the conversion scale referred to in Point III(2);*

*(d) rules on the choice and supply of seeds of the varieties of beet to be produced;*

*(e) the minimum sugar content of beet to be delivered;*

*(f) a requirement for consultation between the manufacturer and the sellers' representatives before the starting date of beet deliveries is fixed;*

*(g) the payment of premiums to sellers for early or late deliveries;*

*(h) details of:*

*(i) the part of the pulp referred to in Point IX(1)(b),*

*(ii) the costs referred to in Point IX(1)(c),*

*(iii) the compensation referred to in Point IX(1)(d);*

*(i) the removal of pulp by the seller;*

*(j) without prejudice to Article 101g(1) of this Regulation, rules on how any difference between the reference price and the actual selling price of the sugar is to be allocated between the manufacturer and sellers.*

### **POINT XIII**

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

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

Or. fr

### **Amendment 430**

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

#### **Annex VI – Part V – paragraph 2 – point 7 – footnote (new)**

*Text proposed by the Commission*

*Amendment*

<sup>1</sup> *OJ L 139, 30.4.2004, p. 55.*

Or. fr

### **Amendment 431**

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

#### **Annex VI – Part V a (new)**

*Text proposed by Parliament*

#### **Part Va. Eggs of hens of the Gallus gallus species**

#### **I. Scope**

**1) This Part of the Annex applies to the marketing within the Community of the eggs**

*produced in the Community, imported from third countries or intended for export outside the Community.*

*2) Member States may exempt from the requirements provided for in this Part of this Annex, with the exception of point III(3), eggs sold directly to the final consumer by the producer:*

*(a) on the production site, or*

*(b) in a local public market or by door-to-door selling in the region of production of the Member State concerned.*

*Where such exemption is granted, each producer shall be able to choose whether to apply such exemption or not. Where this exemption is applied, no quality and weight grading may be used.*

*The Member State may establish, according to national law, the definition of the terms 'local public market', 'door-to-door selling' and 'region of production'.*

## ***II. Quality and weight grading***

*1) Eggs shall be graded by quality as follows:*

- Class A or 'fresh',*
- Class B.*

*2. Class A eggs shall also be graded by weight. However, grading by weight shall not be required for eggs delivered to the food and non-food industry.*

*3. Class B eggs shall only be delivered to the food and non-food industry.*

## ***III. Marking of eggs***

*1. Class A eggs shall be marked with the producer code.*

*Class B eggs shall be marked with the producer code and/or with another indication.*

*Member States may exempt Class B eggs from this requirement where those eggs are marketed exclusively on their territory.*

*2. The marking of eggs in accordance with point 1 shall take place at the production site or at the first packing centre to which eggs are delivered.*

*3. Eggs sold by the producer to the final consumer on a local public market in the region of production of the Member State concerned shall be marked in accordance with point 1.*

*However, Member States may exempt from this requirement producers with up to 50 laying hens, provided that the name and address of the producer are indicated at the point of sale.*



*Justification*

*This amendment reiterates the position adopted by the Committee on Agriculture and Rural Development when considering proposal for a regulation (2010)0738 on marketing standards.*

**Amendment 432**

**Proposal for a regulation**

**Annex VI – Part VI – paragraph 1 heading (new)**

*Text proposed by the Commission*

*Amendment*

***I. Sales description***

**Amendment 433**

**Proposal for a regulation**

**Annex VI – Part VI – paragraph II (new)**

*Text proposed by the Commission*

*Amendment*

***II. Terminology***

***1. The term 'traditional' may be used together with the name 'butter' provided for in point 1 of part A of the Appendix, where the product is obtained directly from milk or cream.***

***For the purposes of this point, 'cream' means the product obtained from milk in the form of an emulsion of the oil-in-water type with a milk-fat content of at least 10 %.***

***2. Terms for products referred to in the Appendix which state, imply or suggest fat content other than those referred to in that Appendix shall be prohibited.***

***3. By way of derogation from paragraph 2 and in addition:***

*(a) the term 'reduced-fat' may be used for products referred to in the Appendix with a fat content of more than 41 % but not more than 62 %;*

*(b) the terms 'low-fat' or 'light' may be used for products referred to in the Appendix with a fat content of 41 % or less.*

*The term 'reduced-fat' and the terms 'low-fat' or 'light' may, however, replace respectively the terms 'three-quarter-fat' or 'half-fat' used in the Appendix.*

Or. fr

#### **Amendment 434**

#### **Proposal for a regulation Annex VII a (new)**

*Text proposed by Parliament*

#### **ANNEX VIIa**

#### **OPTIONAL RESERVED TERMS**

<i>Product category (reference to Combined Nomenclature classification)</i>	<i>Optional reserved term</i>	<i>Act defining the term and conditions of use</i>
<i>poultrymeat (CN 0207, CN 0210)</i>	<i>fed with</i>	<i>Regulation (EC) No 543/2008, Article 11</i>
	<i>extensive indoor/barn-reared</i>	
	<i>free range</i>	
	<i>traditional free range</i>	
	<i>age at slaughter</i>	
	<i>length of fattening period</i>	
<i>eggs (CN 0407)</i>	<i>fresh</i>	<i>Regulation (EC) No 589/2008, Article 12</i>
	<i>extra or extra fresh</i>	<i>Regulation (EC) No 589/2008,</i>

		<i>Article 14</i>
	<i>indication on how laying hens are fed</i>	<i>Regulation (EC) No 589/2008, Article 15</i>
<i>honey</i> <i>(CN 0409)</i>	<i>floral or vegetable origin</i>	<i>Directive 2001/110/EC, Article 2</i>
	<i>regional origin</i>	
	<i>topographic origin</i>	
	<i>specific quality criteria</i>	
<i>olive oil</i> <i>(CN 1509)</i>	<i>first cold pressing</i>	<i>Regulation (EC) No 1019/2002, Article 5</i>
	<i>cold extraction</i>	
	<i>acidity</i>	
	<i>pungent</i>	
	<i>fruity: ripe or green</i>	
	<i>bitter</i>	
	<i>intense</i>	
	<i>average</i>	
	<i>light</i>	
	<i>well-balanced</i>	
	<i>mild oil</i>	
<i>milk and milk products</i> <i>(CN 04)</i>	<i>traditional butter</i>	<i>Regulation (EU) No [CMO Regulation], Annex VI, Part VI</i>
<i>spreadable fats</i> <i>(CN 0405 and ex 2106, CN ex 1517, CN ex 1517 and ex 2106)</i>	<i>reduced-fat</i>	<i>Regulation (EU) No [CMO Regulation], Annex VI, Part VI</i>
	<i>light</i>	
	<i>low-fat</i>	

Or. fr

### *Justification*

*This amendment reiterates the position adopted by the Committee on Agriculture and Rural Development when considering proposal for a regulation (2010)0738 on marketing standards.*

## EXPLANATORY STATEMENT

The ever growing world food demand, the relentless internationalisation of agricultural trade, the increasingly more visible effects of climate change, the structural rise in energy prices, and the gradual dwindling of water, biodiversity, arable land, and other natural resources: these upheavals are all transforming the context in which European agriculture now has to operate.

The fact that agricultural markets are, as a result, becoming more volatile implies first of all that the CAP budget, especially where the Single CMO is concerned, has to continue on its present scale if it is to cope with the crises which can, at any moment, threaten Europe's agricultural production potential and hence jeopardise the CAP's prime aim, namely to ensure that Europeans can enjoy food security.

The new global context, however, is such that it is no longer possible for the authorities to steer the markets by means of recurrent massive intervention, as this would prove to be costly and, worst of all, not particularly effective. More flexible 'decentralised' arrangements need to be put in place, combined with international coordination, which must, of necessity, be intensified and made more systematic, along the lines set out in, for example, the Action Plan on Food Price Volatility and Agriculture, adopted by the G20 Heads of State or Government at the November 2011 Cannes Summit.

In addition to the 'safety net' approach to the use of market tools such as public intervention or private storage aid, there are the crisis management measures provided for in the CMO, direct payments, and the Pillar II risk management tools. Within the CMO, this approach, which is intended to support sectors in serious difficulty while ensuring the long-term survival of the production system, provides stability and predictability and should accordingly be supported.

However, the aim of predictability in public action, which is vital for economic agents operating on markets already being subjected to severe tension, requires that the procedures for activating intervention tools should be such as to dispel all uncertainty or ambiguity and hence the risk that market players might be induced to behave erratically.

The 'safety net' concept for producers must, moreover, be developed across the board, for instance by ensuring that reference price setting and the activation arrangements for private storage aid allow fully for the trend in market prices, production costs, and producers' profit margins.

On the other hand, the gradual withdrawal by public authorities, and their relinquishment of responsibility for day-to-day steering of the markets, must not, under any circumstances, lead to a situation in which every form of management would cease altogether. It therefore follows that private sector operators, under the supervision of the authorities, have to 'take the helm' and play a greater role in this area.

Strengthening the power of the market in the agricultural production sector within the food

supply chain, not least by encouraging concentration, which is still very low compared with the sectors up- and downstream, thus constitutes a priority for the reform of the Single CMO.

The idea that farmers should band together must not translate into cartels that would distract producers from the efforts which they must continue to make as regards competitiveness, innovation, and production improvements: on the contrary, what it must do is allow them to break free of the economic dependence in which they are at present often still trapped. It must also enable the CAP to attain one of its key objectives, namely to guarantee a decent standard of living for the farming population.

Establishing strong producer organisations for all sectors, with much greater freedom of action than that afforded by the Commission proposal, especially as regards the management of supply and contractual relations, is an appropriate way to achieve that aim.

Fostering organisation and dialogue within agricultural and agri-foodstuffs sectors is, moreover, an essential complement to change along these lines. Setting up inter-branch organisations in all sectors, with powers likewise going beyond what is provided for in the Commission proposal, has to bring about a culture of cooperation among economic operators – doing away with the attitude of confrontation – and encourage collective practices that would benefit all concerned, consumers included.

In practice, however, it has to be ensured that the tasks assigned to these different organisations can be carried out properly and effectively. Given that requirement, careful thought must be brought to bear on competition law and its application to the agricultural and agri-foodstuffs sector.

Article 42 of the Treaty recognises the special status of agriculture in the eyes of competition law and stipulates that ‘The provisions of the Chapter relating to rules on competition shall apply to production of and trade in agricultural products only to the extent determined by the European Parliament and the Council within the framework of Article 43(2) and in accordance with the procedure laid down therein, account being taken of the objectives set out in Article 39’. This provision, which has existed since the 1957 Treaty of Rome and has never been challenged since that time, has nonetheless never been implemented. The detailed arrangements for applying competition law to agriculture have thus hardly changed since the 1960s.

Whereas it was once considered legitimate for competition rules to be applied sweepingly to agriculture because there used to be a massive public policy based on administered prices and production aid, present-day developments in the CAP demand a paradigm shift. From now on, given the specific features of farming and the food supply chain, agriculture must to some extent constitute an exception to competition law, which has to reflect the need to concentrate supply and strengthen the power that farmers can wield on the market.

Furthermore, although it accords with some major common principles, the application of competition law is still largely a national matter, with sometimes considerable differences, in terms of interpretation and action, from one Member State to another. It is therefore essential to embark without delay on a comprehensive debate, given that the issue is one with numerous far-reaching implications for the smooth running of the internal market.

One point to be covered by the debate should be a single understanding of basic concepts of competition law, specifically the market concerned, which de facto defines the field of activity of a producer or inter-branch organisation, and a dominant position, which to some extent determines the degrees of concentration considered acceptable in a sector and serves as the starting point when deciding what amounts to an instance of abuse.

Finally, the last sectors to be ‘regulated’ by the CAP (wine, sugar, and milk) must be a focus of particular attention.

As regards sugar, the 2006 reform has turned the organisation of the entire sector upside down. To enable beet growers to complete the necessary adaptation and to continue the efforts made in the wake of the reform to become competitive, the quota system should be extended until 2020 at the latest. However, given the recurrent serious tensions seen on the European sugar market, there has to be an arrangement whereby, for as long as necessary, non-quota sugar can automatically be reclassified as quota sugar, so as to enable the structural balance of the market to be preserved.

Regarding milk and milk products and taking into account the repeated market crises and the projected abolition of the quota scheme, an aid and levy system based on individual milk production trends needs to be put in place should the market become seriously disrupted. This system should be such as to encourage producers, when market prices come close to the reference prices, to take collective responsibility for dealing with market fluctuations. In some cases, an approach along these lines could serve to right the market to the point at which private storage aid or public intervention would not be necessary.

As far as wine is concerned, intense political campaigning in producing Member States has highlighted the deep-seated attachment to the planting rights system, which serves to ‘safeguard’ elements as diverse as the quality of wines, their fame, the preservation of cultivated landscapes, spatial planning, the continued survival of family production, and more besides. Experience has shown, moreover, that the system has in no way prevented the sector from adapting to the great changes that the wine market has undergone over the past few years. These points provide very strong grounds for continuing this system.

This report has been based on the aggregate financial amounts which the Commission has earmarked for the CAP within the next multiannual financial framework. Should fundamental changes be made to that proposal, the substance of the report would need to be revised.