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Committee on Agriculture and Rural Development

2011/0281(COD)

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COMPROMISE AMENDMENTS

1 - 96

Draft report
Michel Dantin
(PE485.843v02)

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

Proposal for a regulation
(COM(2011)0626 (COR2) – C7-0339/2011 – 2011/0281(COD))

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United in diversity

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Amendment 1

Michel Dantin

Compromise amendment replacing Amendment 613

Proposal for a regulation

Article 3 – point 4b (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 further than the cross-compliance rules laid down in Regulation (EU) No [...] (horizontal regulation on the CAP) and are in continuous progress to improve 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 at a high level crops, livestock and natural diversity in production systems.

Or. en

Amendment 2

Michel Dantin

Compromise amendment replacing Amendments 90-94, 623-640

Proposal for a regulation

Article 7

Text proposed by the Commission

Amendment

Article 7

Article 7

Reference prices

Reference prices

The following reference prices are fixed:

1. For the purposes of the application of Part II, Title I, Chapter I and Part V,

(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 120 kg: grade E;

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

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.

(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 having 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 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.

Or. en

Amendment 3

Michel Dantin

Compromise amendment replacing Amendment 96

Proposal for a regulation

Article 9 a (new)

Text proposed by the Commission

Amendment

Article 9a

Union scales and inspections

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

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

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

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

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

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

Or. en

Amendment 4

Michel Dantin

Compromise amendment replacing Amendments 97, 652-658

Proposal for a regulation

Article 10

Text proposed by the Commission

Article 10

Products eligible for public intervention

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

- (a) common wheat, barley and maize;
- (b) paddy rice;

Amendment

Article 10

Products eligible for public intervention

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

- (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.

(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.

Or. en

Amendment 5

Michel Dantin

Compromise amendment replacing Amendment 670

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.***

Or. en

Amendment 6

Michel Dantin

Compromise amendment replacing Amendments 101, 102, 680, 691

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

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

paragraph 1 are no longer fulfilled.

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

Or. EN

Amendment 7

Michel Dantin

Compromise amendment replacing Amendments 103 - 104, 708

Proposal for a regulation

Article 13

Text proposed by the Commission

Amendment

Article 13

Article 13

Buying-in at a fixed price or tendering

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:

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, **30 000** tonnes;
- (c) for skimmed milk powder, 109 000 tonnes.

- (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:

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.

- (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

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).

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).

Or. en

Amendment 8

Michel Dantin

Compromise amendment replacing Amendments 105 - 106, 719

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

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%**

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.**

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.

Or. en

Amendment 9

Michel Dantin

Compromise amendment replacing Amendments 107, 733

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

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

accounting value of such products shall be at the level of the relevant fixed public intervention price referred to in Article 14(2).

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.

Or. en

Amendment 10
Michel Dantin

Compromise amendment replacing Amendment 108

Proposal for a regulation
Article 16 — paragraph 1

Text proposed by the Commission

Amendment

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

Aid for private storage 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:

Or. en

Amendment 11
Michel Dantin

Compromise amendment replacing Amendments 114, 814, 833

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

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.

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

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 **and/or which have a significant impact on producers' profit margins** in the sector in one or more Member States **and/or***

(ba) the particular nature of certain sectors or the seasonality 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. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).

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).

Or. en

Amendment 12

Michel Dantin

Compromise amendment replacing Amendments 853, 855, 858, 859, 886

Proposal for a regulation

Article 18

Text proposed by the Commission

Amendment

Article 18

Article 18

Delegated powers

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

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

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 seasonality and/or the specific nature of certain farms in some Member States or regions, the Commission may, by means of delegated acts, set different objective conditions governing factors that may trigger 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 for 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 specificities 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 determining its responsibilities and the way it is composed.

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.

Or. en

Amendment 13

Michel Dantin

Compromise amendment replacing Amendments 120, 876, 887

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;

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

(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;

(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.

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 modalities for marking of classified carcasses;

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

(i) 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 modalities 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).

Or. en

Amendment 14

Michel Dantin

Compromise amendment replacing Amendment 123

Proposal for a regulation
Part II – Title I – Chapter II – Section 1

Text proposed by the Commission

Section 1

SCHEMES TO IMPROVE ACCESS TO
FOOD

Amendment

Section 1

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 improving 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 Member States' competent authorities.

Or. en

Amendment 15

Michel Dantin

Compromise amendment replacing Amendment 893

Proposal for a regulation

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

Text proposed by the Commission

SUBSECTION 1

SCHOOL FRUIT

Amendment

SUBSECTION 1

SCHOOL FRUIT **AND VEGETABLES
SCHEME**

Or. en

Amendment 16

Michel Dantin

Compromise amendment replacing Amendments 125, 126, 128, 129, 911

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

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 seasonality, availability of produce **or environmental concerns**. In this 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

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

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 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.

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 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.

Or. en

Amendment 17

Michel Dantin

Compromise amendment replacing Amendments 130 - 132

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 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

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 that the implementation of the scheme responds effectively to the objectives which are ascribed to it***, the Commission may, by means of 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, *require participating* Member States *to* publicise *the subsidising role of the scheme*.

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*.

Or. en

Amendment 18

Michel Dantin

Compromise amendment replacing Amendment 133

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 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

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:

- (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).

Or. en

Amendment 19

Michel Dantin

Compromise amendment replacing Amendments 134-137, 932, 937, 939

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.

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 provided for 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

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

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.

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.

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.

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.

Or. en

Amendment 20

Michel Dantin

Compromise amendment replacing Amendments 140, 141

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

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 *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 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*.

in paragraphs 2 to 4 of this Article.

2. Taking into account *the need to ensure that the implementation of the scheme responds effectively to the objectives which are ascribed to 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 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 21

Michel Dantin

Compromise amendment replacing Amendments 142 -144

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

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 22

Michel Dantin

Compromise amendment replacing Amendments 145, 146, 148, 149, 956, 960, 973, 976, 984

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 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.

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.

(ca) the dissemination of information on measures carried out by operator 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 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.

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.

Or. en

Amendment 23

Michel Dantin

Compromise amendment replacing Amendment 151

Proposal for a regulation

Article 28

Text proposed by the Commission

Article 28

Delegated powers

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:

(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.

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.

Or. en

Amendment 24

Michel Dantin

Compromise amendment replacing Amendments 152-154

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 fund. The fund shall be financed by:

Amendment

Article 30

Operational funds

1. Producer organisations ***and/or their associations*** in the fruit and vegetables sector may set up a ***three to five-year*** operational fund. The fund shall be

(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.

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.

Or. en

Amendment 25

Michel Dantin

Compromise amendment replacing Amendments 155, 157 -165, 1013, 1015, 1025, 1028, 1032, 1034

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;

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;
- (c) boosting products' commercial value;
- (d) promotion of the products, whether in a fresh or processed form;
- (e) environmental measures and methods 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.

- (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 relating to water***, and methods of production, ***handling, manufacturing or processing methods*** 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.

1a. 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;

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;*
- (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.

(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) *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 comprise 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

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

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-

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** 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. However, destruction of products due to a climatic event or disease shall not be considered as 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.

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.

Or. en

(Paragraph 2 point d has become point c, point c becomes point d, point f becomes point e, point e becomes point i, point b becomes point h)

Amendment 26

Michel Dantin

Compromise amendment replacing Amendments 66-168, 1056, 1065

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

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**

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.

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;

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 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

- (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 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.

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 ***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 27**Michel Dantin**

Compromise amendment replacing Amendment 170

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 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

*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*, by means of implementing acts *adopted without the application of Article 162(2) or (3)*, require modifications within three months if it finds that the proposal would not contribute to the pursuit of the objectives set out in Article 191 of the Treaty and in 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.

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.

Or. en

Amendment 28

Michel Dantin

Compromise amendment replacing Amendment 1070

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 managing the network, examining transferable good practices and gathering the relevant information, organising

conferences and seminars for those involved in managing the national strategy, conducting programmes to monitor and assess the national strategy and carrying out other activities identified by the national strategy.

Or. en

Amendment 29

Michel Dantin

Compromise amendment replacing Amendments 171-177

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;

of producer organisations;

(va) the specific rules applicable to cases in which associations of producer organisations wholly or partially stand in for their members 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.

(vii) the display of the European emblem on packages of products for free 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.

Or. en

Amendment 30

Michel Dantin

Compromise amendment replacing Amendment 180

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 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).

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:

(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).

Or. en

Amendment 31

Michel Dantin

Compromise amendment replacing Amendments 181, 182

Proposal for a regulation
Article 39

Text proposed by the Commission

Article 39

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.

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.

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.

Or. en

Amendment 32
Michel Dantin

Compromise amendment replacing Amendments 1096, 1097

Proposal for a regulation
Article 39 a (new)

Text proposed by the Commission

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.***

Or. en

Amendment 33

Michel Dantin

Compromise amendment replacing Amendment 183

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.

Or. en

Amendment 34

Michel Dantin

Compromise amendment replacing Amendment 1110

Proposal for a regulation
Article 42

Text proposed by the Commission

Article 42

Single Payment Scheme and support to

Amendment

deleted

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.

Or. en

**Amendment 35
Michel Dantin**

Compromise amendment replacing Amendments 113, 1116

**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

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.

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.

Or. en

Amendment 36

Michel Dantin

Compromise amendment replacing Amendment 185

Proposal for a regulation

Article 43 a (new)

Text proposed by the Commission

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.

Or. en

Amendment 37

Michel Dantin

Compromise amendment replacing Amendment 1125

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.

Or. en

Amendment 38
Michel Dantin

Compromise amendment replacing Amendments 186-189, 1129, 1130

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.

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:

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;

(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 (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 %.

(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 %.

Or. en

Amendment 39

Michel Dantin

Compromise amendment replacing Amendments 190, 1135

Proposal for a regulation

Article 45

Text proposed by the Commission

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

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 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.

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.

Or. en

Amendment 40

Michel Dantin

Compromise amendment replacing Amendments 192, 1146, 1147

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'

Amendment

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 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.

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.

The beneficiaries must 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.

Or. en

Amendment 41

Michel Dantin

Compromise amendment replacing Amendments 194, 1157, 1161, 1165, 1171

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.

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

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. These 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;

(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.

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 [COM(2011)615] shall apply mutatis mutandis to support referred to in paragraph 1 of this Article.

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 [COM(2011)615] shall apply mutatis mutandis to support referred to in paragraph 1 of this Article.

Or. en

Amendment 42

Michel Dantin

Compromise amendment replacing Amendment 1191

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 purposes to avoid distortion of competition.

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.

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 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.

Or. en

Amendment 43

Michel Dantin

Compromise amendment replacing Amendment 199

Proposal for a regulation

Article 50

Text proposed by the Commission

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

Amendment

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;

(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.

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.

Or. en

Amendment 44

Michel Dantin

Compromise amendment replacing Amendments 200, 202, 1199, 1212, 1216

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

Or. en

Amendment 45

Michel Dantin

Compromise amendment replacing Amendment 1219

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 alia total number of hives in the Union.

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.

Or. en

Amendment 46

Michel Dantin

Compromise amendment replacing Amendment 992

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 Article 106, paragraph c), points i), ii) or iii).

2. The Union financing per year for the payment to producer organisations provided for in paragraph 1 shall be EUR 2 277 000 for Germany.

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, by means of implementing acts, adopt 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).

Or. en

Amendment 47
Michel Dantin

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Compromise amendment replacing Amendment 1226

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 are divided between obligatory rules and optional reserved terms.*

Or. en

Amendment 48
Michel Dantin

Compromise amendment replacing Amendments 204, 205

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 ,

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.

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. 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.

Or. en

Amendment 49

Michel Dantin

Compromise amendment replacing Amendments 206, 207

Proposal for a regulation

Article 57

Text proposed by the Commission

Article 57

Delegated powers

Taking into account the need to address

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, modify and derogate from the requirements concerning general marketing standard referred to in Article 56(1), **and rules on conformity referred to in Article 56(3).**

changes in the market situation, and the specificity of each sector, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to 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 as referred to in Article 56(3), taking into account the need to avoid lowering the general marketing standard to the point where the quality of European products starts to decline.

Or. en

Amendment 50

Michel Dantin

Compromise amendment replacing Amendments 208-216, 1244, 1245, 1248, 1255, 1279, 1284

Proposal for a regulation

Article 59

Text proposed by the Commission

Amendment

Article 59

Article 59

Establishment and content

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

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

evolving consumer demands, to developments in relevant international standards and avoid creating obstacles to product innovation.

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 **cover**:

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;

(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, ***except for products of the wine sector***;

(b) classification criteria such as grading into classes, weight, sizing, age and category;

(b) classification criteria such as grading into classes, weight, sizing, age and category;

(c) the plant variety or animal race or the commercial type;

(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;

(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;

(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;

(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;

(g) the type of farming and production method including ***agronomic and advanced systems of sustainable production*** and related administrative

(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;
- (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

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 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 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.

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.

Or. en

Amendment 51

Michel Dantin

Compromise amendment replacing Amendment 1289

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 sector 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.

Or. en

Amendment 52

Michel Dantin

Compromise amendment replacing Amendment 1290

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 to adopt 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.

Or. en

Amendment 53

Michel Dantin

Compromise amendment replacing Amendment 218

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 consumption.

2. Definitions, designations or sales descriptions provided for in Annex VI may be used in the Union only for the

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.

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.

Or. en

Amendment 54

Michel Dantin

Compromise amendment replacing Amendments 219, 220

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

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

(The first paragraph of the com document is renumbered in the amendment)

Amendment 55

Michel Dantin

Compromise amendment replacing Amendments 221-225, 1303, 1306

Proposal for a regulation

Article 62

Text proposed by the Commission

Amendment

Article 62

Article 62

Oenological practices and methods of analyses

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.

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:

The first subparagraph shall not apply to:

(a) grape juice and concentrated grape juice;

(a) grape juice and concentrated grape juice;

(b) grape must and concentrated grape must intended for the preparation of 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.

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 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:

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

(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.

- (b) they have undergone unauthorised national oenological practices or
- (c) they do not comply with the rules laid down in Annex VII.

These unmarketable products 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 become an incentive to produce by means of unauthorised oenological practices.

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

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 pursuant to***

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.

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.

Or. en

Amendment 56

Michel Dantin

Compromise amendment replacing Amendment 226

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-

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.

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.

4a. Member States may adopt or maintain marketing standards for sectors or products, provided that these measures are consistent with Union law.

Or. en

Amendment 57

Michel Dantin

Compromise amendment replacing Amendment 228

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, to:

(a) reserve an additional optional reserved

- term, laying down its conditions of use,*
- (b) amend the conditions of use of an optional reserved term, or*
- (c) cancel an optional reserved term.*

Article 65d

Additional optional reserved terms

1. A term shall be eligible to be an additional optional reserved term only if it fulfils the following criteria:

- (a) the term relates to a characteristic of a product or to a farming or processing attribute and relates to a marketing standard, viewed in the light of a sector-by-sector approach;*
- (b) the use of the term adds value to the product in comparison with products of a similar type, and*
- (c) the product has been placed on the market with the characteristic or attribute referred to in point (a) identified to consumers in several Member States.*

The Commission shall take account of any relevant international standard and of the current reserved terms existing for the products or sectors involved.

2. Optional terms that describe technical product qualities for the purposes of implementing compulsory marketing standards and that are not intended to inform consumers about those product qualities shall not be reserved under this scheme.

3. In order to take into account the special characteristics of certain sectors as well as consumer expectations, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 concerning detailed rules relating to the requirements for the creation of the additional optional reserved terms referred to in paragraph 1.

Article 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 concerning rules for the use of optional reserved terms.*

Or. en

Amendment 58

Michel Dantin

Compromise amendment replacing Amendments 227, 1313

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 pursuant to Article 43(2) of the Treaty* to define the conditions under which imported products are considered to have an equivalent level of compliance with the Union marketing standards and determine the rules concerning the application of the marketing standards to products exported from the Union.

Amendment 59**Michel Dantin**

Compromise amendment replacing Amendment 1316

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

*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 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.

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.

Or. en

Amendment 60
Michel Dantin

Compromise amendment replacing Amendments 229, 1331

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 in order to lay 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.

Or. en

Amendment 61
Michel Dantin

Compromise amendment replacing Amendments 1318, 1320, 1321

Proposal for a regulation

Article 68

Text proposed by the Commission

Article 68

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:**

(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 (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

Article 68

Implementing powers in accordance with the examination procedure

The Commission may, by means of implementing acts, adopt the necessary measures related to this Section:

(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).

Or. en

Amendment 62

Michel Dantin

Compromise amendment

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.

Or. en

Amendment 63

Michel Dantin

Compromise amendment replacing Amendment 230

Proposal for a regulation

Article 70

Text proposed by the Commission

Article 70

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*.

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*.

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 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

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.

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.

Or. en

Amendment 64

Michel Dantin

Compromise amendment replacing Amendments 1346, 1348

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

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.

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, its principal analytical and organoleptic characteristics;

(ii) for wines with a geographical indication, its principal analytical characteristics as well as an evaluation or indication of its 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 from;

(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 legislation 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.

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.

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 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.

Or. en

Amendment 65

Michel Dantin

Compromise amendment replacing Amendments 1351, 1353, 1356

Proposal for a regulation

Article 73

Text proposed by the Commission

Amendment

Article 73

Article 73

Preliminary national procedure

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.

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

obligations 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 geographical indication does not *meet* the *requirements* 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.*

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 *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.

Or. en

Amendment 66

Michel Dantin

Compromise amendment replacing Amendments 231, 232

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 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

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 after the date of ***lodging*** of the application for protection of the designation of origin or geographical indication to the Commission and the designation of origin or geographical indication is subsequently protected.

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.

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.

Or. en

Amendment 67

Michel Dantin

Compromise amendment replacing Amendments 1365, 1366, 1370, 1372

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 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.

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 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, by means of implementing acts, decide 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).

Or. en

Amendment 68

Michel Dantin

Compromise amendment replacing Amendment 234

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 objection procedure. The Commission shall list them in the register provided for in Article 81.

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.

(The Commission text is based on COM (2012) 535)

Amendment 69

Michel Dantin

Compromise amendment replacing Amendments 236, 237, 1377, 1383, 1388, 1390

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

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;

geographical indication;

(c) the conditions to be followed in respect of an application for the protection of a designation of origin or geographical 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.

- (b) preliminary national procedure;*
- (c) wines placed on the market or labelled before a specific date; and*
- (d) amendments to the product specifications.*

Or. en

Amendment 70

Michel Dantin

Compromise amendment replacing Amendment 245

Proposal for a regulation

Article 100 a (new)

Text proposed by the Commission

Amendment

Article 100a

Duration

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

Or. en

Amendment 71

Michel Dantin

Compromise amendment replacing Amendment 246

Proposal for a regulation

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

Text proposed by the Commission

Amendment

SUBSECTION 1

SPECIFIC MEASURES

Or. en

Amendment 72

Michel Dantin

Compromise amendment replacing Amendments 246, 249-253, 1428

Proposal for a regulation

Article 101

Text proposed by the Commission

Article 101

Sugar sector agreements

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

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

Amendment

Article 101

Sugar sector agreements

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

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

(a) quota sugar; or

(b) out-of-quota sugar.

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.

Or. en

Amendment 73

Michel Dantin

Compromise amendment replacing Amendment 254

Proposal for a regulation

Article 101 a (new)

Text proposed by the Commission

Amendment

Article 101a

Price reporting in the sugar market

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

levels for this market.

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

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

Or. en

Amendment 74

Michel Dantin

Compromise amendment replacing Amendment 255

Proposal for a regulation

Article 101 b (new)

Text proposed by the Commission

Amendment

Article 101b

Production charge

1. A production charge shall be levied on the sugar quota, the isoglucose quota and the inulin syrup quota held by undertakings producing sugar, isoglucose or inulin syrup as referred to in Article 101h(2) and on the out-of-quota quantities referred to in Article 101l(1)(e).

2. The production charge shall be set at EUR 12.00 per tonne of quota sugar and quota inulin syrup. For isoglucose, the production charge shall be set at 50% of the charge applicable to sugar.

3. The totality of the production charge paid in accordance with paragraph 1 shall be charged by the Member State to the undertakings on its territory according to the quota held during the marketing year concerned.

Payments shall be made by the

undertakings by the end of February of the relevant marketing year at the latest.

4. Union sugar and inulin syrup undertakings may require sugar-beet or sugar-cane growers or chicory suppliers to bear up to 50% of the production charge concerned.

Or. en

Amendment 75

Michel Dantin

Compromise amendment replacing Amendment 256

Proposal for a regulation

Article 101 c (new)

Text proposed by the Commission

Amendment

Article 101c

Production refund

1. A production refund may be granted, until the end of the 2019/2020 marketing year, on the products of the sugar sector listed in points (b) to (e) of Part III of Annex I if surplus sugar or imported sugar, surplus isoglucose or surplus inulin syrup is not available at a price corresponding to the world price for the manufacturing of the products referred to in Article 101m(2)(b) and (c).

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

3. In order to take into account the specificities of the out-of-quota sugar market in the Union, the Commission shall be empowered to adopt delegated acts adopted in accordance with Article 160, to determine the conditions for the granting of the production refunds

referred to in this section.

Or. en

Amendment 76

Michel Dantin

Compromise amendment replacing Amendment 1448

Proposal for a regulation

Article 101 d (new)

Text proposed by the Commission

Amendment

Article 101d

Withdrawal of sugar

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

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 EU market by the same proportion for the marketing year concerned.

2. The withdrawal threshold referred to in paragraph 1 shall be calculated, for each undertaking holding a quota, by multiplying its quota by a coefficient, which may be fixed by the Commission by means of implementing acts adopted in accordance with the examination

procedure referred to in Article 162(2) no later than 28 February of the previous marketing year, on the basis of expected market trends.

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

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

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

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

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

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

the Union market before the end of the period of withdrawal.

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

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

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

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

Or. en

Amendment 77

Michel Dantin

Compromise amendment replacing Amendment 1476

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, by means of implementing acts adopted in accordance

with the examination procedure referred to in Article 162 (2), activate 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 101(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.*

Or. en

Amendment 78

Michel Dantin

Compromise amendment replacing Amendment 258

Proposal for a regulation

Article 101 e (new)

Text proposed by the Commission

Amendment

Article 101e

Delegated powers

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

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

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

(c) the temporary market management mechanism referred to in Article 101da, on the basis of the forecast supply balance.

Or. en

Amendment 79

Michel Dantin

Compromise amendment replacing Amendment 259

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

Or. en

Amendment 80

Michel Dantin

Compromise amendment replacing Amendment 260

Proposal for a regulation

Article 101 f (new)

Text proposed by the Commission

Amendment

Article 101f

Quotas in the sugar sector

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

in Articles 101l to 101o.

Or. en

Amendment 81

Michel Dantin

Compromise amendment replacing Amendment 261

Proposal for a regulation

Article 101 g (new)

Text proposed by the Commission

Amendment

Article 101g

Minimum beet price

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

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

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

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

4. For the quantities of sugar beet corresponding to the quantities of industrial sugar or surplus sugar that are subject to the surplus levy provided for in Article 101o, the sugar undertaking concerned shall adjust the purchase price

so that it is at least equal to the minimum price for quota beet.

Or. en

Amendment 82

Michel Dantin

Compromise amendment replacing Amendment 262

Proposal for a regulation

Article 101 h (new)

Text proposed by the Commission

Amendment

Article 101h

Quota allocation

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

By way of derogation from subparagraph 1, the Commission may, by means of implementing acts adopted without the application of Article 162(2) or (3) and upon request of the Member States concerned, allocate quotas to Member States who, in accordance with Council Regulation (EC) No 320/2006, relinquished all their quota. For the purpose of this subparagraph, when assessing a Member State 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.

Or. en

Amendment 83
Michel Dantin

Compromise amendment replacing Amendment 263

Proposal for a regulation
Article 101 i (new)

Text proposed by the Commission

Amendment

Article 101i

Approved undertakings

1. On request, Member States shall grant an approval to an undertaking producing sugar, isoglucose or inulin syrup or to an undertaking that processes these products into a product included in the list referred to in Article 101m(2) provided that the undertaking:

(a) proves its professional production capacities;

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

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

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

(a) the quantities of beet or cane for which a delivery contract has been

concluded, as well as the corresponding estimated yields of beet or cane, and sugar per hectare;

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

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

Or. en

Amendment 84

Michel Dantin

Compromise amendment replacing Amendment 264

Proposal for a regulation

Article 101 j (new)

Text proposed by the Commission

Amendment

Article 101j

Adjustment of the national quotas

The Commission may, by means of delegated acts adopted in accordance with Article 160, adjust the quotas that appear in Annex IIIb following decisions taken by the Member States in accordance with Article 101k.

Or. en

Amendment 85

Michel Dantin

Compromise amendment replacing Amendment 265

Proposal for a regulation
Article 101 k (new)

Text proposed by the Commission

Amendment

Article 101k

***National quota reallocation and reduction
of quotas***

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

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

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

Or. en

Amendment 86

Michel Dantin

Compromise amendment replacing Amendment 266

Proposal for a regulation

Article 101 l (new)

Text proposed by the Commission

Amendment

Article 101l

Out-of-quota production

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

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

Or. en

Amendment 87
Michel Dantin

Compromise amendment replacing Amendment 267

Proposal for a regulation
Article 101 m (new)

Text proposed by the Commission

Amendment

Article 101m

Industrial sugar

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

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

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

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

The list shall in particular, include:

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

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

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

Or. en

Amendment 88

Michel Dantin

Compromise amendment replacing Amendment 268

Proposal for a regulation

Article 101 n (new)

Text proposed by the Commission

Amendment

Article 101n

Carry forward of surplus sugar

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

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

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

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

- between 1 February and 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.

Or. en

Amendment 89

Michel Dantin

Compromise amendment replacing Amendment 269

Proposal for a regulation

Article 101 o (new)

Text proposed by the Commission

Amendment

Article 101o

Surplus levy

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

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

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

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

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

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

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

Or. en

Amendment 90

Michel Dantin

Compromise amendment replacing Amendment 270

Proposal for a regulation

Article 101 p (new)

Text proposed by the Commission

Amendment

Article 101p

Delegated powers

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

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

administrative penalties.

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

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

5. Given the need to adjust the minimum price of sugar beet where its actual quality differs from the standard quality as well as the need to take into account the specificities of the sugar sector and to ensure that the interests of all parties are duly taken into account, the Commission may, by means of delegated acts, lay down rules for the increases and reductions referred to in Article 101g(3).

6. Given the need to prevent any disturbance of the market, the Commission may, by means of delegated acts pursuant to Article 101e(c), lay down 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.

Or. en

Amendment 91

Michel Dantin

Compromise amendment replacing Amendments 271, 1486

Proposal for a regulation
Article 101 q (new)

Text proposed by the Commission

Amendment

Article 101q

Implementing powers

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

- (a) applications for approval by undertakings, the records to be kept by approved undertakings, the information to be submitted by approved undertakings;***
- (b) the system of checks to be carried out by Member States on approved undertakings;***
- (c) Member States' communications with the Commission and with approved undertakings;***
- (d) the delivery to undertakings of raw materials, including delivery contracts and delivery notes;***
- (e) equivalence regarding sugar referred to in Article 101l(1)(a);***
- (f) the specific supply regime for the outermost regions;***
- (g) exports as referred to in Article 101l(1)(d);***
- (h) Member State cooperation to ensure effective checks;***
- (i) modifying the dates laid down in Article 101n;***
- (j) the establishment of the surplus quantity, the communications and payment of the surplus levy referred to in Article 101o.***
- (k) the 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.

Or. en

Amendment 92

Michel Dantin

Compromise amendment replacing Amendment 285

Proposal for a regulation

Article 104

Text proposed by the Commission

Amendment

Article 104

deleted

Contractual relations in the milk and milk products sector

1. If a Member State decides that every delivery of raw milk by a farmer to a processor of raw milk must be covered by a written contract between the parties, such contract shall fulfil the conditions laid down in paragraph 2.

In the case described in the first subparagraph, the Member State concerned shall also decide that if the delivery of raw milk is made through one or more collectors, each stage of the delivery must be covered by such a contract between the parties. To this end, a "collector" means an undertaking which transports raw milk from a farmer or another collector to a processor of raw milk or another collector, where the ownership of the raw milk is transferred in each case.

2. The contract shall:

(a) be concluded in advance of the delivery,

(b) be made in writing, and

(c) include, in particular, the following elements:

(i) the price payable for the delivery, which shall:

- be static and be set out in the contract, and/or

- vary only on factors which are set out in the contract, in particular the development of the market situation based on market indicators, the volume delivered and the quality or composition of the raw milk delivered,

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

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

3. By way of derogation from paragraph 1, a contract shall not be required where raw milk is delivered by a farmer to a processor of raw milk where the processor is a co-operative of which the farmer is a member if its statutes contain provisions having similar effects as those set out in points (a), (b) and (c) of paragraph 2.

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

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

Or. en

(Article 104 of the COM document is deleted and replaced by Article 104 a (new) see below)

Amendment 93

Michel Dantin

Compromise amendment replacing Amendment 286

Proposal for a regulation

Article 104a (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).

Or. en

Amendment 94

Michel Dantin

Compromise amendment replacing Amendment 287

Proposal for a regulation
Article 105

Text proposed by the Commission

Amendment

Article 105

deleted

***Contractual negotiations in the milk and
milk products sector***

1. Contracts for the delivery of raw milk by a farmer to a processor of raw milk, or to a collector within the meaning of the second subparagraph of Article 104(1), may be negotiated by a producer organisation in the milk and milk products sector which is recognised under Article 106, on behalf of its farmer members for part or all of their joint production.

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

a) whether or not there is a transfer of ownership of the raw milk by the farmers to the producer organisation,

b) whether or not the price negotiated is the same as regards the joint production of some or all of the farmer members,

c) provided that the total volume of raw milk covered by such negotiations by a particular producer organisation does not exceed:

i) 3.5% of total Union production, and

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

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

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

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

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

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

The decision referred to in the first subparagraph shall be taken by the Commission, by way of an implementing act, adopted in accordance with the advisory procedure referred to in Article 14 of Regulation (EC) No 1/2003 for negotiations covering the production of more than one Member State. In other cases it shall be taken by the national competition authority of the Member State the production of which is covered by the negotiations.

The decisions referred to in the first and second subparagraphs shall not apply earlier than the date of their notification to the undertakings concerned.

5. For the purposes of this Article:

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

b) a "SME" shall mean a micro, small or medium-sized enterprise within the meaning of Commission Recommendation 2003/361/EC.

Or. en

Amendment 95

Michel Dantin

Compromise amendment replacing Amendment 288

Proposal for a regulation

Article 105a (new)

Text proposed by the Commission

Amendment

Article 105a

Contractual negotiations in the milk and milk products sector

1. A producer organisation in the milk and milk products sector which is recognised under Articles 106 and 106a, may negotiate on behalf of its farmer members, in respect of part or all of their joint production, contracts for the delivery of raw milk by a farmer to a processor of raw milk, or to a collector within the meaning of the second subparagraph of Article 104a(1).

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

(a) whether or not there is a transfer of ownership of the raw milk by the farmers to the producer organisation;

(b) whether or not the price negotiated is the same as regards the joint production of some or all of the farmer members;

(c) provided that, for a particular producer organisation:

(i) the volume of raw milk covered by such negotiations does not exceed 3.5% of

total Union production, and

(ii) the volume of raw milk covered by such negotiations which is produced in any particular Member State does not exceed 33% of the total national production of that Member State, and

(iii) the volume of raw milk covered by such negotiations which is delivered in any particular Member State does not exceed 33% of the total national production of that Member State;

(d) provided that the farmers concerned are not members of any other producer organisation which also negotiates such contracts on their behalf; however, Member States may derogate from this condition in duly justified cases where farmers hold two distinct production units located in different geographic areas;

(e) provided that the raw milk is not covered by an obligation to deliver arising from the farmer's membership of a cooperative in accordance with the conditions set out in the cooperative's statutes or the rules and decisions provided for in or derived from these statutes; and

(f) provided that the producer organisation notifies the competent authorities of the Member State or Member States in which it operates of the volume of raw milk covered by such negotiations.

3. Notwithstanding the conditions set out in points (c)(ii) and (iii) of paragraph 2, a producer organisation may negotiate pursuant to paragraph 1, provided that, with regard to that producer organisation, the volume of raw milk covered by the negotiations which is produced in or delivered in a Member State having a total annual raw milk production of less than 500 000 tonnes does not exceed 45% of the total national production of that Member State.

4. For the purposes of this Article, references to producer organisations shall also include associations of such producer organisations.

5. For the purposes of applying point (c) of paragraph 2 and paragraph 3, the Commission shall publish, by such means as it considers appropriate, the amounts of raw milk production in the Union and the Member States using the most up-to-date information available.

6. By way of derogation from point (c) of paragraph 2 and paragraph 3, even where the thresholds set out therein are not exceeded, the national competition authority referred to in the second subparagraph of this paragraph may decide in an individual case that a particular negotiation by the producer organisation should either be reopened or should not take place at all if it considers that this is necessary in order to prevent competition being excluded or in order to avoid seriously damaging SME processors of raw milk in its territory

For negotiations covering more than one Member State, the decision referred to in the first subparagraph shall be taken by the Commission, by means of an implementing act adopted without the application of Article 162(2) or (3). In other cases, that decision shall be taken by the national competition authority of the Member State to which the negotiations relate.

The decisions referred to in this paragraph shall not apply earlier than the date of their notification to the undertakings concerned.

7. For the purposes of this Article:

(a) a “national competition authority” shall be the authority referred to in Article 5 of Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on

competition laid down in Articles 101 and 102 of the Treaty;

(b) “SME” shall mean a micro, small or medium-sized enterprise within the meaning of Commission

Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises.

8. The Member States in which negotiations take place in accordance with this Article shall notify the Commission of the application of paragraph 2(f) and of paragraph 6.

9. The Commission shall be empowered to adopt delegated acts in accordance with Article 160 to lay down additional rules for calculating the volumes of raw milk covered by the negotiations referred to in paragraphs 2 and 3.

10. The Commission may, by means of implementing acts, make the necessary detailed provisions for the notification referred to in point (f) of paragraph 2 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2);

Or. en

Amendment 96

Michel Dantin

Compromise amendment replacing Amendment 289

Proposal for a regulation

Article 105b (new)

Text proposed by the Commission

Amendment

Article 105b

Regulation of supply for cheese with a protected designation of origin or protected geographical indication

1. Upon the request of a producer organisation recognised under Articles 106 and 106a, an interbranch organisation recognised under Articles 108(1) and 108a or a group of operators referred to in Article 5(1) of Regulation (EC) No 510/2006, Member States may lay down, for a limited period of time, binding rules for the regulation of the supply of cheese benefiting from a protected designation of origin or from a protected geographical indication under Article 2(1)(a) and (b) of Regulation (EC) No 510/2006.

2. The rules referred to in paragraph 1 shall comply with the conditions set out in paragraph 4 and shall be subject to the existence of a prior agreement between the parties in the geographical area referred to in Article 4(2)(c) of Regulation (EC) No 510/2006. Such an agreement shall be concluded between at least two-thirds of the milk producers or their representatives representing at least two-thirds of the raw milk used for the production of the cheese referred to in paragraph 1 and, if appropriate, at least two-thirds of the producers of that cheese representing at least two-thirds of the production of that cheese in the geographical area referred to in Article 4(2)(c) of Regulation (EC) No 510/2006.

3. For the purpose of paragraph 1, concerning cheese benefiting from a protected geographical indication, the geographical area of origin of the raw milk, as set in the product specification for the cheese, shall be the same as the geographical area referred to in Article 4(2)(c) of Regulation (EC) No 510/2006 related to that cheese.

4. The rules referred to in paragraph 1:
(a) shall only cover the regulation of supply of the product concerned and shall have the aim of adapting the supply of that cheese to demand;

(b) shall have effect only on the product concerned;

(c) may be made binding for no more than three years and be renewed after this period, following a new request, as referred to in paragraph 1;

(d) shall not damage the trade of products other than those concerned by the rules referred to in paragraph 1;

(e) shall not relate to any transaction after the first marketing of the cheese concerned;

(f) shall not allow for price fixing, including where prices are set for guidance or recommendation;

(g) shall not render unavailable an excessive proportion of the product concerned that would otherwise be available;

(h) shall not create discrimination, constitute a barrier for new entrants in the market, or lead to small producers being adversely affected;

(i) shall contribute to maintaining the quality and/or the development of the product concerned;

(j) shall be without prejudice to Article 105a.

5. The rules referred to in paragraph 1 shall be published in an official publication of the Member State concerned.

6. Member States shall carry out checks in order to ensure that the conditions laid down in paragraph 4 are complied with, and, where it has been found by the competent national authorities that such conditions have not been complied with, shall repeal the rules referred to in paragraph 1.

7. Member States shall notify the Commission forthwith of the rules referred to in paragraph 1 which they

have adopted. The Commission shall inform Member States of any notification of such rules.

8. The Commission may at any time adopt implementing acts requiring that a Member State repeal the rules laid down by that Member State pursuant to paragraph 1 if the Commission finds that those rules do not comply with the conditions laid down in paragraph 4, prevent or distort competition in a substantial part of the internal market or jeopardise free trade or the attainment of the objectives of Article 39 TFEU.

These implementing acts shall be adopted without applying the procedure referred to in Article 162(2) or (3).

Or. en