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(A7-0037/2013 - Rapporteur: Pervenche Berès)

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Flag State responsibilities for the enforcement of Council Directive 2009/13/EC implementing the Agreement concluded by the European Community Shipowners' Associations and the European Transport Workers' Federation on the Maritime Labour Convention *I**

Amendments adopted by the European Parliament on 13 March 2013 on the proposal for a directive of the European Parliament and of the Council concerning flag State responsibilities for the enforcement of Council Directive 2009/13/EC implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC (COM(2012)0134 – C7-0083/2012 – 2012/0065(COD))¹

(Ordinary legislative procedure: first reading)

Amendment 1

**Proposal for a directive
Recital 10**

Text proposed by the Commission

(10) Although Directive 2009/21/EC governs the flag State responsibilities by incorporating the IMO's flag State audit scheme into Union law and by introducing the certification of quality of national maritime authorities; a separate directive covering the maritime labour standards is deemed more appropriate and clearer to reflect the different purposes and procedures,

Amendment

(10) Although Directive 2009/21/EC governs the flag State responsibilities by incorporating the IMO's flag State audit scheme into Union law and by introducing the certification of quality of national maritime authorities; a separate directive covering the maritime labour standards is deemed more appropriate and clearer to reflect the different purposes and procedures. ***Therefore, Directive 2009/21/EC, the provisions of which apply only to IMO Conventions, should not be affected by the present Directive. In any case, Member States should continue to be able to develop, implement and maintain a quality management system for the operational parts of the flag State-related activities of its maritime administration falling within the scope of this Directive.***

¹ The matter was then referred back to committee pursuant to Rule 57(2), second subparagraph (A7-0037/2013).

Amendment 2

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) Directive 2009/13/EC applies to seafarers on board ships flying the flag of a Member State. Member States should ***therefore monitor compliance with all the provisions of*** that Directive by ships flying their flag.

Amendment

(11) Directive 2009/13/EC applies to seafarers on board ships flying the flag of a Member State. Member States should ***ensure the effective discharge of their obligations as flag States with respect to the implementation of the relevant parts of MLC 2006 which correspond to the elements as set out in the Annex to*** that Directive ***concerning*** ships flying their flag. ***In establishing an effective system for monitoring mechanisms, including inspections, a Member State could grant authorisation to public institutions or other organisations within the meaning of MLC 2006.***

Amendment 3

Proposal for a directive

Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) Under no circumstances should the application and/or interpretation of this Directive lead to a reduction in the level of protection currently enjoyed by workers under Union legislation.

Amendment 4

Proposal for a directive

Article 1

Text proposed by the Commission

This Directive lays down rules to ensure that Member States effectively discharge their obligations as flag States to monitor compliance of ships flying their flag with Directive 2009/13/EC. This Directive is without prejudice to Directive 2009/21/EC ***of the European Parliament and of the***

Amendment

This Directive lays down rules to ensure that Member States effectively discharge their obligations as flag States to monitor compliance of ships flying their flag with Directive 2009/13/EC ***and the Social Partners Agreement annexed thereto.*** This Directive is without prejudice to Directive

Council.

2009/21/EC¹.

¹ *OJ L131, 28.5.2009, p. 132.*

Amendment 5

Proposal for a directive

Article 2 – point b a (new)

Text proposed by the Commission

Definitions

Amendment

Definitions

(ba) “Directive 2009/13/EC” means that Directive and the Social Partners Agreement annexed thereto;

Amendment 6

Proposal for a directive

Article 2 – point b b (new)

Text proposed by the Commission

Amendment

(bb) “maritime labour certificate”, “interim maritime labour certificate” and “declaration of maritime labour compliance” mean respectively the documents referred to in Standard A5.1.3, paragraph 9 of the Maritime Labour Convention, 2006 drawn up in the form corresponding to the models given in Appendix A5-II of that Convention;

Amendment 7

Proposal for a directive

Article 3 – title

Text proposed by the Commission

Compliance monitoring

Amendment

Compliance monitoring ***and certification***

Amendment 8

Proposal for a directive

Article 3 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. Each Member State shall ensure the enforcement of the obligations set out in Directive 2009/13/EC on ships that fly its flag.

Amendment 9

Proposal for a directive

Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In establishing an effective system for the inspection and certification of maritime labour conditions, Member States may, where appropriate, authorise public institutions or other organisations (including those of another Member State, if the latter agrees) which they recognise to be competent and independent to carry out inspections or to issue certificates or to do both. In all cases, Member States shall remain fully responsible for the inspection and certification of the working and living conditions of the seafarers concerned on ships that fly its flag.

Amendment 10

Proposal for a directive

Article 3 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Each Member State shall establish an effective system for the inspection and certification of maritime labour conditions, in accordance with Regulations 5.1.3 and 5.1.4 and Standards A5.1.3 and A5.14 of the Maritime Labour Convention, ensuring that the working and living conditions for seafarers on

ships flying its flag meet, and continue to meet, the standards in that Convention.

Amendment 11

Proposal for a directive

Article 3 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. A maritime labour certificate, complemented by a declaration of maritime labour compliance, shall constitute prima facie evidence that the ship has been duly inspected by the Member State whose flag it flies and that the requirements of Directive 2009/13/EC relating to working and living conditions of the seafarers have been met to the extent certified.

Amendment 12

Proposal for a directive

Article 3 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. Information about the system referred to in paragraph 1b of this Article, including the method used for assessing its effectiveness, shall be included in the Member States reports to the International Labour Office pursuant to Article 22 of the Constitution of that Office.

Amendment 13

Proposal for a directive

Article 3 – paragraph 1 e (new)

Text proposed by the Commission

Amendment

1e. Each Member State shall establish clear objectives and standards covering the administration of its inspection and certification systems, as well as adequate overall procedures for its assessment of the extent to which those objectives and

standards are being attained.

Amendment 14

Proposal for a directive

Article 3 – paragraph 1 f (new)

Text proposed by the Commission

Amendment

If. Each Member State shall require all ships that fly its flag to have a copy of Directive 2009/13/EC and the Social Partners Agreement annexed thereto available on board.

Amendment 15

Proposal for a directive

Article 3 – paragraph 1 g (new)

Text proposed by the Commission

Amendment

1g. The interval between inspections shall not exceed three years.

Amendment 16

Proposal for a directive

Article 4 – title

Text proposed by the Commission

Amendment

Staff in charge of compliance monitoring

Recognised organisations and their staff
in charge of compliance monitoring

Amendment 17

Proposal for a directive

Article 4 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall ensure that staff in charge of verifying the proper implementation of Directive 2009/13/EC has the training, competence, terms of reference, powers, status and independence necessary or desirable so as to enable them to carry out that verification and ensure

1. A Member State shall ensure that the institutions or other organisations (“recognized organisations”) referred to in Article 3(1a) and those members of their staff in charge of verifying the proper implementation of Directive 2009/13/EC have the training, competence, terms of reference, powers, status and independence

compliance with that Directive.

necessary or desirable so as to enable them to carry out that verification and ensure compliance with that Directive. ***The inspection or certification functions which the recognised organisations may be authorised to carry out shall come within the scope of the activities that are expressly referred to in paragraphs 1b to 1d as carried out by the Member State or a recognised organisation.***

Amendment 18

Proposal for a directive

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The European Maritime Safety Agency (EMSA) may assist Member States in the supervision of recognised organisations performing certification tasks on their behalf in accordance with Article 9 of Directive 2009/15/EC, without prejudice to the rights and obligations of flag States.

Amendment 19

Proposal for a directive

Article 4 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Any authorisations granted with respect to inspections shall, as a minimum, empower the recognised organisation to require the deficiencies that it identifies in seafarers' working and living conditions to be rectified and to carry out inspections in this regard at the request of a port State.

Amendment 20

Proposal for a directive

Article 4 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. Each Member State shall establish:

(a) a system to ensure the adequacy of work performed by recognised organisations. That system shall include information on all applicable national laws and regulations and relevant international instruments; and

(b) procedures for communication with and oversight of such organizations.

Amendment 21

Proposal for a directive

Article 4 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. Each Member State shall provide the International Labour Office with a current list of any recognised organisations that are authorised to act on its behalf and shall keep this list up to date. The list shall specify the functions that the recognised organisations have been authorised to carry out.

Amendment 22

Proposal for a directive

Article 4 a (new)

Text proposed by the Commission

Amendment

Article 4a

Maritime Labour Certificate

4a. Each Member State shall require ships that fly its flag to carry and maintain a maritime labour certificate certifying that the working and living conditions of seafarers on the ship, including the measures for ongoing

compliance to be included in the declaration of maritime labour compliance, have been inspected and meet the requirements of national laws or regulations or other measures implementing Directive 2009/13/EC and the Social Partners Agreement annexed thereto.

Amendment 23

Proposal for a directive Article 4 b – paragraph 1 (new)

Text proposed by the Commission

Amendment

Article 4b

Inspection and enforcement

1. Each Member State shall verify, through an effective and coordinated system of regular inspections, monitoring and other control measures, that ships that fly its flag comply with the requirements of Directive 2009/13/EC as implemented in national laws and regulations.

Amendment 24

Proposal for a directive Article 4 b – paragraph 2 (new)

Text proposed by the Commission

Amendment

2. Detailed requirements regarding the inspection and enforcement system referred to in paragraph 1 are set out in paragraphs 3 to 18 below.

Amendment 25

Proposal for a directive Article 4 b – paragraph 3 (new)

Text proposed by the Commission

Amendment

3. Each Member State shall maintain a system of inspection of the conditions for seafarers on ships that fly its flag which

shall include verification that the measures relating to working and living conditions, as set out in the declaration of maritime labour compliance, where applicable, are being followed, and that the requirements of Directive 2009/13/EC are met.

Amendment 26

**Proposal for a directive
Article 4 b – paragraph 4 (new)**

Text proposed by the Commission

Amendment

4. A Member State shall appoint a sufficient number of qualified inspectors to fulfil its responsibilities under paragraph 3. Where recognised organisations have been authorised to carry out inspections, a Member State shall require that personnel carrying out the inspection are qualified to undertake these duties and shall provide them with the necessary legal authority to perform their duties.

Amendment 27

**Proposal for a directive
Article 4 b – paragraph 5 (new)**

Text proposed by the Commission

Amendment

5. Adequate provision shall be made to ensure that the inspectors have the training, competence, terms of reference, powers, status and independence necessary or desirable so as to enable them to carry out the verification and ensure the compliance referred to in paragraph 3.

Amendment 28

Proposal for a directive

Article 4 b – paragraph 6 (new)

Text proposed by the Commission

Amendment

6. If a Member State receives a complaint which it does not consider manifestly unfounded or obtains evidence that a ship that flies its flag does not conform to the requirements of Directive 2009/13/EC or that there are serious deficiencies in the implementation of the measures set out in the declaration of maritime labour compliance, the Member State shall take the steps necessary to investigate the matter and to ensure that action is taken to remedy any deficiencies found.

Amendment 29

Proposal for a directive

Article 4 b – paragraph 7 (new)

Text proposed by the Commission

Amendment

7. Adequate rules shall be provided and effectively enforced by each Member State in order to guarantee that inspectors have the status and conditions of service which ensure that they are independent of changes of government and of improper external influences.

Amendment 30

Proposal for a directive

Article 4 b – paragraph 8 (new)

Text proposed by the Commission

Amendment

8. Inspectors, issued with clear guidelines as to the tasks to be performed and provided with proper credentials, shall be empowered:

(a) to board a ship that flies the flag of a Member State;

(b) to carry out any examination, test or

inquiry which they may consider necessary in order to satisfy themselves that the standards are being strictly observed; and

(c) to require that any deficiency is remedied and, where they have grounds to believe that deficiencies constitute a serious breach of the requirements of Directive 2009/13/EC (including seafarers' rights), or represent a significant danger to seafarers' safety, health or security, to prohibit a ship from leaving port until necessary actions are taken.

Amendment 31

Proposal for a directive Article 4 b – paragraph 9 (new)

Text proposed by the Commission

Amendment

9. Any action taken pursuant to paragraph 8(c) shall be subject to any right of appeal that may exist to a judicial or administrative authority.

Amendment 32

Proposal for a directive Article 4 b – paragraph 10 (new)

Text proposed by the Commission

Amendment

10. Inspectors shall have the discretion to give advice instead of instituting or recommending proceedings when there is no clear breach of the requirements of Directive 2009/13/EC that endangers the safety, health or security of the seafarers concerned and where there is no prior history of similar breaches.

Amendment 33

Proposal for a directive

Article 4 b – paragraph 11 (new)

Text proposed by the Commission

Amendment

11. Inspectors shall treat as confidential the source of any grievance or complaint alleging a danger or deficiency in relation to seafarers' working and living conditions or a violation of laws and regulations and shall give no intimation to the shipowner, the shipowner's representative or the operator of the ship that an inspection was made as a consequence of such a grievance or complaint.

Amendment 34

Proposal for a directive

Article 4 b – paragraph 12 (new)

Text proposed by the Commission

Amendment

12. Inspectors shall not be entrusted with duties which might, because of their number or nature, interfere with effective inspection or prejudice in any way their authority or impartiality in their relations with shipowners, seafarers or other interested parties.

In particular, inspectors shall:

(a) be prohibited from having any direct or indirect interest in any operation which they are called upon to inspect; and

(b) without prejudice to appropriate sanctions or disciplinary measures, not reveal, even after leaving service, any commercial secrets or confidential working processes or information of a personal nature which may come to their knowledge in the course of their duties.

Amendment 35

Proposal for a directive

Article 4 b – paragraph 13 (new)

Text proposed by the Commission

Amendment

13. Inspectors shall submit a report of each inspection to the competent authority of the Member State. One copy of the report in English or in the working language of the ship shall be furnished to the master of the ship and another copy shall be posted on the ship's notice board for the information of the seafarers and, upon request, sent to their representatives.

Amendment 36

Proposal for a directive

Article 4 b – paragraph 14 (new)

Text proposed by the Commission

Amendment

14. The competent authority of each Member State shall maintain records of inspections of the conditions for seafarers on ships that fly its flag. It shall publish an annual report on inspection activities within a reasonable time, not exceeding six months, after the end of the year.

Amendment 37

Proposal for a directive

Article 4 b – paragraph 15 (new)

Text proposed by the Commission

Amendment

15. In the case of an investigation following a major incident, the report shall be submitted to the competent authority of the Member State concerned as soon as practicable, but not later than one month following the conclusion of the investigation.

Amendment 38

Proposal for a directive

Article 4 b – paragraph 16 (new)

Text proposed by the Commission

Amendment

16. When an inspection is conducted or when measures are taken under this Article, all reasonable efforts shall be made to avoid a ship being unreasonably detained or delayed.

Amendment 39

Proposal for a directive

Article 4 b – paragraph 17 (new)

Text proposed by the Commission

Amendment

17. Compensation shall be payable in accordance with national laws and regulations for any loss or damage suffered as a result of the wrongful exercise of the inspectors' powers. The burden of proof in each case shall be on the complainant.

Amendment 40

Proposal for a directive

Article 4 b – paragraph 18 (new)

Text proposed by the Commission

Amendment

18. Adequate penalties and other corrective measures for breaches of the requirements of Directive 2009/13/EC (including seafarers' rights) and for obstructing inspectors in the performance of their duties shall be provided for and effectively enforced by each Member State.

Amendment 41

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

1. If a Member State receives a complaint which it does not consider manifestly unfounded **or** obtains evidence that a ship that flies its flag does not conform to the requirements of Directive 2009/13/EC or that there are serious deficiencies in its implementing measures, that Member State shall take the steps necessary to investigate the matter and ensure that action is taken to remedy any deficiencies found.

Amendment

1. If a Member State receives a complaint which it does not consider **to be** manifestly unfounded ***under international labour law, such as the Maritime Labour Convention, or under Directive 2009/13/EC, it shall take the steps necessary to investigate the matter and ensure that action is taken to remedy any deficiencies found.***

If a Member State obtains evidence, ***by means of an inspection,*** that a ship that flies its flag does not conform to the requirements of Directive 2009/13/EC or that there are serious deficiencies in its implementing measures, that Member State shall take the steps necessary to investigate the matter and ensure that action is taken to remedy any deficiencies found.

Amendment 42

**Proposal for a directive
Article 5 – paragraph 2**

Text proposed by the Commission

2. Personnel ***in charge of dealing with complaints*** shall treat as confidential the source of any grievance or complaint alleging a danger or deficiency in relation to seafarers' working and living conditions or a violation of laws and regulations and give no intimation to the shipowner, the shipowner's representative or the operator of the ship that an inspection was made as a consequence of such a grievance or complaint.

Amendment

2. Personnel shall treat as confidential the source of any grievance or complaint alleging a danger or deficiency in relation to seafarers' working and living conditions or a violation of laws and regulations and give no intimation to the ship owner, the ship owner's representative or the operator of the ship that an inspection was made as a consequence of such a grievance or complaint.

Amendment 43

Proposal for a directive

Article 5 a – paragraph 1 (new)

Text proposed by the Commission

Amendment

Article 5a

On-board complaint procedures

1. Member States shall require that ships that fly its flag have on-board procedures for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the requirements of Directive 2009/13/EC (including seafarers' rights).

Amendment 44

Proposal for a directive

Article 5 a – paragraph 2 (new)

Text proposed by the Commission

Amendment

2. Member States shall prohibit and penalise any kind of victimisation of a seafarer for filing a complaint.

Amendment 45

Proposal for a directive

Article 5 a – paragraph 3 (new)

Text proposed by the Commission

Amendment

3. The provisions of this Article are without prejudice to a seafarer's right to seek redress through whatever legal means the seafarer considers appropriate.

Amendment 46

Proposal for a directive

Article 5 a – paragraph 4 (new)

Text proposed by the Commission

Amendment

4. Without prejudice to any wider scope that may be given in national laws or regulations or collective agreements, the

on-board procedures may be used by seafarers to lodge complaints relating to any matter that is alleged to constitute a breach of the requirements of Directive 2009/13/EC (including seafarers' rights).

Amendment 47

Proposal for a directive Article 5 a – paragraph 5 (new)

Text proposed by the Commission

Amendment

5. Each Member State shall ensure that, in its laws or regulations, appropriate on-board complaint procedures are in place to meet the requirements set out in paragraphs 1 to 3. Such procedures shall seek to resolve complaints at the lowest level possible. However, in all cases, seafarers shall have a right to complain directly to the master and, where they consider it necessary, to appropriate external authorities.

Amendment 48

Proposal for a directive Article 5 a – paragraph 6 (new)

Text proposed by the Commission

Amendment

6. The on-board complaint procedures shall include the right of the seafarer to be accompanied or represented during the complaints procedure, as well as safeguards against the possibility of victimisation of seafarers for filing complaints. The term “victimisation” covers any adverse action taken by any person with respect to a seafarer for lodging a complaint which is not manifestly vexatious or maliciously made.

Amendment 49

Proposal for a directive

Article 5 a – paragraph 7 (new)

Text proposed by the Commission

Amendment

7. In addition to a copy of their seafarers' employment agreement, all seafarers shall be provided with a copy of the on-board complaint procedures applicable on the ship. This shall include contact information for the competent authority in the flag State and, where different, in the seafarers' country of residence, and the name of a person or persons on board the ship who can, on a confidential basis, provide seafarers with impartial advice on their complaint and otherwise assist them in following the complaint procedures available to them on board the ship.

Amendment 50

Proposal for a directive

Article 5 b – paragraph 1 (new)

Text proposed by the Commission

Amendment

Article 5b

Labour supplying responsibilities

1. Without prejudice to the principle of each Member State's responsibility for the working and living conditions of seafarers on ships that fly its flag, the Member State also has a responsibility to ensure the implementation of the requirements of this Article regarding the recruitment and placement of seafarers as well as the social security protection of seafarers that are its nationals or are resident or are otherwise domiciled in its territory, to the extent that such responsibility is provided for in this Article.

Amendment 51

Proposal for a directive Article 5 b – paragraph 2 (new)

Text proposed by the Commission

Amendment

2. Each Member State shall enforce the requirements of this Article applicable to the operation and practice of seafarer recruitment and placement services established on its territory through a system of inspection and monitoring and legal proceedings for breaches of licensing and other operational requirements provided for in paragraphs 4 and 6.

Amendment 56

Proposal for a directive Article 5 b – paragraph 3 (new)

Text proposed by the Commission

Amendment

3. Detailed requirements for the implementation of paragraph 1 are set out in paragraphs 7 to 18 below.

Amendment 52

Proposal for a directive Article 5 b – paragraph 4 (new)

Text proposed by the Commission

Amendment

4. Each Member State that operates a public seafarer recruitment and placement service shall ensure that the service is operated in an orderly manner that protects and promotes seafarers' employment rights as provided in Directive 2009/13/EC.

Amendment 57

Proposal for a directive Article 5 b – paragraph 5 (new)

Text proposed by the Commission

Amendment

5. Each Member State shall establish an effective inspection and monitoring system for enforcing its responsibilities under this Article to supply labour.

Amendment 53

**Proposal for a directive
Article 5 b – paragraph 6 (new)**

Text proposed by the Commission

Amendment

6. The competent authority of the Member State concerned shall closely supervise and control all seafarer recruitment and placement services operating in the territory of the Member State concerned. Any licences or certificates or similar authorisations for the operation of private services in the territory are granted or renewed only after verification that the seafarer recruitment and placement service concerned meets the requirements of national laws and regulations.

Amendment 58

**Proposal for a directive
Article 5 b – paragraph 7 (new)**

Text proposed by the Commission

Amendment

7. Information about the system referred to in paragraph 4, including the method used for assessing its effectiveness, shall be included in the Member State's reports to the International Labour Office pursuant to Article 22 of the Constitution of that Office.

Amendment 59

**Proposal for a directive
Article 5 b – paragraph 8 (new)**

Text proposed by the Commission

Amendment

8. All seafarers shall have access to an efficient, adequate and accountable system for finding employment on board ship without charge to the seafarer.

Amendment 60

**Proposal for a directive
Article 5 b – paragraph 9 (new)**

Text proposed by the Commission

Amendment

9. Seafarer recruitment and placement services operating in a Member State's territory shall conform to the standards set out in paragraphs 7 to 18.

Amendment 61

**Proposal for a directive
Article 5 b – paragraph 10 (new)**

Text proposed by the Commission

Amendment

10. Each Member State shall require, in respect of seafarers who work on ships that fly its flag, that shipowners who use seafarer recruitment and placement services that are based in countries or territories in which the Maritime Labour Convention 2006 does not apply, ensure that those services conform to the requirements set out in paragraphs 7 to 18.

Amendment 62

**Proposal for a directive
Article 5 b – paragraph 11 (new)**

Text proposed by the Commission

Amendment

11. Where a Member State has private seafarer recruitment and placement services operating in its territory the primary purpose of which is the recruitment and placement of seafarers or

which recruit and place a significant number of seafarers, they shall be operated only in conformity with a standardised system of licensing or certification or other form of regulation. This system shall be established, modified or changed only after consultation with the shipowners' and seafarers' organisations concerned. In the event of doubt as to whether this Article applies to a private recruitment and placement service, the question shall be determined by the competent authority in each Member State after consultation with the shipowners' and seafarers' organisations concerned. Undue proliferation of private seafarer recruitment and placement services shall not be encouraged.

Amendment 63

Proposal for a directive

Article 5 b – paragraph 12 (new)

Text proposed by the Commission

Amendment

12. The provisions of paragraph 11 shall also apply – to the extent that they are considered to be appropriate by the competent authority of the Member State, in consultation with the shipowners' and seafarers' organisations concerned – in the context of recruitment and placement services operated by a seafarers' organisation in the territory of the Member State for the supply of seafarers who are nationals of that Member State to ships which fly its flag. The services covered by this paragraph are those fulfilling the following conditions:

- (a) the recruitment and placement service is operated pursuant to a collective bargaining agreement between that organisation and a shipowner;*
- (b) both the seafarers' organisation and the shipowner are based in the territory of the Member State;*
- (c) the Member State has national laws or*

regulations or a procedure to authorise or register the collective bargaining agreement permitting the operation of the recruitment and placement service; and

(d) the recruitment and placement service is operated in an orderly manner and measures are in place to protect and promote seafarers' employment rights comparable to those provided in paragraph 14.

Amendment 64

Proposal for a directive Article 5 b – paragraph 13 (new)

Text proposed by the Commission

Amendment

13. Nothing in paragraphs 1 to 18 shall be deemed to:

(a) prevent a Member State from maintaining a free public seafarer recruitment and placement service for seafarers in the framework of a policy to meet the needs of seafarers and shipowners, whether the service forms part of or is coordinated with a public employment service for all workers and employers; or

(b) impose on a Member State the obligation to establish a system for the operation of private seafarer recruitment or placement services in its territory.

Amendment 65

Proposal for a directive Article 5 b – paragraph 14 (new)

Text proposed by the Commission

Amendment

14. A Member State adopting a system referred to in paragraph 11 of this Article shall, in its laws and regulations or other measures, at a minimum

(a) prohibit seafarer recruitment and placement services from using means, mechanisms or lists intended to prevent or

deter seafarers from gaining employment for which they are qualified;

(b) require that no fees or other charges for seafarer recruitment or placement or for providing employment to seafarers are borne directly or indirectly, in whole or in part, by the seafarer, other than the cost of the seafarer obtaining a national statutory medical certificate, the national seafarer's book and a passport or other similar personal travel documents, not including, however, the cost of visas, which shall be borne by the shipowner; and

(c) ensure that seafarer recruitment and placement services operating in its territory:

(i) maintain an up-to-date register of all seafarers recruited or placed through them, to be available for inspection by the competent authority of the Member State;

(ii) make sure that seafarers are informed of their rights and duties under their employment agreements prior to or in the process of engagement and that proper arrangements are made for seafarers to examine their employment agreements before and after they are signed and for them to receive a copy of the agreements;

(iii) verify that seafarers recruited or placed by them are qualified and hold the documents necessary for the job concerned, and that the seafarers' employment agreements are in accordance with applicable laws and regulations and any collective bargaining agreement that forms part of the employment agreement;

(iv) make sure, as far as practicable, that the shipowner has the means to protect seafarers from being stranded in a foreign port;

(v) examine and respond to any complaint concerning their activities and advise the competent authority of the Member State of any unresolved complaint;

(vi) establish a system of protection, by way of insurance or an equivalent appropriate measure, to compensate seafarers for monetary loss that they may incur as a result of the failure of a recruitment and placement service or the relevant shipowner under the seafarers' employment agreement to meet its obligations to them.

Amendment 66

Proposal for a directive Article 5 b – paragraph 15 (new)

Text proposed by the Commission

Amendment

15. The competent authority of the Member State concerned shall ensure that adequate machinery and procedures exist for the investigation, if necessary, of complaints concerning the activities of seafarer recruitment and placement services, involving, as appropriate, representatives of shipowners and seafarers.

Amendment 67

Proposal for a directive Article 5 b – paragraph 16 (new)

Text proposed by the Commission

Amendment

16. Where a Member State has ratified the Maritime Labour Convention 2006 and a period of 12 months has passed, beginning on the day after registration of its ratification with the Director-General of the International Labour Office, it shall, in so far as practicable, advise its nationals on the possible problems of signing on a ship that flies the flag of a State which has not ratified the Maritime Labour Convention 2006 until it is satisfied that standards equivalent to those fixed by this Article are being applied. Measures taken to this effect by the Member State shall not be in contradiction with the principle of free

movement of workers stipulated by the treaties to which the Member State and the other country concerned may be parties.

Amendment 68

Proposal for a directive

Article 5 b – paragraph 17 (new)

Text proposed by the Commission

Amendment

17. Each Member State to which paragraph 16 applies shall require that shipowners of ships that fly its flag who use seafarer recruitment and placement services based in countries or territories in which the Maritime Labour Convention 2006, does not apply, ensure, as far as practicable, that those services meet the requirements of paragraphs 7 to 18.

Amendment 69

Proposal for a directive

Article 5 b – paragraph 18 (new)

Text proposed by the Commission

Amendment

18. Nothing in paragraphs 7 to 18 shall be understood as diminishing the obligations and responsibilities of shipowners or of a Member State with respect to ships that fly its flag.

Amendment 54

Proposal for a directive

Article 5 c (new)

Text proposed by the Commission

Amendment

Article 5c

Rendez-vous clause

From the date of the entry into force of the Agreement, the Commission shall ensure that it is incorporated into Union law and is applied by the Member States.

The Commission shall take the necessary measures to that end.

Amendment 55

**Proposal for a directive
Article 5 d (new)**

Text proposed by the Commission

Amendment

Article 5d

Reports

Every five years, the Commission shall submit a report to the European Parliament and the Council on the application of this Directive.

The report shall assess the performance of Member States as flag States and propose any additional measures necessary in order to transpose, and ensure compliance with, the Convention.

Guidelines for the 2014 budget - Section III

European Parliament resolution of 13 March 2013 on the general guidelines for the preparation of the 2014 budget, Section III – Commission (2013/2010(BUD))

The European Parliament,

- having regard to Articles 312, 313 and 314 of the Treaty on the Functioning of the European Union and Article 106a of the Treaty establishing the European Atomic Energy Community,
 - having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (IIA)¹,
 - having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002²,
 - having regard to its resolution of 12 December 2012 on the new draft general budget of the European Union for the financial year 2013³,
 - having regard to the European Union's general budget for the 2013 financial year⁴ and to the three related joint statements agreed between the Parliament, the Council and the Commission,
 - having regard to Title II, Chapter 7 of its Rules of Procedure,
 - having regard to the Council conclusions of 29 June 2012 and 19 October 2012 on the Compact for Growth and Jobs,
 - having regard to the report of the Committee on Budgets (A7-0043/2013),
- A. whereas the Treaty of Lisbon confers significant new prerogatives on the European Union in fields such as external action, sport, space, climate change, energy, tourism and civil protection;
- B. whereas pursuant to Article 312 of the Treaty of Lisbon, the multiannual financial framework is enshrined in the Treaty and shall be agreed in the form of a Council regulation, adopted by the Council by unanimity after obtaining the consent of the European Parliament by a majority of its component members;

¹ OJ C 139, 14.6.2006, p. 1.

² OJ L 298, 26.10.2012, p. 1.

³ Texts adopted, P7_TA(2012)0486.

⁴ OJ L 66, 8.3.2013.

- C. whereas the current multiannual financial framework ends at the end of 2013 and whereas 2014 should be the first year of implementation of the next multiannual financial framework;
- D. whereas 2013 will be the first year of implementation of the new Regulation on the financial rules applicable to the general budget of the Union;

General context

1. Takes note of the European Council conclusions of 8 February 2013 on the next multiannual financial framework (MFF); insists that if the European Parliament has not yet given its consent to the new MFF Regulation, the European Commission should first draw up the Draft Budget for 2014 on the basis of its own proposals on the MFF 2014-2020, and then if no agreement is reached on a new MFF it should adjust its proposal according to Article 312(4) of the Treaty and Article 30 of the current Interinstitutional Agreement on budgetary discipline and sound financial management;
2. Recalls that in the event of no agreement on the next MFF Regulation by the end of this year, Article 312(2), according to which the MFF regulation is adopted by the Council only after the European Parliament has given its consent, Article 312(4) which foresees the application of the ceilings of the last year of the current MFF in case no agreement on the next MFF is reached in due time and Article 30 of the current inter-institutional agreement on budgetary discipline and sound financial management will apply, which means a prolongation of the 2013 ceilings, adjusted with a 2 % fixed deflator a year, until adoption of a new MFF regulation; reiterates, in this eventuality, its readiness to reach a swift agreement with the Council and the Commission on ensuring that legal bases are in force for the implementation of EU programmes and policies in 2014;
3. Acknowledges the difficulty in defining general guidelines on the 2014 budget while there is much uncertainty as to the level of the 2014 commitment ceiling; underlines that this could range from EUR 142,540 billion in 2014 prices – if the MFF 2014-2020 were to be agreed on the basis of the European Council's conclusions dated 7-8 February 2013 – to EUR 155,5 billion in 2014 prices in case of prolongation of the 2013 ceiling;
4. Notes that the economic and financial crisis has created a consensus among European political leaders in favour of greater economic, fiscal, financial and banking integration as well as better governance, and has shown the need to stimulate growth in order to restore public finances; underlines that a reduced European budget would be in contradiction with these political aims;

A sufficient and realistic level of payments

5. Is of the opinion that budgeting a sufficient and realistic level of payments at the beginning of the budgetary cycle would avoid unnecessary complications during the implementation of the budget, as witnessed in particular with the 2012 budget;
6. Recalls that, due to the intransigent position of the Council in the negotiations, the overall level of payments set in the 2013 budget is EUR 5 billion lower than the Commission's estimates for payment needs in the draft budget; underlines that the Commission's proposal was based on a revision downwards of the 2013 forecasts provided by Member States themselves and on the assumption that all payment claims to be received in 2012 would be

paid out of the 2012 budget; is therefore extremely worried about the level of payments in the 2013 budget and points out that this level of appropriations will be insufficient to cover actual payment needs in 2013 as the margin of payments left below the MFF payments ceiling in the 2013 budget amounts to EUR 11,2 billion while the carryover alone of additional payment needs from 2012 is over EUR 16 billion; warns that continued and excessive deferral of payments on an annual basis will create significant problems for future years;

7. Attaches the greatest political importance to the joint statements signed by Parliament, the Council and the Commission at their highest political level in December 2012, which are an integral part of the agreement between the two arms of the budgetary authority on the 2013 budget and according to which the necessary additional payment appropriations shall be provided to the EU budget in 2013 in order for the Union to be able to pay its bills and preserve its political credibility and its solvency;
8. Recalls that, in line with the provisions of the joint statement on payments 2012, the Commission shall present at an early stage in 2013 a draft amending budget devoted to the sole purpose of covering the suspended claims from 2012, amounting to EUR 2,9 billion, and other pending legal obligations, without prejudice to the proper implementation of the 2013 budget; recalls that in November and December 2012 additional payment requests under shared management for an overall amount of around EUR 16 billion were submitted to the Commission, which will need to be paid out in 2013; therefore urges the Commission to submit this draft amending budget without any delay and at the latest by the end of March 2013, in order to avoid any interference with the budget 2014 procedure;
9. Further calls on the Commission and the Council to work constructively, together with Parliament, to avoid any repetition of this situation in future budget cycles by improving forecasting accuracy and agreeing on realistic and sufficient budget estimates which should include clear and detailed information on the nature of all payment estimates;
10. In this respect, calls again on the Commission to provide monthly reports to Parliament and the Council on the evolution of Member States' payment claims for the structural funds, cohesion fund, rural development and fisheries funds (breakdown per Member State and per fund). The information provided by these monthly reports should be the basis for monitoring the fulfilment of commitments agreed upon between the institutions;
11. Urges also that an interinstitutional working group on payments be set up as soon as possible, building on the experience of the interinstitutional meetings on payments that were organised in the context of the 2013 budgetary procedure; firmly believes that such meetings at political level are instrumental in avoiding any possible misunderstanding as to the accuracy of figures and estimates regarding payment needs; believes in particular that this working group should address as a matter of priority the question of the gap between forecasts provided by Member States' authorities for shared management expenditures and the level of payment appropriations that the Council is collectively imposing in the course of the budget negotiations; calls for the first interinstitutional meeting on payments to take place in the first semester of 2013;
12. Is deeply concerned that, despite the payment implementation level being 99 % at the end of 2012, the stock of outstanding commitments (RALs, or *restes à liquider*) has increased over the past year by EUR 10 billion to now reach the unprecedented level of EUR 217,3 billion; expects that the level of RAL might even be higher by the end of 2013; warns against

applying the automatic de-commitment rule too rigorously as a way of solving the RAL problem as this would run counter to the Compact for Growth and Jobs agreed by the European Council in 2012; considers that this year interinstitutional meetings on payments should closely examine the difference between commitment and payment appropriations, establish a dialogue with the Commission in order to fully clarify the composition of RAL and assess whether the current peak in RAL is primarily due to the economic crisis or whether it indicates wider structural problems; in the event of the latter conclusion, calls on the institutions to work together and adopt an appropriate plan of action in order to address the issue of the unprecedented level of RAL during the next MFF; insists that the Council refrain from deciding a priori the level of payments, without taking account of actual needs and legal obligations; notes further that accruing RAL actually undermines a transparent EU budget in which the relation between commitments and payments in any specific budgetary year is clearly visible;

13. Recalls that 2014 is a year of transition between two multiannual financial frameworks and expects the Commission to accompany its financial programming for 2014 with a thorough and realistic assessment of the level of appropriations, keeping in mind that even if the multiannual financial programme has a slower path of implementation in a starting year than at the end, and that consequently, the level of payments needs is usually lower at the beginning of the multiannual financial period than at the end, the question of the RAL at the end of 2013 will have to be addressed as a matter of urgency;
14. Urges the Commission, when adopting its draft budget for 2014, to provide clear and factual evidence of the link between the level of appropriations it proposes and the implementation of the Growth and Jobs Compact adopted by the June 2012 European Council; asks the institutions to improve the existing provisions for certain Member States which are particularly suffering from the financial crisis, in order to further improve their capacity to absorb structural and cohesion funds and prevent the anticipated huge decommitments;
15. Insists that the 2013 budget negotiations have demonstrated once more that the system of financing the EU budget – with national contributions amounting to more than 75 % of EU revenue – is in contradiction with the letter and the spirit of the Treaty, and is putting the EU budget in a position of total dependency on national treasuries, which can be particularly detrimental at a time of national budgetary constraints; urges that the structure of Union revenue be reformed to include the introduction of new and genuine own resources, like the financial transaction tax and the new EU VAT; recalls its support to the Commission proposal for reforming the own resources system;

The role of the EU budget in implementing the EU 2020 strategy and in creating economic growth and jobs

16. Recalls that 2014 is scheduled to be the first year of implementation of the new MFF and is therefore important for the successful start of the new programming period; is of the opinion that the priority of the European budget in 2014 should be to sustain economic growth and competitiveness, boost employment and fight against youth unemployment;
17. Recalls the particular nature of the EU budget, which amounts to only 1 % of the EU GDP and is an investment budget with a strong leverage effect; underlines that 94 % of it goes back to the Member States and European citizens through its policies and programmes, and therefore should not be seen as an additional burden but as a tool to boost investment, growth and jobs in Europe; emphasises that, for the regions and Member States, public

investment would be minimised or impossible without the contribution of the EU budget; believes that any decrease in the EU budget would inevitably increase imbalances and hamper the growth and competitive strength of the entire Union economy, as well as its cohesiveness, and would undermine the principle of solidarity as a core EU value; is of the opinion that the demand for “more Europe” is meaningless when it is accompanied by proposals for the drastic reduction of EU funds;

18. Acknowledges the persistent economic and budgetary constraints at national level, and the fiscal consolidation efforts undertaken by the Member States; underlines, however, that the EU budget is an effective tool for investment and solidarity with proven added value at both European and national level; is convinced that the budget’s ability to trigger economic growth, competitiveness and job creation is even more important in times of economic difficulty as it will create the conditions for the success of these consolidation efforts and that the EU budget should be seen as an instrument to exit the crisis;
19. Emphasises the need to enhance financial support and activities as regards the introduction of quality education systems that combine practical training with vocational education; asks for stronger support for cooperation between Member States in the field of vocational education in order to combat youth unemployment effectively; recalls, in this regard, the proposal for a Council Recommendation on establishing a Youth Guarantee¹;
20. Recalls that all the macroeconomic financial stabilisation measures taken since 2008 have not yet brought an end to the economic and financial crisis; believes, therefore, that in order to return to growth and generate employment in Europe, Member States should continue their efforts to unlock their potential for sustainable and inclusive growth, for instance through the promotion of education, lifelong learning and mobility; a well targeted, robust and sufficient EU budget must be part of the solution and is needed to further help coordinate and enhance the national efforts;
21. Calls, therefore, on the Member States to consider synergies between the national consolidation effort and the added value of a well-prioritised EU budget, allowing the implementation of the political commitments already made at the highest level; recalls that implementation of political commitments and priorities is much more effective when there is a synergy between national and EU budgets and underlines the importance of inter-parliamentary debates on the common economic and budgetary orientations of the Member States and of the Union, within the framework of European Parliamentary Week on the European Semester for Economic Policy Coordination;
22. Invites the Commission when presenting its Draft Budget for 2014 to properly address the role of the EU budget in the European Semester process; calls, in particular, on the Commission to provide factual and concrete data on how its proposed draft EU budget can actually play a triggering, catalytic, synergetic and complementary role to investments at local, regional and national levels to implement the priorities agreed in the framework of the European semester;
23. Considers that most of the time EU expenditure has the potential for creating economies of scale and should automatically lead to an assessment of possible savings at national level, which would significantly alleviate Member States’ public finances;

¹ COM(2012)0729 final.

24. Emphasises the need to take advantage of all tools and actions at the disposal of the European Union to help Member States emerge from the crisis and to prevent future ones; highlights the crucial role played by the three European supervisory authorities in enabling comprehensive delivery of the financial regulation agenda and supervisory structures; calls on the Commission to propose sufficient funding for these three agencies in its 2014 draft budget and to foresee, when preparing the assessment and a revision of the regulations for January 2014, a revised funding model for these agencies that will increase their independence, while safeguarding the unity of the EU budget;
25. Highlights the strategic effect of the choice of priorities for 2014, as the first year of the coming MFF; emphasises the urgent need for the EU to foster growth and competitiveness, with the objective of creating jobs and opportunities, in particular for young people;
26. Recalls, in this regard, that the EU 2020 strategy should be at the heart of the next MFF (2014 – 2020) and urges the Commission to prioritise and clearly demonstrate all related investments in the 2014 budget, placing emphasis on investments in the fields of the knowledge triangle (education, research innovation), infrastructures, SMEs, renewable energy, sustainable development, entrepreneurship, employment – in particular youth employment – and skills, as well as the strengthening of economic, social and territorial cohesion;
27. Deplores the Council's usual horizontal cuts and warns it against the temptation to again make use of such artificial cuts; will pay particular attention to ensure a sufficient level of payments for policies and programmes fostering growth and competitiveness;
28. Intends to continue a close examination of the Commission's intention of reducing the staffing level in EU institutions and recalls that this is to be seen as an overall goal; notes the adverse impact such measures may have on the swift, regular and effective implementation of EU actions and programmes; is of the opinion that the efficiency of the administration must be secured and even strengthened; considers that any short-term or long-term revision in staff should be based on a prior impact assessment and should take full account of, inter alia, the Union's legal obligations and the institutions' new competences and increased tasks arising from the Treaties; recalls the Joint Statement on decentralised agencies, in particular the annexed common approach and its stipulations on agencies being entrusted with new tasks;

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29. Instructs its President to forward this resolution to the Council, the Commission and the Court of Auditors.

Composition of the European Parliament with a view to the 2014 elections

European Parliament resolution of 13 March 2013 on the composition of the European Parliament with a view to the 2014 elections (2012/2309(INI))

The European Parliament,

- having regard to Article 14(2) of the Treaty on European Union (TEU),
 - having regard to Protocol No 36 on transitional provisions,
 - having regard to the Treaty concerning the accession of the Republic of Croatia to the European Union,
 - having regard to Rules 41, 48 and 74f of its Rules of Procedure,
 - having regard to its resolution of 11 October 2007 on the composition of the European Parliament¹,
 - having regard to the report of the Committee on Constitutional Affairs (A7-0041/2013),
- A. whereas Article 2(1) and (2) of Protocol No 36 will expire at the end of the 2009-2014 parliamentary term,
- B. whereas the Republic of Croatia is expected to accede to the Union before the elections to the European Parliament that are due to be held in the spring of 2014, and whereas Article 19(1) of the Act concerning the conditions of accession of the Republic of Croatia and the adjustments to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community will expire at the end of the 2009-2014 parliamentary term,
- C. whereas the demographic changes that have occurred since the last elections to the European Parliament should be taken into consideration,
- D. whereas the establishment of a durable system for the apportionment of seats in the European Parliament should be considered in conjunction with a revision of the voting system in the Council as part of an overall reform of the Union institutions to be defined in a Convention, convened pursuant to Article 48(3) TEU, and whereas such reform should recognise that, according to the Treaties, the basis for Union democracy is the representation of both citizens and Member States,
- E. whereas the apportionment of seats for the next parliamentary term should not be arbitrary but should instead be based on objective criteria to be applied in a pragmatic manner, and whereas such apportionment should compensate gains in the number of seats with losses in such a way that losses are limited to a maximum of one seat per Member State,

¹ OJ C 227 E, 4.9.2008, p. 132 (Lamassoure-Severin report).

1. Submits to the European Council the annexed proposal for a decision of the European Council establishing the composition of the European Parliament for the 2014-2019 parliamentary term, on the basis of its right of initiative laid down in Article 14(2) TEU;
2. Underlines the urgent need to adopt that decision, which requires its consent, as soon as the Treaty concerning the accession of the Republic of Croatia to the European Union enters into force, so that the Member States can enact, in good time, the necessary domestic measures for organising the elections to the European Parliament for the 2014-2019 parliamentary term;
3. Commits itself to submit shortly a proposal aimed at improving the practical arrangements for the holding of the elections in 2014;
4. Undertakes to submit, before the end of 2015, a new proposal for a decision of the European Council with the aim of establishing, sufficiently far in advance of the beginning of the 2019-2024 parliamentary term, a durable and transparent system which, in future, before each fresh election to the European Parliament, will allow seats to be apportioned amongst the Member States in an objective manner, based on the principle of degressive proportionality as set forth in Article 1 of the annexed proposal for a decision, taking account of any change in their number and demographic trends in their population, as duly ascertained, and without excluding the possibility of reserving a number of seats to members elected on transnational lists;
5. Observes that the new system for apportioning seats in the European Parliament should be established in conjunction with a review of the voting system in the Council as part of the necessary revision of the Treaties; determines to make proposals to this end at the next Convention to be convened pursuant to Article 48(3) TEU;
6. Instructs its President to forward this resolution and the proposal for a decision of the European Council annexed hereto, together with the aforementioned report of its Committee on Constitutional Affairs, to the European Council and to the government and parliament of the Republic of Croatia, and, for information, to the Commission and to the governments and parliaments of the Member States.

ANNEX TO THE EUROPEAN PARLIAMENT RESOLUTION

Proposal for a decision of the European Council establishing the composition of the European Parliament

THE EUROPEAN COUNCIL,

Having regard to the Treaty on European Union, and in particular Article 14(2) thereof,

Having regard to Article 2(3) of Protocol No 36 on transitional provisions,

Having regard to the initiative of the European Parliament,

Having regard to the consent of the European Parliament,

Whereas:

- (1) Article 2(1) and (2) of Protocol No 36 on transitional provisions will expire at the end of the 2009-2014 parliamentary term.
- (2) Article 19(1) of the Act concerning the conditions of accession of the Republic of Croatia and the adjustments to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community will expire at the end of the 2009-2014 parliamentary term.
- (3) It is necessary to comply without delay with the provisions of Article 2(3) of Protocol No 36 and therefore to adopt the decision provided for in the second subparagraph of Article 14(2) of the Treaty on European Union, in order to enable Member States to enact in good time the necessary domestic measures for organising the elections to the European Parliament for the 2014-2019 parliamentary term.
- (4) This Decision complies with the criteria laid down in the first subparagraph of Article 14(2) of the Treaty on European Union, namely that representatives of the Union's citizens are not to exceed seven hundred and fifty in number, plus the President, that representation is to be degressively proportional, with a minimum threshold of six members per Member State, and that no Member State is to be allocated more than ninety-six seats,

HAS ADOPTED THIS DECISION:

Article 1

In the application of the principle of degressive proportionality provided for in the first subparagraph of Article 14(2) of the Treaty on European Union, the following principles shall apply:

- the allocation of seats in the European Parliament shall fully utilise the minimum and maximum numbers set by the Treaty on European Union in order to reflect as closely as possible the sizes of the respective populations of Member States;
- the ratio between the population and the number of seats of each Member State before rounding to whole numbers shall vary in relation to their respective populations in such a way that each Member of the European Parliament from a more populous Member State represents more citizens than each Member from a less populous Member State and, conversely, that the larger the population of a Member State, the greater its entitlement to a large number of seats.

Article 2

The total population of the Member States shall be calculated by the Commission (Eurostat) on the basis of data provided by the Member States, in accordance with a method established by means of a regulation of the European Parliament and of the Council.

Article 3

Pursuant to Article 1, the number of representatives in the European Parliament elected in each Member State is hereby set as follows, with effect from the beginning of the 2014-2019 parliamentary term:

Belgium	21
Bulgaria	17
Czech Republic	21
Denmark	13
Germany	96
Estonia	6
Ireland	11
Greece	21
Spain	54
France	74
Croatia	11
Italy	73
Cyprus	6
Latvia	8
Lithuania	11
Luxembourg	6
Hungary	21
Malta	6
Netherlands	26
Austria	18
Poland	51
Portugal	21
Romania	32
Slovenia	8
Slovakia	13

Finland	13
Sweden	20
United Kingdom	73

Article 4

This Decision shall be revised sufficiently far in advance of the beginning of the 2019-2024 parliamentary term with the aim of establishing a system which in future will make it possible, before each fresh election to the European Parliament, to allocate the seats between Member States in an objective, fair, durable and transparent way, based on the principle of degressive proportionality as set forth in Article 1, taking account of any change in their number and demographic trends in their population, as duly ascertained, as well as of the voting system in the Council.

Article 5

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at ...

For the European Council
The President

Definition, description, presentation, labelling and protection of geographical indications of spirit drinks

European Parliament resolution of 13 March 2013 on the draft Commission implementing regulation amending Annexes II and III to Regulation (EC) No 110/2008 of the European Parliament and the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks (2013/2524(RPS))

The European Parliament,

- having regard to Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89¹, and in particular Article 26 thereof,
 - having regard to the draft Commission Regulation amending Annexes II and III to Regulation (EC) No 110/2008 of the European Parliament and the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks (D 024615/02) (the draft Commission Regulation),
 - having regard to Regulation (EC) No 1334/2008 of the European Parliament and the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC²,
 - having regard to the European Food Safety Authority (EFSA) Compendium of botanicals reported to contain naturally occurring substances of possible concern for human health when used in food and food supplements³,
 - having regard to the opinion of the Commission's Scientific Committee on Food on thujone, of 2 February 2002⁴,
 - having regard to Article 5a(3)(b) of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁵,
 - having regard to Rule 88(2), (3) and (4)(c) of its Rules of Procedure,
- A. whereas spirit drinks are classified in categories according to definitions laid down in Annex II of Regulation (EC) No 110/2008;

¹ OJ L 39, 13.2.2008, p. 16.

² OJ L 354, 31.12.2008, p. 34.

³ EFSA Journal 2012; 10(5): 2663.

⁴ The Commission's Scientific Committee on Food existed until 2003 until the formal establishment of EFSA. On 2 December 2002, the Committee adopted an opinion on thujone, which was published on 6 February 2003 under the reference SCF/CS/FLAV/FLAVOUR/23 ADD 2 Final.

⁵ OJ L 184, 17.7.1999, p. 23.

- B. whereas the Annexes to Regulation (EC) No 110/2008 may be amended by measures adopted by the Commission under the regulatory procedure with scrutiny, in accordance with Article 26 of that Regulation;
- C. whereas according to Recital 2 of Regulation (EC) No 110/2008, measures applicable to the spirit drinks sector should safeguard the reputation which spirit drinks have achieved in the European Union and on the world market by continuing to take into account the traditional practices used in the production of spirit drinks;
- D. whereas according to Recital 6 of Regulation (EC) No 110/2008, whilst definitions of spirit drinks may be completed or updated, inter alia where previous definitions were lacking or insufficient, those definitions should continue to respect traditional quality practices;
- E. whereas absinthe, a spirit drink traditionally produced in several Member States, has not until now been defined as a product category in Annex II of Regulation (EC) No 110/2008;
- F. whereas the Commission proposes in Article 1, point c, of its draft Regulation the insertion of a definition of absinthe in Annex II of Regulation (EC) No 110/2008, which would provide for a minimum anethole level of 0.5 grams per litre;
- G. whereas absinthe is commonly known as a spirit drink produced by flavouring ethyl alcohol of agricultural origin or a distillate of agricultural origin with absinthe wormwood (*Artemisia absinthium* L.), Roman wormwood (*Artemisia pontica* L.), anise (*Pimpinella anisum* L.), fennel (*Foeniculum vulgare* Mill.) and other herbal plants depending on their regional availability;
- H. whereas depending on the regional availability of certain herbal plants and on varying consumer preferences, the traditional practices of absinthe production in many Member States have come to differ to a certain degree in such a way that not all traditional recipes foresee a minimum anethole level, and the anethole level of many products currently available on the market remains below the 0,5 grams per litre proposed by the Commission;
- I. whereas upon the entry into force of the draft Commission Regulation, the producers of these absinthe variations would, as a result of this newly introduced definition of absinthe, be required either to abstain from using the term 'absinthe' as their sales denomination or to change their long-standing recipes, notwithstanding their traditional methods of production;
- J. whereas such a change of inherent product characteristics may irritate consumers and may hence undermine consumer confidence;
- K. whereas absinthe as a product category could be defined in a way which ensures respect for regional varieties instead of requiring producers to change traditional methods of production;
- L. whereas absinthe producers could moreover be obliged to include the quantity of anethole in the list of ingredients;
- M. whereas, furthermore, according to Recital 2 of Regulation (EC) No 110/2008, measures applicable to the spirit drinks sector should contribute to the attainment of a high level of consumer protection;

- N. whereas, in addition, the Commission proposes in Article 1, point c, of its draft Regulation that the definition of absinthe include a requirement for a quantity of thujone (alpha and beta) between 5 and 35 milligrams per litre;
- O. whereas the EFSA Compendium of botanicals reported to contain naturally occurring substances of possible concern for human health when used in food and food supplements lists thujone contained in *Artemisia absinthium* L.;
- P. whereas, according to its opinion of 2 February 2002, the Commission's Scientific Committee on Food did not consider it appropriate to use thujone as a chemically identified flavouring substance and supported the application of the upper limits in foods and beverages which were in place at the time of adoption of the opinion and which remain in place pursuant to Annex III to Regulation (EC) No 1334/2008;
- Q. whereas some absinthe producers have started using *Artemisia* plants that are free of thujone or contain only very low levels of this substance;
- R. whereas the stipulation of a minimum thujone level as part of an absinthe definition is therefore in contradiction to the current paradigm for dealing with this potentially harmful substance;
- S. whereas stipulating minimum thujone levels for absinthe does not add an indispensable characteristic to the definition of this spirit drink;
1. Considers that the draft Commission Regulation is not compatible with the aim and content of Regulation (EC) No 110/2008;
 2. Opposes the adoption of the draft Commission Regulation amending Annexes II and III to Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks;
 3. Instructs its President to forward this resolution to the Council and the Commission, and to the governments and parliaments of the Member States.

P7_TA-PROV(2013)0084

Direct payments to farmers under support schemes within the framework of the CAP (Decision on the opening of interinstitutional negotiations)

European Parliament decision of 13 March 2013 on the opening of, and on the mandate for, interinstitutional negotiations on the proposal for a regulation of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy (COM(2011)0625/3 – C7-0336/2011 – COM(2012)0552 – C7-0311/2012 – 2011/0280(COD) – 2013/2528(RSP))

The European Parliament,

- having regard to the proposal of the Committee on Agriculture and Rural Development,
- having regard to Rules 70(2) and 70a of its Rules of Procedure,

whereas the financial envelope specified in the legislative proposal is 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;

decides to open interinstitutional negotiations on the basis of the following mandate:

MANDATE

Amendment 1

Proposal for a regulation Recital 1

Text proposed by the Commission

(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

Amendment

(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 (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003. In view of the scope of the reform, it is appropriate to repeal Regulation (EC) No 73/2009 and to replace it with a new text. The reform should also, ***as far as possible***, streamline and simplify provisions.

all the main instruments of the CAP, including Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, and (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003. In view of the scope of the reform, it is appropriate to repeal Regulation (EC) No 73/2009 and to replace it with a new text. The reform should also streamline and simplify provisions.

Amendment 2

Proposal for a regulation

Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) It is necessary to have a strong CAP, backed by a sufficient budget with a real-terms increase over the period from 2007 to 2013, in order to enable the European Union, at all times, to produce the necessary quantity and variety of high-quality foodstuffs and to help promote employment, conserve and produce environmental goods, combat climate change, and manage territory. The CAP should, furthermore, be based on provisions readily understandable to farmers, other stakeholders, and citizens in general, to ensure transparency of implementation, allow oversight, and reduce costs to operators and administrators.

Amendment 3

Proposal for a regulation

Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) One of the core objectives and key requirements of the CAP reform is the

reduction of the administrative burden. This aim should be taken firmly into account when shaping the relevant provisions for the direct support scheme. The number of support schemes should not exceed the extent necessary and farmers and Member States should be able to fulfil respective requirements and obligations without excessive bureaucracy. Practice-oriented levels of tolerance, reasonable de minimis limits and an appropriate balance between trust and control should be used to reduce the future administrative burden of Member States and the beneficiaries.

Amendment 4
Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) In order to take into account new legislation on support schemes that may be adopted after the entry into force of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission for the purpose of amending the list of support schemes ***covered*** by this Regulation.

Amendment

(8) In order to take into account new legislation on support schemes that may be adopted after the entry into force of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission for the purpose of amending the list of support schemes ***set out in Annex I*** to this Regulation.

Amendment 5
Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) In order to take into account specific new elements and to guarantee the protection of the rights of beneficiaries, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission ***for the purpose of laying down further definitions regarding the access to support under this Regulation***, establishing the ***framework within*** which Member States shall define the minimum activities to be carried out on

Amendment

(9) In order to take into account specific new elements and to guarantee the protection of the rights of beneficiaries, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission ***in respect of*** establishing the ***criteria with*** which Member States shall define the minimum activities to be carried out on areas naturally kept in a state suitable for grazing or cultivation as well as the ***framework***

areas naturally kept in a state suitable for grazing or cultivation as well as the criteria to be met by farmers in order to be deemed to have respected the obligation of maintaining the agricultural area in the state suitable for production *and the criteria to determine the predominance of grasses and other herbaceous forage as regards permanent grassland.*

within which Member States are to define criteria to be met by farmers in order to be deemed to have respected the obligation of maintaining the agricultural area in the state suitable for production.

Amendment 6

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) In order to guarantee the protection of the rights of beneficiaries the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission for the purpose of adopting of rules on the basis for calculation of reductions to be applied by Member States to farmers pursuant to the application of the financial discipline.

Amendment

deleted

Amendment 7

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) Experience from the application of the various support schemes for farmers has shown that support was in a number of cases granted to *beneficiaries* whose business purpose was not or only marginally targeted at an agricultural activity, such as airports, *railway companies*, real estate companies *and* companies managing sport grounds. *To ensure the better targeting of support, Member States should refrain from granting direct payments to such natural and legal persons.* Smaller part-time farmers contribute directly to the vitality of rural areas, for that reason they should not be prevented from being granted direct

Amendment

(13) Experience from the application of the various support schemes for farmers has shown that support was in a number of cases granted to *natural and legal persons* whose business purpose was not or only marginally targeted at an agricultural activity. *To ensure the better targeting of support and to reflect national situations as closely as possible, it is important that responsibility for the definition of an "active farmer" be given to the Member States. They should thus refrain from granting direct payments to entities such as transport companies, airports, real estate companies, companies managing sport grounds, campsite operators and*

payments.

mining companies; unless such entities can prove that they meet the criteria for definition as active farmers. Smaller part-time farmers contribute directly to the vitality of rural areas, for that reason they should not be prevented from being granted direct payments.

Amendment 8

Proposal for a regulation Recital 15

Text proposed by the Commission

(15) The distribution of direct income support among farmers is characterised by the allocation of disproportionate amounts of payments to a rather small number of large beneficiaries. Due to economies of size, larger beneficiaries do not require the same level of unitary support for the objective of income support to be efficiently achieved. Moreover, the potential to adapt makes it easier for larger beneficiaries to operate with lower levels of unitary support. It is therefore fair to introduce a system for large beneficiaries where the support level is gradually reduced and ultimately capped to improve the distribution of payments between farmers. Such system should however take into account *salaried* labour *intensity* to avoid disproportionate effects on large farms with high employment numbers. Those maximum levels should not apply to payments granted to agricultural practices beneficial for the climate and the environment since the beneficial objectives they pursue could be diminished as a result. In order to make capping effective, Member States should establish some criteria in order to avoid abusive operations by farmers seeking to evade its effects. The proceeds of the reduction and capping of payments to large beneficiaries should remain in the Member States where they were generated and should be used for financing projects with a significant contribution to innovation under

Amendment

(15) The distribution of direct income support among farmers is characterised by the allocation of disproportionate amounts of payments to a rather small number of large beneficiaries. Due to economies of size, larger beneficiaries do not require the same level of unitary support for the objective of income support to be efficiently achieved. Moreover, the potential to adapt makes it easier for larger beneficiaries to operate with lower levels of unitary support. It is therefore fair to introduce a system for large beneficiaries where the support level is gradually reduced and ultimately capped to improve the distribution of payments between farmers. Such *a* system should however take into account labour *employed*, *including salaries and contractor costs*, to avoid disproportionate effects on large farms with high employment numbers. Those maximum levels should not apply to payments granted to agricultural practices beneficial for the climate and the environment since the beneficial objectives they pursue could be diminished as a result. In order to make capping effective, Member States should establish some criteria in order to avoid abusive operations by farmers seeking to evade its effects. The proceeds of the reduction and capping of payments to large beneficiaries should remain in the Member States where they were generated and should be used for financing projects with a significant

Regulation (EU) No [...] of the European Parliament and of the Council of...on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) [RDR].

contribution to innovation **and rural development** under Regulation (EU) No [...] of the European Parliament and of the Council of...on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) [RDR]. ***It will then be possible for Member States to allocate the sums generated by the capping to larger beneficiaries, who were subject to the capping exercise, for purposes of investment in innovation.***

Amendment 9

Proposal for a regulation Recital 20

Text proposed by the Commission

(20) In order to ensure a better distribution of support amongst agricultural land in the Union, including in those Member States which applied the single area payment scheme established under Regulation (EC) No 73/2009, a new basic payment scheme should replace the single payment scheme established under Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers , and continued under Regulation (EC) No 73/2009, which combined previously existing support mechanisms into a single scheme of decoupled direct payments. ***Such a move should entail the expiry of payment entitlements obtained under those Regulations and the allocation of new ones, although still based on the number of eligible hectares at the disposal of farmers in the first year of implementation of the scheme.***

Amendment

(20) In order to ensure a better distribution of support amongst agricultural land in the Union, including in those Member States which applied the single area payment scheme established under Regulation (EC) No 73/2009, a new basic payment scheme should replace the single payment scheme established under Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers , and continued under Regulation (EC) No 73/2009, which combined previously existing support mechanisms into a single scheme of decoupled direct payments. ***Member States should modify their existing support systems in order to align them with this Regulation, without necessarily abolishing their current direct payments models.***

Amendment 139

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) Due to the successive integration of various sectors into the single payment scheme and the ensuing period of adjustment granted to farmers, it has become increasingly difficult to justify the presence of significant individual differences in the level of support per hectare resulting from use of historical references. Therefore direct income support should be more equitably distributed between Member States, by reducing the link to historical references and having regard to the overall context of the Union budget. To ensure a more equal distribution of direct support, while taking account of the differences that still exist in wage levels and input costs, the levels of direct support per hectare should be progressively adjusted. Member States with direct payments below the level of 90 % of the average should close one third of the gap between their current level and this level. This convergence should be financed proportionally by all Member States with direct payments above the Union average. In addition, all payment entitlements activated in 2019 in a Member State or in a region should have a uniform unit value following a convergence towards this value that should take place during the transition period in linear steps. However, in order to avoid disruptive financial consequences for farmers, Member States having used the single payment scheme, and in particular the historical model, should be allowed to partially take historical factors into account when calculating the value of payment entitlements in the first year of application of the new scheme. The debate on the next Multiannual Financial Framework for the period starting in 2021 should also focus on the objective of complete convergence through the equal distribution of direct support across the

Amendment

(21) In addition to the convergence of support payments at national and regional levels, the national envelopes for direct payments should also be adjusted so that in Member States with a current level of direct payments per hectare below 70 % of the Union average, that shortfall is reduced by 30 %. In Member States with a level of direct payments between 70 % and 80% of the average, the shortfall should be reduced by 25 %, and in those Member States where the level is more than 80 % of the average it should be reduced by 10 %. Following application of these mechanisms, the level received should not, in any Member State, be less than 55 % of the Union average in 2014 and 75 % of the Union average in 2019. In the case of Member States with payment levels above the Union average, the convergence effort should not pull those levels below the average. The convergence should be financed proportionally by all Member States with direct payments above the Union average.

European Union during that period.

Amendment 11

Proposal for a regulation Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) In addition to the convergence of support payments at national and regional levels, the national envelopes for direct payments should also be adjusted so that in Member States with a current level of direct payments per hectare that is below 70 % of the Union average, that shortfall is reduced by 30 %. In Member States with a level of direct payments between 70% and 80% of the average, the shortfall should be reduced by 25 %, and in those Member States where the level is more than 80% of the average it should be reduced by 10%. After those adjustments have been made, the level received should not, in any Member State, be less than 65 % of the Union average. In the case of Member States with payment levels above the Union average, the convergence effort should not result in those levels falling below the average. The convergence should be financed proportionally by all Member States with direct payments above the Union average.

Amendment 12

Proposal for a regulation Recital 22

Text proposed by the Commission

Amendment

(22) The experience gained with the application of the single payment scheme shows that some of its main elements should be kept, including the determination of national ceilings to ensure that the total level of support does not exceed current budgetary constraints. Member States should also continue to operate a national reserve that should be used to facilitate the

(22) The experience gained with the application of the single payment scheme shows that some of its main elements should be kept, including the determination of national ceilings to ensure that the total level of support does not exceed current budgetary constraints. Member States should also continue to operate, *at least in the first year of the new basic payment*

participation of young **new** farmers in the scheme or may be used to take account of specific needs in certain regions. Rules on the transfer and use of payment entitlements should be kept but, where possible, simplified.

scheme, a national reserve **which can be administered regionally** that should be used to facilitate the participation of young farmers **and new farmers** in the scheme or may be used to take account of specific needs in certain regions. Rules on the transfer and use of payment entitlements should be kept but, where possible, simplified.

Amendment 13

Proposal for a regulation Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) Member States should be allowed to fix a reduction coefficient, which could be fixed at a zero value in order to have the opportunity to reduce the eligible areas with lower yield potential or for specific productions.

Amendment 14

Proposal for a regulation Recital 23

Text proposed by the Commission

Amendment

(23) In order to guarantee the protection of the rights of beneficiaries and in order to clarify the specific situations that may arise in the application of the basic payment scheme, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission for the purpose of adopting rules on eligibility and the access in respect of the basic payment scheme of farmers in case of inheritance and anticipated inheritance, inheritance under a lease, change of legal status or denomination and in the case of merger or scission of the holding; adopting rules on the calculation of the value and number or on the increase in the value of payment entitlements in relation to the allocation of payment entitlements, including rules on the possibility of a

(23) In order to guarantee the protection of the rights of beneficiaries and in order to clarify the specific situations that may arise in the application of the basic payment scheme, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission for the purpose of adopting rules on eligibility and the access in respect of the basic payment scheme of farmers in case of inheritance and anticipated inheritance, inheritance under a lease, change of legal status or denomination and in the case of merger or scission of the holding; adopting rules on the calculation of the value and number or on the increase in the value of payment entitlements in relation to the allocation of payment entitlements, including rules on the possibility of a

provisional value and number or of a provisional increase of payment entitlements allocated on the basis of the application from the farmer, on the conditions for establishing the provisional and definitive value and number of the payment entitlements and on the cases where a sale or lease contract could affect the allocation of payment entitlements; adopting rules on the establishment and calculation of the value and number of payment entitlements received from the national reserve; adopting rules on the modification of the unit value of payment entitlements in the case of fractions of payment entitlements and criteria for the allocation of payment entitlements pursuant to the use of the national reserve and to farmers who did not apply for support in 2011.

provisional value and number or of a provisional increase of payment entitlements allocated on the basis of the application from the farmer, on the conditions for establishing the provisional and definitive value and number of the payment entitlements and on the cases where a sale or lease contract could affect the allocation of payment entitlements; adopting rules on the establishment and calculation of the value and number of payment entitlements received from the national reserve; adopting rules on the modification of the unit value of payment entitlements in the case of fractions of payment entitlements and criteria for the allocation of payment entitlements pursuant to the use of the national reserve and to farmers who did not apply for support in *the period from 2009 to 2011*.

Amendment 15

Proposal for a regulation

Recital 24 a (new)

Text proposed by the Commission

Amendment

(24a) Member States should be allowed to decide to use a part of their national ceilings to grant a complementary annual payment in respect of the first hectares to farmers in order to better take into consideration the diversity of farms with regard to their economic size, to their choice of production and to employment.

Amendment 16

Proposal for a regulation

Recital 26

Text proposed by the Commission

Amendment

(26) One of the objectives of the new CAP is the enhancement of environmental performance ***through a mandatory "greening" component of direct payments which will support agricultural practices beneficial for the climate and the***

(26) One of the objectives of the new CAP is the enhancement of environmental performance. For that purpose, Member States should use part of their national ceilings for direct payments to grant an annual payment for compulsory practices

environment applicable throughout the Union. For that purpose, Member States should use part of their national ceilings for direct payments to grant an annual payment, *on top of the basic payment*, for compulsory practices to be followed by farmers addressing, as a priority, both climate and environment policy goals. Those *practises* should take the form of simple, generalised, non-contractual and annual actions that go beyond cross-compliance and are linked to agriculture such as crop diversification, maintenance of permanent grassland and ecological focus areas. *The compulsory nature of those practises should also concern farmers whose holdings are fully or partly situated in "Natura 2000" areas covered by Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora and by Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds, as long as these practises are compatible with the objectives of those Directives.* Farmers who fulfil the conditions laid down in Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 should benefit from the "greening" component without fulfilling any further obligation, *given the recognised environmental benefits of the organic farming systems. Non-respect of the 'greening' component should lead to penalties on the basis of Article 65 of Regulation (EU) No [...] [HZR].*

Amendment 17

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) In order to ensure that the land under permanent grassland is maintained as such by *the farmers*, the power to adopt acts in

to be followed by farmers addressing, as a priority, both climate and environment policy goals. Those *practices* should take the form of simple, generalised, non-contractual and annual actions that go beyond cross-compliance and are linked to agriculture such as crop diversification, maintenance of permanent grassland *and permanent pasture* and ecological focus areas. Farmers who fulfil the conditions laid down in Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91, *beneficiaries of agri-environment-climatic payments established pursuant to Article 29 of Regulation (EU) N° [...] [RDR] and farmers whose holdings are situated in "Natura 2000" areas* should benefit from the 'greening' component without fulfilling any further obligation. *On certain conditions, farmers whose holding is certified under national environmental certification schemes should also be able to benefit from the "greening" component. Farmers should be exempted from the obligation of crop diversification and from the obligations linked to ecological focus areas, where at least 75% of their farm is covered by permanent grassland or permanent pasture or crops under water. This exemption should only apply where the arable land of the remaining eligible agricultural land does not exceed 50 hectares.*

Amendment

(28) In order to ensure that the land under permanent grassland *and permanent pasture* is maintained as such by *Member*

accordance with Article 290 of the Treaty should be delegated to the Commission for the purpose of the adoption of rules concerning the application of the measure.

States, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission for the purpose of the adoption of rules concerning the application of the measure.

Amendment 18

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) In order to ensure the implementation of the ecological focus area measure in an efficient and coherent way, while taking into account Member States' specificities, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission ***for the purpose*** of the further definition of the types of ecological focus areas mentioned under that measure ***and*** the addition and definition of other types of ecological focus areas that can be taken into account for the respect of the percentage referred to in that measure.

Amendment

(29) In order to ensure the implementation of the ecological focus area measure in an efficient and coherent way, while taking into account Member States' specificities, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission ***in respect*** of the further definition of the types of ecological focus areas mentioned under that measure, the addition and definition of other types of ecological focus areas that can be taken into account for the respect of the percentage referred to in that measure ***and to lay down an Union-wide framework of weighting coefficients for calculating the hectares represented by various types of ecological focus areas.***

Amendment 104

Proposal for a regulation

Recital 29 a (new)

Text proposed by the Commission

Amendment

(29a) In order to improve the environment, combat climate change and improve agronomic conditions, the Commission should, without delay, submit a strategic plan for the supply of vegetable proteins, which will also enable the Union to reduce its very heavy dependence on external sources of supply. The plan should provide for more oil-protein crops and legumes to be grown under the common agricultural policy and should encourage agronomic research into

suitable and productive varieties.

Amendment 19

Proposal for a regulation Recital 33

Text proposed by the Commission

(33) Member States should be allowed to use part of their national ceilings for direct payments for coupled support in certain sectors in clearly defined cases. The resources that may be used for any coupled support should be limited to an appropriate level, while allowing such support to be granted in Member States or in their specific regions facing particular situations where specific types of farming or specific agricultural sectors are particularly important for economic, environmental and/or social reasons. Member States should be allowed to use up to 5 % of their national ceilings for this support, ***or 10 % in case their level of coupled support in at least one of the years of the period 2010-2013 exceeded 5 %. However, in duly justified cases where certain sensitive needs in a region are demonstrated, and upon approval by the Commission, Member States should be allowed to use more than 10 % of their national ceiling.*** Coupled support should only be granted to the extent necessary to create an incentive to maintain current levels of production in those regions. This support should also be available to farmers holding, on 31 December 2013, special payment entitlements allocated under Regulation (EC) No 1782/2003 and Regulation (EC) No 73/2009 and who do not have eligible hectares for the activation of payment entitlements. As regards the approval of voluntary coupled support exceeding 10 % of the annual national ceiling fixed per Member State, the Commission ***should further be empowered to adopt implementing acts without applying Regulation (EU) No 182/2011.***

Amendment

(33) Member States should be allowed to use part of their national ceilings for direct payments for coupled support in certain sectors in clearly defined cases. The resources that may be used for any coupled support should be limited to an appropriate level, while allowing such support to be granted in Member States or in their specific regions facing particular situations where specific types of farming or specific agricultural sectors are particularly important for economic, environmental and/or social reasons. Member States should be allowed to use up to ***15 %*** of their national ceilings for this support. ***This percentage may be increased by three percentage points for those Member States which decide to use at least 3 % of their national ceiling in order to support the production of protein crops.*** Coupled support should only be granted to the extent necessary to create an incentive to maintain current levels of production in those regions, ***except where the purpose of the support is environmental.*** This support should also be available to farmers holding, on 31 December 2013, special payment entitlements allocated under Regulation (EC) No 1782/2003 and Regulation (EC) No 73/2009 and who do not have eligible hectares for the activation of payment entitlements. As regards the approval of voluntary coupled support, the ***power to adopt delegated acts should be assigned to the Commission in accordance with Article 290 TFEU.***

Amendment 20

Proposal for a regulation Recital 38

Text proposed by the Commission

(38) A simple and specific scheme for small farmers ***should be put in place*** in order to reduce the administrative costs linked to the management and control of direct support. For that purpose, a lump-sum payment replacing all direct payments ***should be established***. ***Rules*** seeking simplification of formalities ***should*** be introduced by reducing, amongst others, the obligations imposed on small farmers such as those related to the application for support, to agricultural practices beneficial for the climate and the environment, to cross-compliance and to controls as laid down in Regulation (EU) No [...] [HZR] without endangering the achievement of the overall objectives of the reform, it being understood that Union legislation as referred to in Annex II to Regulation (EU) No [...] [HZR] applies to small farmers. The objective of that scheme should be to support the existing agricultural structure of small farms in the Union without countering the development towards more competitive structures. For that reason, access to the scheme should be limited to existing holdings.

Amendment

(38) ***Member States should be allowed to put in place*** a simple and specific scheme for small farmers in order to reduce the administrative costs linked to the management and control of direct support. For that purpose, ***Member States should be allowed to establish*** a lump-sum payment ***or a fix annual payment per beneficiary*** replacing all direct payments. ***Farmers with annual payments of not more than EUR 1 500 should be automatically included in that scheme***. ***It should be possible for rules*** seeking simplification of formalities ***to*** be introduced by reducing, amongst others, the obligations imposed on small farmers such as those related to the application for support, to agricultural practices beneficial for the climate and the environment, to cross-compliance and to controls as laid down in Regulation (EU) No [...] [HZR] without endangering the achievement of the overall objectives of the reform, it being understood that Union legislation as referred to in Annex II to Regulation (EU) No [...] [HZR] applies to small farmers. The objective of that scheme should be to support the existing agricultural structure of small farms in the Union without countering the development towards more competitive structures. For that reason, access to the scheme should be limited to existing holdings.

Amendment 21

Proposal for a regulation Recital 40

Text proposed by the Commission

(40) In the interest of simplification and to take into account the specific situation of the outermost regions, direct payments in

Amendment

(40) In the interest of simplification and to take into account the specific situation of the outermost regions, direct payments in

those regions should be managed within the support programmes established by Regulation (EC) No 247/2006. As a consequence, provisions in this Regulation relating to the basic payment scheme and related payments and to coupled support should not apply to those regions.

those regions should be managed within the support programmes established by Regulation (EC) No 247/2006. As a consequence, provisions in this Regulation relating to the basic payment scheme and related payments and to coupled support should not apply to those regions.

However, an assessment should be made of the impact that any changes to this Regulation could have on those regions.

Amendment 22

Proposal for a regulation Recital 40 a (new)

Text proposed by the Commission

Amendment

(40a) In certain isolated areas, the diversity of the farming sector coupled with the presence of inefficient production systems justifies the use of specific agricultural policy instruments, with which the Union has sufficient experience, in order to make the sector more market-oriented, to reduce the impact on the environment through the abandonment of farming activity and to preserve rural communities in accordance with the sustainability objective. Specific arrangements for those island territories of the Union which have similar features to territories in which such agricultural policy instruments have proven a success should be studied in depth.

Amendment 23

Proposal for a regulation Recital 43

Text proposed by the Commission

Amendment

(43) With a view to strengthening their rural development policy, Member States should be given the possibility to transfer funds from their direct payments ceiling to their support assigned for rural development. At the same time, Member States where the level of direct support

(43) With a view to strengthening their rural development policy, Member States should be given the possibility to transfer funds from their direct payments ceiling to their support assigned for rural development. ***All Member States should be able to supplement the transfer by a***

remains lower than 90 % of the Union average level of support should be given the possibility to transfer funds from their support assigned for rural development to their direct payments ceiling. Such choices should be made, within certain limits, ***once and for the whole period of application of this Regulation.***

sum proportional to the unspent monies for “greening”, so as to provide additional support for agro-environmental climate measures. At the same time, Member States where the level of direct support remains lower than 90 % of the Union average level of support should be given the possibility to transfer funds from their support assigned for rural development to their direct payments ceiling. Such choices should be made, within certain limits, and ***should be reviewed either by 1 August 2015 or by 1 August 2017.***

Amendment 24

Proposal for a regulation

Article 1 – paragraph 1 – point b – point iii a (new)

Text proposed by the Commission

Amendment

(iiia) a new Union-funded scheme of payments for bee colonies in the apiculture sector;

Amendment 25

Proposal for a regulation

Article 2

Text proposed by the Commission

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 55 ***for the purpose of*** amending the list of support schemes set out in Annex I.

In order to ensure legal certainty, the Commission shall be empowered to adopt delegated acts in accordance with Article 55 amending the list of support schemes set out in Annex I ***to the extent necessary to take into account changes introduced by new legislative acts on support schemes adopted after the entry into force of this Regulation.***

Amendment 26

Proposal for a regulation

Article 4 – paragraph 1 – point c – indent 1

Text proposed by the Commission

Amendment

- rearing or growing of agricultural

- agricultural production that includes

products including harvesting, milking, breeding animals and keeping animals for farming purposes,

rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes,

Amendment 27

Proposal for a regulation

Article 4 – paragraph 1 – point c – indent 2

Text proposed by the Commission

– maintaining the agricultural area in a state which makes it suitable for grazing or cultivation *without any particular preparatory action going beyond traditional agricultural methods and machineries, or*

Amendment

– maintaining the agricultural area in a state which makes it suitable for grazing or cultivation, *subject, in the case of agricultural areas naturally kept in such a state, to the establishment of a minimum activity by Member States;*

Amendment 28

Proposal for a regulation

Article 4 – paragraph 1 – point c – indent 3

Text proposed by the Commission

– carrying out a minimum activity to be established by Member States on agricultural areas naturally kept in a state suitable for grazing or cultivation;

Amendment

– carrying out a minimum activity, *based where appropriate on a minimum stocking density*, to be established by Member States, on agricultural areas naturally kept in a state suitable for grazing or cultivation;

Amendment 29

Proposal for a regulation

Article 4 – paragraph 1 – point e

Text proposed by the Commission

(e) ‘agricultural area’ means any area taken up by arable land, permanent grassland or permanent crops;

Amendment

(e) ‘agricultural area’ means any area taken up by arable land, permanent grassland *and permanent pasture* or permanent crops;

Amendment 30

Proposal for a regulation

Article 4 – paragraph 1 – point g

Text proposed by the Commission

(g) "permanent crops" means non-rotational crops other than permanent grassland that occupy the land for five years or longer and yield repeated harvests, including nurseries, and short rotation coppice;

Amendment

(g) "permanent crops" means non-rotational crops other than permanent grassland **and permanent pasture** that occupy the land for five years or longer and yield repeated harvests, including nurseries, **traditional orchards** and short rotation coppice;

Amendment 31

Proposal for a regulation

Article 4 – paragraph 1 – point h

Text proposed by the Commission

(h) "permanent grassland" means land used to grow **grasses or other** herbaceous forage naturally (self-seeded) or through cultivation (sown) and that **has not been** included in the crop rotation of the holding for **five** years or longer; it may include other **species suitable for grazing provided that the grasses and other herbaceous forage remain predominant**;

Amendment

(h) "permanent grassland **and permanent pasture**" means land used to grow **for** forage **herbaceous plants, shrubs and/or trees or any other species suitable for grazing**, naturally (self-seeded) or through cultivation (sown), and that **is not** included in the crop rotation of the holding **and not ploughed** for **seven** years or longer; it may include other **features of importance for the characterisation of the land as permanent pasture**;

Amendment 32

Proposal for a regulation

Article 4 – paragraph 1 – point i

Text proposed by the Commission

(i) "**grasses or other herbaceous forage**" means **all herbaceous plants traditionally found in natural pastures or normally included in mixtures of seeds for pastures or meadows in the Member State (whether or not used for grazing animals)**;

Amendment

deleted

Amendment 33

Proposal for a regulation

Article 4 – paragraph 1 – point j a (new)

Text proposed by the Commission

Amendment

(ja) “traditional orchards” means land on which fruit trees grow that is of environmental and cultural importance;

Amendment 34

Proposal for a regulation

Article 4 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) laying down further definitions regarding the access to support under this Regulation;

deleted

Amendment 35

Proposal for a regulation

Article 4 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) establishing the *framework within* which Member States *shall* define the minimum activities to be carried out on areas naturally kept in a state suitable for grazing or cultivation;

(b) establishing the *criteria with* which Member States *are to* define the minimum activities to be carried out on areas naturally kept in a state suitable for grazing or cultivation;

Amendment 36

Proposal for a regulation

Article 4 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) establishing the criteria to be met by farmers in order to be deemed to have respected the obligation of maintaining the agricultural area in a state suitable for grazing or cultivation as referred to in point (c) of paragraph 1;

(c) establishing *the framework within which Member States are to define* the criteria to be met by farmers in order to be deemed to have respected the obligation of maintaining the agricultural area in a state suitable for grazing or cultivation as referred to in point (c) of paragraph 1;

Amendment 37

Proposal for a regulation
Article 4 – paragraph 2 – point d

Text proposed by the Commission

(d) establishing the criteria to determine the predominance of grasses and other herbaceous forage for the purpose of point (h) of paragraph 1.

Amendment

deleted

Amendment 38

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

2. For each Member State and each year, the estimated product of capping as referred to in Article 11, which is reflected by the difference between the national ceilings set out in Annex II, to which is added the amount available in accordance with Article 44, and the net ceilings set out in Annex III, is made available as Union support for measures under rural development programming financed under the EAFRD as specified in Regulation (EU) No [...] [RDR].

Amendment

2. For each Member State and each year, the estimated product of capping as referred to in Article 11, which is reflected by the difference between the national ceilings set out in Annex II, to which is added the amount available in accordance with Article 44, and the net ceilings set out in Annex III, is made available as Union support for measures ***to be chosen by the Member State*** under rural development programming financed under the EAFRD as specified in Regulation (EU) No [...] [RDR].

Amendment 197

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. The adjustment rate determined in accordance with Article 25 of Regulation (EU) No [...] [HZR] shall ***only*** apply to direct payments ***in excess of EUR 5 000*** to be granted to farmers in the corresponding calendar year.

Amendment

1. The adjustment rate determined in accordance with Article 25 of Regulation (EU) No [...] [HZR] shall apply to ***all*** direct payments to be granted to farmers in the corresponding calendar year.

Amendment 39

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 concerning rules on the basis for calculation of reductions to be applied by Member States to farmers pursuant to paragraphs 1 and 2 of this Article.

Amendment

deleted

Amendment 40

Proposal for a regulation

Article 9

Text proposed by the Commission

Article 9

Active farmer

1. No direct payments shall be granted to natural or legal persons, or to groups of natural or legal persons, where one of the following applies:

(a) the annual amount of direct payments is less than 5 % of the total receipts they obtained from non-agricultural activities in the most recent fiscal year; or

(b) their agricultural areas are mainly areas naturally kept in a state suitable for grazing or cultivation and they do not carry out on those areas the minimum activity established by Member States in accordance with Article 4(1)(c).

Amendment

Article 9

Active farmer

1. Member States shall draw up a legal framework and definitions, based on objective and non-discriminatory criteria to ensure, where appropriate, that direct payments are only granted to farmers whose agricultural areas are mainly areas naturally kept in a state suitable for grazing or cultivation on condition that they carry out on those areas the minimum activity established by Member States in accordance with Article 4(1)(c).

Entities such as transport companies, airports, real estate companies, companies managing sport grounds, campsite

operators and mining companies or other non-agricultural enterprises, to be defined accordingly by Member States on the basis of objective and non-discriminatory criteria, shall not, a priori, be regarded as active farmers nor shall they be the beneficiaries of any direct payments. Member States may decide that those entities can claim to be eligible if they can provide verifiable evidence that their agricultural activities form a significant part of their overall economic activities or that their principal business or company objects consist of exercising an agricultural activity.

After having duly notified the Commission, Member States may decide to add to and to withdraw from their list of eligible entities other entities than those listed in the second subparagraph, providing objective and non-discriminatory grounds of justification motivating their decision.

2. *Paragraph 1 shall not apply* to farmers who received less than EUR 5 000 of direct payments for the previous year.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 for the purposes of laying down:

(a) criteria to establish the amount of direct payments relevant for the purpose of paragraphs 1 and 2, in particular in the first year of allocation of payment entitlements where the value of the payment entitlements is not yet definitively established as well as for new farmers;

(b) exceptions from the rule that the receipts during the most recent fiscal year are to be taken into account where those figures are not available; and

(c) criteria to establish when a farmer's agricultural area is to be considered as

2. *Member States may decide not to apply this Article* to farmers who received less than EUR 5 000 of direct payments for the previous year.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 for the purposes of laying down *criteria to establish when a farmer's agricultural area is to be considered as mainly areas naturally kept in a state suitable for grazing or cultivation.*

*mainly areas naturally kept in a state
suitable for grazing or cultivation.*

Amendment 41

Proposal for a regulation

Article 11 – paragraph 1 – indent 3 a (new)

Text proposed by the Commission

Amendment

***- the amount obtained after applying
those reductions shall be capped at
EUR 300 000.***

Amendment 42

Proposal for a regulation

Article 11 – paragraph 1 – indent 4

Text proposed by the Commission

Amendment

***- by 100 % for the tranche of more than
EUR 300 000.***

deleted

Or. en

Amendment 43

Proposal for a regulation

Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

***1a. Paragraph 1 shall not apply in respect
of cooperatives or other legal entities
which group together a number of
beneficiaries of direct payments and
which receive and channel the payments
before distributing them in full to their
members who, as individuals, are subject
to paragraph 1.***

Amendments 44 and 105

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

2. The amount referred to in paragraph 1 shall be calculated by subtracting the salaries effectively paid and declared by the farmer in the previous year, including taxes and social contributions related to employment, from the total amount of direct payments initially due to the farmer without taking into account the payments to be granted pursuant to Chapter 2 of Title III of this Regulation.

Amendment

2. The amount referred to in paragraph 1 shall be calculated by subtracting the salaries effectively paid and declared by the farmer in the previous year, including taxes and social contributions related to employment, ***as well as costs incurred as a result of the use of contractors for specific farming operations***, from the total amount of direct payments initially due to the farmer without taking into account the payments to be granted pursuant to Chapter 2 of Title III of this Regulation.

Amendment 45

Proposal for a regulation

Article 11 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Any funds from progressive reduction or capping shall remain in the region or Member State where they were obtained and shall be used for measures under the second pillar.

Amendment 46

Proposal for a regulation

Article 14

Text proposed by the Commission

Amendment

Article 14

Article 14

Flexibility between pillars

Flexibility between pillars

1. Before 1 August 2013, Member States may decide to make available as additional support for measures under rural development programming financed under the EAFRD as specified under Regulation (EU) No [...] [RDR], up to **10** % of their annual national ceilings for calendar years 2014 to 2019 as set out in Annex II to this Regulation. As a result, the corresponding amount shall no longer be available for

1. Before 1 August 2013, Member States may decide to make available as additional support for measures under rural development programming financed under the EAFRD as specified under Regulation (EU) No [...] [RDR], up to **15%** of their annual national ceilings for calendar years 2014 to 2019 as set out in Annex II to this Regulation. As a result, the corresponding amount shall no longer be available for

granting direct payments.

The decision referred to in the first subparagraph shall be notified to the Commission by the date referred to in that subparagraph.

The percentage notified in accordance with the second subparagraph shall be the same for the years referred to in the first subparagraph.

2. Before 1 August 2013, Bulgaria, Estonia, Finland, Latvia, Lithuania, Poland, Portugal, Romania, Slovakia, Spain, Sweden and the United-Kingdom may decide to make available as direct payments under this Regulation up to **5 %** of the amount allocated to support for measures under rural development programming financed under the EAFRD in the period 2015-2020 as specified under Regulation (EU) No [...] [RDR]. As a result, the corresponding amount shall no longer be available for support measures under rural development programming.

The decision referred to in the first subparagraph shall be notified to the Commission by the date referred to in that subparagraph.

The percentage notified in accordance with the second subparagraph shall be the same for the years referred to in the first subparagraph of paragraph 1.

granting direct payments.

1a. Member States may add unallocated funds from the application of Article 33 to the transfers in favour of rural development measures referred to in the first paragraph in the form of Union support to agri-environment-climate measures under rural development programming financed under the EAFRD as specified in Regulation (EU) No [...] [RDR]

2. Before 1 August 2013, Bulgaria, Estonia, Finland, Latvia, Lithuania, Poland, Portugal, Romania, Slovakia, Spain, Sweden and the United-Kingdom may decide to make available as direct payments under this Regulation up to **10%** of the amount allocated to support for measures under rural development programming financed under the EAFRD in the period 2015-2020 as specified under Regulation (EU) No [...] [RDR]. As a result, the corresponding amount shall no longer be available for support measures under rural development programming.

The decision referred to in the first subparagraph shall be notified to the Commission by the date referred to in that subparagraph.

2a. In the case of regional implementation, different percentage rates may be applied to each region.

2b. Member States may decide, either by 1 August 2015 or by 1 August 2017, to

review their decisions referred to in this Article with effect from the subsequent year.

Amendment 47

Proposal for a regulation Article 15 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. In order to evaluate the new CAP, the Commission shall carry out a review of the implementation of the reforms and their impact on the environment and agricultural production by the end of 2017.

Amendment 48

Proposal for a regulation Article 15

Text proposed by the Commission

Amendment

Support schemes listed in Annex I shall apply without prejudice to a possible review at any time in the light of economic developments and the budgetary situation.

Support schemes listed in Annex I shall apply without prejudice to a possible review at any time ***by a legislative act***, in the light of economic developments and the budgetary situation.

Amendment 49

Proposal for a regulation Article 18

Text proposed by the Commission

Amendment

Article 18

Article 18

Payment entitlements

Payment entitlements

1. Support under the basic payment scheme shall be available to farmers if they obtain payment entitlements under this Regulation through allocation pursuant to Article 17b(4), first allocation pursuant to Article 21, from the national reserve pursuant to Article 23 or by transfer pursuant to Article 27.

1. Support under the basic payment scheme shall be available to farmers if they obtain payment entitlements under this Regulation through allocation pursuant to Article 17b(4), first allocation pursuant to Article 21, from the national reserve pursuant to Article 23 or by transfer pursuant to Article 27.

2. Payment entitlements obtained under the single payment scheme in accordance with Regulation (EC) No 1782/2003 and with Regulation (EC) No 73/2009 shall expire on 31 December 2013.

2. By way of derogation from paragraph 1,

(a) Member States that, on 31 December 2013, are operating the single payment scheme on the basis of the regional model laid down in Article 59 of Regulation (EC) N° 1782/2003 may decide, by 1 August 2013, to maintain the payment entitlements allocated in accordance with Regulation (EC) N° 1782/2003 and/or with Regulation (EC) N° 73/2009,

(b) Member States that, on 31 December 2013, are operating the single area payment scheme may, by 1 August 2013, decide to keep their existing scheme as a transitional system until 31 December 2020.

Amendment 50

Proposal for a regulation Article 19

Text proposed by the Commission

Article 19

Basic payment scheme ceiling

1. The Commission shall, **by means of** implementing acts, **set** the annual national ceiling for the basic payment scheme by deducting from the annual national ceiling established in Annex II the annual amounts to be set in accordance with Articles 33, 35, 37 and 39. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 56(2).

2. For each Member State and each year, the total value of all allocated payment entitlements and the national reserve shall equal the respective national ceiling adopted by the Commission pursuant to paragraph 1.

3. In case of modification of the ceiling

Amendment

Article 19

Basic payment scheme ceiling

1. The Commission shall **adopt** implementing acts **setting for each Member State**, the annual national ceiling for the basic payment scheme by deducting from the annual national ceiling established in Annex II the annual amounts to be set in accordance with Articles 33, 35, 37 and 39. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 56(2).

2. For each Member State and each year, the total value of all allocated payment entitlements and the national reserve shall equal the respective national ceiling adopted by the Commission pursuant to paragraph 1.

3. In case of modification of the ceiling

adopted by the Commission pursuant to paragraph 1 as compared to the previous year, a Member State shall linearly reduce or increase the value of all payment entitlements in order to ensure compliance with paragraph 2.

The first subparagraph shall not apply where such a modification is due to the application of Article 17b(2).

Amendment 51

Proposal for a regulation Article 20

Text proposed by the Commission

Article 20

Regional allocation of the national ceilings

1. Member States may decide, before 1 August 2013, to apply the basic payment scheme at regional level. In that case they shall define the regions in accordance with objective and non-discriminatory criteria such as their agronomic and economic characteristics and their regional agricultural potential, or their institutional or administrative structure.
2. Member States shall divide the national ceiling referred to in Article 19(1) between the regions in accordance with objective and non-discriminatory criteria.
3. Member States may decide that the regional ceilings shall be subject to annual progressive modifications in accordance with pre-established annual steps and objective and non-discriminatory criteria such as the agricultural potential or environmental criteria.
4. To the extent necessary to respect the applicable regional ceilings determined in accordance with paragraph 2 or 3, Member States shall make a linear reduction or increase in the value of the payment entitlements in each of their regions.
5. The Member States shall notify the

adopted by the Commission pursuant to paragraph 1 as compared to the previous year, a Member State shall linearly reduce or increase the value of all payment entitlements in order to ensure compliance with paragraph 2.

The first subparagraph shall not apply where such a modification is due to the application of Article 17b(2).

Amendment

Article 20

Regional allocation of the national ceilings

1. Member States may decide, before 1 August 2013, to apply the basic payment scheme at regional level. In that case they shall define the regions in accordance with objective and non-discriminatory criteria such as their agronomic, **environmental** and **socio**-economic characteristics and their regional agricultural potential, or their institutional or administrative structure.
2. Member States shall divide the national ceiling referred to in Article 19(1) between the regions in accordance with objective and non-discriminatory criteria.
3. Member States may decide that the regional ceilings shall be subject to annual progressive modifications in accordance with pre-established annual steps and objective and non-discriminatory criteria such as the agricultural potential or environmental criteria.
4. To the extent necessary to respect the applicable regional ceilings determined in accordance with paragraph 2 or 3, Member States shall make a linear reduction or increase in the value of the payment entitlements in each of their regions.
5. The Member States shall notify the

Commission by 1 August 2013 of the decision referred to in paragraph 1, together with the measures taken for the application of paragraphs 2 and 3.

Commission by 1 August 2013 of the decision referred to in paragraph 1, together with the measures taken for the application of paragraphs 2 and 3.

Amendments 52 and 161

Proposal for a regulation Article 21

Text proposed by the Commission

Article 21

First allocation of payment entitlements

1. Subject to paragraph 2, payment entitlements shall be allocated to farmers if they apply for allocation of payment entitlements under the basic payment scheme by 15 May 2014 except in case of force majeure and exceptional circumstances.

2. Farmers who, ***in 2011*** or in the case of Croatia in 2013, activated at least one payment entitlement under the single payment scheme or claimed support under the single area payment scheme, both in accordance with Regulation (EC) No 73/2009, shall receive payment entitlements the first year of application of the basic payment scheme provided they are entitled to be granted direct payments in accordance with Article 9.

Amendment

Article 21

First allocation of payment entitlements

1. Subject to paragraph 2 ***of this Article, and without prejudice to Article 18(2)***, payment entitlements shall be allocated to farmers if they apply for allocation of payment entitlements under the basic payment scheme by 15 May 2014 except in case of force majeure and exceptional circumstances.

2. Farmers who:

- in any of one of the three years 2009, 2010 or 2011, to be chosen by Member States, or in the case of Croatia in 2013, activated at least one payment entitlement under the single payment scheme or claimed support under the single area payment scheme, both in accordance with Regulation (EC) No 73/2009, or

- in 2012 received payment entitlements under Article 41 and 63 of Regulation (EC) No 73/2009 or

- submitted evidence of active farm production and who, in 2011, reared or grew agricultural products including

By way of derogation from the first subparagraph, farmers shall receive payment entitlements the first year of application of the basic payment scheme, provided they are entitled to be granted direct payments in accordance with Article 9 and that in 2011:

(a) under the single payment scheme, they did not activate any entitlement but produced exclusively fruits, vegetables and/or cultivate exclusively vineyard;

(b) under the single area payment scheme, they did not claim any support and had only agricultural land that was not in good agricultural conditions on 30 June 2003 as provided for in Article 124(1) of Regulation (EC) No 73/2009,

Except in the case of *force majeure* or exceptional circumstances, the number of payment entitlements allocated per farmer shall be equal to the number of eligible hectares, within the meaning of Article 25(2), the farmer declares in accordance with Article 26(1) for 2014.

harvesting, milking, breeding animals or kept animals for farming purposes, shall receive payment entitlements the first year of application of the basic payment scheme provided they are entitled to be granted direct payments in accordance with Article 9.

By way of derogation from the first subparagraph, farmers shall receive payment entitlements the first year of application of the basic payment scheme, provided they are entitled to be granted direct payments in accordance with Article 9 and that in 2011:

(a) under the single payment scheme, they did not activate any entitlement but produced exclusively fruits, vegetables, ***seed and ware potatoes, ornamental crops*** and/or cultivated exclusively vineyard;

(b) under the single area payment scheme, they did not claim any support and had only agricultural land that was not in good agricultural conditions on 30 June 2003 as provided for in Article 124(1) of Regulation (EC) No 73/2009,

Except in the case of *force majeure* or exceptional circumstances, the number of payment entitlements allocated per farmer shall be equal to the number of eligible hectares, within the meaning of Article 25(2), the farmer declares in accordance with Article 26(1) for 2014.

By way of derogation from the previous subparagraph, where the total number of hectares declared in a Member State in accordance with Article 26(1) for 2014 entails an increase of more than 45% of the total number of eligible hectares declared in 2009 in accordance with Article 35 of Regulation (EC) No 73/2009, Member States may limit the number of payment entitlements to be allocated in 2014 to 145% of the total number of hectares declared in 2009 in accordance with Article 35 of Regulation (EC) No 73/2009.

When using this option, Member States

shall allocate a reduced number of payment entitlements to farmers that shall be calculated by applying a proportional reduction to the additional number of eligible hectares declared by each farmer in 2014 compared to the number of eligible hectares in accordance with Article 34(2) of Regulation (EC) No 73/2009 he indicated in his aid application in 2011 in accordance with Article 19 of Regulation (EC) No 73/2009.

3. In case of sale or lease of their holding or part of it, ***natural or legal persons*** complying with paragraph 2 may, by contract signed before 15 May 2014, transfer the right to receive payment entitlements as referred to in paragraph 1 to ***only one farmer*** provided that the latter ***complies*** with the conditions laid down in Article 9.

4. The Commission shall, by means of implementing acts, adopt rules on applications for allocation of payment entitlements submitted in the year of allocation of payment entitlements where those payment entitlements may not be definitively established yet and where that allocation is affected by specific circumstances. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 56(2).

3. In case of sale, ***merger, scission*** or lease of their holding or part of it, ***farmers*** complying with paragraph 2 may, by contract signed before 15 May 2014, transfer the right to receive payment entitlements as referred to in paragraph 1 to ***the farmers receiving the holding or part of it*** provided that the latter ***comply*** with the conditions laid down in Article 9.

4. The Commission shall, by means of implementing acts, adopt rules on applications for allocation of payment entitlements submitted in the year of allocation of payment entitlements where those payment entitlements may not be definitively established yet and where that allocation is affected by specific circumstances. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 56(2).

Amendment 53

Proposal for a regulation Article 22

Text proposed by the Commission

Article 22

Value of payment entitlements and convergence

1. For each relevant year, the unit value of payment entitlements shall be calculated by dividing the national or regional ceiling established under Articles 19 or 20, after application of the linear reduction provided

Amendment

Article 22

Value of payment entitlements and convergence

1. For each relevant year, the unit value of payment entitlements shall be calculated by dividing the national or regional ceiling established under Articles 19 or 20, after application of the linear reduction provided

for in Article 23(1), by the number of payment entitlements allocated at national or regional level according to Article 21(2) for 2014.

2. Member States which applied the single payment scheme as provided for in Regulation (EC) No 73/2009, may limit the calculation of the unit value of payment entitlements provided for in paragraph 1 to an amount corresponding to no less than **40 %** of the national or regional ceiling established under Articles 19 or 20, after application of the linear reduction provided for in Article 23(1).

3. Member States making use of the possibility provided for in paragraph 2 shall use the part of the ceiling which remains after the application of that *paragraph* to increase the value of payment entitlements in cases where the total value of payment entitlements held by a farmers under the basic payment scheme calculated according to paragraph 2 is lower than the total value of payment entitlements, including special entitlements, he held on 31 December 2013 under the single payment scheme in accordance with Regulation (EC) No 73/2009. To this end, the national or regional unit value of each of the payment entitlement of the farmer concerned shall be increased by a share of the difference between the total value of the payment entitlements under the basic payment scheme calculated according to paragraph 2 and the total value of payment entitlements, including special entitlements, which the farmer held on 31 December 2013 under the single payment scheme in accordance with Regulation (EC) No 73/2009.

For the calculation of the increase, a Member State may also take into account the support granted in calendar year 2013 pursuant to Articles 52, 53(1), and 68(1)(b), of Regulation (EC) No 73/2009 provided that the Member State has decided not to apply the voluntary coupled support pursuant to Title IV of this

for in Article 23(1), by the number of payment entitlements allocated at national or regional level according to Article 21(2) for 2014.

2. Member States which applied the single payment scheme as provided for in Regulation (EC) No 73/2009, may limit the calculation of the unit value of payment entitlements provided for in paragraph 1 to an amount corresponding to no less than **10 %** of the national or regional ceiling established under Articles 19 or 20, after application of the linear reduction provided for in Article 23(1).

3. Member States making use of the possibility provided for in paragraph 2 shall use the part of the ceiling which remains after the application of that *paragraph* to increase the value of payment entitlements in cases where the total value of payment entitlements held by a farmers under the basic payment scheme calculated according to paragraph 2 is lower than the total value of payment entitlements, including special entitlements, he held on 31 December 2013 under the single payment scheme in accordance with Regulation (EC) No 73/2009. To this end, the national or regional unit value of each of the payment entitlement of the farmer concerned shall be increased by a share of the difference between the total value of the payment entitlements under the basic payment scheme calculated according to paragraph 2 and the total value of payment entitlements, including special entitlements, which the farmer held on 31 December 2013 under the single payment scheme in accordance with Regulation (EC) No 73/2009.

For the calculation of the increase, a Member State may also take into account the support granted in calendar year 2013 pursuant to Articles 52, 53(1), and 68(1)(b), of Regulation (EC) No 73/2009 provided that the Member State has decided not to apply the voluntary coupled support pursuant to Title IV of this

Regulation to the relevant sectors.

For the purpose of the first subparagraph, a farmer is considered to hold payment entitlements on 31 December 2013 where payment entitlements were allocated or definitively transferred to him by that date.

4. For the purposes of *paragraph 3*, a Member State may, on the basis of objective criteria, provide that, in cases of sale or grant or expiry of all or part of a lease of agricultural areas after the date fixed pursuant to Article 35 of Regulation (EC) No 73/2009 and before the date fixed pursuant to Article 26 of this Regulation, the increase, or part of the increase, in the value of payment entitlements that would be allocated to the farmer concerned shall revert to the national reserve where the increase would lead to a windfall profit for the farmer concerned.

Those objective criteria shall be established in such a way as to ensure equal treatment between farmers and to avoid market and competition distortions and shall include, at least, the following:

- (a) a minimum duration for the lease;
- (b) the proportion of the payment received which shall revert to the national reserve.

5. As of claim year 2019 at the latest, all payment entitlements in a Member State or, in case of application of Article 20, in a region, ***shall have a uniform unit value.***

6. When applying paragraphs 2 and 3, Member States, acting in compliance with the general principles of Union law, shall

Regulation to the relevant sectors.

For the purpose of the first subparagraph, a farmer is considered to hold payment entitlements on 31 December 2013 where payment entitlements were allocated or definitively transferred to him by that date.

4. For the purposes of *paragraph 3*, a Member State may, on the basis of objective criteria, provide that, in cases of sale or grant or expiry of all or part of a lease of agricultural areas after the date fixed pursuant to Article 35 of Regulation (EC) No 73/2009 and before the date fixed pursuant to Article 26 of this Regulation, the increase, or part of the increase, in the value of payment entitlements that would be allocated to the farmer concerned shall revert to the national reserve where the increase would lead to a windfall profit for the farmer concerned.

Those objective criteria shall be established in such a way as to ensure equal treatment between farmers and to avoid market and competition distortions and shall include, at least, the following:

- (a) a minimum duration for the lease;
- (b) the proportion of the payment received which shall revert to the national reserve.

5. As of claim year 2019 at the latest, all payment entitlements in a Member State or, in case of application of Article 20, in a region:

(a) shall have a uniform unit value;

(b) may deviate from the average unit value by up to 20%.

When applying paragraphs 2, 3 and this paragraph, Member States may take measures to ensure that, where payment entitlements at farm level are reduced, the level of those entitlements activated in 2019 is not more than 30% below that of 2014.

6. When applying paragraphs 2 and 3, Member States, acting in compliance with the general principles of Union law, shall

move towards approximating the value of the payment entitlements at national or regional level. To this end, Member States shall fix the steps to be taken by 1 August 2013. Those steps shall include annual progressive modifications of the payment entitlements in accordance with objective and non-discriminatory criteria.

The steps referred to in the first subparagraph shall be notified to the Commission by the date referred to in that subparagraph.

Amendment 54

Proposal for a regulation Article 22 a (new)

Text proposed by the Commission

move towards approximating the value of the payment entitlements at national or regional level. To this end, Member States shall fix the steps to be taken by 1 August 2013. Those steps shall include annual progressive modifications of the payment entitlements in accordance with objective and non-discriminatory criteria.

The steps referred to in the first subparagraph shall be notified to the Commission by the date referred to in that subparagraph.

Amendment

Article 22a

Internal convergence

1. By way of derogation from Article 22, Member States may approximate the value of the payment entitlements at national or regional level so that the unit value of entitlements moves part of, but not all, the way to uniform national or regional values as of claim year 2021. Member States may use the formula for external convergence between Member States when exercising this option. This convergence shall be financed by the reduction of 2013 entitlement values above a threshold identified by Member States or above the national average.

2. Member States exercising the derogation referred to in paragraph 1 may decide that the payment for agricultural practises beneficial for the climate and the environment referred to in Chapter 2 of Title III, which shall represent 30 % of the national envelope in accordance with Article 33(1), is payable to farmers as a percentage relative to their basic payment.

3. When exercising the derogation referred to in paragraph 1, Member States, shall, by 1 August 2013, fix the

steps to be taken, acting in compliance with the general principles of Union law. Those steps shall include progressive modifications of the payment entitlements in accordance with objective and non-discriminatory criteria.

The steps referred to in the first subparagraph shall be notified to the Commission by 1 August 2013.

Amendment 55

Proposal for a regulation Article 23

Text proposed by the Commission

Article 23

Establishment and use of the national reserve

1. Each Member State shall establish a national reserve. For that purpose, in the first year of application of the basic payment scheme, Member States shall proceed to a linear percentage reduction of the basic payment scheme ceiling at national level in order to constitute the national reserve. This reduction shall not be higher than 3 % except, if required, to cover the allocation needs laid down in paragraph 4 **for the year 2014**.

2. Member States may administer the national reserve at regional level.

3. Member States shall establish payment entitlements from the national reserve in accordance with objective criteria and in such a way as to ensure equal treatment between farmers and to avoid market and competition distortions.

4. Member States shall use the national reserve to allocate payment entitlements, as a matter of priority, to young farmers who commence their agricultural activity.

Amendment

Article 23

Establishment and use of the national reserve

1. Each Member State shall establish a national reserve. For that purpose, in the first year of application of the basic payment scheme, Member States shall proceed to a linear percentage reduction of the basic payment scheme ceiling at national level in order to constitute the national reserve. **For the year 2014**, this reduction shall not be higher than 3% except, if required, to cover the allocation needs laid down in paragraph 4. **For subsequent years, Member States may every year set the ceiling of reduction on the basis of the allocation needs.**

2. Member States may administer the national reserve at regional level.

3. Member States shall establish payment entitlements from the national reserve in accordance with objective criteria and in such a way as to ensure equal treatment between farmers and to avoid market and competition distortions.

4. Member States shall use the national reserve to allocate payment entitlements, as a matter of priority, to young farmers **and new farmers** who commence their agricultural activity.

For the purposes of the first subparagraph, 'young farmers who commence their agricultural activity' means farmers fulfilling the conditions laid down in Article 36(2) that did not have any agricultural activity in their own name and at their own risk or did not have the control of a legal person exercising an agricultural activity in the 5 years preceding the start of the new agricultural activity. In case of a legal person, the natural person(s) who has the control of the legal person must not have had any agricultural activity in his own name and at his own risk or must not have had the control of a legal person exercising an agricultural activity in the 5 years preceding the start of the agricultural activity by the legal person.

5. Member States may use the national reserve to:

(a) allocate payment entitlements to farmers in areas subject to restructuring and/or development programmes relating to a form of public intervention in order to prevent land from being abandoned and/or to compensate farmers for specific disadvantages in those areas;

For the purposes of the first subparagraph, 'young farmers who commence their agricultural activity' means farmers fulfilling the conditions laid down in Article 36(2) that did not have any agricultural activity in their own name and at their own risk or did not have the control of a legal person exercising an agricultural activity in the 5 years preceding the start of the new agricultural activity. In case of a legal person, the natural person(s) who has the control of the legal person must not have had any agricultural activity in his own name and at his own risk or must not have had the control of a legal person exercising an agricultural activity in the 5 years preceding the start of the agricultural activity by the legal person.

For the purposes of the first subparagraph, 'new farmers who commence their agricultural activity' means natural persons who have never been attributed entitlements. Member States may determine additional objective and non-discriminatory criteria that new farmers shall fulfil as regards, in particular, appropriate skills, experience and/or training requirements.

5. Member States may use the national reserve to:

(a) allocate payment entitlements to farmers in areas subject to restructuring and/or development programmes relating to a form of public intervention in order to prevent land from being abandoned and/or to compensate farmers for specific disadvantages in those areas;

(aa) allocate payment entitlements to farmers whose holding is situated in a Member State which has decided to exercise the option laid down in Article 18(2) and who did not obtain a payment entitlement in accordance with Regulation (EC) N° 1782/2003 or Regulation (EC) N° 73/2009 or both of them, when they declare eligible agricultural areas for the year 2014;

(ab) allocate payment entitlements to farmers who began their agricultural activity after 2011 and who operate in specific agricultural sectors to be defined by Member States on the basis of objective and non-discriminatory criteria;

(ac) increase the value of payment entitlements under the basic payment scheme up to the national or regional average unit value of payment entitlements to farmers who as a result of the transition to the basic payment scheme are placed in a special situation by virtue of the low value of their historical payment entitlements held under the single payment scheme in accordance with Regulation (EC) No 73/2009 or increase the value of payment entitlements to farmers who held special entitlements on 31 December 2013;

(ad) grant farmers, on an annual basis, compensation – which may be increased by an additional payment for small farmers – for the removal of the EUR 5000 allowance provided for in Article 7(1) of Regulation (EC) No 73/2009.

(b) linearly increase the value of payment entitlements under the basic payment scheme at national or regional level if the national reserve exceeds 3 % in any given year, provided that sufficient amounts remain available for allocations under paragraph 4, under point (a) of this paragraph and under paragraph 7.

(b) linearly increase the value of payment entitlements under the basic payment scheme at national or regional level if the national reserve exceeds 3 % in any given year, provided that sufficient amounts remain available for allocations under paragraph 4, under point (a) of this paragraph and under paragraph 7.

However, when increasing the value of payment entitlements under this point. Member States may decide to apply an alternative method to the linear method.

6. When applying paragraphs 4 and 5(a), Member States shall establish the value of payment entitlements allocated to farmers on the basis of the national or regional average value of payment entitlements in the year of allocation.

6. When applying paragraphs 4 and 5(a), Member States shall establish the value of payment entitlements allocated to farmers on the basis of the national or regional average value of payment entitlements in the year of allocation.

7. Where a farmer is entitled to receive payment entitlements or increase the value of the existing ones by virtue of a definitive court's ruling or by virtue of a

7. Where a farmer is entitled to receive payment entitlements or increase the value of the existing ones by virtue of a definitive court's ruling or by virtue of a

definitive administrative act of the competent authority of a Member State, the farmer shall receive the number and value of payment entitlements established in that ruling or act at a date to be fixed by the Member State. However, this date shall not be later than the latest date for lodging an application under the basic payment scheme following the date of the court's ruling or the administrative act, taking into account the application of Articles 25 and 26.

Amendment 56

Proposal for a regulation Article 25 – paragraph 1

Text proposed by the Commission

1. Support under the basic payment scheme shall be granted to farmers upon activation, by means of declaration in accordance with Article 26(1), of a payment entitlement per eligible hectare in the Member State where it has been allocated. Activated payment entitlements shall give a right to the annual payment of the amounts fixed therein, without prejudice to the application of financial discipline, progressive reduction and capping, linear reductions in accordance with Article 7, 37(2) and 51(1), and any reductions and exclusions imposed pursuant to Regulation (EU) No [...] [HZR].

Amendment 57

Proposal for a regulation Article 25 – paragraph 2 – subparagraph 3 a (new)

Text proposed by the Commission

definitive administrative act of the competent authority of a Member State, the farmer shall receive the number and value of payment entitlements established in that ruling or act at a date to be fixed by the Member State. However, this date shall not be later than the latest date for lodging an application under the basic payment scheme following the date of the court's ruling or the administrative act, taking into account the application of Articles 25 and 26.

Amendment

1. Support under the basic payment scheme shall be granted to farmers upon activation, by means of declaration in accordance with Article 26(1), of a payment entitlement per eligible hectare in the Member State where it has been allocated. Activated payment entitlements shall give a right to the annual payment of the amounts fixed therein, without prejudice to the application of financial discipline, progressive reduction and capping, linear reductions in accordance with Article 7, 37(2) and 51(1), and any reductions and exclusions imposed pursuant to Regulation (EU) No [...] [HZR]. *By way of derogation from the first sentence, Member States that apply the single area payment scheme in 2013 may continue to apply the model for the implementation of the basic payment scheme.*

Amendment

For the purposes of point (a) of the first subparagraph, Member States may apply,

according to objective and non-discriminatory criteria, a reduction coefficient for areas with lower yield potential or specific productions when determining the size of the eligible agricultural area.

Amendment 58

Proposal for a regulation

Article 27 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Where payment entitlements are sold without land, Member States may, acting in compliance with the general principles of Union law, decide that part of the payment entitlements sold revert to the national reserve or that their unit value is reduced in favour of the national reserve.

Amendment 59

Proposal for a regulation

Article 28 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) criteria to be applied by Member States to allocate payment entitlements to farmers who did not activate any entitlement in 2011 or did not claim support under the single area payment scheme in 2011 as provided for in Article 21(2) and to allocate payment entitlements in case of application of the contract clause referred to in Article 21(3);

(e) criteria to be applied by Member States to allocate payment entitlements to farmers who did not activate any entitlement in ***any one of the years 2009, 2010 or 2011*** or did not claim support under the single area payment scheme in ***any of one the years 2009, 2010 or 2011*** as provided for in Article 21(2) and to allocate payment entitlements in case of application of the contract clause referred to in Article 21(3), ***with the exception of new farmers and young farmers***;

Amendment 60

Proposal for a regulation

Article 28 – point g

Text proposed by the Commission

Amendment

(g) rules on the declaration and activation

(g) rules on ***the content of*** the declaration

of payment entitlements;

and *on the requirements for the* activation of payment entitlements;

Amendment 61

Proposal for a regulation Chapter 1 a (new)

Text proposed by the Commission

Amendment

CHAPTER 1A

COMPLEMENTARY PAYMENT FOR THE FIRST HECTARES

Article 28a

General rules

- 1. Member States may decide to grant a complementary annual payment to farmers who are entitled to a payment under the basic payment scheme referred to in Chapter 1.***
- 2. Member States shall determine the number of first hectares eligible for this provision, which shall correspond to the number of entitlements activated by the farmer in accordance with Article 26(1), up to a limit of 50 hectares.***
- 3. In order to finance this provision, Member States shall use an amount up to a maximum of 30% of their annual national ceiling set out in Annex II.***
- 4. Member States shall calculate each year the amount of complementary payment for the first hectares by dividing the amount referred to in paragraph 3 by the total number of hectares benefiting from this payment.***
- 5. Member States shall ensure that no payment is made to farmers who, after the publication of the Commission proposal for this Regulation, are shown to have artificially created the conditions in order to benefit from the payment referred to in this Article.***
- 6. Member States shall notify the Commission, by 1 August 2013, of their decisions referred to in paragraphs 1, 2***

and 3.

Amendment 63

Proposal for a regulation Article 30

Text proposed by the Commission

Article 30

Crop diversification

1. Where the arable land of the farmer covers more than 3 hectares *and is not entirely used for grass production (sown or natural), entirely left fallow or entirely cultivated with crops under water for a significant part of the year*, cultivation on the arable land shall consist of at least three different crops. *None of those three crops shall cover less than 5 % of the arable land and the main one shall not exceed 70 % of the arable land.*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 laying down the definition of 'crop' and the rules concerning the application of the precise calculation of shares of different crops.

Amendment 64

Proposal for a regulation Article 31

Text proposed by the Commission

Article 31

Permanent grassland

Amendment

Article 30

Crop diversification

1. *Where the arable land of the farmer covers between 10 and 30 hectares, cultivation on the arable land shall consist of at least two different crops. None of those crops shall cover more than 80 % of the arable land.*

Where the arable land of the farmer covers more than 30 hectares, cultivation on the arable land shall consist of at least three different crops *except for holdings situated north of the 62nd parallel. The main crop shall not cover more than 75 % of the arable land and together the two main crops shall not cover more than 95 % of the arable land.*

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 laying down the definition of 'crop' and the rules concerning the application of the precise calculation of shares of different crops.

Amendment

Article 31

Permanent grassland *and permanent*

pasture

1. **Farmers** shall *maintain as* permanent grassland the areas of *their* holdings declared as such in the application made pursuant to Article 74(1) of Regulation (EU) No XXX (HZ) for claim year 2014, hereinafter referred to as “reference areas under permanent grassland”.

The reference areas under permanent grassland shall be increased in cases where the farmer has an obligation to reconvert areas into permanent grassland in 2014 and/or in 2015 as referred to in Article 93 of Regulation (EU) No [...] HZR.

2. **Farmers shall be allowed to convert** a maximum of 5 % of *their* reference areas under permanent grassland. *That limit shall not apply in the case of force majeure or exceptional circumstances.*

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 laying down rules concerning the increase of reference areas under permanent grassland as laid down in the *second* subparagraph of paragraph 1, the renewal of permanent grassland, the reconversion of agricultural area into permanent grassland in case the authorised decrease referred to in paragraph 2 is exceeded, as well as the modification of the reference areas under permanent grassland in case of transfer of land.

1. **Member States** shall *ensure that the ratio of the land under* permanent grassland *and permanent pasture to the total agricultural area is maintained.* **Member States may apply this obligation at national, regional or sub regional level.**

For the purpose of the first subparagraph, land under permanent grassland and permanent pasture shall be considered to correspond to the areas of *the* holdings declared as such in the application made pursuant to Article 74(1) of Regulation (EU) No XXX (HZ) for claim year 2014, and shall hereinafter referred to as “reference areas under permanent grassland *and permanent pasture*”.

The reference areas under permanent grassland *and permanent pasture* shall be increased in cases where the farmer has an obligation to reconvert areas into permanent grassland in 2014 and/or in 2015 as referred to in Article 93 of Regulation (EU) No [...] HZR.

2. **Conversion of** a maximum of 5% of *the* reference areas under permanent grassland *and permanent pasture shall be allowed, with the exception of carbon rich soils, wetlands and semi natural grassland and pastures. Under exceptional circumstances, this percentage may be increased to 7%.*

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 laying down rules concerning the increase of reference areas under permanent grassland *and permanent pasture* as laid down in the *third* subparagraph of paragraph 1, the renewal of permanent grassland *and permanent pasture*, the reconversion of agricultural area into permanent grassland *and permanent pasture* in *the case that* the authorised decrease referred to in paragraph 2 is exceeded, as well as *concerning the exceptional circumstances referred to in paragraph 2 and the*

modification of the reference areas under permanent grassland **and permanent pasture**, in **the** case of **the** transfer of land.

Amendment 65

Proposal for a regulation

Article 32

Text proposed by the Commission

Article 32

Ecological focus area

1. Farmers shall ensure that at least **7%** of their eligible hectares as defined in Article 25(2), excluding areas under permanent grassland, is ecological focus area such as land left fallow, terraces, landscape features, buffer strips and afforested areas as referred to in article 25(2)(b)(ii).

Amendment

Article 32

Ecological focus area

1. ***Where the arable land covers more than 10 hectares***, farmers shall ensure, ***during the first year of implementation of the present regulation***, that at least **3%** of their eligible hectares as defined in Article 25(2), excluding areas under permanent grassland ***and permanent pasture and permanent crops***, is ecological focus area such as land left fallow, terraces, landscape features ***including hedgerows, ditches, stonewalls, in field trees and ponds, land planted with nitrogen-fixing crops***, buffer strips and afforested areas as referred to in article 25(2)(b)(ii). ***Farmers may apply this measure to their entire holding.***

Farmers may use an ecological focus area for production without utilisation of pesticide or fertiliser application.

From 1 January 2016, the percentage indicated in the first subparagraph shall be raised to 5%.

1a. Before 31 March 2017, the Commission shall present an evaluation report of the measures under paragraph 1 to the European Parliament and the Council; accompanied by the necessary legislative proposals, in order to increase, if appropriate, up to 7% the percentage mentioned in paragraph 1 for the year 2018 and after taking into account the impact on the environment and agricultural production.

1b. By way of derogation from paragraph 1, from 1 January 2016, Member States

may decide to implement up to three percentage points of the ecological focus areas at a regional level in order to obtain adjacent ecological areas.

1c. Farmers may lease back from the local authority an agricultural area of high nature value which has entered public ownership as a result of land consolidation or similar procedures and may designate it as ecological focus area provided that it meets the criteria set out in paragraph 1.

1d. Ecological focus areas may be weighted on the basis of their ecological significance. The Commission shall approve the set of weighting coefficients submitted by Member States taking into account equivalent environmental and climatic performance criteria.

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 to further define the types of ecological focus areas referred to in paragraph 1 of this Article **and** to add and define other types of ecological focus areas that can be taken into account **for the respect of** the percentage referred to in **that** paragraph.

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 to further define the types of ecological focus areas referred to in paragraph 1 of this Article, **to lay down an Union-wide framework of weighting coefficients for the purpose of calculating the hectares represented by the various types of ecological focus area referred to in paragraph 1d of this Article and** to add and define other types of ecological focus areas that may be taken into account **when assessing** the percentage referred to in paragraph 1 of this Article **and defining the regional level referred to in paragraph 1b of this Article.**

Amendment 66

Proposal for a regulation Article 34 – paragraph 4

Text proposed by the Commission

4. The payment per hectare referred to in paragraph 1 shall be calculated by dividing the amount resulting from the application of Article 35 by the number of eligible hectares declared according to Article

Amendment

4. The payment per hectare referred to in paragraph 1 shall be calculated by dividing the amount resulting from the application of Article 35 by the number of eligible hectares declared according to Article

26(1) *which are situated in the areas* to which Member States decided to grant a payment in accordance with paragraph 2 of this Article.

26(1) to which Member States decided to grant a payment in accordance with paragraph 2 of this Article.

Amendment 67

Proposal for a regulation

Article 34 – paragraph 4 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Member States may vary the payment per hectare on the basis of objective and non-discriminatory criteria.

Amendment 68

Proposal for a regulation

Article 34 – paragraph 4 – subparagraph 1 b (new)

Text proposed by the Commission

Amendment

If they apply the first subparagraph, Member States may set the maximum number of hectares per holding which are to be taken into account for the payment.

Amendment 69

Proposal for a regulation

Article 35 – paragraph 2

Text proposed by the Commission

Amendment

2. According to the percentage of the national ceiling to be used by Member States pursuant to paragraph 1, the Commission shall, ***by means of implementing*** acts, fix the corresponding ceiling for that payment on a yearly basis. ***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 56(2).***

2. According to the percentage of the national ceiling to be used by Member States pursuant to paragraph 1, the Commission shall ***be empowered to adopt delegated*** acts, ***in accordance with Article 55, to*** fix the corresponding ceiling for that payment on a yearly basis.

Amendment 70

Proposal for a regulation
Article 36

Text proposed by the Commission

Article 36

General rules

1. Member States shall grant an annual payment to young farmers who are entitled to a payment under the basic payment scheme referred to in Chapter 1.

2. For the purposes of this Chapter, 'young farmers', shall mean:

(a) natural persons who are setting up for the first time an agricultural holding as head of the holding, or who have already set up such a holding during the five years preceding the first submission of an application to the basic payment scheme as referred in Article 73(1) of Regulation (EU) No [...] [HZR], and

(b) who are less than 40 years of age at the moment of submitting the application referred to in point (a).

3. Without prejudice to the application of financial discipline, progressive reduction and capping, linear reductions as referred in Article 7, and any reductions and exclusions imposed pursuant to Article 65 of Regulation (EU) No [...] [HZR], the payment referred to in paragraph 1 of this Article shall be granted annually upon activation of payment entitlements by the farmer.

4. The payment referred to in paragraph 1 shall be granted per farmer for a period of maximum five years. That period shall be reduced by the number of years elapsed

Amendment

Article 36

General rules

1. Member States shall grant an annual payment, ***subject to the conditions laid down in this Chapter***, to young farmers who are entitled to a payment under the basic payment scheme referred to in Chapter 1.

2. For the purposes of this Chapter, 'young farmers', shall mean:

(a) natural persons who are setting up for the first time an agricultural holding as head of the holding, or who have already set up such a holding during the five years preceding the first submission of an application to the basic payment scheme as referred in Article 73(1) of Regulation (EU) No [...] [HZR], and

(b) who are less than 40 years of age at the moment of submitting the application referred to in point (a).

(ba) Member States may determine additional objective and non-discriminatory criteria that young farmers are to fulfil as regards, in particular, appropriate skills, experience and/or training requirements.

3. Without prejudice to the application of financial discipline, progressive reduction and capping, linear reductions as referred in Article 7, and any reductions and exclusions imposed pursuant to Article 65 of Regulation (EU) No [...] [HZR], the payment referred to in paragraph 1 of this Article shall be granted annually upon activation of payment entitlements by the farmer.

4. The payment referred to in paragraph 1 shall be granted per farmer for a period of maximum five years. That period shall be reduced by the number of years elapsed

between the setting up and the first submission of the application referred to in point (a) of paragraph 2.

5. Member States shall calculate each year the amount of the payment referred to in paragraph 1 by multiplying a figure corresponding to 25% of the average value of the payment entitlements ***held by the farmer*** by the number of entitlements he has activated in accordance with Article 26(1).

When applying the first subparagraph, Member States shall ***respect the following maximum limits in the number of activated payment entitlements that are to be taken into account:***

(a) in Member States where the average size of agricultural holdings as set out in Annex VI is lower than, or equal to, 25 hectares, a maximum of 25;

(b) in Member States where the average size of agricultural holdings as set out in Annex VI is higher than 25 hectares, a maximum that shall be no less than 25 and no greater than that average size.

6. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 concerning the conditions under which a legal person may be considered eligible for receiving the payment referred to in paragraph 1, in particular the application of the age-limit set out in paragraph 2(b) to one or more natural persons participating in the legal person.

Amendment 71

Proposal for a regulation Article 37

Text proposed by the Commission

Article 37

Financial provisions

1. In order to finance the payment referred to in Article 36, Member States shall use ***a percentage*** of the annual national ceiling

between the setting up and the first submission of the application referred to in point (a) of paragraph 2.

5. Member States shall calculate each year the amount of the payment referred to in paragraph 1 by multiplying a figure corresponding to 25 % of the average value of the payment entitlements ***in the Member State or region concerned*** by the number of entitlements the farmer he has activated in accordance with Article 26(1).

When applying the first subparagraph, Member States shall ***fix a limit which may be up to a maximum of 100 hectares.***

6. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 concerning the conditions under which a legal person may be considered eligible for receiving the payment referred to in paragraph 1, in particular the application of the age-limit set out in paragraph 2(b) to one or more natural persons participating in the legal person.

Amendment

Article 37

Financial provisions

1. In order to finance the payment referred to in Article 36, Member States shall use ***2 %*** of the annual national ceiling set out in

set out in Annex II ***which shall not be higher than 2%. They shall notify the Commission, by 1 August 2013, of the estimated percentage necessary to finance that payment.***

Member States may, by 1 August 2016, review their estimated percentage with effect from 1 January 2017. They shall notify the Commission of the reviewed percentage by 1 August 2016.

2. Without prejudice to the maximum of 2% set under paragraph 1, where the total amount of the payment applied for in a Member State in a particular year exceeds the ceiling set pursuant to paragraph 4, and where that ceiling is lower than 2% of the annual national ceiling set out in Annex II, Member States shall apply a linear reduction to all payments to be granted to all farmers in accordance with Article 25.

3. Where the total amount of the payment applied for in a Member State in a particular year exceeds the ceiling set pursuant to paragraph 4, and where that ceiling amounts to 2% of the annual national ceiling set out in Annex II, Member States shall apply a linear reduction to the amounts to be paid in accordance with Article 36 in order to

Annex II.

Where the estimated percentage necessary to finance the payment referred to in Article 36 is lower than 2 %, Member States may allocate the remainder of the respective amounts in order to linearly increase the value of payment entitlements of the national reserve, giving priority to young farmers and new farmers in accordance with Article 23(4).

By way of derogation from the first subparagraph, Member States may decide to increase the percentage mentioned in that subparagraph in order to give priority to chosen beneficiaries at national level, based on objective and non-discriminatory criteria. Such decision shall be notified to the Commission before 1 August 2013.

Member States may, by 1 August 2016, review their estimated percentage ***necessary to finance the payment referred to in Article 36*** with effect from 1 January 2017. They shall notify the Commission of the reviewed percentage by 1 August 2016.

2. Without prejudice to the maximum of 2% set under paragraph 1, where the total amount of the payment applied for in a Member State in a particular year exceeds the ceiling set pursuant to paragraph 4, and where that ceiling is lower than 2% of the annual national ceiling set out in Annex II, Member States shall apply a linear reduction to all payments to be granted to all farmers in accordance with Article 25.

3. Where the total amount of the payment applied for in a Member State in a particular year exceeds the ceiling set pursuant to paragraph 4, and where that ceiling amounts to 2% of the annual national ceiling set out in Annex II, Member States shall apply a linear reduction to the amounts to be paid in accordance with Article 36 in order to

comply with that ceiling.

4. On the basis of the estimated percentage notified by Member States pursuant to paragraph 1, the Commission shall, by means of implementing acts, set the corresponding ceiling for the payment referred to in Article 36 on a yearly basis. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 56(2).

comply with that ceiling.

4. On the basis of the estimated percentage notified by Member States pursuant to paragraph 1, the Commission shall, by means of implementing acts, set the corresponding ceiling for the payment referred to in Article 36 on a yearly basis. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 56(2).

Amendment 72

Proposal for a regulation

Article 38 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Coupled support may be granted to the *following* sectors and productions: *cereals, oilseeds, protein crops, grain legumes, flax, hemp, rice, nuts, starch potato, milk and milk products, seeds, sheepmeat and goatmeat, beef and veal, olive oil, silk worms, dried fodder, hops, sugar beet, cane and chicory, fruit and vegetables and short rotation coppice.*

Amendment

Coupled support may be granted to the sectors and productions *referred to in Annex I to the Treaty, with the exception of fisheries products.*

Amendment 73

Proposal for a regulation

Article 38 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Appropriations earmarked for coupled payments shall be allocated as a matter of priority to productions in respect of which coupled payments were made during the period 2010-2013 under Articles 68, 101 and 111 of Regulation (EC) No 73/2009.

Amendment 74

Proposal for a regulation

Article 38 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Members States may grant coupled support to farmers with special entitlements in 2010 in accordance with Articles 60 and 65 of Regulation (EC) No 73/2009 independently of the basic payment referred to in Title III, Chapter 1 of this Regulation.

Amendment 75

Proposal for a regulation

Article 38 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Member States may grant coupled support to livestock farmers who do not own the majority of the land they farm.

Amendment 76

Proposal for a regulation

Article 38 – paragraph 3 c (new)

Text proposed by the Commission

Amendment

3c. The Commission shall be empowered to adopt delegated acts in accordance with Article 55 laying down the transitional measures to be applied to these farmers.

Amendment 77

Proposal for a regulation

Article 38 – paragraph 4 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

By way of derogation from the first subparagraph, the limit for the grant of coupled support may be extended beyond that required to maintain existing production levels, provided that the

purpose of the coupled support is environmental. The Member State concerned shall set such a limit in accordance with specified environmental objectives or challenges. The limit thus set shall be notified to the Commission in accordance with Article 40 and shall be approved in accordance with Article 41.

Amendment 78

Proposal for a regulation Article 39 – paragraph 1

Text proposed by the Commission

1. In order to finance the voluntary coupled support, Member States may decide, by 1 August of the year preceding the first year of implementation of such support, to use up to 5 % of their annual national ceiling set out in Annex II.

Amendment

1. In order to finance the voluntary coupled support, Member States may decide, by 1 August of the year preceding the first year of implementation of such support, to use up to **15** % of their annual national ceiling set out in Annex II.

Amendment 79

Proposal for a regulation Article 39 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The percentage of the national ceiling referred to in paragraph 1 may be increased by three percentage points for those Member States which decide to use at least 3 % of their national ceiling as defined in Annex II in order to support the production of protein crops under this Chapter.

Amendment 80

Proposal for a regulation Article 39 – paragraph 2

Text proposed by the Commission

2. By way of derogation from paragraph 1, Member States may decide to use up to 10 % of the annual national ceiling set

Amendment

deleted

out in Annex II provided that:

(a) they applied, until 31 December 2013, the single area payment scheme as laid down in Title V of Regulation (EC) No 73/2009, or financed measures under Article 111 of that Regulation, or are concerned by the derogation provided for in Article 69(5), or, in the case of Malta, in Article 69(1) of that Regulation; and/or

(b) they allocated, during at least one year in the period 2010-2013, more than 5 % of their amount available for granting the direct payments provided for in Titles III, IV and V of Regulation (EC) No 73/2009, with the exception of Section 6 of Chapter 1 of Title IV, for financing the measures laid down in Section 2 of Chapter 2 of Title III of Regulation (EC) No 73/2009, the support provided for in points (i) to (iv) of paragraph 1(a) and paragraphs 1(b) and (e) of Article 68 of that Regulation, or the measures under Chapter 1, with the exception of Section 6, of Title IV of that Regulation.

Amendment 82

Proposal for a regulation

Article 39 – paragraph 4 – introductory part

Text proposed by the Commission

4. Member States may, by 1 August 2016, review their decision pursuant to paragraphs 1, **2 and 3** and decide, with effect from 2017:

Amendment

4. Member States may, by 1 August 2016, review their decision pursuant to paragraphs 1 **and 1a**, and decide, with effect from 2017:

Amendment 83

Proposal for a regulation

Article 39 – paragraph 4 – point a

Text proposed by the Commission

(a) to increase the percentage fixed pursuant to paragraphs 1 **and 2**, within the limits laid down therein where applicable, and, where appropriate, modify the

Amendment

(a) to increase the percentage fixed pursuant to paragraphs 1 **and 1a**, within the limits laid down therein where applicable, and, where appropriate, modify the

conditions for granting the support;

conditions for granting the support;

Amendment 84

Proposal for a regulation Article 39 – paragraph 5

Text proposed by the Commission

5. On the basis of the decision taken by each Member State pursuant to paragraphs 1 *to* 4 on the proportion of the national ceiling to be used, the Commission shall, ***by means of implementing acts***, fix the corresponding ceiling for the support on a yearly basis. ***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 56(2).***

Amendment

5. On the basis of the decision taken by each Member State pursuant to paragraphs 1, ***1a and*** 4 on the proportion of the national ceiling to be used, the Commission shall ***be empowered to adopt delegated acts, in accordance with Article 55, to*** fix the corresponding ceiling for the support on a yearly basis.

Amendment 85

Proposal for a regulation Article 39 a (new)

Text proposed by the Commission

Amendment

Article 39a

Optional additional national support

1. Member States which decide to introduce voluntary coupled support in the suckler cow sector in accordance with Article 38 may grant an additional national premium to farmers to top up the coupled support they receive for the same calendar year.

2. Member States shall notify farmers of the conditions governing the award of this additional national support at the same time as and using the same arrangements as for the notification of the coupled support.

Amendment 86

Proposal for a regulation Article 41 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Commission shall, ***by means of an implementing act***, approve the decision referred to ***in Article 39(3), or, where appropriate***, in Article 39(4)(a), where one of the following needs in the region or sector concerned is demonstrated:

Amendment

1. The Commission shall ***be empowered to adopt delegated acts, in accordance with Article 55, to*** approve the decision referred to in Article 39(4)(a), where one of the following needs in the region or sector concerned is demonstrated:

Amendment 87

**Proposal for a regulation
Article 47**

Text proposed by the Commission

Article 47

General rules

1. Farmers holding payment entitlements allocated in 2014 pursuant to Article 21 and fulfilling the minimum requirements provided for in Article 10(1) ***may opt for participation*** in a simplified scheme under the conditions laid down in this Title, ***hereinafter referred to as*** 'small farmers scheme'.

2. Payments under the small farmers scheme shall replace the payments to be granted pursuant to Titles III and IV.

3. Farmers participating in the small farmers scheme shall be exempted from the agricultural practises provided for in Chapter 2 of Title III.

4. Member States shall ensure that no payment is made to farmers for whom it is established that, as from the date of publication of the Commission proposal for this Regulation, they divide their holding with the sole purpose of benefiting from

Amendment

Article 47

General rules

1. ***Member States may set up a simplified small farmers scheme in accordance with the conditions laid down in this Title. If a Member State applies such a scheme***, farmers holding payment entitlements allocated in 2014 pursuant to Article 21 and fulfilling the minimum requirements provided for in Article 10(1) ***shall participate*** in the simplified scheme under the conditions laid down in this Title, ("small farmers scheme").

Farmers entitled pursuant to Titles III and IV to payments of less than EUR 1 500 shall automatically be included in such small farmers scheme.

2. Payments under the small farmers scheme shall replace the payments to be granted pursuant to Titles III and IV.

3. Farmers participating in the small farmers scheme shall be exempted from the agricultural practises provided for in Chapter 2 of Title III.

4. Member States shall ensure that no payment is made to farmers for whom it is established that, as from the date of publication of the Commission proposal for this Regulation, they divide their holding with the sole purpose of benefiting from

the small farmers scheme. This shall also apply to farmers whose holdings result from that division.

Amendment 88

Proposal for a regulation

Article 48

Text proposed by the Commission

Article 48

Participation

Farmers *wishing to participate in the small farmers scheme shall submit an application* by 15 October 2014.

Farmers *not having applied for participation in the small farmers scheme by 15 October 2014 or deciding* to withdraw from it after that date or selected for support under Article 20(1)(c) of Regulation (EU) No [...] [RDR] shall no longer have the right to participate in that scheme.

Amendment 89

Proposal for a regulation

Article 49

Text proposed by the Commission

Article 49

Amount of the payment

1. Member States shall set the amount of the annual payment for the small farmers scheme at one of the following levels, subject to paragraphs 2 and 3:

(a) an amount not exceeding **15%** of the national average payment per beneficiary;

(b) an amount corresponding to the national average payment per hectare multiplied by a figure corresponding to the number of hectares with a maximum of **three**.

the small farmers scheme. This shall also apply to farmers whose holdings result from that division.

Amendment

Article 48

Participation

The list of farmers referred to in Article 47(1) shall be notified to the Commission by national authorities by 15 October 2014.

Farmers *referred to in Article 47(1) who decide* to withdraw from *the small farmers scheme* after that date or selected for support under Article 20(1)(c) of Regulation (EU) No [...] [RDR] shall no longer have the right to participate in that scheme.

Amendment

Article 49

Amount of the payment

1. Member States shall set the amount of the annual payment for the small farmers scheme at one of the following levels, subject to paragraphs 2 and 3:

(a) an amount not exceeding **25%** of the national average payment per beneficiary;

(b) an amount corresponding to the national average payment per hectare multiplied by a figure corresponding to the number of hectares with a maximum of **five**.

By way of derogation from subparagraph 1, Member States may decide that the annual payment is to be equal to the amount that the farmer would be entitled to under Article 18, Article 29, Article 34, Article 36 and Article 38 in the year of entering into the scheme, but not higher than EUR 1 500.

The national average referred to in point (a) of the first subparagraph shall be established by the Member States on the basis of the national ceiling set in Annex II for calendar year 2019 and the number of farmers having obtained payment entitlements pursuant to Article 21(1).

The national average referred to in point (b) of the first subparagraph shall be established by the Member States on the basis of the national ceiling set in Annex II for calendar year 2019 and the number of eligible hectares declared in accordance with Article 26 in 2014.

2. The amount referred to in paragraph 1 shall not be lower than EUR 500 and not be higher than EUR **1 000**. Without prejudice to Article 51(1), where the application of paragraph 1 results in an amount lower than EUR 500 or higher than EUR **1 000**, the amount shall be rounded up or down, respectively, to the minimum or maximum amount.

3. By way of derogation from paragraph 2, in Croatia, Cyprus and Malta the amount referred to in paragraph 1 may be set at a value lower than EUR 500, but not less than EUR 200.

The national average referred to in point (a) of the first subparagraph shall be established by the Member States on the basis of the national ceiling set in Annex II for calendar year 2019 and the number of farmers having obtained payment entitlements pursuant to Article 21(1).

The national average referred to in point (b) of the first subparagraph shall be established by the Member States on the basis of the national ceiling set in Annex II for calendar year 2019 and the number of eligible hectares declared in accordance with Article 26 in 2014.

2. The amount referred to in paragraph 1 shall not be lower than EUR 500 and not be higher than EUR **1 500**. Without prejudice to Article 51(1), where the application of paragraph 1 results in an amount lower than EUR 500 or higher than EUR **1 500**, the amount shall be rounded up or down, respectively, to the minimum or maximum amount.

3. By way of derogation from paragraph 2, in Croatia, Cyprus and Malta the amount referred to in paragraph 1 may be set at a value lower than EUR 500, but not less than EUR 200.

Amendment 90

Proposal for a regulation Article 51

Text proposed by the Commission

Article 51

Financial provisions

1. In order to finance the payment referred

Amendment

Article 51

Financial provisions

1. In order to finance the payment referred

to in this Title, Member States shall deduct the amounts corresponding to the amounts to which the small farmers would be entitled as a basic payment referred to in Chapter 1 of Title III, as a payment for agricultural practises beneficial for the climate and the environment referred to in Chapter 2 of Title III and, where applicable, as a payment for areas with natural constraints referred to in Chapter 3 of Title III, as a payment for young farmers referred to in Chapter 4 of Title III and as coupled support referred to in Title IV from the total amounts available for the respective payments.

The difference between the sum of all payments due under the small farmers scheme and the total amount financed in accordance with the first sub-paragraph shall be financed by applying a linear reduction to all payments to be granted in accordance with Article 25.

The elements on the basis of which the amounts referred to in the first subparagraph are established shall remain the same for the entire duration of the participation of the farmer in the scheme.

2. If the total amount of payments due under the small farmers scheme exceeds **10** % of the annual national ceiling set out in Annex II, Member States shall apply a linear reduction to the amounts to be paid in accordance with this Title in order to respect that percentage.

Amendment 91

Proposal for a regulation

Article 53 – paragraph 2 – point d a (new)

Text proposed by the Commission

to in this Title, Member States shall deduct the amounts corresponding to the amounts to which the small farmers would be entitled as a basic payment referred to in Chapter 1 of Title III, as a payment for agricultural practises beneficial for the climate and the environment referred to in Chapter 2 of Title III and, where applicable, as a payment for areas with natural constraints referred to in Chapter 3 of Title III, as a payment for young farmers referred to in Chapter 4 of Title III and as coupled support referred to in Title IV from the total amounts available for the respective payments.

The difference between the sum of all payments due under the small farmers scheme and the total amount financed in accordance with the first sub-paragraph shall be financed by applying a linear reduction to all payments to be granted in accordance with Article 25.

Member States that exercise the option laid down in Article 20(1) may apply different reduction rates at regional level.

The elements on the basis of which the amounts referred to in the first subparagraph are established shall remain the same for the entire duration of the participation of the farmer in the scheme.

2. If the total amount of payments due under the small farmers scheme exceeds **15** % of the annual national ceiling set out in Annex II, Member States shall apply a linear reduction to the amounts to be paid in accordance with this Title in order to respect that percentage.

Amendment

(da) arrangements for the management of the information to be notified, as well as rules on content, form, timing, frequency

and deadlines of the notifications;

Amendment 92

Proposal for a regulation

Article 53 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) arrangements for the management of the information to be notified, as well as rules on content, form, timing, frequency and deadlines of the notifications;

deleted

Amendment 93

Proposal for a regulation

Article 54 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall, **by means of implementing acts**, adopt the **measures** which are both necessary and justifiable in an emergency, in order to resolve specific problems. Such **measures** may derogate from provisions of this Regulation, but only to the extent that, and for such a period, as is strictly necessary. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 56(2).**

1. The Commission shall **be empowered to** adopt **delegated acts, in accordance with Article 55**, which are both necessary and justifiable in an emergency, in order to resolve specific problems. Such **delegated acts** may derogate from certain parts of this Regulation, but only to the extent that, and for such a period, as is strictly necessary.

Amendment 94

Proposal for a regulation

Article 54 – paragraph 2

Text proposed by the Commission

Amendment

2. **On duly justified imperative grounds of urgency relating** to the measures referred to in paragraph 1, **the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 56(3).**

2. **Where, in relation** to the measures referred to in paragraph 1, **imperative grounds of urgency so require, the procedure provided for in Article 55a shall apply to delegated acts adopted pursuant to this Article.**

Amendment 95

Proposal for a regulation
Article 55 – paragraph 2

Text proposed by the Commission

2. The *delegation 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 power *to adopt delegated acts referred to in Articles [...]* 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 month before the end of each period.*

Amendment 96

Proposal for a regulation
Article 55 a (new)

Text proposed by the Commission

Amendment

Article 55a

Urgency procedure

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2.

2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 55(5). In such a case, the Commission shall repeal the act without delay following the notification of the decision to object by the European Parliament or by the Council.

Amendment 97

Proposal for a regulation
Article 58 a (new)

Text proposed by the Commission

Amendment

Article 58a

Reporting

By 1 March 2017, the Commission shall present a report to the European Parliament and to the Council on the implementation of this Regulation, accompanied, if necessary, by appropriate legislative proposals.

Amendment 98

Proposal for a regulation
Annex II

Text proposed by the Commission

(In thousands EUR)

Calendar year	2014	2015	2016	2017	2018	2019 and subsequent years
Belgium	553 521	544 065	534 632	525 205	525 205	525 205
Bulgaria	655 661	737 164	810 525	812 106	812 106	812 106
Czech Republic	892 698	891 875	891 059	890 229	890 229	890 229
Denmark	942 931	931 719	920 534	909 353	909 353	909 353
Germany	5 275 876	5 236 176	5 196 585	5 156 970	5 156 970	5 156 970
Estonia	108 781	117 453	126 110	134 749	134 749	134 749
Ireland	1 240 652	1 239 027	1 237 413	1 235 779	1 235 779	1 235 779
Greece	2 099 920	2 071 481	2 043 111	2 014 751	2 014 751	2 014 751
Spain	4 934 910	4 950 726	4 966 546	4 988 380	4 988 380	4 988 380
France	7 732 611	7 694 854	7 657 219	7 619 511	7 619 511	7 619 511
Croatia	111 900	130 550	149 200	186 500	223 800	261 100
Italy	4 023 865	3 963 007	3 902 289	3 841 609	3 841 609	3 841 609
Cyprus	52 273	51 611	50 950	50 290	50 290	50 290
Latvia	163 261	181 594	199 895	218 159	218 159	218 159
Lithuania	396 499	417 127	437 720	458 267	458 267	458 267
Luxemburg	34 313	34 250	34 187	34 123	34 123	34 123
Hungary	1 298 104	1 296 907	1 295 721	1 294 513	1 294 513	1 294 513
Malta	5 316	5 183	5 050	4 917	4 917	4 917
Netherlands	806 975	792 131	777 320	762 521	762 521	762 521
Austria	707 503	706 850	706 204	705 546	705 546	705 546
Poland	3 038 969	3 066 519	3 094 039	3 121 451	3 121 451	3 121 451
Portugal	573 046	585 655	598 245	610 800	610 800	610 800
Romania	1 472 005	1 692 450	1 895 075	1 939 357	1 939 357	1 939 357
Slovenia	141 585	140 420	139 258	138 096	138 096	138 096

Slovakia	386 744	391 862	396 973	402 067	402 067	402 067
Finland	533 932	534 315	534 700	535 075	535 075	535 075
Sweden	710 853	711 798	712 747	713 681	713 681	713 681
United-Kingdom	3 624 384	3 637 210	3 650 038	3 662 774	3 662 774	3 662 774

Amendment

	2014	2015	2016	2017	2018	2019 and subsequent years
Belgium	554.701	548.646	542.261	535.640	535.640	535.640
Bulgaria	657.571	735.055	805.495	814.887	814.887	814.887
Czech Republic	891.307	892.742	893.686	894.054	894.054	894.054
Denmark	940.086	929.824	919.002	907.781	907.781	907.781
Germany	5.237.224	5.180.053	5.119.764	5.057.253	5.057.253	5.057.253
Estonia	113.168	125.179	137.189	149.199	149.199	149.199
Ireland	1.236.214	1.235.165	1.233.425	1.230.939	1.230.939	1.230.939
Greece	2.098.834	2.075.923	2.051.762	2.026.710	2.026.710	2.026.710
Spain	4.939.152	4.957.834	4.973.833	4.986.451	4.986.451	4.986.451
France	7.655.794	7.572.222	7.484.090	7.392.712	7.392.712	7.392.712
Croatia	111 900	130 550	149 200	186 500	223 800	261 100
Italy	4.024.567	3.980.634	3.934.305	3.886.268	3.886.268	3.886.268
Cyprus	52.155	51.585	50.985	50.362	50.362	50.362
Latvia	176.500	206.565	236.630	266.695	266.695	266.695
Lithuania	402.952	426.070	449.189	472.307	472.307	472.307
Luxemburg	33.943	33.652	33.341	33.015	33.015	33.015
Hungary	1.295.776	1.297.535	1.298.579	1.298.791	1.298.791	1.298.791
Malta	5.365	5.306	5.244	5.180	5.180	5.180
Netherlands	809.722	800.883	791.561	781.897	781.897	781.897
Austria	706.071	706.852	707.242	707.183	707.183	707.183
Poland	3.079.652	3.115.887	3.152.121	3.188.356	3.188.356	3.188.356
Portugal	582.466	598.550	614.635	630.719	630.719	630.719
Romania	1.485.801	1.707.131	1.928.460	2.002.237	2.002.237	2.002.237
Slovenia	140.646	139.110	137.491	135.812	135.812	135.812
Slovakia	391.608	397.576	403.543	409.511	409.511	409.511
Finland	533.451	535.518	537.295	538.706	538.706	538.706
Sweden	709.922	712.820	715.333	717.357	717.357	717.357
United-Kingdom	3.652.541	3.655.113	3.657.684	3.660.255	3.660.255	3.660.255

Single CMO Regulation (Decision on the opening of interinstitutional negotiations)

European Parliament decision of 13 March 2013 on the opening of, and on the mandate for, interinstitutional negotiations 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)0626/3 – C7-0339/2011 – COM(2012)0535 – C7-0310/2012 – 2011/0281(COD) – 2013/2529(RSP))

The European Parliament,

- having regard to the proposal of the Committee on Agriculture and Rural Development,
- having regard to Rules 70(2) and 70a of its Rules of Procedure,

whereas the financial envelope specified in the legislative proposal is 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,

decides to open interinstitutional negotiations on the basis of the following mandate:

MANDATE

Amendment 1

**Proposal for a regulation
Citation 3 a (new)**

Text proposed by the Commission

Amendment

Having regard to the opinion of the Court of Auditors¹,

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

Amendment 2

Proposal for a regulation

Citation 4 a (new)

Text proposed by the Commission

Amendment

Having regard to the opinion of the Committee of the Regions¹,

¹ ***OJ C 225, 27.7.2012.***

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 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.

(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 (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, including by ensuring that non-essential elements of measures may be adopted by the Commission by way of delegated acts. **Moreover, the reform shall continue in**

the direction of previous reforms towards greater competitiveness and market orientation.

Amendment 4

Proposal for a regulation Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) The implementation of this Regulation should be consistent with the development cooperation objectives of the Union's Policy Framework for Food Security (COM (2010) 127) with specific regard to ensure that CAP measures do not jeopardise the food production capacity and long term food security in developing countries and the ability of their populations to feed themselves, while complying with the objectives of the Union's development cooperation policy under Article 208 of the Treaty on the Functioning of the European Union.

Amendment 5

Proposal for a regulation Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) One key aim of the common agricultural policy should be to guarantee food security and food sovereignty in the Member States, implying a need, as regards production, for regulation and distribution systems that allow countries and regions to develop their production in a manner that enables them, as far as possible, to meet their needs. In addition, it is of vital importance to redress the balance of power within the food production chain in favour of producers.

Amendment 6

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) 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.

Amendment

(2) In order to ensure the proper functioning of the regime established by this Regulation, the power to adopt delegated acts in accordance with Article 290 of the Treaty 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.

Amendment 7

Proposal for a regulation

Recital 3

Text proposed by the Commission

(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 basis.

Amendment

deleted

Amendment 8

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.

Amendment 9

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Account should be taken of the objectives set out by the European Commission for the future Common Agricultural Policy in the area of the sustainable management of natural resources, food security, agricultural activity across Europe, balanced regional development, the competitiveness of European farming and the simplification of the CAP.

Amendment 10

Proposal for a regulation

Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) It is especially important for farmers that the administrative rules for implementing the Common Agricultural Policy are simplified , without this resulting in an excessive standardisation of the criteria that fails to take specific local and regional features into account.

Amendment 11

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 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.

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 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.

Amendment 12

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

Amendment 13

Proposal for a regulation

Recital 12 a (new)

(12a) As an emergency measure, public intervention on the market should be pursued only with the aim of stabilising extreme price volatility due to temporary excess demand on the European market. It should not be used to stabilise structural excess production.

Amendment 14

Proposal for a regulation

Recital 13

Text proposed by the Commission

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). ***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.

(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, ***whether wholly or in part***, use ex-ante established price indications.

Amendment 15

Proposal for a regulation

Recital 14

Text proposed by the Commission

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

(14) As appropriate to each sector concerned in the light of the practice and experience under previous CMOs, the system of ***public*** intervention should be

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.

available, *whenever there is a manifest need*, and open, either on a permanent basis or depending on market prices.

Amendment 16

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) This Regulation should provide for the possibility of disposal of products bought in public intervention. Such measures should be taken in a way that avoids market disturbances *and that* ensures equal access to goods and equal treatment of purchasers.

Amendment

(16) This Regulation should provide for the possibility of disposal of products bought in public intervention. Such measures should be taken in a way that avoids market disturbances, ensures equal access to goods and equal treatment of purchasers *and enables produce to be made available for the scheme for food distribution to the most deprived in the Union.*

Amendment 17

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.

Amendment 18

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. It should

therefore be triggered not only by 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.

Amendment 19

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.

Amendment 20

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. Through that instrument, recognised associations of producer organisations of an appropriate market size should have the option of withdrawing a product during the

marketing year.

Amendment 21

Proposal for a regulation Recital 23 b (new)

Text proposed by the Commission

Amendment

(23b) To prevent this instrument having effects contrary to the objectives of the CAP or impairing the smooth operation of the internal market, the power to adopt acts in accordance with Article 290 of the Treaty, should be delegated to the Commission in respect of establishing rules on the operation and activation of the instrument. Furthermore, in order 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.

Amendment 22

Proposal for a regulation Recital 25

Text proposed by the Commission

Amendment

(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.

(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 should also contribute to achieving the aims of the CAP, including raising farm incomes, stabilising markets and securing supply,**

both now and in the future.

Amendment 23

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 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.

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 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.

Amendment 24

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***,

Amendment

(27) In order to ***ensure that the scheme 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 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 ***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***

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*** publicise the subsidising role of the ***scheme***.

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

Amendment 25

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 the effectiveness of the scheme in achieving the objectives set for it***, 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 are to 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 scheme and draw attention to*** the subsidising role of the ***Union***.

Amendment 26

Proposal for a regulation Recital 28 a (new)

Text proposed by the Commission

Amendment

(28a) The Commission should consider proposing, schemes designed to promote the consumption of products other than fruit and vegetables and dairy products in schools.

Amendment 27

Proposal for a regulation

Recital 29

Text proposed by the Commission

Amendment

(29) The aid scheme for hop producer organisations is only used in one Member State. In order to create flexibility and to harmonise the approach in this sector with the other sectors, the aid scheme should be discontinued, with the possibility to support the producer organisations under rural development measures.

deleted

Amendment 28

Proposal for a regulation

Recital 31

Text proposed by the Commission

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, 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

(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 ***producer*** organisations ***or interbranch 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 ***producer*** organisations ***or interbranch 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

Union financing; and the selection and approval of work programmes and concerning requiring the lodging of a security.

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 29

Proposal for a regulation Recital 32

Text proposed by the Commission

(32) This Regulation distinguishes between fruit and vegetables, which include fruit and vegetables for marketing and fruit and vegetables intended for processing, on the one hand, and processed fruit and vegetables, on the other hand. ***Rules on producer organisations, operational programmes and Union financial assistance only apply to fruit and vegetables and fruit and vegetables solely intended for processing.***

Amendment

(32) This Regulation distinguishes between fruit and vegetables, which include fruit and vegetables for marketing ***as fresh produce*** and fruit and vegetables intended for processing, on the one hand, and processed fruit and vegetables, on the other hand.

Amendment 30

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 of an appropriate market size. 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.

Amendment 31

Proposal for a regulation Recital 35

Text proposed by the Commission

(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.

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 ***for their establishment*** in the fruit and vegetables sector should be discontinued. ***This support should not distort the level playing field for farmers and their producer organisations on the internal market.***

Amendment 32

**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 the Union and*** 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.

Amendment 33

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

Amendment

deleted

Amendment 34

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

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

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 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.

administrative burden and provisions for the voluntary certification 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.

Amendment 35

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 *increasing incidence of certain types of hive invasions, and in particular of the spread of* varroasis in several Member States in recent years and the problems which that disease causes to honey production, *coordinated* action by the Union *as part of European veterinary policy* 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 *bee health and* 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 36

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 37

Proposal for a regulation

Recital 48 a (new)

Text proposed by the Commission

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.

(48a) One key measure eligible for national support programmes should be the promotion and marketing of Union agricultural products in the Union and in third countries.

Amendment 38

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 law and the smooth functioning 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.***

Amendment 39

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 Treaties.

Amendment 40

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 henceforth be governed by this Regulation.

Amendment 41

Proposal for a regulation

Recital 54

Text proposed by the Commission

Amendment

(54) Taking into account the interest of consumers to receive adequate and transparent product information, it should be possible to determine the place of farming, on a case by case approach at the appropriate geographical level, while taking into account the specificities of some sectors, in particular concerning processed agricultural products.

(54) Taking into account the interest of consumers to receive adequate and transparent product information, it should be possible to determine the place of farming, on a case by case approach at the appropriate geographical level, ***without forgetting that incomplete and incorrect information can affect the economic and productive fabric of the area concerned,*** while taking into account the ***regional*** specificities of some sectors, in particular concerning processed agricultural products.

Amendment 42

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, *to be adopted in accordance with the ordinary legislative procedure laid down in Article 43(2) of the Treaty, which define the conditions under which imported products are to be considered to provide an equivalent level of compliance with the Union requirements concerning marketing standards and which allow for measures derogating from the rules requiring that products are to be marketed in the Union only in accordance with such standards. It is also appropriate to determine the rules relating to the application of the marketing standards applicable to the products exported from the Union.*

Amendment 43

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 to adopt *detailed rules concerning the general marketing standard, and to* modify and derogate from requirements related to the general marketing standard, and rules concerning the conformity to it.

Amendment 44

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 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.***

Amendment 45

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

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.

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.

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.

Amendment 46

Proposal for a regulation

Recital 70

Text proposed by the Commission

(70) In order to ensure adequate protection and that economic operators and competent authorities are not prejudiced by the application of this Regulation as regards wine names which have been granted protection prior to 1 August 2009, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of adoption restrictions regarding the protected name and in respect of transitional provisions concerning: wine names recognised by Member States as designations of origin or geographical indications by 1 August 2009; preliminary national procedure; wines placed on the market or labelled

Amendment

deleted

before a specific date; and amendments to the product specifications.

Amendment 47

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 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.

Amendment 48

Proposal for a regulation

Recital 77

Text proposed by the Commission

(77) It is appropriate to determine certain oenological practices and restrictions for the production of wine, in particular as

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 *of exports* and presentation.

Amendment

(77) It is appropriate to determine certain oenological practices and restrictions for the production of wine, in particular as

regards coupage and the use of certain types of grape must, grape juice and fresh grapes originating in third countries. In order to meet the international standards, ***for further oenological practices***, the Commission should as a general rule base itself on the oenological practices recommended by the International Organisation of Vine and Wine (OIV).

regards coupage and the use of certain types of grape must, grape juice and fresh grapes originating in third countries. In order to meet the international standards, the Commission should as a general rule base itself on the oenological practices recommended by the International Organisation of Vine and Wine (OIV), ***when making proposals*** on further oenological practices.

Amendment 49

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.

Amendment 50

Proposal for a regulation Recital 83

Text proposed by the Commission

Amendment

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

(83) ***In the sugar sector*** specific instruments ***are*** needed 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.

Amendment 51

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.

Amendment 52

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 that have been undertaken since then, the present quota system should be extended until the end of the 2019-2020 marketing year. In this context, the Commission should be allowed to allocate production quotas to Member States who renounced their entire quota in 2006.

Amendment 53

Proposal for a regulation Recital 84 b (new)

Text proposed by the Commission

Amendment

(84b) The considerable and recurrent tensions observed on the European sugar market call for a mechanism that, for as long as necessary, releases non-quota sugar onto the internal market applying the same conditions as for quota sugar.

This mechanism should, at the same time, permit additional imports at zero duty in order to ensure sufficient raw materials are available on the Union sugar market and to preserve the structural balance of this market.

Amendment 54

Proposal for a regulation Recital 84 c (new)

Text proposed by the Commission

Amendment

(84c) In view of the definitive abolition of the quota system in 2020, the Commission should submit before 1 July 2018 a report to Parliament and the Council on the appropriate procedures for ending the current quota arrangements and on the future of the sector after the abolition of quotas in 2020, accompanied by any necessary proposals to prepare the entire sector for the period after 2020. Before 31 December 2014, the Commission should also submit a report on the functioning of the supply chain in the Union sugar sector.

Amendment 55

Proposal for a regulation Recital 85

Text proposed by the Commission

Amendment

(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*

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

sectors.

power.

Amendment 56

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.

Amendment 57

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 accordance with this Regulation for all sectors. In particular, it is essential that the recognition criteria and rules of association of producers' organisations drawn up under Community rules ensure that such bodies are set up on the initiative of farmers, who democratically define the organisations' general policy and take the decisions on their internal running.

Amendment 58

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

(87) Provision should be made for the possibility of adopting certain measures to facilitate the adjustment of supply to

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 community concerned.

market requirements which may contribute to stabilising the markets and to ensuring a fair standard of living for the agricultural community concerned.

Amendment 59

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, 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 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 60

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

Amendment

deleted

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 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.

Amendment 61

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 case of the dairy chain, and to 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.

Amendment 62

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 should be allowed, within their own systems of contract law, 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 of 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 is to be covered by a written contract between the parties, that 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.

Amendment 63

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

deleted

appropriate quantitative limits.

Amendment 64

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 a fair standard of living for farmers, their bargaining power with respect to prospective purchasers should be strengthened, resulting in a fairer distribution of value added along the supply chain. In order to achieve these common agricultural policy objectives, a provision should be adopted pursuant to Articles 42 and, in accordance with the ordinary legislative procedure laid down in Article 43(2) of the Treaty, that allows producer organisations consisting solely of farmers or their associations to negotiate the terms of any contracts , including prices, jointly for some or all of its members' production with a purchaser so as to prevent purchasers imposing prices that are lower than the costs of production. 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, existing producer organisations recognised under national law should become eligible for de facto recognition under this Regulation.

Amendment 65

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 a 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.

Amendment 66

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.

Amendment 67

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 to ensure a ‘soft landing’ for the milk and milk products sector. Regulation (EU) No 261/2012¹ on contractual relations in the milk and milk products sector represents a first step in that direction, and 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.

¹ OJ L 94, 30.3.12, p. 38.

Amendment 68

Proposal for a regulation Recital 93

Text proposed by the Commission

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

(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 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.

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, 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.***

Amendment 69

Proposal for a regulation Recital 94

Text proposed by the Commission

(94) A single market involves a trading system at the external borders of the Union. That trading system should include import duties and export refunds and should, in principle, stabilise the Union market. The trading system should be based on the undertakings accepted under the Uruguay Round of multilateral trade negotiations and in bilateral agreements.

Amendment

(94) A single market involves a trading system at the external borders of the Union. That trading system should include import duties and export refunds and should, in principle, stabilise the Union market, ***without disrupting the markets of developing countries***. The trading system should be based on the undertakings accepted under the Uruguay Round of multilateral trade negotiations and in bilateral agreements.

Amendment 70

**Proposal for a regulation
Recital 94 a (new)**

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, health, plant health, the environment and animal welfare; in addition, it should be carried out so as to ensure strict compliance with the mechanisms for entry prices, specific additional duties and compensatory levies.

Amendment 71

**Proposal for a regulation
Recital 96**

Text proposed by the Commission

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 ***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

(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 modify and supplement*** the list of the products of sectors subject to the presentation of an import or export licence; and the cases and

the presentation of an import or export licence is not required.

situations where the presentation of an import or export licence is not required.

Amendment 72

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 should under no circumstances be carried out using a deductive method which would reduce or prevent the imposition of specific additional duties.***

Amendment 73

Proposal for a regulation Recital 103 a (new)

Text proposed by the Commission

Amendment

(103a) In order to facilitate the development and growth of the bio-based economy, and to prevent adverse effects on the Union market for bio-based industrial products that might otherwise arise, measures should be taken to ensure that producers of bio-based industrial products have access to secure supplies of agricultural raw materials at globally competitive prices. Where agricultural raw materials are imported into the Union free of import tariffs for use in the production of bio-based industrial products, measures should be taken to ensure that the raw materials are used for the declared purpose.

Amendment 74

Proposal for a regulation
Recital 105

Text proposed by the Commission

(105) The customs duty system makes it possible to dispense with all other protective measures at the external borders of the Union. The internal market and duty mechanism could, in exceptional circumstances, prove to be inadequate. In such cases, in order not to leave the Union market without defence against disturbances that might ensue, the Union should be able to take all necessary measures without delay. Such measures should comply with the international commitments of the Union.

Amendment

(105) The customs duty system makes it possible to dispense with all other protective measures at the external borders of the Union. The internal market and duty mechanism could, in exceptional circumstances, prove to be inadequate. In such cases, in order not to leave the Union market without defence against disturbances that might ensue, the Union should be able to take all necessary measures without delay. Such measures should comply with the international commitments of the Union ***and with its development cooperation policy.***

Amendment 75

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) 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 ***be retained as a crisis management instrument for*** certain products falling within ***the scope of*** this Regulation, ***until the future of this instrument has been decided within the framework of the WTO, on the basis of reciprocity. The budget heading for export refunds should, therefore, provisionally be set at zero. When used, export refunds*** should be subject to limits in terms of value and quantity ***and should not jeopardise the development of agricultural sectors and economies in developing countries.***

Amendment 76

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 therein.

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.

Amendment 77

Proposal for a regulation

Recital 121 a (new)

Text proposed by the Commission

Amendment

(121a) More account should be taken of the specific characteristics of the agricultural sector in implementing Union 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.

Amendment 78

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 actions by the various national competition authorities . To this end the Commission should publish guidelines and good

practice guides to assist the various national competition authorities, as well as undertakings of the agricultural and agri-food sector.

Amendment 79

Proposal for a regulation Recital 122

Text proposed by the Commission

(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.***

Amendment

(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 achieving 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 Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty¹ should apply, and, in all proceedings brought for exclusion of competition, the burden of proof should lie with the party or authority alleging the infringement.***

¹ OJ L 1, 4.1.2003, p. 1. With effect from 1 December 2009, Articles 81 and 82 of the EC Treaty have become Articles 101 and 102, respectively, of the Treaty.

Amendment 80

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.

Amendment 81

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.

Amendment 82

Proposal for a regulation

Recital 131 a (new)

Text proposed by the Commission

Amendment

(131a) Data collected by the Farm Accountancy Data Network should be taken into consideration when formulating studies and research with the aim of preventing crises in the various

agricultural sectors, given that they reflect the performance of farms. These data should serve as a useful tool for crisis prevention and management.

Amendment 83

Proposal for a regulation Recital 133

Text proposed by the Commission

(133) In order to react efficiently and effectively against **threats of** market disturbance caused by significant price rises or falls on internal or external markets or any other factors affecting the market, the 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 for the sector concerned including, where necessary, measure to extend or modify the scope, duration or other aspects of other measures provided for under this Regulation, or suspend import duties in whole or in part including for certain quantities and/or periods.

Amendment

(133) In order to react efficiently and effectively against market disturbance caused by significant price rises or falls on internal or external markets **or a substantial rise in production costs** or any other factors affecting the market, **where that situation is likely to continue or deteriorate**, 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 for the sector concerned including, where necessary, measure to extend or modify the scope, duration or other aspects of other measures provided for under this Regulation, or suspend import duties in whole or in part including for certain quantities and/or periods.

Amendment 84

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

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.

order to ensure a harmonised, streamlined and simplified approach, the Commission should 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 ‘that personal data are not to be further processed in a way that is incompatible with the original purpose of their collection’, as the European Data Protection Supervisor pointed out in his opinion of 14 December 2011¹.*

¹ OJ C 35, 9.2.2012, p. 1.

Amendment 85

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

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 data¹ 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 data² are applicable.

¹ OJ L 281, 23.11.1995, p. 31.

² OJ L 8, 12.01.2001, p. 1.

Amendment 86

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.

Amendment 87

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 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.*

Amendment

(140) The urgency procedure should be *used* in order to react efficiently and effectively against *certain* market disturbances *and against pests, animal and plant diseases, loss of consumer confidence due to public, animal or plant health risks, or in order to resolve specific problems.*

Amendment 88

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

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, ***and resolving specific problems in an emergency, if such immediate action is needed to deal with the problems.***

processing or inward or outward processing arrangements, if necessary to react immediately to the market situation.

Amendment 89

Proposal for a regulation Recital 143 a

Text proposed by the Commission

Amendment

(143a) Safeguard measures should be adopted, particularly where agricultural products imported from third countries do not guarantee food security or food traceability and do not comply with all the health, environmental and animal welfare conditions laid down for the internal market, where crises arise for markets or where shortcomings are identified with regard to the conditions stated in import certificates concerning prices, quantities or the calendar. This monitoring of compliance with the conditions laid down for imports of agricultural products should be performed by means of an integrated system for monitoring imports into the Union in real time.

Amendment 90

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

deleted

the end of the schemes concerned.

Amendment 91

Proposal for a regulation

Recital 147

Text proposed by the Commission

(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.

Amendment

deleted

Amendment 92

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,

Amendment 93

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 Union will have a huge impact on the environment within which European agriculture is developing. The Commission should, therefore, present a report to the European Parliament and to the Council, no later than four years after the entry into force of this Regulation, on market trends and on 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, examine the possibility of establishing strategic stocks. The report should be accompanied by any suitable proposals on establishing a long-term strategy for the Union with a view to attaining the objectives laid down in Article 39 of the Treaty.

Amendment 94

Proposal for a regulation Article 1 – paragraph 2

Text proposed by the Commission

Amendment

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

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

Amendment 95

Proposal for a regulation

Article 1 – paragraph 2 – point j

Text proposed by the Commission

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

Amendment

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

Amendment 96

Proposal for a regulation

Article 1 – paragraph 2 – point m

Text proposed by the Commission

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

Amendment

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

Amendment 97

Proposal for a regulation

Article 1 – paragraph 2 – point u

Text proposed by the Commission

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

Amendment

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

Amendment 98

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;

Amendment 99

Proposal for a regulation

Article 3 – paragraph 3

Text proposed by the Commission

3. Taking into account the specificities of the rice sector, the Commission shall be

Amendment

deleted

empowered to adopt delegated acts in accordance with Article 160 to update the definitions concerning the rice sector set out in Part I of Annex II.

Amendment 100

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.

Amendment 101

Proposal for a regulation

Article 3 – point 4 b (new)

Text proposed by the Commission

Amendment

4b. For the purposes of this Regulation, ‘advanced systems of sustainable production’, ‘advanced methods of sustainable production’ and ‘advanced measures for sustainable production’ shall mean agricultural practices which go beyond the cross-compliance requirements provided for in Title VI of Regulation (EU) No [...] (horizontal regulation on the CAP) and are continuously evolving to improve the management of natural nutrients, the water cycle and energy flows so as to reduce damage to the environment and wastage of non-renewable resources and to maintain crops, livestock and natural

diversity at a high level in production systems.

Amendment 102

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.

Amendment 103

Proposal for a regulation Article 6 – point a

Text proposed by the Commission

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

Amendment

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

Amendment 104

Proposal for a regulation Article 6 – paragraph 2

Text proposed by the Commission

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.

Amendment

deleted

Amendment 105

Proposal for a regulation
Article 7

Text proposed by the Commission

Article 7

Reference prices

The following reference prices are fixed:

- (a) as regards the cereals sector, EUR 101,31/tonne, related to the wholesale stage for goods delivered to the warehouse, before unloading;
- (b) as regards paddy rice, EUR 150/tonne for the standard quality as defined in point A of Annex III, related to the wholesale stage for goods delivered to the warehouse, before unloading;
- (c) as regards sugar of standard quality as defined in point B of Annex III, related to unpacked sugar, ex-factory:
 - (i) for white sugar: EUR 404,4/tonne;
 - (ii) for raw sugar: EUR 335,2/tonne.
- (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);
- (e) as regards the milk and milk products sector:
 - (i) EUR 246,39 per 100 kg for butter;
 - (ii) EUR 169,80 per 100 kg for skimmed milk powder;
- (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:
 - (i) carcasses weighing from 60 to less than

Amendment

Article 7

Reference prices

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:

- (a) as regards the cereals sector, EUR 101,31/tonne, related to the wholesale stage for goods delivered to the warehouse, before unloading;
- (b) as regards paddy rice, EUR 150/tonne for the standard quality as defined in point A of Annex III, related to the wholesale stage for goods delivered to the warehouse, before unloading;
- (c) as regards sugar of standard quality as defined in point B of Annex III, related to unpacked sugar, ex-factory:
 - (i) for white sugar: EUR 404,4/tonne;
 - (ii) for raw sugar: EUR 335,2/tonne.
- (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;
- (e) as regards the milk and milk products sector:
 - (i) EUR 246,39 per 100 kg for butter;
 - (ii) EUR 169,80 per 100 kg for skimmed milk powder;
- (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:
 - (i) carcasses weighing from 60 to less than

120 kg: grade E;

(ii) carcasses weighing from 120 to 180 kg: grade R.

120 kg: grade E;

(ii) carcasses weighing from 120 to 180 kg: grade R.

(fa) as regards the olive oil sector:

(i) EUR 2388/tonne for extra virgin olive oil;

(ii) EUR 2295/tonne for virgin olive oil;

(iii) EUR 1524/tonne for lampante olive oil with 2 degrees of free acidity, this amount being reduced by EUR 36.70/tonne for each additional degree of acidity.

1a. The reference prices shall be reviewed, at regular intervals, on the basis of objective criteria, notably the developments in production, production costs, particularly the costs of inputs, and market trends. When necessary, the reference prices shall be updated in accordance with the ordinary legislative procedure laid down in Article 43(2) of the Treaty.

The intervals for review may differ among the product categories and shall take into account the volatility pattern of each product category.

Amendment 106

Proposal for a regulation Article 9

Text proposed by the Commission

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.

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 *are animal products, the entire production process shall have been carried out* in the Union.

Amendment 107

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. That 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.

Amendment 108

Proposal for a regulation
Article 10

Text proposed by the Commission

Amendment

Article 10

Article 10

Products eligible for public intervention

Products eligible for public intervention

Public intervention shall apply in respect of the following products ***subject to*** the

Public intervention shall apply in respect of the following products ***in accordance with***

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:

- (a) common wheat, barley and maize;
- (b) paddy rice;
- (c) fresh or chilled meat of the beef and veal sector falling within CN codes 0201 10 00 and 0201 20 20 to 0201 20 50;
- (d) butter produced directly and exclusively from pasteurised cream obtained directly and exclusively from cow's milk in an approved undertaking in the Union of a minimum butterfat content, by weight, of 82 % and a maximum water content, by weight, of 16 %;
- (e) skimmed milk powder of top quality made from cow's milk in an approved undertaking in the Union by the spray process, with a minimum protein-content of 34,0 % by weight of the fat free dry matter.

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:

- (a) common wheat, ***durum wheat, sorghum***, barley and maize ;
- (b) paddy rice;
- (c) fresh or chilled meat of the beef and veal sector falling within CN codes 0201 10 00 and 0201 20 20 to 0201 20 50;
- (d) butter produced directly and exclusively from pasteurised cream obtained directly and exclusively from cow's milk in an approved undertaking in the Union of a minimum butterfat content, by weight, of 82 % and a maximum water content, by weight, of 16 %;
- (e) skimmed milk powder of top quality made from cow's milk in an approved undertaking in the Union by the spray process, with a minimum protein-content of 34,0 % by weight of the fat free dry matter.

Amendment 110

Proposal for a regulation Article 11

Text proposed by the Commission

Article 11

Public intervention ***period***

Public intervention shall be available for:

- (a) common wheat, barley and maize, from 1 November to 31 May;***
- (b) paddy rice, from 1 April to 31 July;***
- (c) beef and veal, throughout the marketing year;***
- (d) butter and skimmed milk powder, from 1 March to 31 August;***

Amendment

Article 11

Public intervention ***periods***

Public intervention shall be available for ***the products listed in Article 10 throughout the year.***

Amendment 111

Proposal for a regulation

Article 12

Text proposed by the Commission

Article 12

Opening and closing of public intervention

1. During the periods referred to in Article 11, public intervention:

(a) shall be open for common wheat, butter and skimmed milk powder;

(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);

(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**.

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 paragraph 1 are no longer fulfilled.

Amendment

Article 12

Opening and closing of public intervention

1. Public intervention:

(a) shall be open for common wheat, butter and skimmed milk powder;

(b) **shall** be opened by the Commission, by means of implementing acts, for ***durum wheat, sorghum, barley, maize***, 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);

(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)***.

2. The Commission **shall**, 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 conditions provided for in point (c) of paragraph 1 are no longer fulfilled.

Amendment 112

Proposal for a regulation

Article 13

Text proposed by the Commission

Article 13

Buying-in at a fixed price or tendering

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:

- (a) for common wheat, 3 million tonnes;
- (b) for butter, **30 000** tonnes;
- (c) for skimmed milk powder, 109 000 tonnes.

2. Where public intervention is open pursuant to Article 12(1), buying-in shall be carried out by way of a tendering procedure to determine the maximum buying-in price:

- (a) for common wheat, butter and skimmed milk powder beyond the limits referred to in paragraph 1,
- (b) for barley, maize, paddy rice and beef and veal.

In special and duly justified circumstances, the Commission may, by means of implementing acts, restrict tendering procedures to a Member State or region of a Member State, or, subject to Article 14(2), determine the buying-in prices for public intervention per Member State or region of a Member State on the basis of recorded average market prices. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).

Amendment 113

Amendment

Article 13

Buying-in at a fixed price or tendering

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:

- (a) for common wheat, 3 million tonnes;
- (b) for butter, **70 000** tonnes;
- (c) for skimmed milk powder, 109 000 tonnes.

2. Where public intervention is open pursuant to Article 12(1), buying-in shall be carried out by way of a tendering procedure to determine the maximum buying-in price:

- (a) for common wheat, butter and skimmed milk powder beyond the limits referred to in paragraph 1,
- (b) for **durum wheat, sorghum**, barley, maize, paddy rice and beef and veal.

In special and duly justified circumstances, the Commission may, by means of implementing acts, restrict tendering procedures to a Member State or region of a Member State, or, subject to Article 14(2), determine the buying-in prices for public intervention per Member State or region of a Member State on the basis of recorded average market prices. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).

Proposal for a regulation
Article 14

Text proposed by the Commission

Article 14

Public intervention prices

1. Public intervention price shall mean:
 - (a) the price at which products shall be bought-in under public intervention where this is done at a fixed price, or
 - (b) the maximum price at which products eligible for public intervention may be bought-in where this is done by tendering.
2. The level of the public intervention price:
 - (a) for common wheat, barley, maize, paddy rice and skimmed milk powder shall be equal to the respective reference prices fixed in Article 7 in the case of buying-in at a fixed price and shall not exceed the respective reference prices in the case of buying-in by tendering;
 - (b) for butter shall be equal to 90 % of the reference price fixed in Article 7 in the case of buying-in at a fixed price and shall not exceed 90 % of the reference price in the case of buying-in by tendering;
 - (c) for beef and veal, shall not exceed the price *referred to* in point (c) of **Article 12(1)**.
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 114

Amendment

Article 14

Public intervention prices

1. Public intervention price shall mean:
 - (a) the price at which products shall be bought-in under public intervention where this is done at a fixed price, or
 - (b) the maximum price at which products eligible for public intervention may be bought-in where this is done by tendering.
2. The level of the public intervention price:
 - (a) for common wheat, ***durum wheat, sorghum***, barley, maize, paddy rice and skimmed milk powder shall be equal to the respective reference prices fixed in Article 7 in the case of buying-in at a fixed price and shall not exceed the respective reference prices in the case of buying-in by tendering;
 - (b) for butter shall be equal to 90 % of the reference price fixed in Article 7 in the case of buying-in at a fixed price and shall not exceed 90 % of the reference price in the case of buying-in by tendering;
 - (c) for beef and veal, shall not exceed **90 % of the reference** price ***stated*** in point (d) of **Article 7(1)**.
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, ***durum wheat, sorghum***, barley, maize and paddy rice.

Proposal for a regulation

Article 15

Text proposed by the Commission

Article 15

General principles on disposal from public intervention

Disposal of products bought in under public intervention shall take place in such a way as to:

- (a) avoid any disturbance of the market,
- (b) ensure equal access to goods and equal treatment of purchasers and
- (c) be in compliance with the commitments resulting from agreements concluded in accordance with Article 218 of the Treaty.

Products may be disposed of by making them available for the scheme for food distribution to the most deprived in the Union set out in Regulation (EU) No [...] ***if that scheme so provides.*** In that case, the accounting value of such products shall be at the level of the relevant fixed public intervention price referred to in Article 14(2).

Amendment

Article 15

General principles on disposal from public intervention

1. Disposal of products bought in under public intervention shall take place in such a way as to:

- (a) avoid any disturbance of the market,
- (b) ensure equal access to goods and equal treatment of purchasers and
- (c) be in compliance with the commitments resulting from agreements concluded in accordance with Article 218 of the Treaty.

2. Products may be disposed of by making them available for the scheme for food distribution to the most deprived in the Union set out in Regulation (EU) No [...] In that case, the accounting value of such products shall be at the level of the relevant fixed public intervention price referred to in Article 14(2).

2a. Each year the Commission shall publish details of the conditions under which the public intervention stocks were sold the previous year.

Amendment 115

Proposal for a regulation

Article 16 – paragraph 1

Text proposed by the Commission

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*:

Amendment

Aid for private storage may 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*:

Amendment 116

Proposal for a regulation Article 16 – point b

Text proposed by the Commission

(b) olive oil;

Amendment

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

Amendment 117

Proposal for a regulation Article 16 – point e a (new)

Text proposed by the Commission

Amendment

(ea) cheeses.

Amendment 118

Proposal for a regulation Article 17

Text proposed by the Commission

Amendment

Article 17

Article 17

Conditions for granting aid

Conditions for granting aid

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 **may** 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 **and production costs** for the products concerned **and/or**

(b) the need to respond **in a timely way** to a particularly difficult market situation or economic developments, **either or both of which have a significant impact on producers' profit margins** in the sector in

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).

3. The Commission shall, by means of implementing acts fix the aid for private storage provided for in Article 16 in advance or by means of tendering procedures. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).

4. The Commission may, by means of implementing acts, restrict the granting of private storage aid or fix the private storage aid per Member State or region of a Member State on the basis of recorded average market prices. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).

one or more Member States *and/or*

(ba) the particular nature of certain sectors or the seasonal nature of production in certain Member States.

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).

3. The Commission shall, by means of implementing acts fix the aid for private storage provided for in Article 16 in advance or by means of tendering procedures. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).

4. The Commission may, by means of implementing acts, restrict the granting of private storage aid or fix the private storage aid per Member State or region of a Member State on the basis of recorded average market prices *and the applicants' profit margins*. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).

Amendment 119

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 shall be empowered to adopt delegated acts, in accordance with Article 160, to ensure that the way in which the system operates is consistent with the objectives of the CAP and does not impede the smooth functioning of the internal market.

Amendment 120

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**

Amendment 121

Proposal for a regulation

Article 18

Text proposed by the Commission

Article 18

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 9 of this Article.
2. Taking into account the specificities of the different sectors, the Commission may, by means of delegated acts, adopt the requirements and conditions to be met by products bought-in under public intervention and stored under the system of granting an aid for private storage, in addition to the requirements laid down in this Regulation. Those requirements and conditions shall aim at guaranteeing the eligibility and quality of the products bought-in and stored, with respect to quality groups, quality grades, categories, quantities, packaging, labelling, maximum ages, preservation, the stage of the products to which the public intervention price and the aid for private storage applies.
3. Taking into account the specificities of the cereals and paddy rice sectors, the

Amendment

Article 18

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 9 of this Article.
2. Taking into account the specificities of the different sectors, the Commission may, by means of delegated acts, adopt the requirements and conditions to be met by products bought-in under public intervention and stored under the system of granting an aid for private storage, in addition to the requirements laid down in this Regulation. Those requirements and conditions shall aim at guaranteeing the eligibility and quality of the products bought-in and stored, with respect to quality groups, quality grades, categories, quantities, packaging, labelling, maximum ages, preservation, the stage of the products to which the public intervention price and the aid for private storage applies.
3. Taking into account the specificities of the cereals and paddy rice sectors, the

Commission may, by means of delegated acts, adopt the price increases or reductions for quality reasons referred to in Article 14(3) as regards both buying-in and sales of common wheat, barley, maize and paddy rice.

4. Taking into account the specificities of the beef and veal sector, the Commission may, by means of delegated acts, adopt rules concerning the obligation for the paying agencies to have all the beef boned after the take-over and prior to the placing into storage.

5. Taking into account the diversity of situations relating to the storage of intervention stocks in the Union and ensuring adequate access to public intervention for operators, the Commission shall, by means of delegated acts, adopt:

(a) the requirements to be met by intervention storage places for the products to be bought-in under the system, rules on minimum storage capacity for the storage places and technical requirements for keeping products taken-over in good condition and for their disposal at the end of the storage period;

(b) rules on sale of small quantities remaining in storage in the Member States, to be carried out under their responsibility, by applying the same procedures as those applied by the Union; and rules for direct sale of quantities which may no longer be repackaged or are deteriorated;

(c) rules on storage of products inside and outside the Member State responsible for them and for treatment of such products as regards customs duties and any other amounts to be granted or levied under the

Commission may, by means of delegated acts, adopt the price increases or reductions for quality reasons referred to in Article 14(3) as regards both buying-in and sales of common wheat, *durum wheat, sorghum*, barley, maize and paddy rice.

3a. Taking into account the particular seasonal and/or the specific nature of certain farms in some Member States or regions, the Commission shall be empowered to adopt delegated acts, setting different objective conditions and governing factors that justify the triggering of private storage.

4. Taking into account the specificities of the beef and veal sector, the Commission may, by means of delegated acts, adopt rules concerning the obligation for the paying agencies to have all the beef boned after the take-over and prior to the placing into storage.

5. Taking into account the diversity of situations relating to the storage of intervention stocks in the Union and ensuring adequate access to public intervention for operators, the Commission shall, by means of delegated acts, adopt:

(a) the requirements to be met by intervention storage places for the products to be bought-in under the system, rules on minimum storage capacity for the storage places and technical requirements for keeping products taken-over in good condition and for their disposal at the end of the storage period;

(b) rules on sale of small quantities remaining in storage in the Member States, to be carried out under their responsibility, by applying the same procedures as those applied by the Union; and rules for direct sale of quantities which may no longer be repackaged or are deteriorated;

(c) rules on storage of products inside and outside the Member State responsible for them and for treatment of such products as regards customs duties and any other amounts to be granted or levied under the

CAP.

6. Taking into account the need to ensure that aid for private storage has the desired effect on the market, the Commission, by means of delegated acts:

(a) shall adopt measures for reducing the amount of aid to be paid where the quantity stored is lower than the contracted quantity;

(b) may lay down conditions for granting of an advance payment.

7. Taking into account the rights and obligations of operators participating in public intervention or private storage, the Commission may, by means of delegated acts, adopt rules on:

(a) the use of tendering procedures guaranteeing equal access to goods and equal treatment of operators;

(b) eligibility of operators;

(c) the obligation to lodge a security guaranteeing the execution of operators' obligations.

CAP.

(ca) the conditions according to which it may be decided that products covered by private storage contracts may be re-marketed or disposed of;

6. Taking into account the need to ensure that aid for private storage has the desired effect on the market, the Commission, by means of delegated acts:

(a) shall adopt measures for reducing the amount of aid to be paid where the quantity stored is lower than the contracted quantity;

(b) may lay down conditions for granting of an advance payment.

7. Taking into account the rights and obligations of operators participating in public intervention or private storage, the Commission may, by means of delegated acts, adopt rules on:

(a) the use of tendering procedures guaranteeing equal access to goods and equal treatment of operators;

(b) eligibility of operators;

(c) the obligation to lodge a security guaranteeing the execution of operators' obligations.

7a. Taking into account the technical developments and the needs of the sectors, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 adapting and updating the provisions on the classification, identification and presentation of adult bovine carcasses, pig carcasses and sheep carcasses laid down in Annex IIIa.

7b. 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 private storage in the beef and veal, pig-meat and sheep-meat sectors as applicable, the

Commission shall be empowered to adopt delegated acts:

(a) laying down provisions on the classification, grading (including by automated grading techniques), presentation, lean-meat content, identification and weighing and marking of carcasses;

(b) laying down rules on the calculation of average Union prices and the obligations on operators to submit information on beef, pig and sheep carcasses, in particular as regards market and representative prices.

7c. Taking into account the special characteristics existing within the Union, the Commission shall be empowered to adopt delegated acts laying down derogations from the provisions, in particular:

(a) providing for derogations which may be granted by Member States to slaughterhouses in which few bovine animals are slaughtered;

(b) authorising Member States not to make application of the grading scale for pig carcase classification and to use assessment criteria in addition to weight and estimated lean-meat content.

7d. Taking into account the need to ensure that the Union inspection committee fulfils its objectives, the Commission shall be empowered to adopt delegated acts laying down the responsibilities and the composition of that committee.

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:

(a) beef and veal;

(b) pigmeat;

(c) sheepmeat and goatmeat.

9. Taking into account the need to ensure the accuracy and reliability of the classification of carcasses, the Commission may, by means of delegated acts, provide for the review of the application of classification of carcasses in Member States by a Union committee composed of experts from the Commission and experts appointed by the Member States. Those provisions may provide for the Union to bear the costs resulting from the review activity.

Amendment 122

Proposal for a regulation

Article 18 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9a. Given the need to ensure the proper functioning of the system to coordinate temporary withdrawals from the market, the Commission shall be empowered to adopt delegated acts, laying 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 is to 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.

Amendment 123

Proposal for a regulation Article 19

Text proposed by the Commission

Article 19

Implementing powers in accordance with the examination procedure

The Commission shall, by means of implementing acts, adopt necessary measures aiming at reaching a uniform application of this Chapter throughout the Union. Those rules may, in particular, concern the following:

- (a) the representative periods, markets *and* market prices necessary for the application of this Chapter;
- (b) the procedures and conditions for the delivery of the products to be bought-in under public intervention, the transport costs to be borne by the offerer, the taking over of the products by paying agencies and the payment;
- (c) the different operations connected with the boning process for the beef and veal sector;
- (d) any authorisation of storage outside the territory of the Member State where the products have been bought-in and stored;
- (e) the conditions for the sale or disposal of products bought-in under public intervention, in particular, regarding selling prices, the conditions for removal from storage, the subsequent use or destination of products released, including procedures relating to products made available for use in the scheme for food distribution to the most deprived in the Union, including transfers between Member States;
- (f) the conclusion and the content of contracts between the competent authority

Amendment

Article 19

Implementing powers in accordance with the examination procedure

The Commission shall, by means of implementing acts, adopt necessary measures aiming at reaching a uniform application of this Chapter throughout the Union. Those rules may, in particular, concern the following:

- (a) the representative periods, markets, market prices *and profit margin trends* necessary for the application of this Chapter;
- (b) the procedures and conditions for the delivery of the products to be bought-in under public intervention, the transport costs to be borne by the offerer, the taking over of the products by paying agencies and the payment;
- (c) the different operations connected with the boning process for the beef and veal sector;
- (d) any authorisation of storage outside the territory of the Member State where the products have been bought-in and stored;
- (e) the conditions for the sale or disposal of products bought-in under public intervention, in particular, regarding selling prices, the conditions for removal from storage, the subsequent use or destination of products released, including procedures relating to products made available for use in the scheme for food distribution to the most deprived in the Union, including transfers between Member States;
- (f) the conclusion and the content of contracts between the competent authority

of the Member State and the applicants;

(g) the placing and keeping in private storage and removal from storage;

(h) the duration of the private storage period and the conditions according to which such periods, once specified in the contracts, may be curtailed or extended;

(i) the conditions according to which it may be decided that products covered by private storage contracts may be re-marketed or disposed of;

(j) the rules relating to the procedures to be followed for buying-in at a fixed price or for granting the aid for private storage at a fixed price;

(k) the use of tendering procedures, both for public intervention and for private storage, in particular concerning:

(i) the submission of offers or tenders, and the minimum quantity for an application or submission and

(ii) selection of offers ensuring that preference is given to those which are most favourable to the Union whilst permitting that the award of a contract shall not necessarily ensue.

of the Member State and the applicants;

(g) the placing and keeping in private storage and removal from storage;

(h) the duration of the private storage period and the conditions according to which such periods, once specified in the contracts, may be curtailed or extended;

(j) the rules relating to the procedures to be followed for buying-in at a fixed price or for granting the aid for private storage at a fixed price;

(k) the use of tendering procedures, both for public intervention and for private storage, in particular concerning:

(i) the submission of offers or tenders, and the minimum quantity for an application or submission and

(ii) selection of offers ensuring that preference is given to those which are most favourable to the Union whilst permitting that the award of a contract shall not necessarily ensue.

(ka) the practical rules for the marking of classified carcasses;

(kb) the implementation of Union scales for the classification of beef, pig and sheep carcasses in particular as regards:

(i) the communication of classification results,

(ii) checks, inspection reports and follow-up actions;

(kc) on-the-spot inspections in relation to the classification and price reporting of carcasses of adult bovine animals and sheep on behalf of the Union by Union inspection committee;

(kd) the practical rules for the calculation, by the Commission, of the weighted average Union price for beef, pig and sheep carcasses;

(ke) the procedures to determine qualified classifiers of carcasses of adult bovines and sheep by Member States.

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

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

Amendment 124

Proposal for a regulation

Part II – Title I – Chapter II – Section 1

Text proposed by the Commission

Amendment

Section 1

Section 1

**SCHEMES TO IMPROVE ACCESS TO
FOOD**

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

Article 20 a

Target group

Aid schemes intended to improve access to food and to improve children's eating habits are aimed at children who regularly attend primary or secondary-level educational establishments and nurseries, pre-school or other establishments offering extracurricular activities which are administered or recognised by the competent authorities of Member States.

Amendment 125

Proposal for a regulation

Part 2 – title 1 – chapter 2 – section 1 – subsection 1 – title

Text proposed by the Commission

Amendment

SUBSECTION 1

SUBSECTION 1

SCHOOL FRUIT

**SCHOOL FRUIT AND VEGETABLES
SCHEME**

Amendment 126

Proposal for a regulation

Article 21

Text proposed by the Commission

Article 21

Aid for the supply of fruit and **vegetable**, processed fruit and **vegetable** and banana products to children

1. Under conditions to be determined by the Commission by means of delegated and implementing acts pursuant to Articles 22 and 23, Union aid shall be granted for:

(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; and

(b) certain related costs linked to logistics and distribution, equipment, publicity, monitoring, evaluation and accompanying measures.

2. Member States wishing to participate in the scheme shall draw up, at national or regional level, a prior strategy for **the** implementation **of the scheme**. They shall also provide for the accompanying measures necessary to make the scheme effective.

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

Amendment

Article 21

Aid for the supply of fruit and **vegetables**, processed fruit and **vegetables** and banana products to children

1. Under conditions to be determined by the Commission by means of delegated and implementing acts pursuant to Articles 22 and 23, Union aid shall be granted for:

(a) the supply to children in **the** establishments **referred to in Article 20a** of products of the fruit and vegetables, processed fruit and vegetables, and bananas sectors; and

(b) certain related costs linked to logistics and distribution, equipment, publicity, monitoring, evaluation and accompanying measures.

2. Member States wishing to participate in the scheme shall draw up, at national or regional level, a prior strategy for **its** implementation. They shall also provide for the accompanying measures, **which may include information on measures for education about healthy eating habits, about local food chains and about combating food wastage that are** necessary to make the scheme effective.

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 **the health and environmental benefits**, seasonality, variety, or

connection, Member States *may* give preference to products originating in the Union.

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

- (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.

5. Union aid provided for in paragraph 1 shall not be used to replace funding for any existing national school fruit schemes or other school distribution schemes that include fruit. However, if a Member State already has a scheme in place that would be eligible for Union aid under this Article and intends to extend it or make it more effective, including as regards the target group of the scheme, its duration or eligible products, Union aid may be granted provided that the limits of point (b) of paragraph 4 are abided by as regards the

availability of produce, *giving priority to local food chains*. In this connection, Member States *shall* give preference to products originating in the Union.

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

- (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 in the outermost regions referred to in Article 349 of the Treaty *and in the small Aegean islands, as defined in Article 1(2), of Regulation (EC) No 1405/2006*; nor

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

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.

5. Union aid provided for in paragraph 1 shall not be used to replace funding for any existing national school fruit *and vegetables* schemes or other school distribution schemes that include fruit *and vegetables*. However, if a Member State already has a scheme in place that would be eligible for Union aid under this Article and intends to extend it or make it more effective, including as regards the target group of the scheme, its duration or eligible products, Union aid may be granted provided that the limits of point (b)

proportion of Union aid to the total national contribution. In this case, the Member State shall indicate in its implementation strategy how it intends to extend its scheme or make it more effective.

6. Member States may, in addition to Union aid, grant national aid in accordance with Article 152.

7. The Union School Fruit Scheme shall be without prejudice to any separate national school fruit schemes which are compatible with Union law.

8. The Union may also finance, under Article 6 of Regulation (EU) No [...] on the financing, management and monitoring of the common agricultural policy, information, monitoring and evaluation measures relating to the School Fruit Scheme, including raising public awareness of it, and related networking measures.

of paragraph 4 are abided by as regards the proportion of Union aid to the total national contribution. In this case, the Member State shall indicate in its implementation strategy how it intends to extend its scheme or make it more effective.

6. Member States may, in addition to Union aid, grant national aid in accordance with Article 152.

7. The Union School Fruit **and Vegetables** Scheme shall be without prejudice to any separate national school fruit **and vegetables** schemes which are compatible with Union law.

8. The Union may also finance, under Article 6 of Regulation (EU) No [...] on the financing, management and monitoring of the common agricultural policy, information, monitoring and evaluation measures relating to the School Fruit **and Vegetables** Scheme, including raising public awareness of it, and related networking measures.

8a. Member States participating in the scheme shall publicise, at the places where the food is distributed, their involvement in the aid scheme and the fact that it is subsidised by the Union.

Amendment 127

Proposal for a regulation Article 22

Text proposed by the Commission

Article 22

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 ***promote the healthy eating habits of children***, the Commission may, by means of delegated

Amendment

Article 22

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 ***ensure the effectiveness of the scheme in achieving the objectives which are set for it***, the Commission may, by means of

acts, adopt rules on:

(a) the products that are ineligible for the scheme, taking into account nutritional aspects;

(b) the target group of the scheme;

(c) the national or regional strategies that Member States must draw up in order to benefit from the aid, including the accompanying measures;

(d) the approval and selection of aid applicants.

3. Taking into account the need to ensure the efficient and targeted use of European Funds, the Commission may by means of delegated acts, adopt rules on:

(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;

(b) the costs eligible for aid, including the possibility of fixing an overall ceiling for such costs;

(c) monitoring and evaluation.

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***.

delegated acts, adopt rules on:

(a) the products that are ineligible for the scheme, taking into account nutritional aspects;

(b) the target group of the scheme;

(c) the national or regional strategies that Member States must draw up in order to benefit from the aid, including the accompanying measures;

(d) the approval and selection of aid applicants.

3. Taking into account the need to ensure the efficient and targeted use of European Funds, the Commission may by means of delegated acts, adopt rules on:

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

(b) the costs eligible for aid, including the possibility of fixing an overall ceiling for such costs;

(c) monitoring and evaluation.

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

Amendment 128

Proposal for a regulation Article 23

Text proposed by the Commission

Article 23

Implementing powers in accordance with the examination procedure

The Commission may, by means of implementing acts, adopt ***all*** necessary

Amendment

Article 23

Implementing powers in accordance with the examination procedure

The Commission may, by means of implementing acts, adopt ***the*** necessary

measures related to this Subsection as regards, *in particular*:

- (a) the definitive allocation of aid between participating Member States within the appropriations available in the budget;
- (b) the aid applications and payments;
- (c) the methods of publicising, and networking measures in respect of, the scheme.

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

Amendment 129

Proposal for a regulation Article 24

Text proposed by the Commission

Article 24

Supply of milk products to children

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

2. Member States, at national or regional level, wishing to participate in the scheme shall draw up a prior strategy for its implementation.

measures related to this Subsection as regards:

- (a) the definitive allocation of aid between participating Member States within the appropriations available in the budget;
- (b) the aid applications and payments;
- (c) the methods of publicising, and networking measures in respect of, the scheme.

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

Amendment

Article 24

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

1. *Under conditions to be determined by the Commission by means of delegated acts and implementing acts pursuant to Articles 25 and 26*, Union aid shall be granted for supplying to children in *the* establishments *referred to in Article 20a* milk and milk products *falling within CN codes 0401, 0403, 0404 90 and 0406 or CN code 2202 90*.

2. Member States, at national or regional level, wishing to participate in the scheme shall draw up a prior strategy for its implementation. *They shall also provide for the accompanying measures, which may include information on measures for education about healthy eating habits, about local food chains and about combating food wastage, that are necessary to make the programme effective.*

2a. When drawing up their strategies, Member States shall draw up a list of milk and milk products that will be eligible

under their respective schemes, in accordance with the rules adopted by the Commission pursuant to Article 25.

2b. Union aid referred to in paragraph 1 shall not be used to replace funding for any existing national milk and milk products schemes or other school distribution schemes that include milk or milk products. However, if a Member State already has a scheme in place that would be eligible for Union aid under this Article and intends to extend it or make it more effective, including as regards the target group of the scheme, its duration or eligible products, Union aid may be granted. In this case, the Member State shall indicate in its implementation strategy how it intends to extend its scheme or make it more effective.

3. Member States may, in addition to Union aid, grant national aid in accordance with Article 152.

3. Member States may, in addition to Union aid, grant national aid in accordance with Article 152.

3a. The Union school milk and milk products scheme shall be without prejudice to any separate national school schemes to encourage the consumption of milk and milk products that are compatible with Union law.

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

5. The Union aid provided for in paragraph 1 shall be granted on a maximum quantity of 0,25 litre of milk equivalent per child and per school day.

5. The Union aid provided for in paragraph 1 shall be granted on a maximum quantity of 0,25 litre of milk equivalent per child and per school day.

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

Amendment 130

Proposal for a regulation
Article 25

Text proposed by the Commission

Article 25

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 *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 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*.

3. Taking into account the need to ensure that the appropriate beneficiaries and applicants qualify for the aid, the Commission shall, by means of delegated acts, adopt the conditions for granting aid.

Taking into account the need to ensure that applicants respect their obligations, the Commission shall, by means of delegated acts, adopt measures on the lodging of a security guaranteeing the execution where

Amendment

Article 25

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 ensure the effectiveness of the scheme in achieving the objectives which are set for it*, the Commission *may*, by means of delegated acts, *adopt rules on*:

(a) the products that are eligible for the scheme, *in accordance with the provisions laid down in Article 24(1) and taking into account nutritional aspects*;

(b) *the target group of the scheme*;

(c) the national or regional strategies that Member States must draw up in order to benefit from the aid, *including accompanying measures*;

(d) *the approval and selection of aid applicants*;

(e) *monitoring and evaluation*.

3. Taking into account the need to ensure that the appropriate beneficiaries and applicants qualify for the aid, the Commission shall, by means of delegated acts, adopt the conditions for granting aid.

Taking into account the need to ensure that applicants respect their obligations, the Commission shall, by means of delegated acts, adopt measures on the lodging of a security guaranteeing the execution where

an advance of aid is paid.

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 131

Proposal for a regulation

Article 26

Text proposed by the Commission

Article 26

Implementing powers in accordance with the examination procedure

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

- (a) procedures to ensure the respect of the maximum quantity eligible for the aid;
- (b) *approval of applicants*, aid applications and payments;
- (c) the methods of publicising the scheme.

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

Amendment 132

Proposal for a regulation

Article 26 a (new)

Text proposed by the Commission

an advance of aid is paid.

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

Amendment

Article 26

Implementing powers in accordance with the examination procedure

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

- (a) procedures to ensure the respect of the maximum quantity eligible for the aid;
- (b) aid applications and payments;
- (c) the methods of publicising the scheme;
- (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 the establishments referred to in Article 20a.*

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

Amendment

Article 26 a

School olive oil and table olives scheme
By..., the European Commission shall consider proposing a scheme for olive oil and table olives similar to those promoting the consumption of dairy and fruit and vegetable products in schools. Member States shall be able to decide voluntarily to join such a scheme, thereby benefitting from Union financing of the same order as that of the existing schemes.*

** OJ, please insert the date one year after the entry into force of this Regulation.*

Amendment 133

Proposal for a regulation Article 27

Text proposed by the Commission

Article 27

Aid to operator organisations

1. The Union shall finance three-year work programmes to be drawn up by the operator organisations as defined in Article 109 in one or more of the following areas:

(a) the improvement of the environmental impacts of olive cultivation;

(b) the improvement of the production quality of olive oil and table olives;

(c) the traceability system, the certification and protection of the quality of olive oil and table olives, in particular the monitoring of the quality of olive oils sold to final consumers, under the authority of

Amendment

Article 27

Programmes to support the olive oil and table olives sector

1. The Union shall finance three-year work programmes to be drawn up by the ***producer organisations recognised under Article 106 or the interbranch organisations recognised under Article 108*** in one or more of the following areas:

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

(a) the improvement of the environmental impacts of olive cultivation;

(aa) the improvement of the competitiveness of olive cultivation through modernisation and restructuring;

(b) the improvement of the production quality of olive oil and table olives;

(c) the traceability system, the certification and protection of the quality of olive oil and table olives, in particular the monitoring of the quality of olive oils sold to final consumers, under the authority of

the national administrations.

2. The Union financing of the work programmes referred to in paragraph 1 shall be:

- (a) EUR 11 098 000 per year for Greece;
- (b) EUR 576 000 per year for France; and
- (c) EUR 35 991 000 per year for Italy.

3. The maximum Union funding for the work programmes referred to in paragraph 1 shall be equal to the amounts withheld by the Member States. The maximum funding of the eligible cost shall be:

- (a) 75 % for activities in the areas referred to in point (a) of paragraph 1;
- (b) 75 % for fixed assets investments and 50 % for other activities in the area referred to in point (b) of paragraph 1;
- (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.

Complementary financing shall be ensured by the Member State up to 50 % of the costs not covered by the Union funding.

the national administrations.

(ca) the dissemination of information on measures carried out by producer organisations or interbranch organisations to improve the quality of olive oil and table olives.

2. The Union financing of the work programmes referred to in paragraph 1 shall be:

- (a) EUR 11 098 000 per year for Greece;
- (b) EUR 576 000 per year for France; and
- (c) EUR 35 991 000 per year for Italy.

2a. Member States other than those listed in paragraph 2 may use all or part of the funding available within the financial limit laid down in Article 14 of Regulation [XXXX/XXXX] of the European Parliament and of the Council establishing rules for direct payment to farmers in order to finance the work programmes referred to in paragraph 1.

3. The maximum Union funding for the work programmes referred to in paragraph 1 shall be equal to the amounts withheld by the Member States. The maximum funding of the eligible cost shall be:

- (a) 75 % for activities in the areas referred to in ***points (-a), (a) and (aa)*** of paragraph 1;
- (b) 75 % for fixed assets investments and 50 % for other activities in the area referred to in point (b) of paragraph 1;
- (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 (ca)*** of paragraph 1, and 50 % for the other activities in these areas.

Complementary financing shall be ensured by the Member State up to 50 % of the costs not covered by the Union funding.

Amendment 134

Proposal for a regulation Article 28

Text proposed by the Commission

Article 28

Delegated powers

1. Taking into account the need to ensure that aid provided for in Article 27 meets its objectives of improving the production quality of olive oil and table olives, the Commission shall be empowered to adopt delegated acts in accordance with Article 160, concerning:

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

(b) measures eligible for Union financing;

(c) allocation of Union financing to particular measures;

(d) activities and costs that are not eligible for Union financing;

(e) selection and approval of work programmes.

2. Taking into account the need to ensure that operators respect their obligations, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to require the lodging of a security where an advance payment of aid is made.

Amendment

Article 28

Delegated powers

1. Taking into account the need to ensure that aid provided for in Article 27 meets its objectives of improving the production quality of olive oil and table olives, the Commission shall be empowered to adopt delegated acts in accordance with Article 160, concerning:

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

(c) allocation of Union financing to particular measures;

(d) activities and costs that are not eligible for Union financing;

(e) selection and approval of work programmes.

2. Taking into account the need to ensure that operators respect their obligations, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to require the lodging of a security where an advance payment of aid is made.

Amendment 135

Proposal for a regulation Article 30

Text proposed by the Commission

Article 30

Operational funds

1. Producer organisations in the fruit and vegetables sector may set up an operational

Amendment

Article 30

Operational funds

1. Producer organisations ***and/or their associations*** in the fruit and vegetables

fund. The fund shall be financed by:

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

(b) Union financial assistance which may be 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.

2. Operational funds shall be used only to finance operational programmes that have been submitted to and approved by Member States.

Amendment 136

Proposal for a regulation Article 31

Text proposed by the Commission

Article 31

Operational programmes

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:

- (a) planning of production;
- (b) improvement of product quality;
- (c) boosting products' commercial value;
- (d) promotion of the products, whether in a fresh or processed form;
- (e) environmental measures and methods

sector may set up a *three to five-year* operational fund. The fund shall be financed by:

(a) financial contributions *from*:

- (i) *members of the producer organisation and/or the producer organisation itself; or*
- (ii) *associations of producer organisations through the members of these associations.*

(b) Union financial assistance which may be granted to producer organisations, *or to associations thereof, where those associations present, manage and implement an operational programme or a partial 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.

2. Operational funds shall be used only to finance operational programmes that have been submitted to and approved by Member States.

Amendment

Article 31

Operational programmes

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

- (a) planning of production;
- (b) improvement of product quality, *whether in a fresh or processed form*;
- (c) boosting products' commercial value;
- (d) promotion of the products, whether in a fresh or processed form;
- (e) environmental measures, *particularly*

of production respecting the environment, including organic farming;

(f) crisis prevention and management.

Operational programmes shall be submitted to the Member States for their approval.

2. Crisis prevention and management referred to in point (f) of paragraph 1 shall be related to avoiding and dealing with crises on the fruit and vegetable markets and shall cover in this context:

(a) *market withdrawal*;

those relating to water, and methods of production, *handling, manufacturing or processing* respecting the environment, including organic farming *and integrated production*;

(f) crisis prevention and management.

Operational programmes shall be submitted to the Member States for their approval.

Ia. Associations of producer organisations may stand in for their members for the purpose of 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 share are identified in the operational programme of each member organisation;

(c) there is no duplication of funding.

2. Crisis prevention and management referred to in point (f) of paragraph 1 shall be related to avoiding and dealing with crises on the fruit and vegetable markets and shall cover in this context:

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

- (b) *green harvesting or non-harvesting of fruit and vegetables;*
- (c) *promotion and communication;*
- (d) *training measures;*
- (e) *harvest insurance;*
- (f) *support for the administrative costs of setting up mutual funds.*

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.

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,

- (b) *investments making the management of the volumes placed on the market more efficient;*
- (c) *training measures, exchanges of best practice and structural capacity building;*
- (d) *promotion and communication, whether for prevention or during the crisis period;*
- (e) *support for the administrative costs of setting up mutual funds;*
- (f) *grubbing-up aid for the reconversion of orchards;*
- (g) *market withdrawal, also for products that are processed by producer organisations;*
- (h) *green harvesting or non-harvesting of fruit and vegetables;*
- (i) *harvest insurance.*

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.

Harvest insurance actions shall include measures which contribute to safeguarding producers' incomes and to covering market losses incurred by producer organisations and/or their members where these incomes are affected by natural disasters, adverse climatic events, diseases or pest infestations. The beneficiaries must prove that they have taken the necessary risk prevention measures.

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 either by such loans *and/or*

but not both.

3. Member States shall ensure that:

- (a) operational programmes include two or more environmental actions; or
- (b) at least 10 % of the expenditure under operational programmes covers environmental actions.

Environmental actions shall respect the requirements for agri-environment payments laid down in Article 29(3) of Regulation (EU) No [...] on support for rural development by the European Agricultural Fund for Rural Development (EAFRD).

Where at least 80 % of the producer members of a producer organisation are subject to one or more identical agri-environment commitments provided for in Article 29(3) of Regulation (EU) No [...] on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) then each one of those commitments shall count as an environmental action as referred to in point (a) of the first subparagraph.

Support for the environmental actions referred to in the first subparagraph shall cover additional costs and income foregone resulting from the action.

directly *by producer organisations.*

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. The destruction of products due to a climatic event or disease shall not be considered to be non-harvesting;

3. Member States shall ensure that:

- (a) operational programmes include two or more environmental actions; or
- (b) at least 10 % of the expenditure under operational programmes covers environmental actions.

Environmental actions shall respect the requirements for agri-environment payments laid down in Article 29(3) of Regulation (EU) No [...] on support for rural development by the European Agricultural Fund for Rural Development (EAFRD).

Where at least 80 % of the producer members of a producer organisation are subject to one or more identical agri-environment commitments provided for in Article 29(3) of Regulation (EU) No [...] on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) then each one of those commitments shall count as an environmental action as referred to in point (a) of the first subparagraph.

Support for the environmental actions referred to in the first subparagraph shall cover additional costs and income foregone resulting from the action.

4. Member States shall ensure that investments which increase environmental pressure shall only be permitted in situations where effective safeguards to protect the environment from these pressures are in place.

4. Member States shall ensure that investments which increase environmental pressure shall only be permitted in situations where effective safeguards to protect the environment from these pressures are in place.

Amendment 137

Proposal for a regulation Article 32

Text proposed by the Commission

Article 32

Union financial assistance

1. The Union financial assistance shall be equal to the amount of the financial contributions referred to in point (a) of Article 30(1) as actually paid and limited to 50 % of the actual expenditure incurred.

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

Article 32

Union financial assistance

1. The Union financial assistance shall be equal to the amount of the financial contributions referred to in point (a) of Article 30(1) as actually paid and limited to 50 % of the actual expenditure incurred **or 75 % in the case of the outermost regions**.

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

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

In the case of associations of producer organisations, this percentage may be increased to 5 % of the value of the fresh or processed products marketed by the association or by its members, provided that the amount in excess of 4,1 % of the value of the fresh or processed products marketed is used solely for crisis prevention and management measures implemented by that association of producer organisations on behalf of its

3. At the request of a producer organisation, the 50 % limit provided for in paragraph 1 shall be increased to 60 % for an operational programme or part of an operational programme where it meets at least one of the following conditions:

- (a) it is submitted by several Union producer organisations operating in different Member States on transnational schemes;
- (b) it is submitted by one or more producer organisations engaged in schemes operated on an interbranch basis;
- (c) it covers solely specific support for the production of organic products covered by Council Regulation (EC) No 834/2007;
- (d) it is the first to be submitted by a recognised producer organisation which has merged with another recognised producer organisation;

(e) it is the first to be submitted by a recognised association of producer organisations

(f) it is submitted by producer organisations in Member States where producer organisations market less than 20 % of fruit and vegetables production;

(g) it is submitted by a producer organisation in one of the outermost regions referred to in Article 349 of the Treaty;

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

4. The 50 % limit provided for in paragraph 1 shall be increased to 100 % in the case of market withdrawals of fruit and

members.

3. At the request of a producer organisation, the 50% limit provided for in paragraph 1 shall be increased to 60% for an operational programme or part of an operational programme where it meets at least one of the following conditions:

- (a) it is submitted by several Union producer organisations operating in different Member States on transnational schemes;
- (b) it is submitted by one or more producer organisations engaged in schemes operated on an interbranch basis;
- (c) it covers solely specific support for the production of organic products covered by Council Regulation (EC) No 834/2007;
- (d) it is the first to be submitted by a recognised producer organisation which has merged with another recognised producer organisation;

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

(e) it is the first to be submitted by a recognised association of producer organisations;

(f) it is submitted by producer organisations in Member States where producer organisations market less than 20 % of fruit and vegetables production;

(g) it is submitted by a producer organisation in one of the outermost regions referred to in Article 349 of the Treaty ***or in the small Aegean islands, as defined in Article 1(2) of Regulation (EC) No 1405/2006;***

4. The 50 % limit provided for in paragraph 1 shall be increased to 100 % in the case of market withdrawals of fruit and

vegetables which shall not exceed 5 % of the volume of marketed production of each producer organisation and which are disposed of by way of:

(a) free distribution to charitable organisations and foundations, approved to that effect by the Member States, for use in their activities to assist persons whose right to public assistance is recognised in national law, in particular because they lack the necessary means of subsistence;

(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.

vegetables which shall not exceed 5 % of the volume of marketed production of each producer organisation and which are disposed of by way of:

(a) free distribution to charitable organisations and foundations, approved to that effect by the Member States, for use in their activities to assist persons whose right to public assistance is recognised in national law, in particular because they lack the necessary means of subsistence;

(b) free distribution to penal institutions, schools and ***the establishments referred to in Article 20a*** 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 138

Proposal for a regulation Article 34

Text proposed by the Commission

Article 34

National framework and national strategy for operational programmes

1. Member States shall establish a national framework for drawing up general conditions relating to the environmental actions referred to in Article 31(3). This framework shall provide in particular that such actions shall meet the appropriate requirements of Regulation (EU) No [...] on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) in particular those of its Article 6 on consistency.

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

Amendment

Article 34

National framework and national strategy for operational programmes

1. Member States shall establish a national framework for drawing up general conditions relating to the environmental actions referred to in Article 31(3). This framework shall provide in particular that such actions shall meet the appropriate requirements of Regulation (EU) No [...] on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) in particular those of its Article 6 on consistency.

Member States shall submit their proposed framework to the Commission which ***may adopt*** implementing acts, ***without the application of Article 162(2) or (3), requiring*** modifications within three months if it finds that the proposal would

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.

2. Each Member State shall establish a national strategy for sustainable operational programmes in the fruit and vegetable market. Such a strategy shall include:

- (a) an analysis of the situation in terms of strengths and weaknesses and the potential for development;
- (b) justification of the priorities chosen;
- (c) the objectives of operational programmes and instruments, and performance indicators;
- (d) assessment of operational programmes;
- (e) reporting obligations for producer organisations.

The national strategy shall also integrate the national framework referred to in paragraph 1.

3. Paragraphs 1 and 2 shall not apply to Member States which have no recognised producer organisations.

not contribute to the pursuit of the 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.

2. Each Member State shall establish a national strategy for sustainable operational programmes in the fruit and vegetable market. Such a strategy shall include:

- (a) an analysis of the situation in terms of strengths and weaknesses and the potential for development;
- (b) justification of the priorities chosen;
- (c) the objectives of operational programmes and instruments, and performance indicators;
- (d) assessment of operational programmes;
- (e) reporting obligations for producer organisations.

The national strategy shall also integrate the national framework referred to in paragraph 1.

3. Paragraphs 1 and 2 shall not apply to Member States which have no recognised producer organisations.

Amendment 139

Proposal for a regulation Article 34 a (new)

Text proposed by the Commission

Amendment

Article 34a

National network

1. Member States may establish a national fruit and vegetables network gathering the producer organisations, the associations of producer organisations and the authorities involved in implementing the national strategy.

2. The network shall be financed by a

maximum levy of 0,5 % of the Union share of the financing of operational funds.

3. The aim of this network shall be to manage the network, to examine transferable good practices and gather the relevant information, to organise conferences and seminars for those involved in managing the national strategy, to conduct programmes to monitor and assess the national strategy and to carry out other activities identified by the national strategy.

Amendment 140

Proposal for a regulation

Article 35

Text proposed by the Commission

Article 35

Delegated powers

Taking into account the need to ensure an efficient, targeted and sustainable support of producer organisations in the fruit and vegetables sector, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 establishing rules on:

- (a) operational funds and operational programmes, concerning:
 - (i) the estimated amounts, financing and use of operational funds;
 - (ii) the content, duration, approval and modification of operational programmes;
 - (iii) the eligibility of measures, actions or expenditure under an operational programme and respective complementary national rules;
 - (iv) the relationship between operational programmes and rural development programmes;
 - (v) operational programmes of associations

Amendment

Article 35

Delegated powers

Taking into account the need to ensure an efficient, targeted and sustainable support of producer organisations in the fruit and vegetables sector, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 establishing rules on:

- (a) operational funds and operational programmes, concerning:
 - (i) the estimated amounts, financing and use of operational funds;
 - (ii) the content, duration, approval and modification of operational programmes;
 - (iii) the eligibility of measures, actions or expenditure under an operational programme, ***rules on investment in individual holdings*** and respective complementary national rules;
 - (iv) the relationship between operational programmes and rural development programmes;
 - (v) operational programmes of associations

of producer organisations;

(b) the structure and content of a national framework and a national strategy;

(c) Union financial assistance, concerning:

(i) the basis for the calculation of Union financial assistance, in particular the value of the marketed production of a producer organisation;

(ii) applicable reference periods for the calculation of aid;

(iii) reductions of financial assistance entitlements in case of late submission of aid applications;

(iv) the provision of advance payments and the lodging and forfeiture of securities in case of advance payments;

(d) crisis prevention and management measures, concerning:

(i) the selection of crisis prevention and management measures;

(ii) the **definition of** market withdrawal;

(iii) destinations for withdrawn products;

(iv) the maximum support for market withdrawals;

(v) prior notifications in case of market withdrawals;

(vi) the calculation of the volume of marketed production in case of withdrawals;

(vii) the display of the European emblem on packages of products for free

of producer organisations;

(va) the specific rules applicable to cases in which associations of producer organisations stand in for their members, wholly or in part, for the purpose of managing, processing, implementing and presenting operational programmes;

(b) the structure and content of a national framework and a national strategy;

(c) Union financial assistance, concerning:

(i) the basis for the calculation of Union financial assistance, in particular the value of the marketed production of a producer organisation;

(ii) applicable reference periods for the calculation of aid;

(iii) reductions of financial assistance entitlements in case of late submission of aid applications;

(iv) the provision of advance payments and the lodging and forfeiture of securities in case of advance payments;

(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);

(d) crisis prevention and management measures, concerning:

(i) the selection of crisis prevention and management measures;

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

(iii) destinations for withdrawn products;

(iv) the maximum support for market withdrawals;

(v) prior notifications in case of market withdrawals;

(vi) the calculation of the volume of marketed production in case of withdrawals;

(vii) the display of the European emblem on packages of products for free

distribution;

(viii) the conditions for the recipients of withdrawn products;

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

(x) the conditions for the application of green harvesting and non-harvesting;

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

(xii) the definition of adverse climatic event;

(xiii) the conditions for support for the administrative cost of setting up mutual funds;

(e) national financial assistance, concerning:

(i) the degree of organisation of producers;

(ii) modifications of operational programmes;

(iii) reductions of financial assistance entitlements in case of late submission of financial assistance applications;

(iv) the lodging, releasing and forfeiture of securities in case of advance payments;

(v) the maximum proportion of union reimbursement of the national financial assistance.

distribution;

(viii) the conditions for the recipients of withdrawn products;

(x) the conditions for the application of green harvesting and non-harvesting;

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

(xiii) the conditions for support for the administrative cost of setting up mutual funds;

(e) national financial assistance, concerning:

(i) the degree of organisation of producers;

(ii) modifications of operational programmes;

(iii) reductions of financial assistance entitlements in case of late submission of financial assistance applications;

(iv) the lodging, releasing and forfeiture of securities in case of advance payments;

(v) the maximum proportion of union reimbursement of the national financial assistance.

Amendment 141

Proposal for a regulation Article 38

Text proposed by the Commission

Article 38

Compatibility and consistency

1. Support programmes shall be compatible with Union law and consistent with the activities, policies and priorities of the Union.
2. Member States shall be responsible for support programmes and ensure that they

Amendment

Article 38

Compatibility and consistency

1. Support programmes shall be compatible with Union law and consistent with the activities, policies and priorities of the Union.
2. Member States shall be responsible for support programmes and ensure that they

are internally consistent and drawn up and implemented in an objective manner, taking into account the economic situation of the producers concerned and the need to avoid unjustified unequal treatment between producers.

3. No support shall be granted for:

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

(b) measures contained in Member States' rural development programmes under Regulation (EU) No [...] on support for rural development by the European Agricultural Fund for Rural Development (EAFRD).

are internally consistent and drawn up and implemented in an objective manner, taking into account the economic situation of the producers concerned and the need to avoid unjustified unequal treatment between producers.

3. No support shall be granted for:

(b) measures contained in Member States' rural development programmes under Regulation (EU) No [...] on support for rural development by the European Agricultural Fund for Rural Development (EAFRD).

Amendment 142

Proposal for a regulation Article 39

Text proposed by the Commission

Article 39

Submission of support programmes

1. Each producer Member State listed in Annex IV shall submit to the Commission a draft five-year support programme containing at least one of the eligible measures provided in Article 40.

2. Support programmes shall become

Amendment

Article 39

Submission of support programmes

1. Each producer Member State listed in Annex IV shall submit to the Commission a draft five-year support programme containing at least one of the eligible measures provided in Article 40.

1a. The support measures in the support programmes shall be drawn up at the geographical level which the Member State deems most appropriate. The Member State shall consult the competent authorities and organisations at the appropriate territorial level on the support programme before submitting it to the Commission.

1b. Each Member State shall submit one single draft support programme, which may take into account regional particularities.

2. Support programmes shall become

applicable three months after their submission to the Commission.

However, if the Commission, by means of an implementing act, establishes that the submitted support programme does not comply with the rules laid down in this Section, the Commission shall inform the Member State thereof. In that case, the Member State shall submit a revised support programme to the Commission. The revised support programme shall become applicable two months after its submission unless an incompatibility persists in which case this subparagraph shall apply.

3. Paragraph 2 shall apply *mutatis mutandis* to changes in respect of support programmes submitted by Member States.

Amendment 143

Proposal for a regulation

Article 39 a (new)

Text proposed by the Commission

applicable three months after their submission to the Commission.

However, if the Commission, by means of an implementing act, establishes that the submitted support programme does not comply with the rules laid down in this Section, the Commission shall inform the Member State thereof. In that case, the Member State shall submit a revised support programme to the Commission. The revised support programme shall become applicable two months after its submission unless an incompatibility persists in which case this subparagraph shall apply.

3. Paragraph 2 shall apply *mutatis mutandis* to changes in respect of support programmes submitted by Member States.

Amendment

Article 39a

Content of support programmes

Support programmes shall consist of the following elements:

- (a) a detailed description of the measures proposed as well as their quantified objectives;***
- (b) the results of consultations held;***
- (c) an appraisal showing the expected technical, economic, environmental and social impact;***
- (d) a schedule for implementing the measures;***
- (e) a general financing table showing the resources to be deployed and the envisaged indicative allocation of the resources between the measures in accordance with ceilings provided for in Annex IV;***

(f) the criteria and quantitative indicators to be used for monitoring and evaluation as well as the steps taken to ensure that the support programmes are implemented appropriately and effectively; and

(g) the designation of competent authorities and bodies responsible for implementing the support programme.

Amendment 144

Proposal for a regulation Article 40

Text proposed by the Commission

Article 40

Eligible measures

Support programmes may contain only one or more of the following measures:

(a) Single Payment Scheme support in accordance with Article 42;

(b) promotion in accordance with Article 43;

(c) restructuring and conversion of vineyards in accordance with Article 44;

(d) green harvesting in accordance with Article 45;

(e) mutual funds in accordance with Article 46;

(f) harvest insurance in accordance with Article 47;

(g) investments in accordance with Article 48;

(h) by-product distillation in accordance with Article 49.

Amendment

Article 40

Eligible measures

Support programmes may contain only one or more of the following measures:

(b) promotion in accordance with Article 43;

(c) restructuring and conversion of vineyards in accordance with Article 44;

(d) green harvesting in accordance with Article 45;

(e) mutual funds in accordance with Article 46;

(f) harvest insurance in accordance with Article 47;

(g) investments in accordance with Article 48;

(h) by-product distillation in accordance with Article 49;

(ha) research and development pursuant to Article 43a;

(hb) the support programme for wine growing on steep-slope sites pursuant to Article 44a.

Amendment 145

Proposal for a regulation
Article 42

Text proposed by the Commission

Article 42

***Single Payment Scheme and support to
vine-growers***

***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 146

Proposal for a regulation
Article 43

Text proposed by the Commission

Article 43

Promotion in third-countries

1. Support under this Article shall cover information or promotion measures concerning Union wines in third countries, thereby improving their competitiveness ***in those countries.***

2. The measures referred to in paragraph 1 shall apply to wines with a protected designation of origin or a protected geographical indication or wines with an indication of the wine grape variety.

3. The measures referred to in paragraph 1 may consist only of:

- (a) public relations, promotion or advertisement measures, in particular highlighting the advantages of the Union products, especially in terms of quality, food safety or environmental ***friendliness***;
- (b) participation at events, fairs or exhibitions of international importance;
- (c) information campaigns, in particular on

Amendment

deleted

Amendment

Article 43

Promotion

1. Support under this Article shall cover information or promotion measures concerning Union wines ***first and foremost*** in third countries, ***and also on the internal market***, thereby improving their competitiveness.

2. The measures referred to in paragraph 1 shall apply to wines with a protected designation of origin or a protected geographical indication or wines with an indication of the wine grape variety.

3. The measures referred to in paragraph 1 may consist only of:

- (a) public relations, promotion or advertisement measures, in particular highlighting the advantages of the Union products, especially in terms of quality, food safety or environmental ***standards***;
- (b) participation at events, fairs or exhibitions of international importance;
- (c) information campaigns, in particular on

the Union systems covering designations of origin, geographical indications and organic production;

(d) studies of new markets, necessary for the expansion of market outlets;

(e) studies to evaluate the results of the information and promotion measures.

4. The Union contribution to promotion activities referred to in paragraph 1 shall not exceed 50 % of the eligible expenditure.

Amendment 147

Proposal for a regulation

Article 43 a (new)

Text proposed by the Commission

the Union systems covering designations of origin, geographical indications and organic production;

(d) studies of new markets, necessary for the expansion of market outlets;

(e) studies to evaluate the results of the information and promotion measures.

4. The Union contribution to promotion activities referred to in paragraph 1 shall not exceed 50 % of the eligible expenditure.

Amendment

Article 43a

Research and development

Support for research and development shall make it possible to fund research projects geared, in particular, to improving the quality of products, the environmental impact of production and health safety in the wine sector.

Amendment 148

Proposal for a regulation

Article 43 b (new)

Text proposed by the Commission

Amendment

Article 43b

Exchanges of best practices with regard to advanced systems of sustainable production

1. Support under this article shall cover measures supporting the exchange of best practices with regard to advanced systems of sustainable production and, thereby, enabling farmers to acquire new competencies.

2. The measures referred to in paragraph

1 shall apply to advanced systems of wine-growing and wine production which increase soil cover, substantially reduce the use of pesticides and chemical fertilisers or increase diversity of varieties and which go beyond the cross-compliance requirements provided for in Title VI of Regulation (EU) No [...] [horizontal CAP Regulation].

3. The measures referred to in paragraph 1 may include:

(a) selecting, describing and publicising best practices with regard to advanced sustainable wine-growing practices;

(b) providing agricultural training and increasing competencies in relation to advanced sustainable farming systems.

Amendment 149

Proposal for a regulation

Article 44

Text proposed by the Commission

Article 44

Restructuring and conversion of vineyards

1. The objective of measures relating to the restructuring and conversion of vineyards shall be to increase the competitiveness of wine producers.

2. The restructuring and conversion of vineyards shall be supported if Member States submit the inventory of their production potential in accordance with Article 102(3).

3. Support for the restructuring and conversion of vineyards may only cover one or more of the following activities:

(a) varietal conversion, including by means of grafting-on;

(b) relocation of vineyards;

(c) improvements to vineyard management techniques.

Amendment

Article 44

Restructuring and conversion of vineyards

1. The objective of measures relating to the restructuring and conversion of vineyards shall be to increase the competitiveness of wine producers.

2. The restructuring and conversion of vineyards shall be supported if Member States submit the inventory of their production potential in accordance with Article 102(3).

3. Support for the restructuring and conversion of vineyards may only cover one or more of the following activities:

(a) varietal conversion, including by means of grafting-on;

(b) relocation of vineyards;

(c) improvements to vineyard management techniques.

(ca) reducing the use of pesticides;

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

4. Support for the restructuring and conversion of vineyards may only take the following forms:

(a) compensation to producers for the loss of revenue due to the implementation of the measure;

(b) contribution to the costs of restructuring and conversion.

5. Compensation to producers for the loss of revenue referred to in point (a) of paragraph 4 may cover up to 100 % of the relevant loss and take one of the following forms:

(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;

(b) financial compensation.

6. The Union contribution to the actual costs of the restructuring and conversion of vineyards shall not exceed 50 %. In less developed regions the Union contribution to the costs of restructuring and conversion shall not exceed 75 %.

(cb) replanting for health reasons, when no technical solution is available to save the production in place.

The normal renewal of vineyards *that is, the 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.

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

4. Support for *improving wine production systems and for* restructuring and conversion of vineyards may only take the following forms:

(a) compensation to producers for the loss of revenue due to the implementation of the measure;

(b) contribution to the costs of restructuring and conversion.

5. Compensation to producers for the loss of revenue referred to in point (a) of paragraph 4 may cover up to 100 % of the relevant loss and take one of the following forms:

(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 until the end of the transitional regime for a maximum period which shall not exceed three years;

(b) financial compensation.

6. The Union contribution to the actual costs of the restructuring and conversion of vineyards shall not exceed 50 %. In less developed regions the Union contribution to the costs of restructuring and conversion shall not exceed 75 %.

Amendment 150

Proposal for a regulation Article 44 a (new)

Text proposed by the Commission

Amendment

Article 44a

Support programme for wine growing on steep-slope sites

The measures taken as part of the support programme for wine growing on steep-slope sites shall be designed to safeguard wine growing on labour-intensive slope, steep-slope and terrace sites in the long term by improving its competitiveness.

The support may take the form of a flat-rate per-hectare payment to be set by the Member State concerned or a modulated payment determined by the steepness of the site.

Amendment 151

**Proposal for a regulation
Article 45**

Text proposed by the Commission

Amendment

Article 45

Green harvesting

1. For the purposes of this Article, green harvesting shall mean the total destruction or removal of grape bunches while still in their immature stage, thereby reducing the yield of the relevant area to zero.

2. Support for green harvesting shall contribute to restoring the balance of supply and demand in the Union wine market in order to prevent market crises.

3. Support for green harvesting may be granted as compensation in the form of a flat rate payment per hectare to be determined by the Member State concerned.

The payment shall not exceed 50 % of the

Article 45

Green harvesting

1. For the purposes of this Article, green harvesting shall mean the total destruction or removal of grape bunches while still in their immature stage, thereby reducing the yield of the relevant area to zero.

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

2. Support for green harvesting shall contribute to ***improving the quality of the grapes and to restoring*** the balance of supply and demand in the Union wine market in order to prevent market crises.

3. Support for green harvesting may be granted as compensation in the form of a flat rate payment per hectare to be determined by the Member State concerned.

The payment shall not exceed 50 % of the

sum of the direct costs of the destruction or removal of grape bunches and the loss of revenue related to such destruction or removal.

4. The Member States concerned shall establish a system based on objective criteria to ensure that the green harvesting measure does not lead to compensation of individual wine producers in excess of the ceiling referred to in the second subparagraph of paragraph 3.

Amendment 152

Proposal for a regulation Article 47

Text proposed by the Commission

Article 47

Harvest insurance

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.

2. Support for harvest insurance may be granted in the form of a Union financial contribution which shall not exceed:

(a) 80 % of the cost of the insurance premiums paid for by producers for insurance against losses resulting from adverse climatic events which can be assimilated to natural disasters;

(b) 50 % of the cost of the insurance premiums paid for by producers for insurance against:

(i) losses referred to in point (a) and against other losses caused by adverse

sum of the direct costs of the destruction or removal of grape bunches and the loss of revenue related to such destruction or removal.

4. The Member States concerned shall establish a system based on objective criteria to ensure that the green harvesting measure does not lead to compensation of individual wine producers in excess of the ceiling referred to in the second subparagraph of paragraph 3.

Amendment

Article 47

Harvest insurance

1. Support for harvest insurance shall 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.

Beneficiaries shall be required to prove that they have taken the necessary risk prevention measures.

2. Support for harvest insurance may be granted in the form of a Union financial contribution which shall not exceed:

(a) 80 % of the cost of the insurance premiums paid for by producers, ***producer organisations and/or cooperatives*** for insurance against losses resulting from adverse climatic events which can be assimilated to natural disasters;

(b) 50 % of the cost of the insurance premiums paid for by producers for insurance against:

(i) losses referred to in point (a) and against other losses caused by adverse

climatic events;

(ii) losses caused by animals, plant diseases or pest infestations.

3. Support for harvest insurance may be granted if the insurance payments concerned do not compensate producers for more than 100 % of the income loss suffered, taking into account any compensation the producers may have obtained from other support schemes related to the insured risk.

4. Support for harvest insurance shall not distort competition in the insurance market.

climatic events;

(ii) losses caused by animals, plant diseases or pest infestations.

3. Support for harvest insurance may be granted if the insurance payments concerned do not compensate producers for more than 100 % of the income loss suffered, taking into account any compensation the producers may have obtained from other support schemes related to the insured risk.

4. Support for harvest insurance shall not distort competition in the insurance market.

Amendment 153

Proposal for a regulation

Article 48

Text proposed by the Commission

Article 48

Investments

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:

(a) the production or marketing of grapevine products referred to in Part II of Annex VI;

(b) the development of new products, processes and technologies concerning the products referred to in Part II of Annex VI.

Amendment

Article 48

Investments

1. Support may be granted for tangible or intangible investments in processing facilities, winery infrastructure, **and distilleries, as well as** marketing **structures and tools, including the registration of collective marks. Those investments shall be intended to** improve the overall performance of the enterprise **and its adaptation to market demands, as well as to increase its competitiveness on the internal market and in third country markets,** and **shall** concern one or more of the following:

(a) the production or marketing of grapevine products referred to in Part II of Annex VI;

(b) the development of new products, processes and technologies concerning the products referred to in Part II of Annex VI.

(ba) the development of advanced agronomic and sustainable production measures;

2. Support under paragraph 1 at its maximum rate shall apply only to micro, small and medium-sized enterprises within the meaning of Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises.

By way of derogation from the first subparagraph, the maximum rate may apply to all enterprises for the outermost regions referred to in Article 349 of the Treaty and the smaller Aegean islands as defined in Article 1(2) of Regulation (EC) No 1405/2006 . For enterprises not covered by Article 2(1) of Title I of the Annex to Recommendation 2003/361/EC with less than 750 employees or with a turnover of less than EUR 200 million, the maximum aid intensity shall be halved.

Support shall not be granted to enterprises in difficulty within the meaning of the Community guidelines on State aid for rescuing and restructuring firms in difficulty.

3. The eligible expenditure shall exclude the non-eligible costs referred to in paragraph 3 of Article 59 of Regulation (EU) No [COM(2011)615].

4. The following maximum aid rates concerning the eligible investment costs shall apply to the Union contribution:

- (a) 50 % in less developed regions;
- (b) 40 % in regions other than less developed regions;
- (c) 75 % in the outermost regions referred to in Article 349 of the Treaty;
- (d) 65 % in the smaller Aegean islands as defined in Article 1(2) of Regulation (EC) No 1405/2006.

5. Article 61 of Regulation (EU) No

(bb) processing of by-products of distilleries or investment which helps to improve their energy savings and their global energy efficiency.

2. Support under paragraph 1 at its maximum rate shall apply only to **producer organisations and to** micro, small and medium-sized enterprises within the meaning of Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises.

By way of derogation from the first subparagraph, the maximum rate may apply to all enterprises for the outermost regions referred to in Article 349 of the Treaty and the smaller Aegean islands as defined in Article 1(2) of Regulation (EC) No 1405/2006 . For enterprises not covered by Article 2(1) of Title I of the Annex to Recommendation 2003/361/EC with less than 750 employees or with a turnover of less than EUR 200 million, the maximum aid intensity shall be halved.

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- (a) 50 % in less developed regions;
- (b) 40 % in regions other than less developed regions;
- (c) 75 % in the outermost regions referred to in Article 349 of the Treaty;
- (d) 65 % in the smaller Aegean islands as defined in Article 1(2) of Regulation (EC) No 1405/2006.

5. Article 61 of Regulation (EU) No

[COM(2011)615] shall apply mutatis mutandis to support referred to in paragraph 1 of this Article.

Amendment 154

Proposal for a regulation

Article 49

Text proposed by the Commission

Article 49

By-product distillation

1. Support may be granted for the voluntary or obligatory distillation of by-products of wine making which has been carried out in accordance with the conditions laid down in Section D of Part II of Annex VII.

The amount of aid shall be fixed per % volume and per hectolitre of alcohol produced. No aid shall be paid for the volume of alcohol contained in the by-products to be distilled which exceeds 10 % in relation to the volume of alcohol contained in the wine produced.

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.

3. The alcohol resulting from the supported distillation referred to in paragraph 1 shall be used exclusively for industrial or energy

[COM(2011)615] shall apply mutatis mutandis to support referred to in paragraph 1 of this Article.

Amendment

Article 49

By-product distillation

1. Support may be granted for the voluntary or obligatory distillation of by-products of wine making which has been carried out in accordance with the conditions laid down in Section D of Part II of Annex VII.

The amount of aid shall be fixed per % volume and per hectolitre of alcohol produced. No aid shall be paid for the volume of alcohol contained in the by-products to be distilled which exceeds 10 % in relation to the volume of alcohol contained in the wine produced.

1b. The aid shall be paid to distillers that process the products delivered for distillation into raw alcohol with an alcoholic strength of at least 92 % vol.

Member States may make the granting of support conditional upon the lodging of a security by the beneficiary.

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.

2a. The relevant aid shall include a lump-sum amount destined to compensate the costs of collection of these products which are to be transferred from the distiller to the producer, if the relevant costs are borne by the latter.

3. The alcohol resulting from the supported distillation referred to in paragraph 1 shall be used exclusively for industrial or energy

purposes to avoid distortion of competition.

purposes to avoid distortion of competition.

3a. In order to prevent dual support being granted for distillation, the alcohol referred to in paragraph 3 shall not be subject to the preference referred to in Article 21(2) of Directive 2009/28/EC concerning biofuels produced from wastes and their contribution towards attaining the final consumption rate for energy from renewable sources in transport being considered to be twice that made by other biofuels.

Amendment 509

Proposal for a regulation Article 49 a (new)

Text proposed by the Commission

Amendment

Article 49a

Funding for concentrated grape must

1. Support may be granted to wine producers who use concentrated grape must, including rectified concentrated grape must, to increase the natural alcoholic strength of products, in accordance with the conditions laid down in Annex XVa.

2. The amount of the aid shall be fixed per % volume potential alcoholic strength and per hectolitre of the must used for enrichment.

3. The maximum applicable aid levels for this measure in the different wine growing zones shall be fixed by the Commission.

Amendment 155

Proposal for a regulation Article 50

Text proposed by the Commission

Amendment

Article 50

Article 50

Delegated powers

Taking into account the need to ensure that support programmes meet their objectives and that there is a targeted use of European Funds, the Commission shall be empowered to adopt delegated acts in accordance with Article 160, establishing rules:

(a) on the responsibility for expenditure between the date of receipt of the support programmes, and modifications to support programmes and their date of applicability;

(b) 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;

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

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

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

(f) to avoid misuse of the support measures and double funding of projects;

(g) under which producers shall withdraw the by-products of winemaking and exceptions from this obligation to avoid additional administrative burden and rules for the voluntary certification of distillers;

(h) laying down 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;

(i) regarding payments to beneficiaries and payments through insurance intermediaries in the case of support for harvest insurance provided for in Article 47.

Delegated powers

Taking into account the need to ensure that support programmes meet their objectives and that there is a targeted use of European Funds, the Commission shall be empowered to adopt delegated acts in accordance with Article 160, establishing rules:

(a) on the responsibility for expenditure between the date of receipt of the support programmes, and modifications to support programmes and their date of applicability;

(b) 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;

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

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

(f) to avoid misuse of the support measures and double funding of projects;

(g) under which producers shall withdraw the by-products of winemaking and exceptions from this obligation to avoid additional administrative burden and rules for the voluntary certification of distillers;

(h) laying down 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;

(i) regarding payments to beneficiaries and payments through insurance intermediaries in the case of support for harvest insurance provided for in Article 47.

Amendment 156

Proposal for a regulation
Article 52

Text proposed by the Commission

Article 52

National programmes and financing

1. Member States may draw up national programmes for the apiculture sector covering a period of three years.
2. The Union contribution to the apiculture programmes shall not exceed 50 % of the expenditure borne by Member States.
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

Article 52

National programmes and financing

1. Member States may draw up national programmes for the apiculture sector covering a period of three years. ***These programmes shall be developed in cooperation with representative organisations and cooperatives in the beekeeping field.***
2. The Union contribution to the apiculture programmes shall not exceed **60** % of the expenditure borne by Member States.
3. To be eligible for the Union contribution provided for in paragraph 2, Member States ***shall establish a reliable beehive identification system 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.
3a. The following measures may be included in apiculture programmes:
 - (a) technical assistance to beekeepers and beekeepers' organisations;***
 - (b) combating beehive invaders and diseases, particularly varroosis;***
 - (c) rationalisation of transhumance;***
 - (d) measures to support laboratories for the analysis of apiculture products with the aim of helping beekeepers to market and increase the value of their products;***
 - (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) compulsory labelling with the country of origin of apiculture products imported or produced in the Union and, in the case of mixtures or products of different origins, compulsory labelling with the proportion of each country of origin.

3b. In the case of farmers who are also beekeepers, the following measures may also be included in apiculture programmes:

(a) precautionary measures, including those improving bee health and reducing negative impacts on them, through the use of alternatives to pesticide use, biological control methods and integrated pest management;

(b) specific measures to increase plant diversity on farm, particularly melliferous plant species for apiculture

Amendment 157

Proposal for a regulation Article 53

Text proposed by the Commission

Article 53

Delegated powers

Taking into account the need to ensure a targeted use of Union funds for apiculture, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 on:

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

(b) rules for drawing up and the content of national programmes and the studies referred to in Article 52(3); and

(c) the conditions for the allocation of the Union's financial contribution to each participating Member State based on inter

Amendment

Article 53

Delegated powers

Taking into account the need to ensure a targeted use of Union funds for apiculture, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 on:

(a) ***additional requirements for*** the measures which may be included in apiculture programmes,

(b) rules for drawing up and the content of national programmes and the studies referred to in Article 52(3); and

(c) the conditions for the allocation of the Union's financial contribution to each participating Member State based on inter

alia total number of hives in the Union.

alia total number of hives in the Union.

Amendment 158

Proposal for a regulation

Part II – Title I – Chapter II – Section 5 a (new)

Text proposed by the Commission

Amendment

Section 5 a

Aid in the hops sector

Article 54a

Aids to producer organisations

1. The Union shall finance a payment to producer organisations in the hops sector recognised in accordance with Article 106 to finance the aims referred to in points (i), (ii) or (iii) of Article 106(c).

2. In respect of Germany, the Union financing per year for the payment to producer organisations provided for in paragraph 1 shall be EUR 2 277 000.

Article 54b

Delegated powers

In order to ensure that the aids finance the aims referred to in Article 106, the Commission shall be empowered to adopt delegated acts, in accordance with Article 160, concerning:

(a) aid applications, including rules on deadlines and accompanying documents;

(b) aid entitlement, including rules on eligible hop areas and the calculation of the amounts to be paid to each producer organisation;

(c) sanctions to be applied in the case of undue payment.

Article 54c

Implementing powers

The Commission may adopt implementing acts, establishing the necessary measures related to this Section concerning:

(a) the payment of aid;

(b) checks and inspections.

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

Amendment 159

Proposal for a regulation Article 55

Text proposed by the Commission

Article 55

Scope

Without prejudice to any other provisions applicable to agricultural products, as well as the provisions adopted in the veterinary, phytosanitary and food sectors to ensure that products comply with hygiene and health standards and to protect animal, plant and human health, this Section lays down the rules concerning the general marketing standard and marketing standards by sector and/or product for agricultural products.

Amendment

Article 55

Scope

Without prejudice to any other provisions applicable to agricultural products, as well as **to** the provisions adopted in the veterinary, phytosanitary and food sectors to ensure that products comply with hygiene and health standards and to protect animal, plant and human health, this Section lays down the rules concerning the general marketing standard and marketing standards by sector and/or product for agricultural products. ***Those rules shall be divided between obligatory rules and optional reserved terms.***

Amendment 160

Proposal for a regulation Article 56

Text proposed by the Commission

Article 56

Conformity with the general marketing standard

1. For the purposes of this Regulation a product complies with the "general marketing standard" if it is of sound, fair and marketable quality.
2. Where no marketing standards as referred to in Subsection 3 and in Council Directives 2000/36/EC , 2001/112/EC , 2001/113/EC , 2001/114/EC , 2001/110/EC , 2001/111/EC , have been

Amendment

Article 56

Conformity with the general marketing standard

1. For the purposes of this Regulation a product complies with the "general marketing standard" if it is of sound, fair and marketable quality.
2. Where no marketing standards as referred to in Subsection 3 and in Council Directives 2000/36/EC , 2001/112/EC , 2001/113/EC , 2001/114/EC , 2001/110/EC , 2001/111/EC , have been

established, agricultural products which are ready for sale or delivery to the final consumer in retail as defined in point 7 of Article 3 of Regulation (EC) No 178/2002 may only be marketed if they conform to the general marketing standard.

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.

established, agricultural products which are ready for sale or delivery to the final consumer in retail as defined in point 7 of Article 3 of Regulation (EC) No 178/2002 may only be marketed if they conform to the general marketing standard.

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.

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 comply with Union law and with the rules on the functioning of the internal market.*

Amendment 161

Proposal for a regulation Article 57

Text proposed by the Commission

Article 57

Delegated powers

Taking into account the need to address 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).**

Amendment

Article 57

Delegated powers

1. Taking into account the need to address 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 ***detailed rules concerning the general marketing standard***, and to modify and derogate from the requirements concerning general marketing standard referred to in Article 56(1),

2. The Commission shall adopt delegated acts, in accordance with Article 160, laying down the conditions for implementing and monitoring the conformity 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.

Amendment 162

Proposal for a regulation Article 59

Text proposed by the Commission

Article 59

Establishment and content

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.

2. The marketing standards referred to in paragraph 1 may ***cover***:

(a) the definition, designation and/or sales

Amendment

Article 59

Establishment and content

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, in order*** 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.

Any derogation or exemption made in this way must not entail additional costs which would be borne solely by farmers.

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

2. The marketing standards referred to in paragraph 1 may ***include one or more of the following elements***:

(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;

(b) classification criteria such as grading into classes, weight, sizing, age and category;

(c) the plant variety or animal race or the commercial type;

(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;

(e) criteria such as appearance, consistency, conformation, product characteristics;

(f) specific substances used in production, or components or constituents, including their quantitative content, purity and identification;

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

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

(i) the conservation method and temperature;

(j) the place of farming and/or origin;

(k) the frequency of collection, delivery, preservation and handling;

(l) the identification or registration of the producer and/or the industrial facilities in which the product has been prepared or processed;

(m) the percentage of water content;

(n) restrictions as regards the use of certain substances and/or practices;

descriptions other than those set out in this Regulation and lists of carcasses and parts thereof to which Annex VI applies, ***except for products of the wine sector;***

(b) classification criteria such as grading into classes, weight, sizing, age and category;

(c) the *species*, plant variety or animal race or the commercial type;

(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, ***except for products of the wine sector;***

(e) criteria such as appearance, consistency, conformation, product characteristics;

(f) specific substances used in production, or components or constituents, including their quantitative content, purity and identification;

(g) the type of farming and production method including ***agronomic and advanced systems of sustainable production*** and related administrative rules, and operating circuit;

(i) the conservation method and temperature;

(j) the place of farming and/or origin;

(k) the frequency of collection, delivery, preservation and handling;

(l) the identification or registration of the producer and/or the industrial facilities in which the product has been prepared or processed;

(m) the percentage of water content;

(n) restrictions as regards the use of certain substances and/or practices;

- (o) specific use;
- (p) commercial documents, accompanying documents and registers to be kept;
- (q) storage, transport;
- (r) the certification procedure;
- (s) the conditions governing the disposal, the holding, circulation and use of products not in conformity with the marketing standards adopted pursuant to paragraph 1 and/or with the definitions, designations and sales descriptions as referred to in Article 60, as well as the disposal of by-products;
- (t) time limits.

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 account:

- (a) the specificities of the product concerned;
- (b) the need to ensure the conditions for a smooth placing of the products on the market;
- (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;
- (d) the methods used for determining physical, chemical and organoleptic characteristics of the products;
- (e) the standard recommendations adopted by international bodies.

- (o) specific use;
- (p) commercial documents, accompanying documents and registers to be kept;
- (q) storage, transport;
- (r) the certification procedure;
- (s) the conditions governing the disposal, the holding, circulation and use of products not in conformity with the marketing standards adopted pursuant to paragraph 1 and/or with the definitions, designations and sales descriptions as referred to in Article 60, as well as the disposal of by-products;
- (t) time limits.

3. The marketing standards by sectors or products adopted pursuant to paragraph 1 shall be without prejudice to ***the provisions on optional reserved terms of Article 65a and Annex VIIa***, and shall take into account:

- (a) the specificities of the product concerned;
- (b) the need to ensure the conditions for a smooth placing of the products on the market;
- (c) the interest of ***producers in communicating the characteristics of their products and the interest of*** consumers in receiving adequate and transparent product information, the place of farming to be determined on a case by case approach at the appropriate geographical level, ***after conducting an impact assessment evaluating, in particular, the costs and administrative burdens for operators, as well as the benefits offered to producers and the end consumer***;
- (d) the methods used for determining physical, chemical and organoleptic characteristics of the products;
- (e) the standard recommendations adopted by international bodies.

(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;

(eb) the possible risk of consumers being misled due to their well established perception of the product and their corresponding expectations, having regard to the availability and feasibility of informational means to exclude such risks.

Amendment 163

Proposal for a regulation Article 59 a (new)

Text proposed by the Commission

Amendment

Article 59a

Additional requirements for the marketing of the products of the fruit and vegetables sector

1. Products of the fruit and vegetables sector which are intended to be sold fresh to the consumer may only be marketed if the country of origin is indicated.

2. The marketing standards referred to in Article 59(1), as well as any marketing standard applicable to the fruit and vegetables and the processed fruit and vegetables sectors, shall apply at all marketing stages including import and export, unless otherwise provided for by the Commission, and shall cover quality, categorisation, weight, size, packing, packaging, storage, transport, presentation and marketing.

3. The holder of products of the fruit and vegetables and processed fruit and vegetables sectors covered by marketing standards may not display such products, offer them for sale or deliver or market them in any manner within the Union other than in conformity with those standards and shall be responsible for ensuring such conformity.

4. Without prejudice to any specific provisions which may be adopted by the Commission in accordance with Article 160, in particular on the consistent application, in the Member States, of the conformity checks, Member States shall, in respect of the fruit and vegetables and the processed fruit and vegetables sectors, check selectively, based on a risk analysis, whether the products concerned conform to the respective marketing standards. These checks shall focus on the stage prior to dispatch from the production areas when the products are being packed or loaded. For products from third countries, checks shall be carried out prior to release for free circulation.

Amendment 164

Proposal for a regulation Article 59 b (new)

Text proposed by the Commission

Amendment

Article 59b

Certification for hops

- 1. Products of the hops sector, harvested or prepared within the Union, shall be subject to a certification procedure.*
- 2. Certificates may be issued only for products having the minimum quality characteristics appropriate to a specific stage of marketing. In the case of hop powder, hop powder with higher lupulin content, extract of hops and mixed hop products, the certificate may only be issued if the alpha acid content of these products is not lower than that of the hops from which they have been prepared.*
- 3. The certificates shall indicate at least:*
 - (a) the place(s) of production of the hops;*
 - (b) the year(s) of harvesting; and*
 - (c) the variety or varieties.*
- 4. Products of the hops sector may be marketed or exported only if a certificate*

as referred to in paragraphs 1, 2 and 3 has been issued.

In the case of imported products of the hops sector, the attestation provided for in Article 129a shall be deemed to be equivalent to that certificate.

5. The Commission shall be empowered to adopt delegated acts, in accordance with Article 160, establishing measures derogating from paragraph 4:

(a) in order to satisfy the trade requirements of certain third countries; or

(b) for products intended for special uses.

The measures referred to in the first subparagraph shall:

(a) not prejudice the normal marketing of products for which the certificate has been issued;

(b) be accompanied by guarantees intended to avoid any confusion with those products.

Amendment 165

Proposal for a regulation Article 60

Text proposed by the Commission

Article 60

Definitions, designations and sales descriptions for certain sectors and products

1. The definitions, designations and sales descriptions provided for in Annex VI shall apply to the following sectors or products:

- (a) olive oil and table olives;
- (b) wine;
- (c) beef and veal;
- (d) milk and milk products intended for human consumption;
- (e) poultrymeat;
- (f) spreadable fats intended for human

Amendment

Article 60

Definitions, designations and sales descriptions for certain sectors and products

1. The definitions, designations and sales descriptions provided for in Annex VI shall apply to the following sectors or products:

- (a) olive oil and table olives;
- (b) wine;
- (c) beef and veal;
- (d) milk and milk products intended for human consumption;
- (e) poultrymeat **and eggs**;
- (f) spreadable fats intended for human

consumption.

2. Definitions, designations or sales descriptions provided for in Annex VI may be used in the Union only for the marketing of a product which complies with the corresponding requirements laid down in that Annex.

3. Taking into account the need to adapt to evolving consumer demands, and technical progress and to avoid creating obstacles to product innovation, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 on modifications, derogations or exemptions to the definitions and sales descriptions provided for in Annex VI.

Amendment 166

Proposal for a regulation Article 61

Text proposed by the Commission

Article 61

Tolerance

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 167

consumption.

2. Definitions, designations or sales descriptions provided for in Annex VI may be used in the Union only for the marketing of a product which complies with the corresponding requirements laid down in that Annex.

3. Taking into account the need to adapt to evolving consumer demands, and technical progress and to avoid creating obstacles to product innovation, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 on modifications, derogations or exemptions to the definitions and sales descriptions provided for in Annex VI.

Amendment

Article 61

Tolerance

1. 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.

2. Member States may adopt or maintain additional national legislation on products covered by a Union marketing standard, provided that these provisions comply with Union law, particularly the principle of free movement of goods.

Proposal for a regulation
Article 62

Text proposed by the Commission

Article 62

Oenological practices and methods of analyses

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.

The first subparagraph shall not apply to:

- (a) grape juice and concentrated grape juice;
- (b) grape must and concentrated grape must intended for the preparation of grape juice.

Authorised oenological practices shall only be used for the purposes of ensuring proper vinification, proper preservation or proper refinement of the product.

Products listed in Part II of Annex VI shall be produced in the Union in accordance with the rules laid down in Annex VII.

Products listed in Part II of Annex VI shall not be marketed in the Union where:

- (a) they have undergone unauthorised Union oenological practices or
- (b) they have undergone unauthorised national oenological practices or
- (c) they do not comply with the rules laid down in Annex VII.

Amendment

Article 62

Oenological practices and methods of analyses

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.

The first subparagraph shall not apply to:

- (a) grape juice and concentrated grape juice;
- (b) grape must and concentrated grape must intended for the preparation of grape juice.

Authorised oenological practices shall only be used for the purposes of ensuring proper vinification, proper preservation or proper refinement of the product.

Products listed in Part II of Annex VI shall be produced in the Union in accordance with the rules laid down in Annex VII.

Products listed in Part II of Annex VI shall not be marketed in the Union where:

- (a) they have undergone unauthorised Union oenological practices or
- (b) they have undergone unauthorised national oenological practices or
- (c) they do not comply with the rules laid down in Annex VII.

The products which are unmarketable in accordance with the fifth subparagraph shall be destroyed. By way of derogation from this rule, Member States may authorise the use of certain products, the characteristics of which they shall determine, by distilleries or vinegar factories or for industrial purposes, provided that this authorisation does not

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

(a) **base itself on** the oenological practices and methods of analyses recommended and published by the OIV as well as on the results of experimental use of as yet unauthorised oenological practices;

(b) take into account the protection of human health;

(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;

(d) allow the preservation of the natural and essential characteristics of the wine and not cause a substantial change in the composition of the product concerned;

(e) ensure an acceptable minimum level of environmental care;

(f) respect the general rules concerning oenological practices and the rules laid down in Annex VII.

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)**.

Pending the adoption of such rules, the methods to be used shall be those allowed by the Member State concerned.

become an incentive to produce by means of unauthorised oenological practices.

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

(a) **take into account** the oenological practices and methods of analyses recommended and published by the OIV as well as on the results of experimental use of as yet unauthorised oenological practices;

(b) take into account the protection of human health;

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

(d) allow the preservation of the natural and essential characteristics of the wine and not cause a substantial change in the composition of the product concerned;

(e) ensure an acceptable minimum level of environmental care;

(f) respect the general rules concerning oenological practices and the rules laid down in Annex VII.

3. The methods referred to in point (d) of Article 59(3) for products listed in Part II of Annex VI **shall be adopted in accordance with the ordinary legislative procedure laid down in 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**.

Pending the adoption of such **provisions**, the methods **and rules** to be used shall be those allowed by the Member State concerned.

Amendment 168

Proposal for a regulation Article 65

Text proposed by the Commission

Article 65

National rules for certain products and sectors

1. Notwithstanding the provisions of Article 59(1), Member States may adopt or maintain national rules laying down different quality levels for spreadable fats. Such rules shall allow those quality levels to be assessed on the basis of criteria relating in particular to the raw materials used, the organoleptic characteristics of the products and their physical and microbiological stability.

Member States making use of the option provided for in the first subparagraph shall ensure that other Member States' products complying with the criteria laid down by those national rules may, in a non-discriminatory way, use terms which state that those criteria are complied with.

2. Member States may limit or prohibit the use of certain oenological practices and provide for more stringent rules for wines authorised under Union law produced in their territory with a view to reinforcing the preservation of the essential characteristics of wines with a protected designation of origin or a protected geographical indication and of sparkling wines and liqueur wines.

3. Member States may allow the experimental use of unauthorised oenological practices in accordance with the conditions specified by the Commission, by means of delegated acts adopted pursuant to paragraph 4.

4. Taking into account the need to ensure the correct and transparent application, the Commission shall be empowered to adopt delegated acts in accordance with Article

Amendment

Article 65

National rules for certain products and sectors

1. Notwithstanding the provisions of Article 59(1), Member States may adopt or maintain national rules laying down different quality levels for spreadable fats. Such rules shall allow those quality levels to be assessed on the basis of criteria relating in particular to the raw materials used, the organoleptic characteristics of the products and their physical and microbiological stability.

Member States making use of the option provided for in the first subparagraph shall ensure that other Member States' products complying with the criteria laid down by those national rules may, in a non-discriminatory way, use terms which state that those criteria are complied with.

2. Member States may limit or prohibit the use of certain oenological practices and provide for more stringent rules for wines authorised under Union law produced in their territory with a view to reinforcing the preservation of the essential characteristics of wines with a protected designation of origin or a protected geographical indication and of sparkling wines and liqueur wines.

3. Member States may allow the experimental use of unauthorised oenological practices in accordance with the conditions specified by the Commission, by means of delegated acts adopted pursuant to paragraph 4.

4. Taking into account the need to ensure the correct and transparent application, the Commission shall be empowered to adopt delegated acts in accordance with Article

160 specifying the conditions for the application of paragraphs 1, 2 and 3 of this Article as well as the conditions for the holding, circulation and use of the products obtained from the experimental practices referred to in paragraph 3 of this Article.

160 specifying the conditions for the application of paragraphs 1, 2 and 3 of this Article as well as the conditions for the holding, circulation and use of the products obtained from the experimental practices referred to in paragraph 3 of this Article.

4a. Member States may adopt or maintain marketing standards for sectors or products, provided that those measures are consistent with Union law.

Amendment 169

Proposal for a regulation

Part II – Title II – Chapter I – Section 1 – Subsection 3 a (new)

Text proposed by the Commission

Amendment

SUBSECTION 3a

OPTIONAL RESERVED TERMS

Article 65a

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 65b

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 65c.

Article 65c

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:

- (a) reserving an additional optional reserved term, laying down its conditions of use,*
- (b) amending the conditions of use of an optional reserved term, or*
- (c) cancelling an optional reserved term.*

Article 65d

Additional optional reserved terms

1. A term shall be eligible for reservation as 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, laying down detailed rules relating to the requirements for the creation of the additional optional reserved terms referred to in paragraph 1.

Article 65e

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, laying down rules for the use of optional reserved terms.*

Amendment 170

Proposal for a regulation Article 66

Text proposed by the Commission

Article 66

General provisions

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 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.

Amendment

Article 66

General provisions

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 well-established perception of the products, and to their corresponding expectations, measures may be adopted in accordance with the ordinary legislative procedure laid down in 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 determine the rules concerning the

application of the marketing standards to products exported from the Union.

Amendment 171

Proposal for a regulation Article 67

Text proposed by the Commission

Article 67

Special provisions for the imports of wine

1. Save as otherwise provided for in agreements concluded pursuant to Article 218 of the Treaty, the provisions concerning designation of origin and geographical indications and labelling of wine set out in Section 2 of this Chapter and in the definitions, designations and sales descriptions referred to in Article 60 of this Regulation, shall apply to products imported into the Union and falling under CN codes 2009 61, 2009 69 and 2204.

2. Save as otherwise provided for in agreements concluded pursuant to Article 218 of the Treaty, products referred to in paragraph 1 of this Article shall be produced in accordance with oenological practices ***recommended and published by the OIV or*** authorised by the Union pursuant to this Regulation.

3. The import of the products referred to in paragraph 1 shall be subject to the presentation of:

- (a) a certificate evincing compliance with the provisions referred to in paragraphs 1 and 2, drawn up by a competent body, included on a list to be made public by the Commission, in the product's country of origin;
- (b) an analysis report drawn up by a body or department designated by the product's country of origin, in so far as the product is

Amendment

Article 67

Special provisions for the imports of wine

1. Save as otherwise provided for in agreements concluded pursuant to Article 218 of the Treaty, the provisions concerning designation of origin and geographical indications and labelling of wine set out in Section 2 of this Chapter and in the definitions, designations and sales descriptions referred to in Article 60 of this Regulation, shall apply to products imported into the Union and falling under CN codes 2009 61, 2009 69 and 2204.

2. Save as otherwise provided for in agreements concluded pursuant to Article 218 of the Treaty, products referred to in paragraph 1 of this Article shall be produced in accordance with oenological practices authorised by the Union pursuant to this Regulation.

Measures derogating from this paragraph shall be adopted in accordance with the ordinary legislative procedure laid down in Article 43(2) of the Treaty.

3. The import of the products referred to in paragraph 1 shall be subject to the presentation of:

- (a) a certificate evincing compliance with the provisions referred to in paragraphs 1 and 2, drawn up by a competent body, included on a list to be made public by the Commission, in the product's country of origin;
- (b) an analysis report drawn up by a body or department designated by the product's country of origin, in so far as the product is

intended for direct human consumption.

intended for direct human consumption.

Amendment 172

Proposal for a regulation Article 67 a (new)

Text proposed by the Commission

Amendment

Article 67a

Delegated powers

The Commission shall be empowered to adopt delegated acts, in accordance with Article 160, laying down:

(a) rules for the interpretation and enforcement of the definitions and sales descriptions provided for in Annex VI;

(b) rules on the national procedures concerning the withdrawal and destruction of wine products that do not comply with the requirements of this Regulation.

Amendment 173

Proposal for a regulation Article 68

Text proposed by the Commission

Amendment

Article 68

Article 68

Implementing powers in accordance with the examination procedure

Implementing powers in accordance with the examination procedure

The Commission may, by means of implementing acts, adopt the necessary measures related to this Section ***and in particular:***

The Commission may, by means of implementing acts, adopt the necessary measures related to this Section:

(a) for the implementation of the general marketing standard;

(b) for the implementation of the definitions and sales descriptions provided for in Annex VI;

(c) for drawing up the list of milk and milk products referred to in the second paragraph of point 5 of Part III of Annex VI and spreadable fats referred to in point

(c) for drawing up the list of milk and milk products referred to in the second paragraph of point 5 of Part III of Annex VI and spreadable fats referred to in point

(a) of the sixth paragraph of Part VI of Annex VI, on the basis of indicative lists of products which Member States regard as corresponding in their territory to those provisions and which Member States shall send to the Commission;

(d) for the implementation of the marketing standards by sector or product, including the detailed rules for the taking of samples and the methods of analysis for determining the composition of products;

(e) for determining whether products have undergone processes contrary to the authorised oenological practices;

(f) for fixing of the tolerance level;

(g) for the implementation of Article 66.

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

(a) of the sixth paragraph of Part VI of Annex VI, on the basis of indicative lists of products which Member States regard as corresponding in their territory to those provisions and which Member States shall send to the Commission;

(d) for the implementation of the marketing standards by sector or product, including the detailed rules for the taking of samples and the methods of analysis for determining the composition of products;

(e) for determining whether products have undergone processes contrary to the authorised oenological practices;

(f) for fixing of the tolerance level;

(g) for the implementation of Article 66.

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

Amendment 174

Proposal for a regulation Article 69

Text proposed by the Commission

Article 69

Scope

1. Rules on designations of origin, geographical indications and traditional terms laid down in this Section shall apply to the products referred to in points 1, 3 to 6, 8, 9, 11, 15 and 16 of Part II of Annex VI.

2. The rules referred to in paragraph 1 shall be based on:

(a) protecting of legitimate interests of consumers and producers;

(b) ensuring the smooth operation of the internal market in the products concerned; and

(c) promoting the production of **quality** products, whilst allowing national quality policy measures.

Amendment

Article 69

Scope

1. Rules on designations of origin, geographical indications and traditional terms laid down in this Section shall apply to the products referred to in points 1, 3 to 6, 8, 9, 11, 15 and 16 of Part II of Annex VI.

2. The rules referred to in paragraph 1 shall be based on:

(a) protecting of legitimate interests of consumers and producers;

(b) ensuring the smooth operation of the internal market in the products concerned; and

(c) promoting the production of products **under quality schemes**, whilst allowing national quality policy measures.

Amendment 175

Proposal for a regulation

Article 70

Text proposed by the Commission

Article 70

Definitions

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

(a) "a designation of origin" shall mean the name of a region, a specific place or, in exceptional and duly justifiable cases, a country used to describe a product referred to in Article 69(1) complying with the following requirements:

(i) the quality and characteristics of the product are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors;

(ii) the grapes from which the product is produced come exclusively from that geographical area;

(iii) the production takes place in that geographical area; and

(iv) the product is obtained from vine varieties belonging to *Vitis vinifera*;

(b) "a geographical indication" shall mean an indication referring to a region, a specific place or, in exceptional and duly justifiable cases, a country, used to describe a product referred to in Article 69(1) complying with the following requirements:

(i) it possesses a specific quality, reputation or other characteristics attributable to that geographical origin;

(ii) at least 85 % of the grapes used for its production come exclusively from that geographical area;

(iii) its production takes place in that geographical area; and

(iv) it is obtained from vine varieties belonging to *Vitis vinifera* or a cross

Amendment

Article 70

Definitions

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

(a) "a designation of origin" shall mean the name of a region, a specific place or, in exceptional and duly justifiable cases, a country used to describe a product referred to in Article 69(1) complying with the following requirements:

(i) the quality and characteristics of the product are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors;

(ii) the grapes from which the product is produced come exclusively from that geographical area;

(iii) the production takes place in that geographical area; and

(iv) the product is obtained from vine varieties belonging to *Vitis vinifera*;

(b) "a geographical indication" shall mean an indication referring to a region, a specific place or, in exceptional and duly justifiable cases, a country, used to describe a product referred to in Article 69(1) complying with the following requirements:

(i) it possesses a specific quality, reputation or other characteristics attributable to that geographical origin;

(ii) at least 85 % of the grapes used for its production come exclusively from that geographical area;

(iii) its production takes place in that geographical area; and

(iv) it is obtained from vine varieties belonging to *Vitis vinifera* or a cross

between the *Vitis vinifera* species and other species of the genus *Vitis*.

between the *Vitis vinifera* species and other species of the genus *Vitis*.

1a. For the purpose of the application of points (a)(iii) and (b)(iii) of paragraph 1, '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 paragraph 1, the maximum 15 % share of grapes which may originate outside the demarcated geographical area shall originate from the Member State or third country in which the demarcated area is situated.

By way of derogation from points (a)(iii) and (b)(iii) of paragraph 1, and on condition that the product specification laid down in Article 71(2) so provides, a product with a protected designation of origin or a protected geographical indication may be made into wine either:

(a) in an area in the immediate proximity of the demarcated area concerned;

(b) in an area located within the same administrative unit or within a neighbouring administrative unit, as defined by national law;

(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 States and one or more third countries, in an area situated in the immediate proximity of the demarcated area in question.

By way of derogation from point (a) (iii) of paragraph 1 and from the third subparagraph of this 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

2. Certain traditionally used names shall constitute a designation of origin where they:

- (a) designate a wine;
- (b) refer to a geographical name;
- (c) meet the requirements referred to in points (i) to (iv) of paragraph 1(a); and
- (d) undergo the procedure conferring protection on designations of origin and geographical indications laid down in this Subsection;

3. Designations of origin and geographical indications, including those relating to geographical areas in third countries, shall be eligible for protection in the Union in accordance with the rules laid down in this Subsection.

area in question if this practice was in use prior to 1 March 1986.

2. Certain traditionally used names shall constitute a designation of origin where they:

- (a) designate a wine;
- (b) refer to a geographical name;
- (c) meet the requirements referred to in points (i) to (iv) of paragraph 1(a); and
- (d) undergo the procedure conferring protection on designations of origin and geographical indications laid down in this Subsection;

3. Designations of origin and geographical indications, including those relating to geographical areas in third countries, shall be eligible for protection in the Union in accordance with the rules laid down in this Subsection.

Amendment 176

Proposal for a regulation Article 71

Text proposed by the Commission

Article 71

Applications for protection

1. Applications for protection of names as designations of origin or geographical indications shall include a technical file containing:

- (a) the name to be protected;
- (b) the name and address of the applicant;
- (c) a product specification as referred to in paragraph 2; and
- (d) a single document summarising the product specification referred to in paragraph 2.

2. The product specification shall enable interested parties to verify the relevant conditions of production of the designation of origin or geographical indication.

Amendment

Article 71

Applications for protection

1. Applications for protection of names as designations of origin or geographical indications shall include a technical file containing:

- (a) the name to be protected;
- (b) the name and address of the applicant;
- (c) a product specification as referred to in paragraph 2; and
- (d) a single document summarising the product specification referred to in paragraph 2.

2. The product specification shall enable interested parties to verify the relevant conditions of production of the designation of origin or geographical indication.

Such product specification shall at least consist of:

- (a) the name to be protected;*
- (b) a description of the wine(s) and, in particular;*
- (i) for wines with a designation of origin, their principal analytical and organoleptic characteristics;*
- (ii) for wines with a geographical indication, their principal analytical characteristics as well as an evaluation or indication of their organoleptic characteristics;*
- (c) where applicable, the specific oenological practices used to make the wine(s) as well as the relevant restrictions on making the wine(s);*
- (d) the demarcation of the geographical area concerned;*
- (e) the maximum yields per hectare;*
- (f) an indication of the wine grape variety or varieties from which the wine(s) is obtained;*
- (g) the details proving that the requirements referred to in Article 70(1)(a) or, as the case may be, in Article 70(1)(b)(i), have been complied with;*
- (h) any applicable requirements concerning the production of the product with a PDO or a PGI laid down in Union or national law or, where provided for by Member States, by an organisation which manages the protected designation of origin or the protected geographical indication;*
- (i) the name and address of the authorities or bodies verifying compliance with the provisions of the product specification and their specific tasks.*

The requirements referred to in point (h) of the second subparagraph shall be objective, non-discriminatory and compatible with Union law.

3. Where the application for protection

3. Where the application for protection

concerns a geographical area in a third country, in addition to the elements provided for in paragraphs 1 and 2, it shall contain a proof that the name concerned is protected in its country of origin.

Amendment 177

Proposal for a regulation

Article 73

Text proposed by the Commission

Article 73

Preliminary national procedure

1. Applications for protection of a designation of origin or a geographical indication as referred to in Article 71 for wines originating in the Union shall be subject to a preliminary national procedure.

2. If the Member State considers that the designation of origin or geographical indication does not *meet* the **requirements** or is incompatible with Union law, it shall reject the application.

concerns a geographical area in a third country, in addition to the elements provided for in paragraphs 1 and 2, it shall contain a proof that the name concerned is protected in its country of origin.

Amendment

Article 73

Preliminary national procedure

1. Applications for protection of a designation of origin or a geographical indication as referred to in Article 71 for wines originating in the Union shall be subject to a preliminary national procedure.

1a. The application for protection shall be filed with the Member State on the territory of which the designation of origin or geographical indication originates.

The Member State shall examine the application for protection in order to verify whether it meets the conditions laid down in this Subsection.

The Member State shall ensure the adequate publication at national level of the application and provide for a period of at least two months from the date of publication within which written objections to the proposed protection may be lodged. Such objections shall be in the form of a duly substantiated statement and may be made by any natural or legal person resident or established on the territory of the Member State, having a legitimate interest.

2. If the Member State considers that the designation of origin or ***the*** geographical indication does not ***comply with*** the ***conditions laid down in this Subsection*** or is incompatible with Union law, it shall reject the application.

3. If the Member State considers that the **requirements** are *met*, it shall **carry out a national procedure which ensures adequate publication of the product specification at least on the Internet**.

3. If the Member State considers that the **conditions laid down in this Subsection** are *complied with*, it shall:

(a) ensure adequate publication, at least on the Internet, of the product specification referred to in point (d) of Article 71(1);

(b) submit to the Commission an application for protection containing the following information:

(i) the name and address of the applicant;

(ii) the single document referred to in Article 71(1)(d);

(iii) a declaration by the Member State that it considers that the application lodged by the applicant meets the conditions required; and

(iv) the reference to the publication made pursuant to point (a).

The information referred to in point (b) of the first subparagraph shall be forwarded in one of the official languages of the Union or accompanied by a certified translation into one of those languages.

Amendment 178

Proposal for a regulation Article 79

Text proposed by the Commission

Article 79

Relationships with trademarks

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

Amendment

Article 79

Relationships with trademarks

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

protection of the designation of origin or geographical indication to the Commission and the designation of origin or geographical indication is subsequently protected.

Trade marks registered in breach of the first subparagraph shall be invalidated.

2. Without prejudice to Article 78(2), a trade mark the use of which falls under Article 80(2), which has been applied for, 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.

In such cases the use of the designation of origin or geographical indication shall be permitted alongside the relevant trade marks.

Amendment 179

Proposal for a regulation Article 82

Text proposed by the Commission

Article 82

Amendments to product specifications

1. An applicant satisfying the conditions laid down ***pursuant to point (b) of Article 86(4)*** may apply for approval of an amendment to the product specification of

after the date of ***the 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.

Trade marks registered in breach of the first subparagraph shall be invalidated.

2. Without prejudice to Article 78(2), a trade mark the use of which falls under Article 80(2), which has been applied for, registered or established 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.

In such cases the use of the designation of origin or geographical indication shall be permitted alongside the relevant trade marks.

Amendment

Article 82

Amendments to product specifications

1. An applicant satisfying the conditions laid down ***in Article 72*** may apply for approval of an amendment to the product specification of a protected designation of

a protected designation of origin or a protected geographical indication, in particular to take account of developments in scientific and technical knowledge or to redefine the geographical area *concerned*. Applications shall describe and *give* reasons for the amendments requested.

origin or *of* a protected geographical indication, in particular to take account of developments in scientific and technical knowledge or to redefine the geographical area *referred to in point (d) of the second subparagraph of Article 71(2)*.

Applications shall describe and *state* reasons for the amendments requested.

By way of derogation from paragraph 1, Member States or third countries concerned, or their competent authority, may apply for approval of an amendment to the product specification of existing protected wine names in accordance with Article 84(1).

1a. Where the proposed amendment involves one or more amendments to the single document referred to in Article 71(1)(d), Articles 73 to 76 shall apply mutatis mutandis to the amendment application. However, if the proposed amendment is only minor, the Commission shall adopt implementing acts, containing its decision whether to approve the application without following the procedure laid down in Article 74(2) and Article 75 and, in the event of approval, shall publish the elements referred to in Article 74(3). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).

1b. Where the proposed amendment does not involve any change to the single document, the following rules shall apply:

(a) where the geographical area concerned is in a given Member State, that Member State shall decide on the amendment and, in the event of approval, shall publish the amended product specification and inform the Commission of the amendments approved and the reasons for them;

(b) where the geographical area concerned is in a third country, the Commission shall, by means of implementing acts, decide whether to approve the proposed amendment. Those

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

Amendment 180

Proposal for a regulation

Article 84

Text proposed by the Commission

Article 84

Existing protected wine names

1. Wine names, ***which are protected in accordance with*** Articles 51 and 54 of Council Regulation (EC) No 1493/1999 and Article 28 of Commission Regulation (EC) No 753/2002, shall automatically ***be*** protected under this Regulation. The Commission shall list them in the register provided for in Article 81 of this Regulation.

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***.

3. Article 83 shall not apply to existing protected wine names referred to in paragraph 1 of this Article.

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.

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

4. For Croatia, the wine names published in the *Official Journal of the European Union* shall be protected under this Regulation, subject to a favourable outcome of the

Amendment

Article 84

Existing protected wine names

1. Wine names ***referred to in*** Articles 51 and 54 of Council Regulation (EC) No 1493/1999 and Article 28 of Commission Regulation (EC) No 753/2002, shall ***be*** automatically protected under this Regulation. The Commission shall list them in the register provided for in Article 81 of this Regulation.

2. The Commission may adopt implementing acts removing wine names to which ***Article 118s(3) of Regulation (EC) No 1234/2007*** applies from the register provided for in Article 81. ***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).***

3. Article 83 shall not apply to existing protected wine names referred to in paragraph 1 of this Article.

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.

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

4. For Croatia, the wine names published in the *Official Journal of the European Union* shall be protected under this Regulation, subject to a favourable outcome of the

objection procedure. The Commission shall list them in the register provided for in Article 81.

Amendment 181

Proposal for a regulation

Article 86

Text proposed by the Commission

Article 86

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 5 of this Article.

2. Taking into account of the specificities of the production in the demarcated geographical area, the Commission may, by means of delegated acts, adopt:

(a) the ***principles*** for the demarcation of the geographical area, and

(b) the ***definitions***, restrictions and derogations concerning the production in the demarcated geographical area.

3. Taking into account the need to ensure product quality and traceability, the Commission may, by means of delegated acts, provide for the conditions under which product specifications may include additional requirements.

4. Taking into account the need to ensure the legitimate rights and interests of producers or operators, the Commission may, by means of delegated acts, adopt rules on:

(a) ***the elements of the product specification;***

(b) the type of applicant that may apply for the protection of a designation of origin or geographical indication;

(c) the conditions to be followed in respect of an application for the protection of a designation of origin or geographical

objection procedure. The Commission shall list them in the register provided for in Article 81.

Amendment

Article 86

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 5 of this Article.

2. Taking into account of the specificities of the production in the demarcated geographical area, the Commission may, by means of delegated acts, adopt:

(a) the ***additional details*** for the demarcation of the geographical area, and

(b) the restrictions and derogations concerning the production in the demarcated geographical area.

3. Taking into account the need to ensure product quality and traceability, the Commission may, by means of delegated acts, provide for the conditions under which product specifications may include additional requirements.

4. Taking into account the need to ensure the legitimate rights and interests of producers or operators, the Commission may, by means of delegated acts, adopt rules on:

(b) the type of applicant that may apply for the protection of a designation of origin or geographical indication;

(c) the conditions to be followed in respect of an application for the protection of a designation of origin or geographical

indication, ***preliminary national procedures***, scrutiny by the Commission, objection procedure, and procedures for amendment, cancellation and conversion of protected designations of origin or protected geographical indications;

(d) the conditions applicable to trans-border applications;

(e) the conditions for applications concerning geographical areas in a third country;

(f) the date from which a protection or an amendment of a protection shall apply;

(g) the conditions related to amendments to product specifications.

5. Taking into account the need to ensure an adequate protection, the Commission may, by means of delegated acts, adopt restrictions regarding the protected name.

6. Taking into account the need to ensure that economic operators and competent authorities are not prejudiced by the application of this Subsection as regards wine names which have been granted protection prior to 1 August 2009 or for which an application for protection has been made prior to that date, the Commission may, by means of delegated acts, adopt transitional provisions concerning:

(a) wine names recognised by Member States as designations of origin or geographical indications by 1 August 2009 and wine names for which an application for protection has been made prior to that date;

(b) preliminary national procedure;

(c) wines placed on the market or labelled before a specific date; and

(d) amendments to the product specifications.

indication, scrutiny by the Commission, objection procedure, and procedures for amendment, cancellation and conversion of protected designations of origin or protected geographical indications;

(d) the conditions applicable to trans-border applications;

(e) the conditions for applications concerning geographical areas in a third country;

(f) the date from which a protection or an amendment of a protection shall apply;

(g) the conditions related to amendments to product specifications ***and the conditions under which an amendment is to be considered as minor within the meaning of Article 82(1a).***

5. Taking into account the need to ensure an adequate protection, the Commission may, by means of delegated acts, adopt restrictions regarding the protected name.

Amendment 182

Proposal for a regulation

Article 89 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Traditional terms shall be recognised, defined and protected by the Commission.

Amendment 183

Proposal for a regulation

Article 89 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Traditional terms shall be protected only in the language and for the categories of grape vine products claimed in the application, against:

(a) any misuse of the protected term, including where it is accompanied by an expression such as 'style', 'type', 'method', 'as produced in', 'imitation', 'flavour', 'like' or similar;

(b) any other false or misleading indication as to the nature, characteristics or essential qualities of the product, placed on the inner or outer packaging, advertising material or documents relating to it;

(c) any other practice likely to mislead the consumer, in particular to give the impression that the wine qualifies for the protected traditional term.

Amendment 184

Proposal for a regulation

Article 89 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Where a traditional term is protected under this Regulation, the registration of a trademark, the use of which would contravene Article 89c, shall be assessed in accordance with Directive 2008/95/EC

or Regulation (EC) No 207/2009.

Trademarks registered in breach of the first subparagraph shall be declared invalid upon request in accordance with the applicable procedures as specified by Directive 2008/95/EC or Regulation (EC) No 207/2009.

A trademark, which corresponds to one of the situations referred to in Article 89c of this Regulation, and which has been applied for, registered or established by use, if that possibility is provided for by the legislation concerned, in the territory of the Union before 4 May 2002 or before the date of submission of the application for protection of the traditional term to the Commission, may continue to be used and renewed notwithstanding the protection of the traditional term. In such cases the use of the traditional term shall be permitted alongside the relevant trademark.

A name shall not be protected as a traditional term, where in the light of a trademark's reputation and renown, such protection is liable to mislead the consumer as to the true identity, nature, characteristic or quality of the wine.

Amendment 185

Proposal for a regulation

Article 89 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. A term, for which an application is lodged and which is wholly or partially homonymous with that of a traditional term already protected under this Chapter shall be protected paying due regard to local and traditional usage and to the risk of confusion. A homonymous term which misleads consumers as to the nature, quality or the true origin of the products shall not be registered even if the term is accurate.

The use of a protected homonymous term

shall be subject to there being a sufficient distinction in practice between the homonym protected subsequently and the traditional term already protected, having regard to the need to treat the producers concerned in an equitable manner and not to mislead the consumer.

Amendment 186

Proposal for a regulation

Article 89 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. Within two months from the date of publication of the application by the Commission, any Member State or third country, or any natural or legal person having a legitimate interest may object to the proposed recognition by lodging a request of objection.

Amendment 187

Proposal for a regulation

Article 89 – paragraph 1 e (new)

Text proposed by the Commission

Amendment

1e. An applicant may apply for an approval of a modification of a traditional term, the language indicated, the wine or wines concerned or of the summary of the definition or conditions of use of the traditional term concerned.

Amendment 188

Proposal for a regulation

Article 89 – paragraph 1 f (new)

Text proposed by the Commission

Amendment

1f. The Commission may, on a duly substantiated request by a Member State, a third country or a natural or legal person having a legitimate interest, adopt implementing acts, containing its decision to cancel the protection of a traditional

term if it no longer meets the definition laid down in Article 89.

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

Amendment 189

Proposal for a regulation Article 89 a (new)

Text proposed by the Commission

Amendment

Article 89a

Conditions for the use of traditional terms

1. The term to be protected shall be either:

(a) in the official language(s) or regional language(s) of the Member State or third country where the term originates; or

(b) in the language used in commerce for this term.

2. The term used in a certain language shall refer to specific products referred to in Article 69(1).

3. The term shall be registered with its original spelling(s).

Amendment 190

Proposal for a regulation Article 89 b (new)

Text proposed by the Commission

Amendment

Article 89b

Conditions of validity

1. The recognition of a traditional term shall be accepted if:

(a) the term consists solely of:

(i) a name traditionally used in commerce in a large part of the territory of the Community or of the third country concerned, to distinguish specific categories of grapevine products referred to in Article 69(1); or

(ii) a reputed name traditionally used in commerce in at least the territory of the Member State or third country concerned, to distinguish specific categories of grapevine products referred to in Article 69(1);

(b) the term shall:

(i) not be generic;

(ii) be defined and regulated in the Member State's legislation; or

(iii) be subject to conditions of use as provided for by rules applicable to wine producers in the third country concerned, including those emanating from representative professional organisations.

2. For the purpose of paragraph (1), point (a), "traditional use" means:

(a) at least five years in the case of terms filed in language(s) referred to in Article 89a, paragraph (1)(a);

(b) at least 15 years in the case of terms filed in language(s) referred to in Article 89a(1)(b).

3. For the purpose of paragraph (1), point (b)(i), "generic" means the name of a traditional term which, although it relates to a specific production method or ageing method, or the quality, colour, type of place, or a particular linked to the history of a grapevine product, has become the common name of the grapevine product in question in the Union.

4. The condition laid down in paragraph 1(b) of this Article shall not apply to the traditional terms referred to in point (b) of Article 89.

Amendment 191

Proposal for a regulation Article 89 c (new)

Text proposed by the Commission

Amendment

Article 89c

Applicants

1. Competent authorities of Member States or third countries or representative professional organisations established in third countries may submit to the Commission an application for protection of traditional terms within the meaning of Article 89.

2. "Representative professional organisation" shall mean any producer organisation or association of producer organisations having adopted the same rules, operating in a given wine-growing area or in several wine-growing areas with a designation of origin or geographical indication, where it includes in its membership at least two-thirds of the producers in the designation of origin or geographical indication area(s) in which it operates and accounts for at least two thirds of that area's production. A representative professional organisation may lodge an application for protection only for wines which it produces.

Amendment 192

Proposal for a regulation Article 89 d (new)

Text proposed by the Commission

Amendment

Article 89d

Recognition procedure

Any decision to reject or recognise the traditional term concerned shall be taken by the Commission on the basis of the evidence available to it. It shall consider whether or not the conditions referred to in Article 89, 89a and 89b, or laid down in Article 90a(3) or Article 90b, have been met.

The decision to reject shall be notified to the objector and to the Member State or the third-country authorities or the representative professional organisation established in the third country in

question.

Amendment 193

Proposal for a regulation

Article 91 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) the applicants that may apply for the protection of a traditional term;

deleted

Amendment 194

Proposal for a regulation

Article 91 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) the grounds for objecting to a proposed recognition of a traditional term;

deleted

Amendment 195

Proposal for a regulation

Article 91 – paragraph 3 – point d

Text proposed by the Commission

Amendment

(d) the scope of the protection, the relationship with trade marks, protected traditional terms, protected designations of origin or geographical indications, homonyms, or certain wine grape names;

deleted

Amendment 196

Proposal for a regulation

Article 91 – paragraph 3 – point e

Text proposed by the Commission

Amendment

(e) the grounds for cancellation of a traditional term;

deleted

Amendment 197

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, , adopt the conditions under which traditional terms may be used on products from third countries and provide for derogations from Article 89.

Amendment

4. Taking into account the specificities in trade between the Union and certain third countries, the Commission may, **by way of derogation from Article 89**, adopt **delegated acts laying down** the conditions under which traditional terms may be used on products from third countries and provide for derogations from Article 89.

Amendment 198

Proposal for a regulation Article 93 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Those implementing acts shall be adopted without applying the procedure referred to in Article 162(2) or (3).

Amendment 199

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 labelling and presentation.

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.

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 those particulars 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 is present in one of the products referred to in Part II of Annex VI to this Regulation, they shall 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 list of ingredients referred to in paragraph 1 may be accompanied by the use of a pictogram. The Commission shall be empowered to adopt delegated acts, in accordance with Article 160, determining the use of such pictograms.

Amendment 200

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 a protected designation of origin or a protected geographical indication.

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 name of a protected designation of origin or a protected geographical indication ***and for quality sparkling wines whose labels include the term “Sekt”.***

Amendment 201

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 with the product specification referred to in Article 71(2) of this Regulation;***

Amendment 202

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 consider the specificities of the wine sector, the Commission may, by means of delegated acts, adopt **definitions**, rules and restrictions on:

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 rules and restrictions on:

Amendment 203

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.

Amendment 204

Proposal for a regulation Article 100 a (new)

Text proposed by the Commission

Amendment

Article 100a

Duration

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

Amendment 205

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

Amendment 206

Proposal for a regulation

Article 101

Text proposed by the Commission

Amendment

Article 101

Article 101

Sugar sector agreements

Sugar sector agreements

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

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, **on the one hand**, Union growers of sugar beet and sugar cane **or, on their behalf, the organisations of which they are members**, and, **on the other hand**, Union sugar undertakings **or, on their behalf, the organisations of which they are members**.

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.

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

(a) quota sugar; or

(b) out-of-quota sugar.

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.

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.

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

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.

Amendment 207

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 adopt implementing acts establishing a system for reporting sugar market prices, including arrangements for publishing the price levels for this market. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2),

The system referred to in the first paragraph shall be based on information

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

The Commission shall ensure that the information published does not enable the prices of individual undertakings or operators to be identified .

Amendment 208

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.

Amendment 209

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 Commission shall adopt implementing acts fixing the production refunds referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).

3. In order to take into account the special characteristics of the out-of-quota sugar market in the Union, the Commission shall be empowered to adopt delegated acts, in accordance with Article 160, determining the conditions for the granting of the production refunds referred to in this section.

Amendment 210

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 adopt implementing acts, containing decisions 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.

In that case, white sugar and raw sugar imports from all sources and not reserved for the production of one of the products referred to in Article 101m(2) shall be withdrawn from the Union market by the same proportion for the marketing year concerned.

2. The withdrawal threshold referred to in paragraph 1 shall be calculated, for each undertaking holding a quota, by multiplying its quota by a coefficient. The Commission may adopt implementing acts fixing that coefficient 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, adopt implementing acts, containing its decision 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 adopt implementing acts, containing its decision 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 adopt implementing acts, containing its decision allowing a certain quantity of withdrawn sugar, isoglucose or inulin syrup to 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).

Amendment 211

Proposal for a regulation
Article 101 da (new)

Text proposed by the Commission

Amendment

Article 101 da

**Temporary market management
mechanism**

Without prejudice of the agreements concluded pursuant to Article 218 of the Treaty and until the end of the quota system, the Commission may adopt implementing acts activating a temporary market management mechanism in order to address severe market imbalances, triggering the following measures:

- release of out-of-quota sugar onto the internal market, applying the same conditions as for quota sugar, as described in Article 101l(1)(e); and

- notably when the European Commission data for imported raw and white sugar reach a level below 3 million tonnes for the marketing year, suspension of import duties, as described in Article 130b.

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

Amendment 212

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 special characteristics of the sugar sector and to ensure that the interests of all parties are duly taken into account, and given the need to prevent any disturbance of the market, the Commission may adopt delegated acts, in accordance with Article 160, introducing 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);*
- (c) the temporary market management mechanism referred to in Article 101da, on the basis of the forecast supply balance, including the conditions for the release of the out-of-quota sugar referred to in Article 101l(1)(e) onto the internal market, applying the same conditions as for quota sugar .*

Amendment 213

Proposal for a regulation

Part II – Title II – Chapter II – Section 1 – subsection 1 a (new)

Text proposed by the Commission

Amendment

SUBSECTION 1a

SYSTEM OF PRODUCTION REGULATION

Amendment 214

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.*

Amendment 215

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.

Amendment 216

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.

By way of derogation from subparagraph 1, the Commission may adopt implementing acts, without the application of Article 162(2) or (3), and at the request of the Member States concerned, allocating quotas to Member States who, in accordance with Council Regulation (EC) No 320/2006, renounced their entire quota. For the purpose of this subparagraph, when assessing a Member State's request, the Commission shall not take into account the quotas allocated to undertakings situated in the outermost regions of the Union.

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 513/2010 which was allocated to the undertaking for the marketing year 2010/2011.

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

Amendment 217

Proposal for a regulation
Article 101 i (new)

Text proposed by the Commission

Amendment

Article 101i

Approved undertakings

1. On request, Member States shall grant 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.

Amendment 218

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.

Amendment 219

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 that has been 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 they hold a quota.

Amendment 220

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) released onto the internal market, in compliance with the mechanism described in Article 101da, applying the same conditions as for quota sugar, for purposes of adjusting supply to demand, in quantities and subject to arrangements determined by the Commission by means of delegated acts adopted pursuant to Article 101p(6) and to Article 101e(c), 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).

Amendment 221

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 shall be empowered to adopt delegated act, in accordance with Article 160, establishing 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 which are processed using sugar, isoglucose or inulin syrup;

(c) certain products of the chemical or pharmaceutical industry which contain

sugar, isoglucose or inulin syrup.

Amendment 222

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 31 August of the current marketing year for other quantities of sugar or inulin syrup being carried forward;

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

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

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

marketing year.

5. Sugar stored in accordance with this Article during a marketing year may not be subject to any other storage measures provided for in Articles 16 or 101d.

Amendment 223

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 101d(3) are not met.

2. The Commission shall adopt implementing acts fixing the surplus levy at a level sufficiently high to prevent the accumulation of the quantities referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in

Article 162(2).

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.

Amendment 224

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 shall be empowered to adopt delegated acts, in accordance with Article 160, laying down rules on the granting and the withdrawal of approval for such undertakings, as well as the criteria for administrative penalties.

3. Given the need to take into account the special characteristics of the sugar sector and to ensure that the interests of all parties are duly taken into account, the Commission shall be empowered to adopt delegated acts, in accordance with Article 160, laying down further definitions, including those of sugar, isoglucose and inulin syrup production, the production of an undertaking; as well as laying down 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 shall be empowered to adopt delegated acts, in accordance with Article 160, laying 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, as well as the need to take into account the special characteristics of the sugar sector and to ensure that the interests of all parties are duly taken into account, the Commission shall be empowered to adopt delegated acts, in accordance with Article 160, laying down rules for the increases and reductions referred to in Article 101g(3).

Amendment 225

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 adopt implementing acts, establishing 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 release of the out-of-quota sugar referred to in Article 101l(1)(e) onto the internal market;*
- (l) the adoption of a list of full-time refiners pursuant to Annex II, Part Ia, point 12.*
- Those implementing acts shall be adopted in accordance with examination procedure referred to in Article 162(2),*

Amendment 226

Proposal for a regulation

Part II – Title II – Chapter II – Section 2 – subsection 1 (new)

Text proposed by the Commission

Amendment

SUBSECTION 1

MONITORING PRODUCTION AND MARKETING

Amendment 227

Proposal for a regulation

Article 102 – paragraph 1

Text proposed by the Commission

Amendment

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

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

Amendment 228

**Proposal for a regulation
Article 102 – paragraph 5**

Text proposed by the Commission

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

Amendment

deleted

Amendment 229

**Proposal for a regulation
Article 102 a (new)**

Text proposed by the Commission

Amendment

Article 102a

Responsible national authorities for the wine sector

1. Without prejudice to any other provisions of this Regulation concerning the determination of competent national authorities, Member States shall designate one or more authorities which shall be responsible for ensuring compliance with Union rules in the wine sector. In particular, Member States shall designate the laboratories authorised to carry out official analyses in the wine sector. The designated laboratories shall meet the general criteria for the operation of testing laboratories set out in ISO/IEC 17025.

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

Amendment 230

Proposal for a regulation

Part II – Title II – Chapter II – Section 2 – subsection 1 a (new)

Text proposed by the Commission

Amendment

SUBSECTION 1a

SYSTEM OF PRODUCTION LIMITATION

Amendment 231

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.

Amendment 232

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. The practice of grafting-on of wine grape varieties that are classifiable in accordance with 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 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.

Amendment 233

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) the wine or vine products of which 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.

Amendment 234

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 the new vines in respect of which the replanting rights were 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.

Amendment 235

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 for such transfers, where appropriate in return for a payment to producers 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 on condition that they are able to establish that an effective alternative system for managing planting rights exists throughout their territory. The alternative system may derogate from the relevant provisions of this Subsection.

The first subparagraph shall also apply to Member States which cease to operate national or regional reserves under Regulation (EC) No 1493/1999.

Amendment 236

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 40 years of age or less, 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) in return for payment into national or, where 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 forfeit 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 permit transfers between those reserves.

Transfers may be subject to a reduction coefficient.

Amendment 237

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.

Amendment 238

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.

Amendment 239

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, 3 and 4 of this Article.***
- 2. Taking into account the need to avoid***

and increase in production potential, the Commission shall be empowered to adopt delegated acts, in order to do the following:

(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 shall be empowered to adopt delegated acts, laying down 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 shall be empowered to adopt delegated acts, in order to do the following:

(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.

Amendment 240

Proposal for a regulation

Article 103 j (new)

Text proposed by the Commission

Amendment

Article 103j

Implementing powers

The Commission may adopt all necessary implementing acts, related to this Subsection, including laying down rules on:

(a) the granting of new planting rights including recording and communication obligations;

(b) the transfer of replanting rights, including a reduction coefficient;

(c) the records to be kept by the Member States and notifications to the Commission, including a possible choice of a reserve system;

(d) the granting planting rights from the reserve;

(e) the 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).

Amendment 241

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).

Amendment 242

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

1. 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).

Amendment 243

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

Amendment 244

**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;

(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, laying 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 adopt implementing acts, laying down 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);

Amendment 245

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).

Amendment 246

Proposal for a regulation Article 106

Text proposed by the Commission

Article 106

Producer organisations

Amendment

Article 106

Producer organisations

Member States shall recognise, on request, producer organisations, which:

(a) are constituted **by producers** in any of the sectors listed in Article 1(2);

(b) are formed on the initiative of the **producers**;

(c) pursue a specific aim which **may** include at least one of the following objectives:

(i) ensuring that production is planned and adjusted to demand, particularly in terms of quality and quantity;

(ii) concentration of supply and the placing on the market of the products produced by its members;

(iii) optimising production costs and stabilising producer prices;

(iv) carrying out research **into** sustainable production methods and market developments;

(v) promoting and providing technical assistance for the use of environmentally sound cultivation practices and production techniques;

(vi) the management of by-products and of

Member States shall recognise, on request, producer organisations, which:

(a) are constituted **and controlled by farmers** in any of the sectors listed in Article 1(2);

(b) are formed on the initiative of the **farmers**;

(c) pursue a specific aim which **shall** include at least one of the **objectives listed in points (i), (ii) or (iii) and may include one or more of the** following **other** objectives:

(i) ensuring that production is planned and adjusted to demand, particularly in terms of quality and quantity;

(ii) concentration of supply and the placing on the market of the products produced by its members, **especially through direct sales**;

(iii) optimising production costs, stabilising producer prices, **notably with regard to the compensation received for costs of investment in issues such as environment and animal welfare, and contributing to reasonable prices for consumers**;

(iv) carrying out research **and developing initiatives on** sustainable production methods, **innovative practices, economic competitiveness** and market developments;

(v) promoting and providing technical assistance for the use of environmentally sound cultivation practices, production techniques and **sound animal welfare practices and techniques**;

(va) promoting and providing technical assistance for the use of production standards, improving product quality and developing products with a protected designation of origin, a protected geographical indication or covered by a national quality label.

(vb) establishing stricter production rules than those laid down at Union or national level;

(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**

(vii) contributing to a sustainable use of natural resources and to climate change mitigation;

(d) do not hold a dominant position on a given market unless this is necessary in pursuance of the objectives of Article 39 of the Treaty.

waste in particular to protect the quality of water, soil and landscape and preserving or encouraging biodiversity;

(vii) contributing to a sustainable use of natural resources and to climate change mitigation;

(viiia) developing initiatives in the area of promotion and marketing;

(viiib) managing 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);

(viiic) implementing crisis-prevention and crisis-management instruments, notably through private storage, processing, promotion, promotional sales and, as a last resort, through market withdrawal;

(viiid) providing the necessary technical assistance for the use of the futures markets and of insurance schemes;

(viiie) negotiating, on their own behalf or where applicable on behalf of their members, input supply contracts with operators in upstream sectors;

(viiif) negotiating, on their own behalf or where applicable on behalf of their members, contracts for the delivery of agricultural products and agrifoodstuffs, with operators in downstream sectors;

(da) market the products excluded by CN code ex 22.08 referred to in Annex I to the Treaty, provided that the proportion of such products sold which are not covered by Annex I does not exceed 49 % of the total volume marketed, without this leading to the forfeiture of official status as a producer organisation in the recognised agricultural sector.

Proposal for a regulation
Article 106 a (new)

Text proposed by the Commission

Amendment

Article 106a

Statute of producer organisations

1. The statute 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 statute 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 for 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 within their terms of reference, whether or not ownership of the products concerned has been transferred from producers to producer organisations.

Amendment 248

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.

Amendment 249

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 other than production, 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 and that the producer organisation or association of producer organisations remains responsible for ensuring the carrying out of the outsourced activity and overall management control and supervision of the commercial arrangement for the provision of the activity. In particular, the organisation or association shall retain the power to issue binding instructions to its agent in respect of the activities entrusted to it.

Amendment 250

Proposal for a regulation Article 107

Text proposed by the Commission

Article 107

Associations of producer organisations
Member States **shall** recognise, on request, associations of producer organisations in **any of the sectors** listed in Article 1(2) which are formed on the initiative of recognised producer organisations.

Subject to the rules adopted pursuant to Article 114, associations of producer organisations may carry out any of the activities or functions of producer organisations.

Amendment 251

Amendment

Article 107

Associations of producer organisations
Member States **may** recognise associations of producer organisations in **a specific sector** listed in Article 1(2) which are formed on the initiative of recognised producer organisations.

Subject to the rules adopted pursuant to Article 114, associations of producer organisations may carry out any of the activities or functions of producer organisations.

Proposal for a regulation
Article 108

Text proposed by the Commission

Article 108

Interbranch organisations

1. Member States ***shall*** recognise, ***on request***, interbranch organisations in any of the sectors listed in Article 1(2) which:

(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;

(b) are formed on the initiative of all or some of the organisations or associations which constitute them;

(c) pursue a specific aim, which may include ***at least*** one of the following objectives:

(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;

(ii) helping to better coordinate the way the products are placed on the market, in particular by means of research and market studies;

Amendment

Article 108

Interbranch organisations

1. Member States ***may*** recognise interbranch organisations in any of the sectors listed in Article 1(2) which ***have formally requested recognition and:***

(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 trading of, including distribution of,*** products in one or more sectors;

(b) are formed on the initiative of all or some of the organisations or associations which constitute them;

(ba) concern products or groups of products not covered by a previously recognised interbranch organisation;

(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:

(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;

(ia) facilitating advance knowledge of production potential, and recording market prices;

(ii) helping to better coordinate the way the products are placed on the market, in particular by means of research and market studies;

(iii) drawing up standard forms of contract compatible with Union rules;	(iia) <i>exploring potential export markets;</i> (iii) <i>without prejudice to provisions laid down in Articles 104a and 113a</i> , drawing up standard forms of contract compatible with Union rules <i>for the sale of agricultural products to purchasers and/or the supply of processed products to distributors and retailers, taking into account the need to achieve fair competitive conditions and to avoid market distortions;</i>
(iv) exploiting to a fuller extent the potential of the products;	(iv) exploiting to a fuller extent the potential of the products, <i>including at the level of market outlets, and developing initiatives to strengthen economic competitiveness and innovation;</i>
(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;	(v) providing the information and carrying out the research necessary to <i>innovate</i> , rationalise, improve and adjust production, <i>and, where applicable, the processing and/or marketing</i> , 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;
(vi) <i>seeking ways of</i> restricting the use of animal-health or plant protection products <i>and</i> other inputs <i>and</i> ensuring product quality and soil and water conservation;	(vi) restricting the use of animal-health or plant protection products, <i>better managing</i> other inputs, ensuring product quality and soil and water conservation, <i>enhancing food safety, in particular through traceability of products, and improving animal health and welfare;</i>
(vii) developing methods and instruments for improving product quality at all stages of production and marketing;	(vii) developing methods and instruments for improving product quality at all stages of production and, <i>where applicable, of processing and/or</i> marketing;
(viii) <i>exploiting the potential of</i> organic farming and <i>protecting and promoting such farming as well as</i> designations of origin, quality labels and geographical	(viii) <i>defining minimum qualities and defining minimum standards of packing and presentation;</i> (viii) <i>taking all possible actions to uphold, protect and promote</i> organic farming and designations of origin, quality labels and

indications;

(ix) promoting and carrying out research into integrated, sustainable production or other environmentally sound production methods;

(x) encouraging **healthy** consumption of the products and informing about the harm linked to hazardous consumption patterns;

(xi) carrying out promotion actions, especially in third countries.

2. For interbranch organisations in the olive oil and table olive and tobacco sectors, the specific aim referred to in point (c) of paragraph 1 may also include at least one of the following objectives:

(a) concentrating and co-ordinating supply and marketing of the produce of the members;

(b) adapting production and processing jointly to the requirements of the market and improving the product;

(c) promoting the rationalisation and improvement of production and processing.

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geographical indications;

(ix) promoting and carrying out research into integrated, sustainable production or other environmentally sound production methods;

(x) encouraging ***moderate and responsible*** consumption of the products ***on the internal market*** and/or informing about the harm linked to hazardous consumption patterns;

(xa) promoting consumption and/or furnishing information concerning products on the internal market and external markets;

(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;

(xib) contributing to the management of by-products and the reduction and management of waste.

2. For interbranch organisations in the olive oil and table olive and tobacco sectors, the specific aim referred to in point (c) of paragraph 1 may also include at least one of the following objectives:

(a) concentrating and co-ordinating supply and marketing of the produce of the members;

(b) adapting production and processing jointly to the requirements of the market and improving the product;

(c) promoting the rationalisation and improvement of production and processing.

Proposal for a regulation
Article 108 a (new)

Text proposed by the Commission

Amendment

Article 108a

Recognition of interbranch organisations

1. Member States may 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 the requirements and conditions for recognition laid down in this Article are no longer met;

(e) inform the Commission each year, by 31 March, of every decision to grant, refuse or withdraw recognition taken during the previous calendar year.

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Proposal for a regulation

Article 109

Text proposed by the Commission

Amendment

Article 109

deleted

Operator organisations

For the purposes of this Regulation, operator organisations in the olive oil and table olives sector shall comprise recognised producer organisations, recognised interbranch organisations or recognised organisations of other operators or their associations.

Amendment 254

Proposal for a regulation

Article 109 a (new)

Text proposed by the Commission

Amendment

Article 109 a

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) shall 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 published in full 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 .

Amendment 255

Proposal for a regulation Article 110

Text proposed by the Commission

Article 110

Extension of rules

1. In cases where a recognised producer organisation, a recognised association of producer organisations or a recognised interbranch organisation operating in a specific economic area or economic areas of a Member State is considered to be representative of the production of or trade in or processing of a given product, the Member State concerned may, at the request of that organisation, make binding for a limited period of time some of the agreements, decisions or concerted practices agreed on within that organisation on other operators acting in the economic area or areas in question, whether individuals or groups and not belonging to the organisation or association.
2. An “economic area” shall mean a geographical zone made up of adjoining or neighbouring production regions in which production and marketing conditions are homogeneous.
3. An organisation or association shall be deemed representative where, in the economic area or areas concerned of a Member State:
 - (a) it accounts for, as a proportion of the volume of production or of trade in or of processing of the product or products concerned:
 - (i) for producer organisations in the fruit and vegetables sector, at least 60%, or

Amendment

Article 110

Extension of rules

1. In cases where a recognised producer organisation, a recognised association of producer organisations or a recognised interbranch organisation operating in a specific economic area or economic areas of a Member State is considered to be representative of the production of or trade in or processing of a given product, the Member State concerned may, at the request of that organisation, make binding for a limited period of time some of the agreements, decisions or concerted practices agreed on within that organisation on other operators acting in the economic area or areas in question, whether individuals or groups and not belonging to the organisation or association.
2. An “economic area” shall mean a geographical zone made up of adjoining or neighbouring production regions in which production and marketing conditions are homogeneous.
3. An organisation or association shall be deemed representative where, in the economic area or areas concerned of a Member State:
 - (a) it accounts for, as a proportion of the volume of production or of trade in or of processing of the product or products concerned:
 - (i) for producer organisations in the fruit and vegetables sector, at least 60%, or

- (ii) in other cases, at least two thirds, and
- (b) it accounts for, in the case of producer organisations, more than 50% of the producers concerned.

Where the request for extension of its rules to other operators covers more than one economic area, the organisation or association shall demonstrate the minimum level of representativeness as defined in the first subparagraph for each of the branches it groups in each of the economic areas concerned.

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;*
- (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*

- (ii) in other cases, at least two thirds, and
- (b) it accounts for, in the case of producer organisations, more than 50% of the producers concerned, *and*

(ba) in the case of interbranch organisations, it accounts for a significant share of the economic activities referred to in Article 108(1)(a) under the conditions laid down by the Member State.

Where the request for extension of its rules to other operators covers more than one economic area, the organisation or association shall demonstrate the minimum level of representativeness as defined in the first subparagraph for each of the branches it groups in each of the economic areas concerned.

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).*

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.

Those rules shall not cause any damage to other operators in the Member State concerned or the Union and shall not have any of the effects listed in Article 145(4) or be otherwise incompatible with Union or national rules in force.

Those rules shall not cause any damage to other operators in the Member State concerned or the Union and shall not have any of the effects listed in Article 145(4) or be otherwise incompatible with Union or national rules in force.

4a. Where an interbranch organisation that has been recognised for one or more products exists, Member States shall not extend decisions and practices of the producer organisations falling under the scope of the said interbranch organisation.

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.

4c. Member States shall inform the Commission each year, by 31 March at the latest, of any decisions taken under this Article.

Amendment 256

Proposal for a regulation Article 111

Text proposed by the Commission

Article 111

Financial contributions of non-members

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,

Amendment

Article 111

Financial contributions of non-members

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 ***economic operators*** whose activities relate to the products

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.

concerned, the Member State which has granted recognition may decide, *after consultation of all the relevant stakeholders*, that *individual economic operators* 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 of pursuing the activities in question.

Amendment 257

Proposal for a regulation Article 112

Text proposed by the Commission

Article 112

Measures to facilitate the adjustment of supply to market requirements

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:

- (a) to improve quality;
- (b) to promote better organisation of production, processing and marketing;
- (c) to facilitate the recording of market price trends;
- (d) to permit the establishment of short and long-term forecasts on the basis of the means of production used.

Amendment

Article 112

Measures to facilitate the adjustment of supply to market requirements

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:

- (a) to improve quality;
- (b) to promote better organisation of production, processing and marketing;
- (c) to facilitate the recording of market price trends;
- (d) to permit the establishment of short and long-term forecasts on the basis of the means of production used.

Amendment 258

Proposal for a regulation
Article 113

Text proposed by the Commission

Article 113

Marketing rules to improve and stabilise
the operation of the common market in
wines

1. 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.

Such rules shall be proportionate to the objective pursued and shall not:

- (a) relate to any transaction after the first marketing of the produce concerned;
- (b) allow for price fixing, including where prices are set for guidance or recommendation;
- (c) render unavailable an excessive proportion of the vintage that would otherwise be available;
- (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

Article 113

Marketing rules to improve and stabilise
the operation of the common market in
wines

1. 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.

Such rules shall be proportionate to the objective pursued and shall not:

- (a) relate to any transaction after the first marketing of the produce concerned;
- (b) allow for price fixing, including where prices are set for guidance or recommendation;
- (c) render unavailable an excessive proportion of the vintage that would otherwise be available;
- (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.

1a. The rules provided for in paragraph 1 shall be brought to the attention of operators by publication in full in an official publication of the Member State concerned.

1b. Member States shall inform the Commission each year, by 31 March at the latest, of any decisions taken under this Article.

Amendment 259

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.

In the case described in subparagraph 2, the Member State shall ensure that contracts in the sectors in question are fulfilled and shall establish a mediation mechanism to cover cases in which no such contract can be concluded by mutual agreement, thereby ensuring fair contractual relations.

2. The contract and/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).

Amendment 260

**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, a decision on the negotiations 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.

Amendment 261

Proposal for a regulation Article 114

Text proposed by the Commission

Article 114

Delegated powers

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

Amendment

Article 114

Delegated powers

Taking into account the need to ensure that the objectives and responsibilities of producer organisations and interbranch organisations are clearly defined so as to contribute to the effectiveness of the actions of such organisations, ***without imposing an undue burden***, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 regarding producer organisations, associations of producer organisations, interbranch organisations and operator

organisations and operator organisations on the following:

(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,

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

(c) transnational organisations and associations including the rules referred to in points (a) ***and*** (b) of this Article;

(d) outsourcing of activities and the provision of technical means by organisations or associations;

organisations on the following:

(-a) the specific rules applicable in one or more of the sectors listed in Article 1(2) of this Regulation;

(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,

(aa) horizontal recommendations for interprofessional agreements concluded by the organisations pursuant to Article 108;

(b) ***the statutes of organisations other than producer organisations, the specific conditions applicable to the statutes of producer organisations in certain sectors***, the structure, legal personality, membership, size, accountability and activities of such organisations and associations, the effects deriving from mergers;

(ba) the conditions for recognition, withdrawal and suspension of recognition, the effects deriving from recognition, withdrawal and suspension of recognition as well as requirements for such organisations and associations to take remedial measures in the event of non-respect of the recognition criteria;

(c) transnational organisations and associations including the rules referred to in points (a), (b) ***and (ba)*** of this Article;

(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;

(d) ***conditions for*** outsourcing of activities and the provision of technical means by organisations or associations;

(e) the minimum volume or value of marketable production of organisations and associations;

(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.

(e) the minimum volume or value of marketable production of organisations and associations;

(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;

(fa) the specific conditions for implementing contractual systems in the sectors referred to in Article 113a(1), in particular the thresholds laying down production volumes to which collective negotiations might apply;

(fb) the conditions under which recognised producers may achieve collective horizontal and vertical agreements with competitors and food chain partners on including in prices the costs of investments in sustainable production.

Amendment 262

Proposal for a regulation Article 115

Text proposed by the Commission

Article 115

Implementing powers in accordance with the examination procedure

The Commission may, by means of implementing acts, adopt the necessary

Amendment

Article 115

Implementing powers in accordance with the examination procedure

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).

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 105a(8), 105b(7), Article 106b(4)(d) and Article 108a(4)(e);

(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, in particular the implementation of the concept of "economic area" as referred to in Article 110 (2).

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

Amendment 263

Proposal for a regulation Article 116

Text proposed by the Commission

Article 116

Other implementing powers

The Commission may, by means of implementing acts, adopt individual decisions regarding:

(a) the recognition of organisations carrying out activities in more than one Member State, pursuant to the rules adopted under Article 114(c);

Amendment

Article 116

Other implementing powers

1. The Commission may, by means of implementing acts, adopt individual decisions regarding

(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);

(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).*

(b) the extension of rules or compulsory contributions *of the organisations referred to in point (a) and their repeal.*

1a. The Commission may adopt implementing acts, containing its decision 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).

Those implementing acts shall be adopted without applying the procedure referred to in Article 162(2) or (3).

Amendment 264

Proposal for a regulation

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

Text proposed by the Commission

Amendment

SECTION 4a

TRANSPARENCY AND MARKET INFORMATION

Article 116 a

European Food Price Monitoring Tool

1. In order to provide businesses and all public authorities with information concerning price formation throughout the food supply chain, and to facilitate the observation and recording of market trends, the Commission shall report regularly to the European Parliament and to the Council 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, without creating additional burdens

for farmers, 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 Union and the Member States;

(c) price trends and, as far as possible, profit margins at all levels of the food supply chain in the Union 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 Union and the Member States.

3. The information made public through the activities of the European Food Price Monitoring Tool shall be treated with confidentiality. The Commission shall ensure that it does not enable individual operators to be identified.

Amendment 265

Proposal for a regulation

Article 117 – paragraph 1 – subparagraph 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.

Amendment 350

Proposal for a regulation

Article 117 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Products imported by the Union shall meet the same production and marketing requirements - notably in terms of food safety and environmental, social and animal welfare standards - as those produced within the Union, and may only be awarded the relevant import licences if they fulfil those conditions.

Amendment 267

Proposal for a regulation

Article 118 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

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

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

Amendment 268

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;

Amendment 269

Proposal for a regulation

Article 118 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Taking into account the need to **define**

Taking into account the need to **clarify the**

the main elements of the licence system, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to:

rules concerning the licence system, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to:

Amendment 270

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:

Amendment 271

Proposal for a regulation Article 120 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Those implementing acts shall be adopted without applying the procedure referred to in Article 162(2) or (3).

Amendment 272

Proposal for a regulation Article 120 a (new)

Text proposed by the Commission

Amendment

Article 120a

Import duties

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

Amendment 273

Proposal for a regulation Article 121 – title

Text proposed by the Commission

Implementation of international agreements

Amendment

Implementation of international **and other** agreements

Amendment 274

**Proposal for a regulation
Article 121**

Text proposed by the Commission

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);

Amendment

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);

Amendment 275

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

Text proposed by the Commission

Amendment

Article 121a

Calculation of import duties for cereals

1. Notwithstanding Article 121, the import duty on products covered by CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002 00 00, 1005 10 90, 1005 90 00 and 1007 00 90 other than hybrid for sowing, shall be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the conventional rate of duty as determined on the basis of the combined nomenclature.

2. The Commission shall adopt implementing acts containing its calculation of the import duty referred to in paragraph 1. The Commission shall make such calculation on the basis of the representative cif import prices of the products indicated in paragraph 1, which are determined periodically.

3. The Commission shall adopt delegated acts, in accordance with Article 160, establishing the minimum requirements for high-quality common wheat.

4. The Commission shall adopt implementing acts, laying down the following:

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

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

5. The implementing acts referred to in paragraphs 2 and 4 shall be adopted without the application of the procedure in Article 162(2) or (3).

Amendment 276

Proposal for a regulation Article 121 b (new)

Text proposed by the Commission

Amendment

Article 121b

Calculation of import duties for husked rice

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

The Commission shall adopt implementing acts, fixing the new

applicable rate if the calculations made pursuant to the annex require it to be changed. Those implementing acts shall be adopted without the application of the procedure in Article 162(2) or (3). Until such time as a new applicable rate is fixed, the duty previously fixed shall apply.

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

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

Amendment 277

Proposal for a regulation Article 121 c (new)

Text proposed by the Commission

Amendment

Article 121c

Calculation of import duties for husked Basmati rice

Notwithstanding Article 121, the husked Basmati rice varieties falling within CN codes 1006 20 17 and 1006 20 98 listed in Annex VIIc shall qualify for a zero rate of import duty. The Commission shall adopt implementing acts fixing the conditions for the application of that zero rate. Those implementing acts shall be adopted without the application of the procedure in Article 162(2) or (3).

Amendment 278

Proposal for a regulation Article 121 d (new)

Text proposed by the Commission

Amendment

Article 121d

Calculation of import duties for milled rice

1. Notwithstanding Article 121, the Commission shall adopt implementing acts, fixing the import duty for semi-milled or wholly milled rice falling within CN code 1006 30, within ten days after the end of the reference period concerned in accordance with point 2 of Annex VIIb. Those implementing acts shall be adopted without the application of the procedure in Article 162(2) or (3).

The Commission shall adopt implementing acts, fixing the new applicable rate if the calculations made pursuant to the annex require it to be changed. Until such time as a new applicable rate is fixed, the duty previously fixed shall apply. Those implementing acts shall be adopted without the application of the procedure in Article 162(2) or (3).

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

Amendment 279

**Proposal for a regulation
Article 121 e (new)**

Text proposed by the Commission

Amendment

Article 121e

Calculation of import duties for broken rice

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

tonne.

Amendment 280

Proposal for a regulation

Article 122 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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

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

Amendment 281

Proposal for a regulation

Article 122 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

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

Amendment 282

Proposal for a regulation

Article 122 — paragraph 1 c (new)

Text proposed by the Commission

Amendment

(1c) The entry price of a consignment may also, where appropriate, be determined by means of a flat-rate 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.

Amendment 283

Proposal for a regulation

Article 122 – paragraph 2

Text proposed by the Commission

Amendment

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

deleted

Amendment 284

Proposal for a regulation
Article 122 – paragraph 3

Text proposed by the Commission

Amendment

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

deleted

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

Amendment 285

Proposal for a regulation
Article 123 – paragraph 1

Text proposed by the Commission

Amendment

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:

1. The Commission *shall adopt* implementing acts, *determining* 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 286

Proposal for a regulation
Article 123 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

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

Amendment 287

Proposal for a regulation
Article 124 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Those implementing acts shall be adopted without applying the procedure referred to in Article 162(2) or (3).

Amendment 288

Proposal for a regulation
Article 125 – paragraph 1

Text proposed by the Commission

Amendment

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

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

Amendment 289

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

Text proposed by the Commission

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

Amendment

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

Amendment 290

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

Text proposed by the Commission

Amendment

Article 125a

Specific provisions

In the case of tariff quotas for import into Spain of 2 000 000 tonnes of maize and 300 000 tonnes of sorghum and tariff quotas for import into Portugal of 500 000 tonnes of maize, the Commission shall be empowered to adopt delegated acts, in accordance with Article 160, establishing the provisions necessary for carrying out the tariff quota imports and, where appropriate, the public storage of the quantities imported by the paying agencies of the Member States concerned and their marketing on the markets of those Member States.

Amendment 291

**Proposal for a regulation
Article 126 – paragraph 1 – point a**

Text proposed by the Commission

Amendment

a) determine the conditions and eligibility requirements that an operator has to fulfil to submit an application within the import tariff quota; the provisions concerned may require a minimum experience in trade with third countries and assimilated

deleted

territories, or in processing activity, expressed in a minimum quantity and period of time in a given market sector; those provisions may include specific rules to suit the needs and practices in force in a certain sector and the uses and needs of the processing industries;

Amendment 292

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;

Amendment 293

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Amendment 294

Proposal for a regulation

Article 128 – paragraph 2 – subparagraph 2 (new)

Text proposed by the Commission

Amendment

Those implementing acts shall be adopted without applying the procedure referred to in Article 162(2) or (3).

Amendment 295

Proposal for a regulation

Article 129 a (new)

Text proposed by the Commission

Amendment

Article 129a

Imports of hops

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

2. Products shall be considered as being of the standard referred to in paragraph 1 if they are accompanied by an attestation issued by the authorities of the country of origin and recognised as equivalent to the certificate referred to in Article 59b.

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

3. In order to minimise the administrative burden, the Commission shall be empowered to adopt delegated acts, in accordance with Article 160, setting the conditions under which obligations related to an attestation of equivalence and the labelling of packaging are not to

apply.

4. The Commission shall adopt implementing acts, laying down rules related to this Article, including the rules on the recognition of attestations of equivalence and on the checking of imports of hops. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2),

Amendment 296

Proposal for a regulation Article 130 a (new)

Text proposed by the Commission

Amendment

Article 130 a

*Import of raw sugar for refining:
exclusive 3-month period for full-time
refiners*

1. Until the end of the 2019-2020 marketing year, an exclusive import capacity of 2 500 000 tonnes per marketing year, expressed in white sugar, is granted for full-time refiners.

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 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 shall be empowered to adopt delegated acts, in accordance with Article

160, laying down the following:

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

Amendment 297

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

In compliance with the mechanism described in Article 101da and until the end of the 2019-2020 marketing year, the Commission may adopt implementing acts, suspending import duties in whole or in part for certain quantities of the following products in order to guarantee the supply required for the European sugar market:

(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.

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

Amendment 298

Proposal for a regulation

Article 133

Text proposed by the Commission

Article 133

Scope

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

(a) the products of the following sectors to be exported without further processing:

- (i) cereals;
- (ii) rice;
- (iii) sugar, with regard to the products listed in points (b) to (d) and (g) of Part III of Annex I;
- (iv) beef and veal;
- (v) milk and milk products;
- (vi) pigmeat;
- (vii) eggs;
- (viii) poultrymeat;

(b) the products listed in points (i) to (iii), (v) and (vii) of point (a) of this paragraph to be exported in the form of processed goods in accordance with Council Regulation (EC) No 1216/2009 of 30 November 2009 laying down the trade arrangements applicable to certain goods resulting from the processing of

Amendment

Article 133

Scope

1. To the extent necessary to enable exports on the basis of world market quotations or prices ***when conditions on the internal market fall under the scope of those described in Article 154(1)*** and within the limits resulting from agreements concluded in accordance with Article 218 of the Treaty, ***and in accordance with Article 3(5) of the Treaty of the European Union***, the difference between those quotations or prices and prices in the Union may be covered by export refunds for:

(a) the products of the following sectors to be exported without further processing:

- (i) cereals;
- (ii) rice;
- (iii) sugar, with regard to the products listed in points (b) to (d) and (g) of Part III of Annex I;
- (iv) beef and veal;
- (v) milk and milk products;
- (vi) pigmeat;
- (vii) eggs;
- (viii) poultrymeat;

(b) the products listed in points (i) to (iii), (v), ***(vi)*** and (vii) of point (a) of this paragraph to be exported in the form of processed goods in accordance with Council Regulation (EC) No 1216/2009 of 30 November 2009 laying down the trade arrangements applicable to certain goods resulting from the processing of

agricultural products, and in the form of the products containing sugar listed in point (b) of Part X of Annex I.

2. Export refunds on products exported in the form of processed goods shall not be higher than those applicable to the same products exported without further processing.

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

Amendment 299

Proposal for a regulation Article 135

Text proposed by the Commission

Article 135

Export refund fixation

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

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

agricultural products, ***including products exported in the form of goods not covered by Annex I to the Treaty, in accordance with Commission Regulation (EU) No 578/2010 of 29 June 2010***, and in the form of the products containing sugar listed in point (b) of Part X of Annex I.

2. Export refunds on products exported in the form of processed goods shall not be higher than those applicable to the same products exported without further processing.

2a. Without prejudice to the application of Article 154(1) and Article 159, the refund available for the products referred to in paragraph 1 shall be EUR 0.

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

Amendment

Article 135

Export refund fixation

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

2. The Commission shall adopt implementing acts, fixing refunds for a limited period. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).

They may be fixed by tendering procedures for cereals, rice, sugar and milk and milk products.

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.

Amendment 300

Proposal for a regulation Article 141

Text proposed by the Commission

Article 141

Other implementing powers

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

Amendment

Article 141

Other implementing powers

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

Those implementing acts shall be adopted without applying the procedure referred to in Article 162(2) or (3).

Amendment 301

Proposal for a regulation Article 143

Text proposed by the Commission

Article 143

Application of Articles 101 to 106 of the Treaty

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.

Amendment

Article 143

Application of Articles 101 to 106 of the Treaty

Save as otherwise provided in this Regulation, ***in accordance with Article 42 of the Treaty***, Articles 101 to 106 of the Treaty and implementation provisions thereof shall, subject to Article ***143a*** 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 order to improve the functioning of the internal market and to ensure uniform application of Union competition rules in the agricultural and agri-food sector, the Commission shall coordinate action by the various national competition authorities. For this purpose, the Commission shall notably publish guidelines and good practice guides to

assist the various national competition authorities, as well as undertakings of the agricultural and agri-food sector.

Amendment 302

Proposal for a regulation Article 143 a (new)

Text proposed by the Commission

Amendment

Article 143a

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 Union market; wherever a smaller subdivision is used, this shall be duly substantiated.

Amendment 303

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.

Amendment 304

Proposal for a regulation Article 144

Text proposed by the Commission

Article 144

Exceptions for the objectives of the CAP
and farmers and their associations

1. Article 101(1) of the Treaty shall not
apply to the agreements, decisions and

Amendment

Article 144

Exceptions for the objectives of the CAP
and farmers and their **organisations or**
associations **of organisations**

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.

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

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

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.

In particular, agreements, decisions and ***concerted*** practices of farmers, or producer organisations recognised under Article 106 of this Regulation, or associations of producer organisations recognised under Article 107 of this Regulation, which concern the production or sale of agricultural products or the use of joint facilities for the storage, treatment or processing of agricultural products ***shall be presumed to be necessary to achieve the objectives of Article 39 of the Treaty.***

The agreements, decisions and concerted practices referred to in the present paragraph shall be presumed to comply with the conditions laid down in Article 101(3) of the Treaty.

The present paragraph shall not apply where competition is excluded.

1a. The agreements, decisions and concerted practices referred to in paragraph 1 shall not entail an obligation to charge an identical price, except as regards the contracts referred to in Articles 104a, 105a, 113a and 113b.

1b. The agreements, decisions and concerted practices of farmers, of producer organisations or of associations of producer organisations referred to in Article 143 shall fall under the scope of the application of Regulation (EC) No 1/2003.

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.

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.

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.

Amendment 305

Proposal for a regulation Article 145

Text proposed by the Commission

Article 145

Agreements and concerted practices of recognised interbranch organisations

1. Article 101(1) of the Treaty shall not apply to the agreements, decisions and concerted practices of interbranch organisations recognised under Article 108 of this Regulation with the object of carrying out the activities listed in point (c) of Article 108(1) of this Regulation, and for the olive oil and table olive and tobacco sectors, Article 108(2) of this Regulation.

2. Paragraph 1 shall apply only provided that:

(a) the agreements, decisions and concerted practices have been notified to the Commission;

(b) within two months of receipt of ***all the details*** required the Commission, by means of implementing acts, has not found that ***the*** agreements, ***decisions or concerted***

Amendment

Article 145

Agreements and concerted practices of recognised interbranch organisations

1. Article 101(1) of the Treaty shall not apply to the agreements, decisions and concerted practices of interbranch organisations recognised under Article 108 of this Regulation with the object of carrying out the activities listed in point (c) of Article 108(1) of this Regulation, and for the olive oil and table olive and tobacco sectors, Article 108(2) of this Regulation.

2. Paragraph 1 shall apply only provided that:

(a) the agreements, decisions and concerted practices have been notified to the Commission;

(b) within two months of receipt of ***the notification*** required, the Commission has not found that ***these*** agreements ***fall within the scope of paragraph 4. Where the***

practices are incompatible with Union rules.

3. The agreements, decisions and concerted practices may not be put into effect before the lapse of the period referred to in paragraph 2(b).

4. Agreements, decisions and concerted practices shall in any case be declared incompatible with Union rules if they:

(a) may lead to the partitioning of markets within the Union in any form;

(b) may affect the sound operation of the market organisation;

(c) may create distortions of competition which are not essential to achieving the objectives of the CAP pursued by the interbranch organisation activity;

(d) entail the fixing of prices *or the fixing of quotas*;

(e) may create discrimination or eliminate competition in respect of a substantial proportion of the products in question.

5. If, following expiry of the two-month period referred to in paragraph 2(b), the

Commission does find that those agreements fall within the scope of paragraph 4, it shall adopt implementing acts, setting out its finding. Those implementing acts shall be adopted without applying the procedure referred to in Article 162(2) or (3).

3. The agreements, decisions and concerted practices may not be put into effect before the lapse of the period referred to in paragraph 2(b).

3a. Notwithstanding paragraphs 2 and 3 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.

Within 21 days after the date of notification, the Commission shall, where appropriate, adopt implementing acts setting out its decision that these agreements fall within the scope of paragraph 4. Those implementing acts shall be adopted without applying the procedure referred to in Article 162(2) or (3),

4. Agreements, decisions and concerted practices shall in any case be declared incompatible with Union rules if they:

(a) may lead to the partitioning of markets within the Union in any form;

(b) may affect the sound operation of the market organisation;

(c) may create distortions of competition which are not essential to achieving the objectives of the CAP pursued by the interbranch organisation activity;

(d) entail the fixing of prices;

(e) may create discrimination or eliminate competition in respect of a substantial proportion of the products in question.

5. If, following expiry of the two-month period referred to in paragraph 2(b), the

Commission finds that the conditions for applying paragraph 1 have not been met, it shall, by means of implementing acts, take a Decision declaring that Article 101(1) of the Treaty applies to the agreement, decision or concerted practice in question.

That Commission Decision shall not apply earlier than the date of its notification to the interbranch organisation concerned, unless that interbranch organisation has given incorrect information or abused the exemption provided for in paragraph 1.

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.*

Commission finds that the conditions for applying paragraph 1 have not been met, it shall, by means of implementing acts, take a Decision declaring that Article 101(1) of the Treaty applies to the agreement, decision or concerted practice in question.

That Commission Decision shall not apply earlier than the date of its notification to the interbranch organisation concerned, unless that interbranch organisation has given incorrect information or abused the exemption provided for in paragraph 1.

6. In the case of multiannual agreements, the notification for the first year shall be valid for the subsequent years of the agreement.

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).

Amendment 306

Proposal for a regulation Article 152 – paragraph 2

Text proposed by the Commission

Member States may finance those payments by means of a levy on the sector concerned or by any other contribution from the private sector.

Amendment

Member States may finance those payments *from their national budget*, by means of a levy on the sector concerned or by any other contribution from the private sector.

Amendment 307

Proposal for a regulation Article 152 – paragraph 3

Text proposed by the Commission

Member States may, in addition to Union aid provided for in Article 21, make national payments for financing accompanying measures necessary to make the Union scheme for the supply of fruit and vegetable, processed fruit and vegetable and banana products effective, as provided for in Article 21(2).

Amendment

Member States may, in addition to Union aid provided for in Article 21, make national payments for financing accompanying measures necessary to make the Union scheme for the supply of fruit and vegetable, processed fruit and vegetable and banana products effective, as provided for in Article 21(2). ***The total amount of co-financing shall not exceed 100 % of the costs actually incurred.***

Amendment 308

**Proposal for a regulation
Article 153 a (new)**

Text proposed by the Commission

Amendment

Article 153a

Promoting sales in the milk and milk products sector

A Member State may impose a promotional levy on its milk producers in respect of marketed quantities of milk or milk equivalent in order to finance the measures on promoting consumption in the Union, expanding the markets for milk and milk products and improving quality.

Amendment 309

**Proposal for a regulation
Article 154**

Text proposed by the Commission

Amendment

Article 154

Article 154

Measures against market disturbance

Measures against market disturbance

1. Taking into account the need to react efficiently and effectively against ***threats of*** market disturbance caused by significant price rises or falls on internal or external markets or any other factors affecting the market, the Commission shall be

1. Taking into account the need to react efficiently and effectively against market disturbance caused by significant price rises or falls on internal or external markets ***or a substantial rise in production costs as set out in Article 7(2)*** or any other factors

empowered to adopt delegated acts in accordance with Article 160 to take the necessary measures for the sector concerned, respecting any obligations resulting from agreements concluded in accordance with Article 218 of the Treaty.

Where in the cases *of threats* of market disturbances referred to in the first subparagraph, imperative grounds of urgency so require, the procedure provided for in Article 161 of this Regulation shall apply to delegated acts adopted pursuant to this paragraph.

Such measures may to the extent and for the time necessary extend or modify the scope, duration or other aspects of other measures provided for under this Regulation, or suspend import duties in whole or in part including for certain quantities or periods as necessary.

2. The measures referred to in paragraph 1 shall ***not*** apply to products listed in ***Section 2 of Part XXIV of Annex I***.

3. The Commission may, by means of implementing acts, adopt necessary rules for the application of paragraph 1 of this Article. Those rules may, in particular, concern procedures and technical criteria. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).

affecting the market, ***where that situation is likely to continue or to deteriorate***, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to take the necessary measures for the sector concerned, respecting any obligations resulting from agreements concluded in accordance with Article 218 of the Treaty ***provided that any other measures available under this Regulation appear insufficient***.

Where in the cases of market disturbances referred to in the first subparagraph, imperative grounds of urgency so require, the procedure provided for in Article 161 of this Regulation shall apply to delegated acts adopted pursuant to this paragraph.

Such measures may, to the extent and for the time necessary, extend or modify the scope, duration or other aspects of other measures provided for under this Regulation, or suspend import duties in whole or in part including for certain quantities or periods as necessary, ***or allocate funds in order to trigger the export refunds referred to in Chapter VI of Part III, or to provide specific support for producers so as to mitigate the effects of serious market disturbance***.

2. ***Without prejudice to Article 133(1)***, the measures referred to in paragraph 1 shall apply to ***all of the*** products listed in Annex I.

3. The Commission may, by means of implementing acts, adopt necessary rules for the application of paragraph 1 of this Article. Those rules may, in particular, concern procedures and technical criteria. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).

Amendment 310

Proposal for a regulation
Article 155

Text proposed by the Commission

Article 155

Measures concerning animal diseases and loss of consumer confidence due to public, animal or plant health risks

1. The Commission may, by means of **implementing** acts, **adopt** exceptional support measures:

(a) **for the affected market** in order to take account of restrictions on intra-Union and third-country trade which may result from the application of measures for combating the spread of diseases in animals, and

(b) in order to take account of serious market disturbances directly attributed to a loss in consumer confidence due to public, animal or plant health risks.

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

2. The measures provided for in paragraph 1 shall apply to the following sectors:

- (a) beef and veal;
- (b) milk and milk products;
- (c) pigmeat;
- (d) sheepmeat and goatmeat;
- (e) eggs;
- (f) poultrymeat.

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

Article 155

Measures concerning **pests**, animal **and plant** diseases and loss of consumer confidence due to public, animal or plant health risks

1. The Commission may, by means of **delegated** acts, **adopted in accordance with the urgency procedure referred to in Article 161, lay down** exceptional support measures for the affected market:

(a) in order to take account of restrictions on intra-Union and third-country trade which may result from the application of measures for combating the spread of **pests and** diseases in animals **and plants**, and

(b) in order to take account of serious market disturbances directly attributed to a loss in consumer confidence due to public, animal or plant health risks.

2. The measures provided for in paragraph 1 shall apply to the following sectors:

- (a) beef and veal;
- (b) milk and milk products;
- (c) pigmeat;
- (d) sheepmeat and goatmeat;
- (e) eggs;
- (f) poultrymeat.

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.

2a. The Commission may, by means of delegated acts adopted in accordance with the urgency procedure referred to in

3. The measures provided for in paragraph 1 shall be taken at the request of the Member State concerned.

4. The measures provided for in point (a) of paragraph 1 may be taken only if the Member State concerned has taken health and veterinary measures quickly to stamp out the disease, and only to the extent and for the duration strictly necessary to support the market concerned.

5. The Union shall provide part-financing equivalent to 50 % of the expenditure borne by Member States for the measures provided for in paragraph 1.

However, with regard to the beef and veal, milk and milk products, pigmeat and sheepmeat and goatmeat sectors, the Union shall provide part-financing equivalent to 60 % of such expenditure when combating foot-and-mouth disease.

6. Member States shall ensure that, where producers contribute to the expenditure borne by Member States, this does not result in distortion of competition between producers in different Member States.

Amendment 311

Proposal for a regulation Article 156

Text proposed by the Commission

Article 156

Measures to resolve specific problems

1. The Commission shall, by means of **implementing** acts, **adopt** necessary and justifiable emergency measures to resolve specific problems. Those measures may

Article 161, extend the list of products referred to in paragraph 2.

3. The measures provided for in paragraph 1 shall be taken at the request of the Member State concerned.

4. The measures provided for in point (a) of paragraph 1 may be taken only if the Member State concerned has taken **relevant phytosanitary or** health and veterinary measures quickly to stamp out **pest or** the disease, and only to the extent and for the duration strictly necessary to support the market concerned.

5. The Union shall provide part-financing equivalent to 50 % **and 75%, respectively,** of the expenditure borne by Member States for the measures provided for in **points (a) and (b) of** paragraph 1. **These measures may include tax advantages or preferential loans granted to farmers to be financed under Regulation [on Rural Development].**

However, with regard to the beef and veal, milk and milk products, pigmeat and sheepmeat and goatmeat sectors, the Union shall provide part-financing equivalent to 60 % of such expenditure when combating foot-and-mouth disease.

6. Member States shall ensure that, where producers contribute to the expenditure borne by Member States, this does not result in distortion of competition between producers in different Member States.

Amendment

Article 156

Measures to resolve specific problems

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

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 312

Proposal for a regulation Article 156 a (new)

Text proposed by the Commission

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.

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.

Amendment

Article 156a

Measures to address severe imbalances in the market for milk and milk products

1. From 1 April 2015, in the event of a severe imbalance in the market for milk and milk products, the Commission may adopt implementing acts to grant, for a period of at least three months which period may be extended, aid to milk producers who voluntarily cut their production by at least 5 % compared with the same period in the previous year. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2),

When granting such aid, the Commission shall also adopt implementing acts to impose, for a period of at least three months which may be extended, a levy on milk producers who increase their production by at least 5 % compared with the same period in the previous year. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2),

2. When triggering the measure referred to in paragraph 1, the Commission shall

take into account the developments of the production costs, particularly the costs of inputs.

3. The supply of milk, free of charge, to charitable organisations, as defined in Article 29(3)(b) of COM (2012) 617 under the name "partner organisations", may be deemed to be a cut in production under the conditions laid down by the Commission pursuant to paragraph 4.

4. The products of undertakings that have implemented the system referred to in the first subparagraph of paragraph 1, 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.

5. 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 criteria to be met in order to be eligible for aid;

(b) the specific conditions that will trigger implementation of this scheme;

(c) the terms under which free distribution of milk to charitable organisations, as referred to in paragraph 2, may be deemed to be a cut in production;

(d) the conditions governing the repayment of aid in the event of non-compliance with commitments to cut production, along with any interest due under the relevant rules in force.

6. The Commission may adopt implementing acts, fixing the amount of the aid and the size of the levy referred to in paragraph 1.

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

Proposal for a regulation
Article 156 a (new)

Text proposed by the Commission

Amendment

Article 156a

Operational programmes for mountain milk

In order to ensure the rational development of mountain and hill farming and thereby to ensure a fair standard of living for dairy farmers in mountain areas, as from 30 April 2014, in mountain and hill areas, recognised producer organisations, may submit operational programmes to improve the profit margins of these producers, taking into account the specific features of these areas. 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 314

Proposal for a regulation
Article 156 b (new)

Text proposed by the Commission

Amendment

Article 156b

Measures against market disturbance in the fruit and vegetables sector

1. Given the specific and perishable nature of fruit and vegetables, a mechanism shall be established to respond to serious market disturbances; these may be caused by significant falls in internal market prices resulting from health concerns and other causes that lead to sudden drops in demand.

2. This mechanism shall be exclusive to the product or products in question, of limited application in time, revisable, automatically activated and accessible to all producers in the sector.

3. It shall include the measures listed in points (g), (h) and (d) of Article 31(2) of this Regulation, but they shall be independent of the management of the operational funds used by recognised fruit and vegetables producer organisations.

4. The Union shall finance 100 % of the expenditure for the measures provided for in this Article.

5. Serious crisis management operations shall be governed by the mechanisms established for crisis management measures under the framework of the operational programmes. Those affected who are not members of a producer organisation shall conclude agreements for the purpose of coordinating crisis management operations, and agree on a certain percentage to be set aside to cover management costs.

6. The Commission shall be empowered to adopt delegated acts in accordance with Article 160 in order to apply the measures provided for in paragraphs 1 and 2 of this Article.

7. At the request of Member States, the Commission may adopt implementing acts, providing for exceptional measures to combat market disruption in the fruit and vegetables sector. The Commission shall ensure that the public is informed when such measures are introduced and is made aware of the products, areas and amount of support in question. In the case of free distribution, the amount of support shall be adjusted. The end of the crisis period shall also be determined, by means of an implementing act, once the case of serious market disturbance has ended. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).

Amendment 315

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

Amendment 316

Proposal for a regulation

Article 156 c (new)

Text proposed by the Commission

Amendment

Article 156c

Application of Article 101(1) of the Treaty

1. During periods of severe imbalance in markets, the Commission may adopt implementing acts to the effect that 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) of this Regulation, provided that such agreements, decisions or concerted practices seek to stabilise the sector concerned by introducing price fixing and production control measures. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).

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 shall only be valid for a period of up to six months. However, the the Commission may adopt implementing acts, authorising such agreements, decision and concerted practices for a further period of up to six-months. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2),

Amendment 317

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 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.

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 *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.*

Amendment 318

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.***

Amendment 319

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.

Amendment 320

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).

Amendment 321

**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 shall be empowered to adopt delegated acts, in accordance with Article 160, laying 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 adopt implementing acts:

(a) laying down conditions in relation to the model forms to be used for the compulsory declarations;

(b) laying down 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).

Proposal for a regulation
Article 158

Text proposed by the Commission

Article 158

Reporting obligation of the Commission

The Commission shall present a report to the European Parliament and to the Council:

(a) every three years after **2013 on the implementation of the measures concerning the apiculture sector as set out in Articles 52 to 54;**

(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

Article 158

Reporting obligation of the Commission

The Commission shall present a report to the European Parliament and to the Council:

(a) every three years after **the entry into force of this Regulation:**

(i) on the implementation of the measures concerning the apiculture sector as set out in Articles 52 to 54;

(ii) on the application of competition rules to the farming and agri-food 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;

(iii) on the steps taken to protect designations of origin and geographical indications against misuse in third countries;

(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;

(ba) by 31 December 2014:

(i) on the feasibility of introducing

specific marketing rules for pigmeat, sheepmeat and goatmeat, outlining the relevant provisions which the Commission proposes to adopt by means of delegated acts;

(ii) 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 Union marketing standards;

(iii) on the competitiveness and sustainability of agriculture and agri-food sector, followed by a second report by 31 December 2019;

(iv) on the development of the market situation and the functioning of the supply chain in the sugar sector, followed by a report by 1 July 2018 on the development of the market situation in the sugar sector, paying particular attention to the appropriate means of discontinuing the current quota system and on the sector's future after 2020, paying particular attention to the need to ensure a fair contractual system and a sugar price declaration system, together with any appropriate proposals.

(v) on a simplified scheme for optional reserved terms in the beef and veal sector, paying particular attention to the current framework for voluntary labelling, as well as the appropriate terms relating to breeding, production and feed that can add value in the beef and veal sector, together with any appropriate proposals;

(ba) no later than four years after the entry into force of this Regulation, on the operation and effectiveness of agricultural market management tools, 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

Amendment 323

**Proposal for a regulation
Article 159**

Text proposed by the Commission

Article 159

Use of the Reserve

Funds transferred from the Reserve for crises in the agricultural sector under the conditions and procedure referred to in paragraph 14 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission on cooperation in budgetary matters and on sound financial management shall be made available for the measures to which this Regulation applies for the year or years for which the additional support is required and which are implemented in circumstances that go beyond normal market developments.

In particular, funds shall be transferred for any expenditure under:

- (a) Chapter I of Title I of Part II,
- (b) Chapter VI of Part III, and
- (c) Chapter I of this Part.

The Commission may, by means of implementing acts, and by way of derogation from the second paragraph of this Article, decide that transfers of funds shall not be made for certain expenditure referred to in point (b) of that paragraph if such expenditure is part of normal market management. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).

Amendment

Article 159

Use of the Reserve

Funds transferred from the Reserve for crises in the agricultural sector under the conditions and procedure referred to in paragraph 14 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission on cooperation in budgetary matters and on sound financial management shall be made available for the measures to which this Regulation applies for the year or years for which the additional support is required and which are implemented in circumstances that go beyond normal market developments.

In particular, funds shall be transferred for any expenditure under:

- (a) Chapter I of Title I of Part II,
- (b) Chapter VI of Part III, and
- (c) Chapter I of this Part.

Amendment 324

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 *power to adopt delegated acts* 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.*

Amendment 325

Proposal for a regulation Article 163

Text proposed by the Commission

Article 163

Repeals

1. Regulation (EC) No 1234/2007 is repealed.

However, the following provisions of Regulation (EC) No 1234/2007 *[Regulation (EU) No COM(2010)799]* shall continue to apply:

(a) as regards the sugar sector, Title I of Part II, Article 142, the first subparagraph of Article 153(1), Article 153(2) and (3), Article 156, Part II of Annex III and Annex VI [Title I of Part II, Articles 248, 260 to 262 and Part II of Annex III of Regulation (EU) No COM(2010)799] until the end of the 2014/2015 marketing year for sugar on 30 September 2015;

(b) the provisions related to the system of

Amendment

Article 163

Repeals

1. Regulation (EC) No 1234/2007 is repealed.

However, the following provisions of Regulation (EC) No 1234/2007 shall continue to apply:

(b) the provisions related to the system of

milk production limitation set out in Chapter III of Title I of Part II and Annexes IX and X [*Chapter III of Title I of Part II and Annexes VIII and IX of Regulation (EU) No COM(2010)799*], until 31 March 2015;

(c) as regards the wine sector:

(i) Articles 85a to 85e [*Articles 82 to 87 of Regulation (EU) No COM(2010)799*] as regards areas referred to in Article 85a(2) [*Article 82(2) of Regulation (EU) No COM(2010)799*] which have not yet been grubbed up and as regards areas referred to in Article 85b(1) [*Article 83(1) of Regulation (EU) No COM(2010)799*] which have not been regularised until such areas are grubbed up or regularised,

(ii) *the transitional planting right regime set out in Subsection II of Section IVa of Chapter III of Title I of Part II [Subsection II of Section V of Chapter III of Title I of Part II of Regulation (EU) No COM(2010)799] until 31 December 2015, or, to the extent necessary in order to give effect to any decision taken by Member States under Article 85g(5) [Article 89(5) of Regulation (EU) No COM(2010)799], until 31 December 2018,*

(iii) Article 118m(5) and Article 118s(5);

(d) Article 182(7) [*Article 291(2) of Regulation (EU) No COM(2010)799*], until 31 March 2014;

(e) the first and second subparagraphs of Article 182(3) [*Article 293 of Regulation (EU) No COM(2010)799*] until the end of the 2013/2014 marketing year for sugar;

(f) Article 182(4) [*Article 294 of Regulation (EU) No COM(2010)799*] until 31 December 2017.[:]

(g) *Article 326 of Regulation (EU) No COM(2010)799.*

2. References to Regulation (EC) No 1234/2007 [*Regulation (EU) No COM(2010)799*] shall be construed as references to this Regulation and to Regulation (EU) No [...] [on the financing,

milk production limitation set out in Chapter III of Title I of Part II and Annexes IX and X, until 31 March 2015;

(c) as regards the wine sector:

(i) Articles 85a to 85e 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,

(iii) Article 118m(5) and Article 118s(5);

(d) Article 182(7), until 31 March 2014;

(e) the first and second subparagraphs of Article 182(3) until the end of the 2013/2014 marketing year for sugar;

(f) Article 182(4) until 31 December 2017.

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

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.

3. Council Regulations (EC) No 234/79, (EC) No 1601/96 and (EC) No 1037/2001 are repealed."

policy] and be read in accordance with the correlation tables set out in Annex VIII to this Regulation.

3. Council Regulations (EEC) No 234/79, (EC) No 1601/96 and (EC) No 1037/2001 are repealed.

(The amendment is based on the COM document COM(2012) 535)

Amendment 326

Proposal for a regulation Article 163 a (new)

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 adopt delegated acts, in accordance with Article 160, to 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.

Amendment 327

Proposal for a regulation
Article 164

Text proposed by the Commission

Article 164

Transitional rules

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

Article 164

Transitional rules

Taking into account the need to ensure the smooth transition from the arrangements provided for in Regulation **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.

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.

Amendment 328

Proposal for a regulation
Article 165

Text proposed by the Commission

Article 165

Entry into force and application

1. This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2014.

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**.

2. As regards the milk and milk products sector, Articles **104 and** 105 shall apply

Amendment

Article 165

Entry into force and application

1. This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2014.

However, Articles 7 **and** 16 shall only apply after the end of the **2019/2020** marketing year for sugar on 1 October **2020**.

2. As regards the milk and milk products sector, Articles **104a**, 105, **105b and 157a**

until 30 June 2020.

shall apply until 30 June 2020.

Amendment 329

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

Amendment 330

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	Mixtures exclusively of nuts of headings 0801 and 0802
0813 50 39	
0910 20	Saffron

ex 0910 99	Thyme, fresh or chilled
ex 1211 90 85	Basil, melissa, mint, origanum vulgare (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	<i>Truffles and other vegetables, fresh or chilled, excluding vegetables of subheadings 0709 60 91, 0709 60 95, 0709 60 99, 0709 90 31, 0709 90 39 and 0709 90 60</i>
071320 00	<i>Chickpeas (garbanzos)</i>
07 13 40 00	<i>Lentils</i>
07 14 90	<i>Yams and Jerusalem artichokes</i>
Ex 1214	<i>Swedes</i>
09 05 00 00	<i>Vanilla</i>
0906	<i>Cinnamon and cinnamon-tree flowers</i>
09 07 00 00	<i>Cloves</i>
09 08	<i>Nutmeg, mace and cardamoms</i>
09 09	<i>Seeds of anise, badian, fennel, coriander, cumin or caraway; juniper berries</i>
Ex 0910	<i>Ginger, turmeric (curcuma), bay leaves, curry and other spices excluding thyme and saffron</i>
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, origanum vulgare (oregano/wild marjoram), rosemary, sage, fresh or chilled
1212 99 30	Locust beans

Amendment 331

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"> - fruit of the genus Capsicum other than sweet peppers or pimentos of subheading 2001 90 20 - sweetcorn (Zea mays var. saccharata) of subheading 2001 90 30 - yams, sweet potatoes and similar edible parts of plants, containing 5 % or more by weight of starch of subheading 2001 90 40 - palm hearts of subheading 2001 90 60 - olives of subheading 2001 90 65 - vine leaves, hop shoots and other similar edible parts of plants falling within subheading ex 2001 90 97
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 (Zea mays var. saccharata) of subheading 2005 80 00 and fruit of the genus Capsicum, other than sweet peppers or pimentos of subheading 2005 99 10 and potatoes prepared or preserved in the form of flour, meal or flakes of subheading

	2005 20 10
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"> - homogenised preparations of bananas of subheading ex 2007 10 - jams, jellies, marmalades, purée or pastes of bananas of subheadings ex 2007 99 39, ex 2007 99 50 and ex 2007 99 97
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"> - peanut butter of subheading 2008 11 10 - palm hearts of subheading 2008 91 00 - maize of subheading 2008 99 85 - yams, sweet potatoes and similar edible parts of plants, containing 5 % or more by weight of starch of subheading 2008 99 91 - vine leaves, hop shoots and other similar edible parts of plants falling within subheading ex 2008 99 99 - 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 - bananas otherwise prepared or preserved of subheadings ex 2008 99 49, ex 2008 99 67 and ex 2008 99 99
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 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,

	<p>excluding:</p> <ul style="list-style-type: none"> - fruit of the genus <i>Capsicum</i> other than sweet peppers or pimentos of subheading 2001 90 20 - sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>) of subheading 2001 90 30 - yams, sweet potatoes and similar edible parts of plants, containing 5 % or more by weight of starch of subheading 2001 90 40 - palm hearts of subheading 2001 90 60 - olives of subheading 2001 90 65 - vine leaves, hop shoots and other similar edible parts of plants falling within subheading ex 2001 90 97
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	<p>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:</p> <ul style="list-style-type: none"> - homogenised preparations of bananas of subheading ex 2007 10 - jams, jellies, marmalades, purée or pastes of bananas of subheadings ex 2007 99 39, ex 2007 99 50 and ex 2007 99 97
ex 2008	<p>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:</p> <ul style="list-style-type: none"> - peanut butter of subheading 2008 11 10 - palm hearts of subheading 2008 91 00 - maize of subheading 2008 99 85 - yams, sweet potatoes and similar edible parts of plants, containing 5 % or more by weight of starch of subheading 2008 99 91 - vine leaves, hop shoots and other similar edible parts of plants falling within subheading ex 2008 99 99 - 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 - bananas otherwise prepared or preserved of subheadings ex 2008 99 49, ex 2008 99 67 and ex 2008 99 99
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 <i>Capsicum</i> or of the genus <i>Pimenta</i>, excluding sweet peppers falling within subheading 0904 20 10</i>
ex220600	<i>cider</i>

Amendment 332

Proposal for a regulation

Annex I – Part XV – sub-part a – CN code 0201 – indents (new)

Text proposed by the Commission

0201 – Meat of bovine animals, fresh or chilled

Amendment

0201 – Meat of bovine animals, fresh or chilled:

– *0201 10 00 – Carcasses and half-carcasses*

– *0201 20 – other cuts with bone in:*

– *0201 20 20 – ‘compensated’ quarters*

– *0201 20 30 – separated or unseparated forequarters*

– *0201 20 50 – separated or unseparated hindquarters*

Amendment 351

Proposal for a regulation

Annex I - Part XXI - point 1 a (new)

Text proposed by the Commission

Amendment

1a. Raw alcohol with an alcohol content of less than 96 % by volume which retains the organoleptic qualities associated with the basic raw materials used in its production shall be treated as ethyl alcohol within the meaning of point 1 provided that the raw alcohol in question is, after further processing, marketed or used as ethyl alcohol within the meaning of point 1.

Amendment 333

Proposal for a regulation

Annex II – Part I a (new)

Text proposed by the Commission

Amendment

Part Ia: Definitions concerning the sugar sector

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.

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 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. For the purpose of this indent, in the case of Croatia the marketing year shall be that of 2007/2008.

Amendment 334

Proposal for a regulation

Annex II – Part VIII – point 1 – introductory part

Text proposed by the Commission

1. ‘Honey’ means the natural sweet substance produced by *Apis mellifera* bees from the nectar of plants or from secretions of living parts of plants or excretions of plant-sucking insects on the living parts of plants, which the bees collect, transform by combining with specific substances of their own, deposit, dehydrate, store and leave in honeycombs to ripen and mature.

Amendment

1. ‘Honey’ means the natural sweet substance produced by *Apis mellifera* bees from the nectar of plants or from secretions of living parts of plants or excretions of plant-sucking insects on the living parts of plants, which the bees collect, transform by combining with specific substances of their own, deposit, dehydrate, store and leave in honeycombs to ripen and mature. ***Honey consists essentially of different sugars, predominantly fructose and glucose, as well as other substances such as organic acids, enzymes and solid particles derived from honey collection, including pollen, while none of these substances and particles can be considered an ingredient of honey.***

Amendment 335

Proposal for a regulation

Annex II – Part VIII – point 2

Text proposed by the Commission

2. ‘Apiculture products’ means honey, beeswax, royal jelly, propolis ***or*** pollen.

Amendment

2. ‘Apiculture products’ means honey, beeswax, royal jelly, propolis ***and*** pollen.

‘Beeswax’ means lipid natural matter prepared from secretions of the wax glands of *Apis mellifera* worker bees and used in manufacturing honeycombs.

‘Royal jelly’ means the natural substance

secreted by the hypopharyngeal and mandibular glands of Apis mellifera nurse worker bees, designed to feed the larvae and the queen and to which no other substance may be added.

‘Propolis’ means the substance collected from certain plants and subsequently transformed by Apis mellifera worker bees, to which their own secretions (mainly wax and salivary secretions) are added in order to use it as mortar.

‘Pollen’ means a compact substance, more or less spherical, resulting from the agglutination of the male gametes of flowers by means of nectar, salivary secretions and the mechanical action of the third pair of legs of Apis mellifera worker bees, which is collected and transformed in the form of balls of pollen in order to be deposited and subsequently stored in the hive, and to which no other substance may be added.

‘Honeycomb pollen or bee bread’ means balls of pollen scattered by bees in honeycomb cells which have undergone certain natural transformations through the presence of enzymes and micro-organisms; this pollen can be covered with honey.

Amendment 336

Proposal for a regulation Annex III – Title

Text proposed by the Commission

Amendment

ANNEX III

ANNEX III

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 337

Proposal for a regulation Annex III a (new)

Text proposed by the Commission

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)

<i>Conformation class</i>	<i>Description</i>
<i>S Superior</i>	<i>All profiles extremely convex; exceptional muscle development (double muscled carcass type)</i>
<i>E Excellent</i>	<i>All profiles convex to super-convex; exceptional muscle development</i>

<i>U</i> <i>Very good</i>	<i>Profiles on the whole convex; very good muscle development</i>
<i>R</i> <i>Good</i>	<i>Profiles on the whole straight; good muscle development</i>
<i>O</i> <i>Fair</i>	<i>Profiles straight to concave; average muscle development</i>
<i>P</i> <i>Poor</i>	<i>All profiles concave to very concave; poor muscle development</i>

2. Fat cover, defined as follows:

Amount of fat on the outside of the carcass and in the thoracic cavity

<i>Class of fat cover</i>	<i>Description</i>
<i>1</i> <i>low</i>	<i>None up to low fat cover</i>
<i>2</i> <i>slight</i>	<i>Slight fat cover, flesh visible almost everywhere</i>
<i>3</i> <i>average</i>	<i>Flesh with the exception of the round and shoulder, almost everywhere covered with fat, slight deposits of fat in the thoracic cavity</i>
<i>4</i> <i>high</i>	<i>Flesh covered with fat, but on the round and shoulder still partly visible, some distinctive fat deposits in the thoracic cavity</i>
<i>5</i> <i>very high</i>	<i>Entire carcass covered with fat; heavy deposits in the thoracic cavity</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.

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 atloido-occipital joint and the feet shall be severed at the carpametacarpal 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:

<i>Classes</i>	<i>Lean meat as percentage of carcass weight</i>
<i>S</i>	<i>60 or more (*)</i>
<i>E</i>	<i>55 and more</i>
<i>U</i>	<i>50 or more but less than 55</i>
<i>R</i>	<i>45 or more but less than 50</i>
<i>O</i>	<i>40 or more but less than 45</i>
<i>P</i>	<i>less than 40</i>
<i>(*) [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.]</i>	

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, the Commission may adopt implementing acts, , authorising the Member States to use the following criteria for classification:

- (a) carcass weight;*
- (b) colour of meat;*
- (c) fat cover.*

Those implementing acts shall be adopted without applying the procedure referred to in Articles 162(2) and (3).

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.

Amendment 338

Proposal for a regulation Annex III b (new)

Text proposed by the Commission

Amendment

ANNEX IIIb

NATIONAL AND REGIONAL QUOTAS FOR THE PRODUCTION OF SUGAR, ISOGLUCOSE AND INULIN SYRUP AS REFERRED TO IN ARTICLE 101H (in tonnes)

<i>Member States or regions</i>	<i>Sugar</i>	<i>Isoglucose</i>	<i>Inulin syrup</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
<i>Belgium</i>	<i>676 235,0</i>	<i>114 580,2</i>	<i>0</i>
<i>Bulgaria</i>	<i>0</i>	<i>89 198,0</i>	
<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>250 265,8</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>	
<i>Croatia</i>	<i>p.m.</i>	<i>p.m.</i>	<i>p.m.</i>
<i>TOTAL</i>	<i>13 336 741,2</i>	<i>720 440,8</i>	<i>0</i>

Amendment 339

Proposal for a regulation
Annex III c (new)

Text proposed by the Commission

Amendment

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 1 (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.

Amendment 340

Proposal for a regulation Annex III d (new)

Text proposed by the Commission

Amendment

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.

Amendment 341

Proposal for a regulation
Annex VI – Part II – point 17 a (new)

Text proposed by the Commission

Amendment

(17a) Crémant means white or rosé quality sparkling wine with protected designations of origin, or with a geographical indication of a third country, produced under the following conditions:

- (a) the grapes are harvested manually;*
- (b) the wine is made from must obtained by pressing whole or destemmed grapes; the quantity of must obtained not exceeding 100 litres for every 150 kg of grapes;*
- (c) the maximum sulphur dioxide content does not exceed 150 mg/l;*
- (d) the sugar content is less than 50 g/l;*
- (e) the wine was made sparkling by a second alcoholic fermentation in the bottle;*
- (f) the wine stayed without interruption in contact with the lees for at least nine months in the same undertaking from the time when the cuvée was constituted;*
- (g) the wine was separated from the lees by disgorging.*

The term ‘Crémant’ shall be indicated on labels of quality sparkling wines in combination with the name of the geographical unit underlying the demarcated area of the protected designation of origin, or the geographical indication of a third country, in question.

Neither point (a) of the first paragraph nor the second paragraph shall apply to producers with trade marks including the word ‘crémant’ that were registered before 1 March 1986.

Amendment 342

Proposal for a regulation
Annex VI – Part III – paragraph 2

Text proposed by the Commission

2. For the purposes of this Part, 'milk products' means products derived exclusively from milk, on the understanding that substances necessary for their manufacture may be added provided that those substances are not used for the purpose of replacing, in whole or in part, any milk constituent.

The following shall be reserved exclusively for milk products.

(a) the following names used at all stages of marketing:

- (i) whey,
- (ii) cream,
- (iii) butter,
- (iv) buttermilk,
- (v) butteroil,
- (vi) caseins,
- (vii) anhydrous milkfat (AMF),
- (viii) cheese,
- (ix) yogurt,
- (x) kephir,
- (xi) koumiss,
- (xii) viili/fil,
- (xiii) smetana,
- (xiv) fil;

(b) names within the meaning of Article 5 of Directive 2000/13/EC actually used for milk products.

Amendment

2. For the purposes of this Part, 'milk products' means products derived exclusively from milk, on the understanding that substances necessary for their manufacture may be added provided that those substances are not used for the purpose of replacing, in whole or in part, any milk constituent.

The following shall be reserved exclusively for milk products.

(a) the following names used at all stages of marketing:

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- (iii) butter,
- (iv) buttermilk,
- (v) butteroil,
- (vi) caseins,
- (vii) anhydrous milkfat (AMF),
- (viii) cheese,
- (ix) yogurt,
- (x) kephir,
- (xi) koumiss,
- (xii) viili/fil,
- (xiii) smetana,
- (xiv) fil;

(xiva) curd,

(xivb) sour cream,

(xive) rjaženka,

(xivd) rūgušpiens;

(b) names within the meaning of Article 5 of Directive 2000/13/EC actually used for milk products.

Amendment 343

Proposal for a regulation
Annex VI – Part V – Section II

Text proposed by the Commission

II Definitions

(1) 'poultrymeat' means poultrymeat suitable for human consumption, which has not undergone any treatment other than cold treatment;

(2) “fresh poultrymeat” means poultrymeat which has not been stiffened at any time by the cooling process prior to being kept at a temperature not below – 2 °C and not higher than + 4 °C. However, Member States may lay down slightly different temperature requirements for the minimum length of time necessary for the cutting and handling of fresh poultrymeat performed in retail shops or in premises adjacent to sales points, where the cutting and handling are performed solely for the purpose of supplying the consumer directly on the spot;

(3) “frozen poultrymeat” means poultrymeat which must be frozen as soon as possible within the constraints of normal slaughtering procedures and is to be kept at a temperature no higher than – 12 °C at any time

(4) 'quick-frozen poultrymeat' means poultrymeat which is to be kept at a temperature no higher than -18°C at any time within the tolerances as provided for in Council Directive 89/108/EEC .

(5) “poultrymeat preparation” means poultrymeat including poultrymeat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone processes insufficient to modify the internal muscle fibre structure of the meat;

(6) “fresh poultrymeat preparation” means a poultrymeat preparation for which fresh poultrymeat has been used.

However, Member States may lay down slightly different temperature requirements

Amendment

II Definitions

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(5) “poultrymeat preparation” means poultrymeat including poultrymeat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone processes insufficient to modify the internal muscle fibre structure of the meat;

(6) “fresh poultrymeat preparation” means a poultrymeat preparation for which fresh poultrymeat has been used.

However, Member States may lay down slightly different temperature requirements

to be applied for the minimum length of time necessary and only to the extent necessary to facilitate the cutting and handling performed in the factory during the production of fresh poultrymeat preparations;

(7) “poultrymeat product” means a meat product as defined in point 7.1 of Annex I to Regulation (EC) No 853/2004 for which poultrymeat has been used.

to be applied for the minimum length of time necessary and only to the extent necessary to facilitate the cutting and handling performed in the factory during the production of fresh poultrymeat preparations;

(7) “poultrymeat product” means a meat product as defined in point 7.1 of Annex I to Regulation (EC) No 853/2004 for which poultrymeat has been used.

Poultrymeat shall be marketed in one of the following conditions:

- *fresh,*
- *frozen,*
- *quick-frozen.*

Amendment 344

Proposal for a regulation Annex VI – Part V a (new)

Text proposed by the Commission

Amendment

Part Va. Eggs of hens of the Gallus gallus species

I. Scope

(1) This Part of the Annex applies to the marketing within the Union of the eggs produced in the Union, imported from third countries or intended for export outside the Union.

(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.

Amendment 345

Proposal for a regulation Annex VI – Part VI

Text proposed by the Commission

Part VI. Spreadable fats

The products referred to in Article 60 may not be supplied or transferred without processing to the ultimate consumer either directly or through restaurants, hospitals, canteens or similar establishments, unless they meet the requirements set out in the Annex.

The sales descriptions of these products

Amendment

Part VI. Spreadable fats

I. Sales description

The products referred to in Article 60 may not be supplied or transferred without processing to the ultimate consumer either directly or through restaurants, hospitals, canteens or similar establishments, unless they meet the requirements set out in the Annex.

The sales descriptions of these products

shall be those specified in this Part.

The sales descriptions below shall be reserved to the products defined therein with the following CN codes and having a fat content of at least 10% but less than 90% by weight:

- (a) milk fats falling within CN codes 0405 and ex2106;
- (b) fats falling within CN code ex1517;
- (c) fats composed of plant and/or animal products falling within CN codes ex 1517 and ex 2106.

The fat content excluding salt shall be at least two-thirds of the dry matter.

However, these sales descriptions shall only apply to products which remain solid at a temperature of 20°C, and which are suitable for use as spreads.

These definitions shall not apply to:

- (a) the designation of products the exact nature of which is clear from traditional usage and/or when the designations are clearly used to describe a characteristic quality of the product;
- (b) concentrated products (butter, margarine, blends) with a fat content of 90 % or more.

shall be those specified in this Part.

The sales descriptions below shall be reserved to the products defined therein with the following CN codes and having a fat content of at least 10% but less than 90% by weight:

- (a) milk fats falling within CN codes 0405 and ex2106;
- (b) fats falling within CN code ex1517;
- (c) fats composed of plant and/or animal products falling within CN codes ex 1517 and ex 2106.

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- (a) the designation of products the exact nature of which is clear from traditional usage and/or when the designations are clearly used to describe a characteristic quality of the product;
- (b) concentrated products (butter, margarine, blends) with a fat content of 90 % or more.

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.

Amendment 346

Proposal for a regulation Annex VII

Text proposed by the Commission

ANNEX VII

OENOLOGICAL PRACTICES REFERRED TO IN ARTICLE 62

Part I

Enrichment, acidification and de-acidification in certain wine-growing zones
[...]

C. Acidification and de-acidification

1. Fresh grapes, grape must, grape must in fermentation, new wine still in fermentation and wine may be subject to:

(a) de-acidification in wine-growing zones A, B and C I ;

(b) acidification and de-acidification in wine-growing zones C I, C II and C III (a), without prejudice to point 7 of this Section; or

(c) acidification in wine-growing zone C III (b).

2. Acidification of the products, other than wine, referred to in point 1 may be carried out only up to a limit of 1,50 g/l expressed as tartaric acid, or 20 milliequivalents per

Amendment

ANNEX VII

OENOLOGICAL PRACTICES REFERRED TO IN ARTICLE 62

Part I

Enrichment, acidification and de-acidification in certain wine-growing zones
[...]

C. Acidification and de-acidification

1. Fresh grapes, grape must, grape must in fermentation, new wine still in fermentation and wine may be subject to:

(a) de-acidification in wine-growing zones A, B and C I ;

(b) acidification and de-acidification in wine-growing zones C I, C II and C III (a), without prejudice to point 7 of this Section; or

(c) acidification in wine-growing zone C III (b).

2. Acidification of the products, other than wine, referred to in point 1 may be carried out only up to a limit of 1,50 g/l expressed as tartaric acid, or 20 milliequivalents per

litre.

3. Acidification of wines may be carried out only up to a limit of 2,50 g/l expressed as tartaric acid, or 33,3 milliequivalents per litre.

4. De-acidification of wines may be carried out only up to a limit of 1 g/l expressed as tartaric acid, or 13,3 milliequivalents per litre.

5. Grape must intended for concentration may be partially de-acidified.

6. Notwithstanding point 1, in years when climatic conditions have been exceptional, Member States may authorise acidification of the products referred to in point 1 in wine-growing zones A and B, under the conditions referred to in points 2 and 3 of this Section.

7. Acidification and enrichment, except by way of derogation to be ***adopted by the Commission by means of delegated acts pursuant to Article 59(1)***, and acidification and de-acidification of one and the same product shall be mutually exclusive processes.

D. Processes

1. None of the processes referred to in Sections B and C, with the exception of the acidification and de-acidification of wines, shall be authorised unless carried out, ***under conditions to be determined by the Commission by means of delegated acts pursuant to Article 59(1)***, at the time when the fresh grapes, grape must, grape must in fermentation or new wine still in fermentation are being turned into wine or into any other wine sector beverage intended for direct human consumption other than sparkling wine or aerated sparkling wine in the wine-growing zone where the fresh grapes used were harvested.

2. The concentration of wines shall take place in the wine-growing zone where the fresh grapes used were harvested.

3. Acidification and de-acidification of

litre.

3. Acidification of wines may be carried out only up to a limit of 2,50 g/l expressed as tartaric acid, or 33,3 milliequivalents per litre.

4. De-acidification of wines may be carried out only up to a limit of 1 g/l expressed as tartaric acid, or 13,3 milliequivalents per litre.

5. Grape must intended for concentration may be partially de-acidified.

6. Notwithstanding point 1, in years when climatic conditions have been exceptional, Member States may authorise acidification of the products referred to in point 1 in wine-growing zones A and B, under the conditions referred to in points 2 and 3 of this Section.

7. Acidification and enrichment, except by way of derogation to be ***decided in accordance with the procedure referred to in Article 62(2)***, and acidification and de-acidification of one and the same product shall be mutually exclusive processes.

D. Processes

1. None of the processes referred to in Sections B and C, with the exception of the acidification and de-acidification of wines, shall be authorised unless carried out at the time when the fresh grapes, grape must, grape must in fermentation or new wine still in fermentation are being turned into wine or into any other wine sector beverage intended for direct human consumption other than sparkling wine or aerated sparkling wine in the wine-growing zone where the fresh grapes used were harvested.

2. The concentration of wines shall take place in the wine-growing zone where the fresh grapes used were harvested.

3. Acidification and de-acidification of

wines shall take place only in the wine making undertaking and in the wine-growing zone where the grapes used to produce the wine in question were harvested.

4. Each of the processes referred to in points 1, 2 and 3 shall be notified to the competent authorities. The same shall apply in respect of the quantities of concentrated grape must rectified concentrated grape must or sucrose held in the exercise of their profession by natural or legal persons or groups of persons, in particular producers, bottlers, processors and merchants *to be determined by the Commission by means of delegated acts pursuant to Article 59(1)*, at the same time and in the same place as fresh grapes, grape must, grape must in fermentation or wine in bulk. The notification of these quantities may, however, be replaced by entry in a goods inwards and stock utilisation register.

5. Each of the processes referred to in Sections B and C shall be recorded on the accompanying document, as provided for in Article 103, under cover of which the products having undergone the processes are put into circulation.

6. Those processes, subject to derogations justified by exceptional climatic conditions, shall not be carried out:

(a) in wine-growing zone C after 1 January;

(b) in wine-growing zones A and B after 16 March, and they shall be carried out only for products of the grape harvest immediately preceding those dates.

7. Notwithstanding point 6, concentration by cooling and acidification and de-acidification of wines may be practised throughout the year.

wines shall take place only in the wine making undertaking and in the wine-growing zone where the grapes used to produce the wine in question were harvested.

4. Each of the processes referred to in points 1, 2 and 3 shall be notified to the competent authorities. The same shall apply in respect of the quantities of concentrated grape must rectified concentrated grape must or sucrose held in the exercise of their profession by natural or legal persons or groups of persons, in particular producers, bottlers, processors and merchants at the same time and in the same place as fresh grapes, grape must, grape must in fermentation or wine in bulk. The notification of these quantities may, however, be replaced by entry in a goods inwards and stock utilisation register.

5. Each of the processes referred to in Sections B and C shall be recorded on the accompanying document, as provided for in Article 103, under cover of which the products having undergone the processes are put into circulation.

6. Those processes, subject to derogations justified by exceptional climatic conditions, shall not be carried out:

(a) in wine-growing zone C after 1 January;

(b) in wine-growing zones A and B after 16 March, and they shall be carried out only for products of the grape harvest immediately preceding those dates.

7. Notwithstanding point 6, concentration by cooling and acidification and de-acidification of wines may be practised throughout the year.

Amendment 347

Proposal for a regulation
Annex VII a (new)

Text proposed by the Commission

Amendment

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, Article 14</i>
	<i>indication on how laying hens are fed</i>	<i>Regulation (EC) No 589/2008, Article 15</i>
<i>honey (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 (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 (CN 04)</i>	<i>traditional butter</i>	<i>Regulation (EU) No [CMO Regulation], Annex VI, Part VI</i>
<i>spreadable fats (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>	

Amendment 348**Proposal for a regulation
Annex VII b (new)***Text proposed by the Commission**Amendment***ANNEX VIIb****IMPORT DUTIES FOR RICE REFERRED TO IN ARTICLES 121B AND 121D*****1. Import duties for husked rice******(a) EUR 30 per tonne in the following cases:******(i) where it is noted that the imports of husked rice made over the course of the marketing year just ended did not reach the annual reference quantity referred to in the first subparagraph of Article 121b(3), less 15%;******(ii) where it is noted that the imports of husked rice made over the course of the first six months of the marketing year do not reach the partial reference quantity referred to in the second subparagraph of Article 121b(3), less 15%;******(b) EUR 42,5 per tonne in the following cases:******(i) where it is noted that the imports of husked rice made over the course of the marketing year just ended exceed the annual reference quantity referred to in the first subparagraph of Article 121b(3), less 15%, but do not exceed that same annual reference quantity plus 15 %;******(ii) where it is noted that the imports of husked rice made in the first six months of the marketing year exceed the partial reference quantity referred to in the second subparagraph of Article 121b(3), less 15%, but do not exceed that same partial reference quantity plus 15%;******(c) EUR 65 per tonne in the following cases:******(i) where it is noted that the imports of husked rice made over the course of the marketing year just ended exceed the annual reference quantity referred to in the first subparagraph of Article 121b(3), plus 15%;******(ii) where it is noted that the imports of husked rice made over the course of the first six months of the marketing year exceed the partial reference quantity referred to in the second subparagraph of Article 121b(3), plus 15%.***

2. Import duties for milled rice

(a) EUR 175 per tonne in the following cases:

(i) where it is noted that imports of semi-milled and wholly-milled rice during the marketing year just ended exceed 387 743 tonnes;

(ii) where it is noted that imports of semi-milled and wholly-milled rice during the first six months of the marketing year exceed 182 239 tonnes;

(b) EUR 145 per tonne in the following cases:

(i) where it is noted that imports of semi-milled and wholly-milled rice during the marketing year just ended do not exceed 387 743 tonnes;

(ii) where it is noted that imports of semi-milled and wholly-milled rice during the first six months of the marketing year do not exceed 182 239 tonnes.

Amendment 349

Proposal for a regulation Annex VII c (new)

Text proposed by the Commission

Amendment

ANNEX VIIc

VARIETIES OF BASMATI RICE REFERRED TO IN ARTICLE 121d

Basmati 217

Basmati 370

Basmati 386

Kernel (Basmati)

Pusa Basmati

Ranbir Basmati

Super Basmati

Taraori Basmati (HBC-19)

Type-3 (Dehradun)