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Committee on Agriculture and Rural Development

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COMPROMISE AMENDMENTS 97 - 176

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(COM(2011)0626 (COR2) – C7-0339/2011 – 2011/0281(COD))

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United in diversity

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Amendment 97

Michel Dantin

Compromise amendment replacing Amendments 291, 295-300, 1602, 1605, 1611, 1624, 1627, 1628

Proposal for a regulation

Article 106

Text proposed by the Commission

Amendment

Article 106

Article 106

Producer organisations

Producer organisations

Member States shall recognise, on request, producer organisations, which:

Member States shall recognise, on request, producer organisations, which:

(a) are constituted **by producers** in any of the sectors listed in Article 1(2);

(a) are constituted **and controlled by farmers** in any of the sectors listed in Article 1(2);

(b) are formed on the initiative of the **producers**;

(b) are formed on the initiative of the **farmers**;

(c) pursue a specific aim which **may** include at least one of the following objectives:

(c) pursue a specific aim which **shall** include at least one of the **objectives listed in points i), ii) or iii) and may include one or more of the** following **other** objectives:

(i) ensuring that production is planned and adjusted to demand, particularly in terms of quality and quantity;

(i) ensuring that production is planned and adjusted to demand, particularly in terms of quality and quantity;

(ii) concentration of supply and the placing on the market of the products produced by its members;

(ii) concentration of supply and the placing on the market of the products produced by its members, **especially through direct sales**;

(iii) optimising production costs and stabilising producer prices;

(iii) optimising production costs, stabilising producer prices, **notably with regard to the compensation received for costs of investments for issues such as environment and animal welfare, and contributing to reasonable prices for consumers**;

(iv) carrying out research **into** sustainable production methods and market developments;

(iv) carrying out research **and developing initiatives on** sustainable production methods, **innovative practices, economic competitiveness** and market developments;

(v) promoting and providing technical

(v) promoting and providing technical

assistance for the use of environmentally sound cultivation practices and production techniques;

(vi) the management of by-products and of waste in particular to protect the quality of water, soil and landscape and preserving or encouraging biodiversity; **and**

(vii) contributing to a sustainable use of natural resources and to climate change mitigation;

assistance for the use of environmentally sound cultivation practices, production techniques and *sound animal welfare practices and techniques*;

(va) promoting and providing technical assistance for the use of production standards, improving product quality and developing products with a protected designation of origin, a protected geographical indication or covered by a national quality label.

(vb) establishing stricter production rules than those laid down at Union or national level;

(vi) the management of by-products and of waste in particular to protect the quality of water, soil and landscape and preserving or encouraging biodiversity;

(vii) contributing to a sustainable use of natural resources and to climate change mitigation;

(viiia) developing initiatives in the area of promotion and marketing;

(viiib) managing the mutual funds referred to in Article 37 of Regulation (EU) No [...] on support for rural development by the European Agricultural Fund for Rural Development (EAFRD);

(viiic) implementing crisis-prevention and crisis-management instruments, notably through private storage, processing, promotion, promotional sales and, as a last resort, through market withdrawal;

(viiid) providing the necessary technical assistance for the use of the futures markets and of insurance schemes;

(viiie) negotiating, on their own behalf or where applicable on behalf of their members, input supply contracts with operators in upstream sectors;

(viiif) negotiating, on their own behalf or where applicable on behalf of their members, contracts for the delivery of

*agricultural products and agrifoodstuffs,
with operators in downstream sectors;*

(d) do not hold a dominant position on a given market unless this is necessary in pursuance of the objectives of Article 39 of the Treaty.

(da) market the products excluded by CN code ex 22.08 referred to in Annex I to the Treaty, provided that the proportion of such products sold which are not covered by Annex I does not exceed 49% of the total volume marketed, without this leading to the forfeiture of official status as a producer organisation in the recognised agricultural sector.

Or. en

Amendment 98

Britta Reimers, James Nicholson

Compromise amendment replacing Amendments 294, 296, 297, 1592, 1600, 1602, 1605, 1628, 1648, 1660

Proposal for a regulation

Article 106

Text proposed by the Commission

Amendment

Article 106

Article 106

Producer organisations

Producer organisations

Member States shall recognise, on request, producer organisations, which:

Member States shall recognise, on request, producer organisations *in the fruit and vegetables sector, and may recognise, on request, producer organisations in all other sectors*, which:

(a) are constituted by *producers in any of the sectors* listed in Article 1(2);

(a) are constituted *and controlled* by *farmers* in *a specific sector* listed in Article 1(2);

(b) are formed on the initiative of *the producers*;

(b) are formed on the initiative of *farmers*;

(c) pursue a specific aim which may include *at least one of* the following objectives:

(c) pursue a specific aim which may include the following objectives:

(i) ensuring that production is planned and adjusted to demand, particularly in terms of quality and quantity;

(ii) concentration of supply and the placing on the market of the products produced by its members;

(iii) optimising production costs and stabilising producer prices;

(iv) carrying out research into sustainable production methods and market developments;

(v) promoting and providing technical assistance for the use of environmentally sound cultivation practices and production techniques;

(vi) the management of by-products and of waste in particular to protect the quality of water, soil and landscape and preserving or encouraging biodiversity; **and**

(vii) contributing to a sustainable use of natural resources **and to climate change mitigation**;

(d) do not hold a dominant position on a

(i) ensuring that production is planned and adjusted to demand, particularly in terms of quality and quantity;

(ii) concentration of supply and the placing on the market of the products produced by its members;

(iii) optimising production costs and stabilising producer prices;

(iv) carrying out research into sustainable production methods and market developments;

(v) promoting and providing technical assistance for the use of environmentally sound cultivation practices and production techniques;

(va) promoting and providing technical assistance for the use of production standards, improving product quality and developing products with a protected designation of origin, a protected geographical indication or covered by a national quality label.

(vi) the management of by-products and of waste in particular to protect the quality of water, soil and landscape and preserving or encouraging biodiversity;

(vii) contributing to a sustainable use of natural resources;

(viiia) developing initiatives in the area of promotion and marketing;

(viiib) developing initiatives to strengthen innovation;

(viiic) implementing crisis-prevention and crisis-management instruments, their private storage, transformation and promotion and through promotional sales;

(viiid) promoting their members' use of the futures markets and of insurance schemes and providing the requisite technical assistance;

(d) do not hold a dominant position on a

given market unless this is necessary in pursuance of the objectives of Article 39 of the Treaty.

given market unless this is necessary in pursuance of the objectives of Article 39 of the Treaty.

(da) market products not covered by Annex I to the Treaty, provided that the proportion of products sold which are not covered by Annex I does not exceed 49% of the total volume marketed, without this leading to the forfeiture of official status as a producer organisation in the recognised agricultural sector.

Or. en

Amendment 99

Michel Dantin

Compromise amendment replacing Amendment 301

Proposal for a regulation

Article 106a (new)

Text proposed by the Commission

Amendment

Article 106a

Statute of producer organisations

1. The statute of a producer organisation shall require its producer members, in particular, to:

(a) apply the rules adopted by the producer organisation relating to production reporting, production, marketing and protection of the environment;

(b) be members of only one producer organisation for any given product of the holding, without prejudice to any derogation granted by the Member State concerned in duly justified cases where producer members hold two distinct production units located in different geographical areas;

(c) provide the information requested by the producer organisation for statistical

purposes, in particular on growing areas, production, yields and direct sales;

2. The statute of a producer organisation shall also provide for:

(a) procedures for laying down, adopting and amending the rules referred to in paragraph 1;

(b) the imposition on members of financial contributions needed to finance the producer organisation;

(c) rules enabling the producer members to scrutinise democratically their organisation and its decisions;

(d) penalties for infringement of obligations under the articles of association, particularly non-payment of financial contributions, or of the rules laid down by the producer organisation;

(e) rules on the admission of new members, and in particular the minimum period of membership which may not be less than one year;

(f) the accounting and budgetary rules necessary for the operation of the organisation.

3. Producer organisations shall be deemed to be acting in the name and on behalf of their members in economic matters within their terms of reference, whether or not ownership of the products concerned has been transferred from producers to producer organisations.

Or. en

Amendment 100

Britta Reimers, James Nicholson

Compromise amendment replacing Amendment 301

Proposal for a regulation
Article 106a (new)

Text proposed by the Commission

Amendment

Article 106a

Statute of producer organisations

1. The rules of association of a producer organisation shall require its producer members, in particular, to:

- (a) apply the rules adopted by the producer organisation relating to production reporting, production, marketing and protection of the environment;***
- (b) be members of only one producer organisation for any given product of the holding, without prejudice to any derogation granted by the Member State concerned in duly justified cases where producer members hold two distinct production units located in different geographical areas;***
- (c) provide the information requested by the producer organisation for statistical purposes, in particular on growing areas, production, yields and direct sales;***

2. The rules of association of a producer organisation shall also provide for:

- (a) procedures for laying down, adopting and amending the rules referred to in paragraph 1;***
- (b) the imposition on members of financial contributions needed to finance the producer organisation;***
- (c) rules enabling the producer members to scrutinise democratically their organisation and its decisions;***
- (d) penalties for infringement of obligations under the articles of association, particularly non-payment of financial contributions, or of the rules laid down by the producer organisation;***

(e) rules on the admission of new members, and in particular the minimum period of membership which may not be less than one year;

(f) the accounting and budgetary rules necessary for the operation of the organisation.

3. Producer organisations shall be deemed to be acting in the name and on behalf of their members in economic matters within their terms of reference, whether or not ownership of the products concerned has been transferred from producers to producer organisations.

Or. en

Amendment 101

Michel Dantin

Compromise amendment replacing Amendment 302

Proposal for a regulation

Article 106b (new)

Text proposed by the Commission

Amendment

Article 106b

Recognition of producer organisations

1. Member States shall recognise as producer organisations all legal entities or clearly defined parts of legal entities applying for such recognition, provided that they :

(a) meet the requirements laid down in points (b) and (c) of the first paragraph of Article 106;

(b) have a minimum number of members and/or cover a minimum volume of marketable production, to be laid down by the Member State concerned, in the area where they operate;

(c) provide sufficient evidence that they

can carry out their activities properly, both over time and in terms of effectiveness, provision of human, material and technical support to their members, and concentration of supply;

(d) have rules of association that are consistent with points (a), (b) and (c) of this paragraph.

2. Member States may decide that producer organisations which have been recognised before 1 January 2014 on the basis of national law and which fulfil the conditions laid down in paragraph 1 of this Article are deemed to be recognised as producer organisations pursuant to Article 106.

3. Producer organisations which have been recognised before 1 January 2014 on the basis of national law and which do not fulfil the conditions laid down in paragraph 1 of this Article may continue to exercise their activities under national law until 1 January 2015.

4. Member States shall:

(a) decide whether to grant recognition to a producer organisation within four months of the lodging of an application accompanied by all the relevant supporting evidence; this application shall be lodged with the Member State where the organisation has its headquarters;

(b) carry out, at intervals to be determined by them, checks to verify that recognised producer organisations are complying with the provisions in this Chapter;

(c) in the event of non-compliance or irregularities in the implementation of the measures provided for in this Chapter, impose on those organisations and associations the applicable penalties they have laid down and decide whether, if necessary, recognition should be withdrawn;

(d) inform the Commission once a year

and no later than 31 March of every decision to grant, refuse or withdraw recognition taken during the previous calendar year.

Or. en

Amendment 102

Britta Reimers, James Nicholson

Compromise amendment replacing Amendment 302

Proposal for a regulation

Article 106 b (new)

Text proposed by the Commission

Amendment

Article 106b

Recognition of producer organisations

1. Member States may recognise as producer organisations all legal entities or clearly defined parts of legal entities applying for such recognition, provided that they:

(a) meet the requirements laid down in points (b) and (c) of the first paragraph of Article 106;

(b) have a minimum number of members and/or cover a minimum volume of marketable production, to be laid down by the Member State concerned, in the area where they operate;

(c) provide sufficient evidence that they can carry out their activities properly, both over time and in terms of effectiveness, provision of human, material and technical support to their members, and concentration of supply;

(d) have rules of association that are consistent with points (a), (b) and (c) of this paragraph.

2. Member States may decide that producer organisations which have been recognised before 1 January 2014 on the

basis of national law and which fulfil the conditions laid down in paragraph 1 of this Article are deemed to be recognised as producer organisations pursuant to Article 106.

3. Producer organisations which have been recognised before 1 January 2014 on the basis of national law and which do not fulfil the conditions laid down in paragraph 1 of this Article may continue to exercise their activities under national law until 1 January 2015.

4. Member States shall:

(a) decide whether to grant recognition to a producer organisation within four months of the lodging of an application accompanied by all the relevant supporting evidence; this application shall be lodged with the Member State where the organisation has its headquarters;

(b) carry out, at intervals to be determined by them, checks to verify that recognised producer organisations are complying with the provisions in this Chapter;

(c) in the event of non-compliance or irregularities in the implementation of the measures provided for in this Chapter, impose on those organisations and associations the applicable penalties they have laid down and decide whether, if necessary, recognition should be withdrawn;

(d) inform the Commission once a year and no later than 31 March of every decision to grant, refuse or withdraw recognition taken during the previous calendar year.

Or. en

Amendment 103

Michel Dantin

Compromise amendment replacing Amendment 303

Proposal for a regulation
Article 106c (new)

Text proposed by the Commission

Amendment

Article 106c

Outsourcing

Member States may permit a recognised producer organisation or a recognised association of producer organisations to outsource any of its activities other than production, including to subsidiaries, provided that it provides sufficient evidence to the Member State concerned that doing so is an appropriate way to achieve the objectives of the producer organisation or association of producer organisations concerned and that the producer organisation or association of producer organisations remains responsible for ensuring the carrying out of the outsourced activity and overall management control and supervision of the commercial arrangement for the provision of the activity. In particular, the organisation or association must retain the power to issue binding instructions to its agent in respect of the activities entrusted to it.

Or. en

Amendment 104
Britta Reimers, James Nicholson
Compromise amendment replacing Amendment 303

Proposal for a regulation
Article 106 c (new)

Text proposed by the Commission

Amendment

Article 106c

Outsourcing

Member States may permit a recognised

producer organisation or a recognised association of producer organisations to outsource any of its activities (other than production), including to subsidiaries, provided that it provides sufficient evidence to the Member State concerned that doing so is an appropriate way to achieve the objectives of the producer organisation or association of producer organisations concerned and that the producer organisation or association of producer organisations remains responsible for ensuring the carrying out of the outsourced activity and overall management control and supervision of the commercial arrangement for the provision of the activity. In particular, the organisation or association must retain the power to issue binding instructions to its agent in respect of the activities entrusted to it.

Or. en

Amendment 105

Michel Dantin

Compromise amendment replacing Amendment 1680

Proposal for a regulation

Article 107

Text proposed by the Commission

Article 107

Associations of producer organisations

Member States **shall** recognise, on request, associations of producer organisations in **any of the sectors** listed in Article 1(2) which are formed on the initiative of recognised producer organisations.

Subject to the rules adopted pursuant to Article 114, associations of producer organisations may carry out any of the activities or functions of producer

Amendment

Article 107

Associations of producer organisations

Member States **may** recognise associations of producer organisations in **a specific sector** listed in Article 1(2) which are formed on the initiative of recognised producer organisations.

Subject to the rules adopted pursuant to Article 114, associations of producer organisations may carry out any of the activities or functions of producer

organisations.

organisations.

Or. en

Amendment 106

Britta Reimers, James Nicholson

Compromise amendment replacing Amendment 1680

Proposal for a regulation

Article 107

Text proposed by the Commission

Amendment

Article 107

Article 107

Associations of producer organisations

Associations of producer organisations

Member States *shall* recognise, *on request*, associations of producer organisations in *any of the sectors* listed in Article 1(2) which are formed on the initiative of recognised producer organisations.

Member States *may* recognise associations of producer organisations in *a specific sector* listed in Article 1(2) which are formed on the initiative of recognised producer organisations.

Subject to the rules adopted pursuant to Article 114, associations of producer organisations may carry out any of the activities or functions of producer organisations.

Subject to the rules adopted pursuant to Article 114, associations of producer organisations may carry out any of the activities or functions of producer organisations.

Or. en

Amendment 107

Michel Dantin

Compromise amendment replacing Amendments 304-318, 1721, 1738, 1750

Proposal for a regulation

Article 108

Text proposed by the Commission

Amendment

Article 108

Article 108

Interbranch organisations

Interbranch organisations

1. Member States *shall* recognise, *on request*, interbranch organisations in any of

1. Member States *may* recognise interbranch organisations in any of the

the sectors listed in Article 1(2) which:

(a) are constituted of representatives of economic activities linked to the production *of, trade in, and/or* processing of products in one or more sectors;

(b) are formed on the initiative of all or some of the organisations or associations which constitute them;

(c) pursue a specific aim, which may include *at least* one of the following objectives:

(i) improving knowledge and the transparency of production and the market, including by publication of statistical data on *the* prices, volumes and duration of contracts which have been previously concluded, and by providing analyses of potential future market developments at regional or national level;

(ii) helping to better coordinate the way the products are placed on the market, in particular by means of research and market studies;

(iii) drawing up standard forms of contract compatible with Union rules;

sectors listed in Article 1(2) which *have formally requested recognition and:*

(a) are constituted of representatives of economic activities linked to the production *and to at least one of the following stages of the supply chain: the processing of or trading of, including distribution of,* products in one or more sectors;

(b) are formed on the initiative of all or some of the organisations or associations which constitute them;

(ba) concern products or groups of products not covered by a previously recognised interbranch organisation;

(c) pursue a specific aim *taking account of the interests of their members and of consumers,* which may include *in particular* one of the following objectives:

(i) improving knowledge and the transparency of production and the market, including by publication of statistical data on *production costs,* prices, *including where appropriate price indicators,* volumes and duration of contracts which have been previously concluded, and by providing analyses of potential future market developments at regional, national or *international* level;

(ia) facilitating advance knowledge of production potential, and recording market prices;

(ii) helping to better coordinate the way the products are placed on the market, in particular by means of research and market studies;

(iia) exploring potential export markets;

(iii) *without prejudice to provisions laid down in Articles 104a and 113a,* drawing up standard forms of contract compatible with Union rules *for the sale of agricultural products to purchasers and/or the supply of processed products to distributors and retailers, taking into*

(iv) exploiting to a fuller extent the potential of the products;

(v) providing the information and carrying out the research necessary to rationalise, improve and adjust production towards products more suited to market requirements and consumer tastes and expectations, in particular with regard to product quality, including the particular characteristics of products with a protected designation of origin or a protected geographical indication, and protection of the environment;

(vi) **seeking ways of** restricting the use of animal-health or plant protection products **and** other inputs **and** ensuring product quality and soil and water conservation;

(vii) developing methods and instruments for improving product quality at all stages of production and marketing;

(viii) **exploiting the potential of** organic farming and **protecting and promoting such farming as well as** designations of origin, quality labels and geographical indications;

(ix) promoting and carrying out research into integrated, sustainable production or other environmentally sound production methods;

account the need to achieve fair competitive conditions and to avoid market distortions;

(iv) exploiting to a fuller extent the potential of the products, **including at the level of market outlets, and developing initiatives to strengthen economic competitiveness and innovation;**

(v) providing the information and carrying out the research necessary to **innovate**, rationalise, improve and adjust production, **and where applicable the processing and/or marketing**, towards products more suited to market requirements and consumer tastes and expectations, in particular with regard to product quality, including the particular characteristics of products with a protected designation of origin or a protected geographical indication, and protection of the environment;

(vi) restricting the use of animal-health or plant protection products, **better managing** other inputs, ensuring product quality and soil and water conservation, **enhancing food safety, in particular through traceability of products, and improving animal health and welfare;**

(vii) developing methods and instruments for improving product quality at all stages of production and, **where applicable, of processing and/or** marketing;

(viii) defining minimum qualities and defining minimum standards of packing and presentation;

(viii) **taking all possible actions to uphold, protect and promote** organic farming and designations of origin, quality labels and geographical indications;

(ix) promoting and carrying out research into integrated, sustainable production or other environmentally sound production methods;

(x) encouraging *healthy* consumption of the products and informing about the harm linked to hazardous consumption patterns;

(x) encouraging *moderate and responsible* consumption of the products *on the internal market* and/or informing about the harm linked to hazardous consumption patterns;

(xa) promoting consumption and/or furnishing information concerning products on the internal market and external markets;

(xi) carrying out promotion actions, especially in third countries.

(xia) implementing collective measures to prevent and manage the health, plant-protection and environmental risks and uncertainties linked to the production and, where applicable to the processing and/or marketing and/or distribution of agricultural and food products;

(xib) contributing to the management of by-products and the reduction and management of waste.

2. For interbranch organisations in the olive oil and table olive and tobacco sectors, the specific aim referred to in point (c) of paragraph 1 may also include at least one of the following objectives:

(a) concentrating and co-ordinating supply and marketing of the produce of the members;

(b) adapting production and processing jointly to the requirements of the market and improving the product;

(c) promoting the rationalisation and improvement of production and processing.

2. For interbranch organisations in the olive oil and table olive and tobacco sectors, the specific aim referred to in point (c) of paragraph 1 may also include at least one of the following objectives:

(a) concentrating and co-ordinating supply and marketing of the produce of the members;

(b) adapting production and processing jointly to the requirements of the market and improving the product;

(c) promoting the rationalisation and improvement of production and processing.

Or. en

Amendment 108

Britta Reimers, James Nicholson

Compromise amendment replacing Amendments 304-318, 1697, 1706, 1738, 1750 and 1766

Proposal for a regulation
Article 108

Text proposed by the Commission

Article 108

Interbranch organisations

1. Member States **shall** recognise, **on request**, interbranch organisations in any of the sectors listed in Article 1(2) which:

(a) are constituted of representatives of economic activities linked to the production **of, trade in, and/or** processing of products in one or more sectors;

(b) are formed on the initiative of all or some of the organisations or associations which constitute them;

(c) pursue a specific aim, which may include **at least** one of the following objectives:

(i) improving knowledge and the transparency of production and the market, including by publication of statistical data on **the** prices, volumes and duration of contracts which have been previously concluded, and by providing analyses of potential future market developments at regional **or** national level;

Amendment

Article 108

Interbranch organisations

1. Member States **may** recognise, interbranch organisations in any of the sectors listed in Article 1(2) which **have formally requested recognition and**

(a) are constituted of representatives of economic activities linked to the production **and to at least one of the following stages of the supply chain: the processing of or trading of, including distribution of,** products in one or more sectors;

(aa) cover one or more regions in the Union, thereby representing a significant share of the economic activities in the sector;

(b) are formed on the initiative of all or some of the organisations or associations which constitute them;

(ba) concern products or groups of products not covered by a previously recognised interbranch organisation;

(c) pursue a specific aim **taking account of the interests of their members and of consumers**, which may include **in particular** one of the following objectives:

(i) improving knowledge and the transparency of production and the market, including by publication of statistical data on **production costs**, prices, **including where appropriate price indicators**, volumes and duration of contracts which have been previously concluded, and by providing analyses of potential future market developments at regional, national **or international** level;

(ia) facilitating advance knowledge of production potential, and recording

(ii) helping to better coordinate the way the products are placed on the market, in particular by means of research and market studies;

(iii) drawing up standard forms of contract compatible with Union rules;

(iv) exploiting to a fuller extent the potential of the products;

(v) providing the information and carrying out the research necessary to rationalise, improve and adjust production towards products more suited to market requirements and consumer tastes and expectations, in particular with regard to product quality, including the particular characteristics of products with a protected designation of origin or a protected geographical indication, and protection of the environment;

(vi) seeking ways of restricting the use of animal-health or plant protection products **and** other inputs **and** ensuring product quality and soil and water conservation;

(vii) developing methods and instruments for improving product quality at all stages of production and marketing;

market prices;

(ii) helping to better coordinate the way the products are placed on the market, in particular by means of research and market studies;

(iia) exploring potential export markets;

(iii) **without prejudice to provisions laid down in Articles 104a and 113a**, drawing up standard forms of contract compatible with Union rules **for the sale of agricultural products to purchasers and/or the supply of processed products to distributors and retailers, taking into account the need to achieve fair competitive conditions and to avoid market distortions;**

(iv) exploiting to a fuller extent the potential of the products, **including at the level of market outlets, and that of green chemistry in particular;**

(v) providing the information and carrying out the research necessary to **innovate**, rationalise, improve and adjust production, **and where applicable the processing and/or marketing**, towards products more suited to market requirements and consumer tastes and expectations, in particular with regard to product quality, including the particular characteristics of products with a protected designation of origin or a protected geographical indication, and protection of the environment;

(vi) seeking ways of restricting the use of animal-health or plant protection products, **of better managing** other inputs, **of** ensuring product quality and soil and water conservation, **of enhancing food safety, in particular through traceability of products, and improving animal health and welfare;**

(vii) developing methods and instruments for improving product quality at all stages of production and, **where applicable, of**

(viii) *exploiting the potential of* organic farming and *protecting and promoting such farming as well as* designations of origin, quality labels and geographical indications;

(ix) promoting and carrying out research into integrated, sustainable production or other environmentally sound production methods;

(x) encouraging *healthy* consumption of the products and informing about the harm linked to hazardous consumption patterns;

(xi) carrying out promotion actions, especially in third countries.

2. For interbranch organisations in the olive oil and table olive and tobacco sectors, the specific aim referred to in point

(a) concentrating and co-ordinating supply and marketing of the produce of the members;

(b) adapting production and processing jointly to the requirements of the market and improving the product;

(c) promoting the rationalisation and

processing and/or marketing;

(vii) defining minimum qualities and defining minimum standards of packing and presentation;

(viii) taking all possible actions to uphold, protect and promote organic farming and designations of origin, quality labels and geographical indications;

(ix) promoting and carrying out research into integrated, sustainable production or other environmentally sound production methods;

(x) encouraging *moderate or responsible* consumption of the products *on the internal market* and/or informing about the harm linked to hazardous consumption patterns *and promoting consumption and/or furnishing information concerning products on the internal market and external markets;*

(xii) implementing collective measures to prevent and manage the health, plant-protection and environmental risks and uncertainties linked to the production and, where applicable to the processing and/or marketing and/or distribution of agricultural and food products;

(xiii) contributing to the management of by-products and of waste.

improvement of production and processing.

Or. en

Amendment 109

Michel Dantin

Compromise amendment replacing Amendment 1774

Proposal for a regulation

Article 108a (new)

Text proposed by the Commission

Amendment

Article 108a

Recognition of interbranch organisations

1. Member States may recognise interbranch organisations applying for such recognition, provided that they:

(a) meet the requirements laid down in Article 108;

(b) carry out their activities in one or more regions in the territory concerned;

(c) account for a significant share of the economic activities referred to in Article 108(1)(a);

(d) with the exception of the cases laid down in Article 108(2), do not themselves engage in production, processing and/or trade.

2. Member States may decide that interbranch organisations which have been recognised before 1 January 2014 on the basis of national law and which fulfil the conditions laid down in paragraph 1 are deemed to be recognised as interbranch organisations pursuant to Article 108.

3. Interbranch organisations which have been recognised before 1 January 2014 on the basis of national law and which do not fulfil the conditions laid down in

paragraph 1 of this Article may continue to exercise their activities under national law until 1 January 2015.

4. Where Member States recognise an interbranch organisation in accordance with paragraph 1 and/or 2, they shall:

(a) decide whether to grant recognition within four months of the lodging of an application with all relevant supporting documents; this application shall be lodged with the Member State where the organisation has its headquarters;

(b) carry out, at intervals to be determined by them, checks to verify that recognised interbranch organisations are complying with the conditions governing their recognition;

(c) in the event of non-compliance or irregularities in the implementation of the measures provided for in this Regulation, impose on those organisations the applicable penalties they have laid down and decide whether, if necessary, recognition should be withdrawn;

(d) withdraw recognition if the requirements and conditions for recognition laid down in this Article are no longer met;

(e) inform the Commission once a year and no later than 31 March of every decision to grant, refuse or withdraw recognition taken during the previous calendar year.

Or. en

Amendment 110

Michel Dantin

Compromise amendment replacing Amendment 1775

Proposal for a regulation
Article 109

Text proposed by the Commission

Amendment

Article 109

deleted

Operator organisations

For the purposes of this Regulation, operator organisations in the olive oil and table olives sector shall comprise recognised producer organisations, recognised interbranch organisations or recognised organisations of other operators or their associations.

Or. en

Amendment 111

Britta Reimers, James Nicholson

Compromise amendment replacing Amendment 1775

Proposal for a regulation
Article 109

Text proposed by the Commission

Amendment

Article 109

deleted

Operator organisations

For the purposes of this Regulation, operator organisations in the olive oil and table olives sector shall comprise recognised producer organisations, recognised interbranch organisations or recognised organisations of other operators or their associations.

Or. en

Amendment 112

Michel Dantin

Compromise amendment replacing Amendment 321

Proposal for a regulation
Article 109a (new)

Text proposed by the Commission

Amendment

Article 109 a

Role of groups

1. In order to improve and stabilise the operation of the market in products which have been assigned a protected designation of origin or a protected geographical indication pursuant to Regulation (EC) No XXXXXXX on agricultural product quality schemes, producer Member States may lay down marketing rules to regulate supply, in particular by implementing decisions taken by the groups referred to in Article 42 of Regulation (EC) No XXXXXXX on agricultural product quality schemes.

2. Such rules shall be proportionate to the objective pursued and:

(a) only cover the regulation of supply and aim to bring the supply of the product into line with demand;

(b) not be made binding for more than a renewable period of five years of marketing;

(c) shall not relate to any transaction after the first marketing of the product concerned;

(d) must not allow for price fixing, including where prices are set for guidance or by way of recommendation;

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

(f) shall not have the effect of preventing an operator from starting production of the product concerned;

3. The rules referred to in paragraph 1 shall be brought to the attention of operators by being set out in extenso in an

official publication of the Member State concerned.

4. The decisions and measures taken by the Member States in year n in accordance with this Article shall be notified to the Commission before 1 March of year n+1.

5. The Commission may ask a Member State to withdraw its decision if it finds that that decision precludes competition in a substantial part of the internal market, compromises the free movement of goods or is at odds with the objectives of Article 39 of the Treaty on the Functioning of the European Union.

Or. en

Amendment 113

Michel Dantin

Compromise amendment replacing Amendments 322-325, 1793

Proposal for a regulation

Article 110

Text proposed by the Commission

Amendment

Article 110

Article 110

Extension of rules

Extension of rules

1. In cases where a recognised producer organisation, a recognised association of producer organisations or a recognised interbranch organisation operating in a specific economic area or economic areas of a Member State is considered to be representative of the production of or trade in or processing of a given product, the Member State concerned may, at the request of that organisation, make binding for a limited period of time some of the agreements, decisions or concerted practices agreed on within that organisation on other operators acting in the economic area or areas in question, whether

1. In cases where a recognised producer organisation, a recognised association of producer organisations or a recognised interbranch organisation operating in a specific economic area or economic areas of a Member State is considered to be representative of the production of or trade in or processing of a given product, the Member State concerned may, at the request of that organisation, make binding for a limited period of time some of the agreements, decisions or concerted practices agreed on within that organisation on other operators acting in the economic area or areas in question, whether

individuals or groups and not belonging to the organisation or association.

2. An “economic area” shall mean a geographical zone made up of adjoining or neighbouring production regions in which production and marketing conditions are homogeneous.

3. An organisation or association shall be deemed representative where, in the economic area or areas concerned of a Member State:

(a) it accounts for, as a proportion of the volume of production or of trade in or of processing of the product or products concerned:

(i) for producer organisations in the fruit and vegetables sector, at least 60%, or

(ii) in other cases, at least two thirds, and

(b) it accounts for, in the case of producer organisations, more than 50% of the producers concerned.

Where the request for extension of its rules to other operators covers more than one economic area, the organisation or association shall demonstrate the minimum level of representativeness as defined in the first subparagraph for each of the branches it groups in each of the economic areas concerned.

4. The rules for which extension to other operators may be requested as provided in paragraph 1 shall *have* one of the *following aims*:

(a) production and market reporting;

(b) stricter production rules than those laid down in Union or national rules;

individuals or groups and not belonging to the organisation or association.

2. An “economic area” shall mean a geographical zone made up of adjoining or neighbouring production regions in which production and marketing conditions are homogeneous.

3. An organisation or association shall be deemed representative where, in the economic area or areas concerned of a Member State:

(a) it accounts for, as a proportion of the volume of production or of trade in or of processing of the product or products concerned:

(i) for producer organisations in the fruit and vegetables sector, at least 60%, or

(ii) in other cases, at least two thirds, and

(b) it accounts for, in the case of producer organisations, more than 50% of the producers concerned, *and*

(ba) it accounts for, in the case of interbranch organisations, a significant share of the economic activities referred to in Article 108(1)(a) under the conditions laid down by the Member State.

Where the request for extension of its rules to other operators covers more than one economic area, the organisation or association shall demonstrate the minimum level of representativeness as defined in the first subparagraph for each of the branches it groups in each of the economic areas concerned.

4. The rules for which extension to other operators may be requested as provided in paragraph 1 shall *pertain to* one of the *activities meeting the objectives laid down in Article 106(c) or Article 108(1)(c).*

- (c) drawing up of standard contracts which are compatible with Union rules;*
- (d) rules on marketing;*
- (e) rules on protecting the environment;*
- (f) measures to promote and exploit the potential of products;*
- (g) measures to protect organic farming as well as designations of origin, quality labels and geographical indications;*
- (h) research to add value to the products, in particular through new uses which do not pose a threat to public health;*
- (i) studies to improve the quality of products;*
- (j) research, in particular into methods of cultivation permitting reduced use of plant protection or animal health products and guaranteeing conservation of the soil and the environment;*
- (k) definition of minimum qualities and definition of minimum standards of packing and presentation;*
- (l) use of certified seed and monitoring of product quality.*

Those rules shall not cause any damage to other operators in the Member State concerned or the Union and shall not have any of the effects listed in Article 145(4) or be otherwise incompatible with Union or national rules in force.

Those rules shall not cause any damage to other operators in the Member State concerned or the Union and shall not have any of the effects listed in Article 145(4) or be otherwise incompatible with Union or national rules in force.

4a. Where an interbranch organisation that has been recognised for one or more products exists, Member States shall not extend decisions and practices of the producer organisations falling under the scope of the said interbranch organisation.

4b. The extension of the rules referred to in paragraph 1 shall be brought to the attention of operators by publication in extenso in an official publication of the Member State concerned.

4c. Member States shall inform the Commission each year, by 31 March at the latest, of any decisions taken under this Article.

Or. en

Amendment 114

Britta Reimers, James Nicholson

Compromise amendment replacing Amendment 1783

Proposal for a regulation

Article 110

Text proposed by the Commission

Amendment

Article 110

deleted

Extension of rules

1. In cases where a recognised producer organisation, a recognised association of producer organisations or a recognised interbranch organisation operating in a specific economic area or economic areas of a Member State is considered to be representative of the production of or trade in or processing of a given product, the Member State concerned may, at the request of that organisation, make binding for a limited period of time some of the agreements, decisions or concerted practices agreed on within that organisation on other operators acting in the economic area or areas in question, whether individuals or groups and not belonging to the organisation or association.

2. An “economic area” shall mean a geographical zone made up of adjoining or neighbouring production regions in which production and marketing conditions are homogeneous.

3. An organisation or association shall be deemed representative where, in the economic area or areas concerned of a

Member State:

(a) it accounts for, as a proportion of the volume of production or of trade in or of processing of the product or products concerned:

(i) for producer organisations in the fruit and vegetables sector, at least 60%, or

(ii) in other cases, at least two thirds, and

(b) it accounts for, in the case of producer organisations, more than 50% of the producers concerned.

Where the request for extension of its rules to other operators covers more than one economic area, the organisation or association shall demonstrate the minimum level of representativeness as defined in the first subparagraph for each of the branches it groups in each of the economic areas concerned.

4. The rules for which extension to other operators may be requested as provided in paragraph 1 shall have one of the following aims:

(a) production and market reporting;

(b) stricter production rules than those laid down in Union or national rules;

(c) drawing up of standard contracts which are compatible with Union rules;

(d) rules on marketing;

(e) rules on protecting the environment;

(f) measures to promote and exploit the potential of products;

(g) measures to protect organic farming as well as designations of origin, quality labels and geographical indications;

(h) research to add value to the products, in particular through new uses which do not pose a threat to public health;

(i) studies to improve the quality of products;

(j) research, in particular into methods of cultivation permitting reduced use of plant protection or animal health products and guaranteeing conservation of the soil and the environment;

(k) definition of minimum qualities and definition of minimum standards of packing and presentation;

(l) use of certified seed and monitoring of product quality.

Those rules shall not cause any damage to other operators in the Member State concerned or the Union and shall not have any of the effects listed in Article 145(4) or be otherwise incompatible with Union or national rules in force.

Or. en

Amendment 115

Michel Dantin

Compromise amendment replacing Amendment 1826

Proposal for a regulation

Article 111

Text proposed by the Commission

Article 111

Financial contributions of non-members

Where rules of a recognised producer organisation, a recognised association of producer organisations or a recognised interbranch organisation are extended under Article 110 and the activities covered by those rules are in the general economic interest of *persons* whose activities relate to the products concerned, the Member State which has granted recognition may decide that *individuals* or groups which are not members of the organisation but which benefit from those activities shall pay the organisation all or

Amendment

Article 111

Financial contributions of non-members

Where rules of a recognised producer organisation, a recognised association of producer organisations or a recognised interbranch organisation are extended under Article 110 and the activities covered by those rules are in the general economic interest of *economic operators* whose activities relate to the products concerned, the Member State which has granted recognition may decide, *after consultation of all the relevant stakeholders*, that *individual economic operators* or groups which are not

part of the financial contributions paid by its members to the extent that such contributions are intended to cover costs ***directly incurred as a result*** of pursuing the activities in question.

members of the organisation but which benefit from those activities shall pay the organisation all or part of the financial contributions paid by its members to the extent that such contributions are intended to cover costs of pursuing the activities in question.

Or. en

Amendment 116

Britta Reimers, James Nicholson

Compromise amendment replacing Amendment 1819

Proposal for a regulation

Article 111

Text proposed by the Commission

Amendment

Article 111

deleted

Financial contributions of non-members

Where rules of a recognised producer organisation, a recognised association of producer organisations or a recognised interbranch organisation are extended under Article 110 and the activities covered by those rules are in the general economic interest of persons whose activities relate to the products concerned, the Member State which has granted recognition may decide that individuals or groups which are not members of the organisation but which benefit from those activities shall pay the organisation all or part of the financial contributions paid by its members to the extent that such contributions are intended to cover costs directly incurred as a result of pursuing the activities in question.

Or. en

Amendment 117

Michel Dantin

Compromise amendment replacing Amendment 327

Proposal for a regulation

Article 112

Text proposed by the Commission

Article 112

Measures to facilitate the adjustment of supply to market requirements

Taking into account the need to encourage action by the organisations referred to in Articles 106 to 108 to facilitate the adjustment of supply to market requirements, with the exception of action relating to withdrawal from the market, the Commission shall be empowered to adopt delegated acts in accordance with Article 160, concerning the *live plants, beef and veal, pigmeat, sheepmeat and goatmeat, eggs and poultrymeat* sectors on measures:

- (a) to improve quality;
- (b) to promote better organisation of production, processing and marketing;
- (c) to facilitate the recording of market price trends;
- (d) to permit the establishment of short and long-term forecasts on the basis of the means of production used.

Amendment

Article 112

Measures to facilitate the adjustment of supply to market requirements

Taking into account the need to encourage action by the organisations referred to in Articles 106 to 108 to facilitate the adjustment of supply to market requirements, with the exception of action relating to withdrawal from the market, the Commission shall be empowered to adopt delegated acts in accordance with Article 160, concerning the sectors *listed in Article 1(2)*, on measures:

- (a) to improve quality;
- (b) to promote better organisation of production, processing and marketing;
- (c) to facilitate the recording of market price trends;
- (d) to permit the establishment of short and long-term forecasts on the basis of the means of production used.

Or. en

Amendment 118

Britta Reimers, James Nicholson

Compromise amendment replacing Amendment 1832

Proposal for a regulation
Article 112

Text proposed by the Commission

Amendment

Article 112

deleted

Measures to facilitate the adjustment of supply to market requirements

Taking into account the need to encourage action by the organisations referred to in Articles 106 to 108 to facilitate the adjustment of supply to market requirements, with the exception of action relating to withdrawal from the market, the Commission shall be empowered to adopt delegated acts in accordance with Article 160, concerning the live plants, beef and veal, pigmeat, sheepmeat and goatmeat, eggs and poultrymeat sectors on measures:

- (a) to improve quality;***
- (b) to promote better organisation of production, processing and marketing;***
- (c) to facilitate the recording of market price trends;***
- (d) to permit the establishment of short and long-term forecasts on the basis of the means of production used.***

Or. en

Amendment 119
Michel Dantin

Compromise amendment replacing Amendments 331, 332

Proposal for a regulation
Article 113

Text proposed by the Commission

Amendment

Article 113

Article 113

Marketing rules to improve and stabilise the operation of the common market in

Marketing rules to improve and stabilise the operation of the common market in

wines

1. In order to improve and stabilise the operation of the common market in wines, including the grapes, musts and wines from which they derive, producer Member States may lay down marketing rules to regulate supply, particularly by way of decisions taken by the interbranch organisations recognised under Article 108.

Such rules shall be proportionate to the objective pursued and shall not:

- (a) relate to any transaction after the first marketing of the produce concerned;
- (b) allow for price fixing, including where prices are set for guidance or recommendation;
- (c) render unavailable an excessive proportion of the vintage that would otherwise be available;
- (d) provide scope for refusing to issue the national and Union certificates required for the circulation and marketing of wines where such marketing is in accordance with those rules.

wines

1. In order to improve and stabilise the operation of the common market in wines, including the grapes, musts and wines from which they derive, producer Member States may lay down marketing rules to regulate supply, particularly by way of decisions taken by the interbranch organisations recognised under Article 108.

Such rules shall be proportionate to the objective pursued and shall not:

- (a) relate to any transaction after the first marketing of the produce concerned;
- (b) allow for price fixing, including where prices are set for guidance or recommendation;
- (c) render unavailable an excessive proportion of the vintage that would otherwise be available;
- (d) provide scope for refusing to issue the national and Union certificates required for the circulation and marketing of wines where such marketing is in accordance with those rules.

1a. The rules provided for in paragraph 1 must be brought to the attention of operators by publication in extenso in an official publication of the Member State concerned.

1b. Member States shall inform the Commission each year, by 31 March at the latest, of any decisions taken under this Article.

Or. en

Amendment 120

Britta Reimers, James Nicholson

Compromise amendment replacing Amendment 1843

Proposal for a regulation
Article 113

Text proposed by the Commission

Amendment

Article 113

deleted

***Marketing rules to improve and stabilise
the operation of the common market in
wines***

***In order to improve and stabilise the
operation of the common market in wines,
including the grapes, musts and wines
from which they derive, producer Member
States may lay down marketing rules to
regulate supply, particularly by way of
decisions taken by the interbranch
organisations recognised under Article
108.***

***Such rules shall be proportionate to the
objective pursued and shall not:***

- (a) relate to any transaction after the first
marketing of the produce concerned;***
- (b) allow for price fixing, including where
prices are set for guidance or
recommendation;***
- (c) render unavailable an excessive
proportion of the vintage that would
otherwise be available;***
- (d) provide scope for refusing to issue the
national and Union certificates required
for the circulation and marketing of wines
where such marketing is in accordance
with those rules.***

Or. en

Amendment 121
Michel Dantin

Compromise amendment replacing Amendment 333

Proposal for a regulation
Part II – Title II – Chapter III – Section 3 a (new)

Text proposed by the Commission

Amendment

SECTION 3a

FORMAL CONTRACT SYSTEMS

Article 113a

Contractual Relations

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

Where the Member State decides that deliveries of the products concerned by a producer to a processor must be covered by a written contract between the parties, it shall also decide which stage or stages of the delivery shall be covered by such a contract if delivery of the products concerned is made through one or more intermediaries.

In the case described in subparagraph 2, the Member State shall ensure that contracts in the sectors in question are fulfilled and shall establish a mediation mechanism to cover cases in which no such contract can be concluded by mutual agreement, thereby ensuring fair contractual relations.

2. The contract and/or the offer for a contract shall:

(a) be made in advance of the delivery,

(b) be made in writing, and

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

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

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

– be calculated by combining various factors set out in the contract, which may include market indicators reflecting changes in market conditions, the quantities delivered and the quality or composition of the agricultural products delivered,

(ii) the quantity and quality of the products concerned which may and/or must be delivered and the timing of such deliveries,

(iii) the duration of the contract, which may include either a definite or an indefinite duration with termination clauses,

(iv) details regarding payment periods and procedures,

(v) arrangements for collecting or delivering the agricultural products, and

(vi) rules applicable in the event of force majeure.

3. By way of derogation from paragraph 1, a contract and/or an offer for a contract shall not be required where the products concerned are delivered by a producer to a purchaser being a cooperative of which the producer is a member if the statutes of that cooperative or the rules and decisions provided for in or derived from these statutes contain provisions having similar effects to the provisions set out in points (a), (b) and (c) of paragraph 2.

4. All elements of contracts for the delivery of agricultural products

concluded by producers, collectors, processors or distributors, including those elements referred to in paragraph 2(c), shall be freely negotiated between the parties.

Notwithstanding the first subparagraph,

(i) where a Member State decides to make written contracts for the delivery of agricultural products compulsory in accordance with paragraph 1 of this Article, it may establish a minimum duration, applicable only to written contracts between a producer and the first purchaser of the agricultural products. Such a minimum duration shall be at least six months and shall not impair the proper functioning of the internal market; and/or

(ii) where a Member State decides that the first purchaser of agricultural products must make the producer a written offer for a contract in accordance with paragraph 1, it may provide that the offer must include a minimum duration for the contract, set by national law for this purpose. Such a minimum duration shall be at least six months and shall not impair the proper functioning of the internal market.

The second subparagraph shall be without prejudice to the producer's right to refuse such a minimum duration provided that he does so in writing. In this case, the parties shall be free to negotiate all elements of the contract, including those elements referred to in paragraph 2(c).

5. Member States which make use of the options referred to in this Article shall notify the Commission of how they are applied.

6. The Commission may adopt implementing acts laying down measures necessary for the uniform application of paragraph 2(a) and (b) and paragraph 3

of this Article and measures relating to notifications to be made by the Member States in accordance with this Article.

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

Or. en

Amendment 122

Michel Dantin

Compromise amendment replacing Amendment 334

Proposal for a regulation

Article 113b (new)

Text proposed by the Commission

Amendment

Article 113b

Contractual negotiations

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

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

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

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

(c) provided that the farmers concerned are not members of any other producer organisation which also negotiates such contracts on their behalf; however,

Member States may derogate from this condition in duly justified cases where producers hold two distinct production units located in different geographic areas;

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

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

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

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

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

Or. en

Amendment 123

Michel Dantin

Compromise amendment replacing Amendments 335-341, 1862, 1864

Proposal for a regulation
Article 114

Text proposed by the Commission

Article 114

Delegated powers

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

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

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

Amendment

Article 114

Delegated powers

Taking into account the need to ensure that the objectives and responsibilities of producer organisations and interbranch organisations are clearly defined so as to contribute to the effectiveness of the actions of such organisations, ***without imposing an undue burden***, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 regarding producer organisations, associations of producer organisations, interbranch organisations and operator organisations on the following:

(-a) the specific rules applicable in one or more of the sectors listed in Article 1(2) of this Regulation;

(a) the specific aims which may, shall or shall not be pursued by such organisations and associations, ***and where applicable added to*** those laid down in Articles 106 to 109,

(aa) horizontal recommendations for interprofessional agreements concluded by the organisations pursuant to Article 108;

(b) ***the statutes of organisations other than producer organisations, the specific conditions applicable to the statutes of producer organisations in certain sectors***, the structure, legal personality, membership, size, accountability and activities of such organisations and associations, the effects deriving from mergers;

recognition, and mergers;

(c) transnational organisations and associations including the rules referred to in points (a) **and** (b) of this Article;

(d) outsourcing of activities and the provision of technical means by organisations or associations;

(e) the minimum volume or value of marketable production of organisations and associations;

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

(ba) the conditions for recognition, withdrawal and suspension of recognition, the effects deriving from recognition, withdrawal and suspension of recognition as well as requirements for such organisations and associations to take remedial measures in the event of non-respect of the recognition criteria;

(c) transnational organisations and associations including the rules referred to in points (a), (b) **and (ba)** of this Article;

(ca) rules relating to the establishment and the conditions of administrative assistance to be given by the relevant competent authorities in the case of transnational cooperation;

(d) **conditions for** outsourcing of activities and the provision of technical means by organisations or associations;

(e) the minimum volume or value of marketable production of organisations and associations;

(f) the extension of certain rules of the organisations provided for in Article 110 to non-members and the compulsory payment of subscriptions by non-members referred to in Article 111, further requirements as regards representativeness, the economic areas concerned, including Commission scrutiny of their definition, minimum periods during which the rules shall apply before their extension, the persons or organisations to whom the rules or contributions may be applied, and the circumstances in which the Commission may require, **for a specific period**, that the extension of rules or compulsory contributions shall be refused or withdrawn;

(fa) the specific conditions for implementing contractual systems in the sectors referred to in Article 113a(1), in

particular the thresholds laying down production volumes to which collective negotiations might apply;

(fb) the conditions under which recognised producers may achieve collective horizontal and vertical agreements with competitors and food chain partners on including in prices the costs of investments in sustainable production.

Or. en

Amendment 124
Britta Reimers, James Nicholson
Compromise amendment

Proposal for a regulation
Article 114

Text proposed by the Commission

Article 114

Delegated powers

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

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

(b) the rules of association, the

Amendment

Article 114

Delegated powers

In order to ensure that the objectives and responsibilities of producer organisations ***and associations of producer*** organisations are clearly defined, so as to contribute to the effectiveness of the actions of such organisations ***without undue burden***, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 ***which lay down:***

(a) specific conditions for recognition of producer organisations and associations of producer organisations carrying out activities in more than one Member State;

(b) rules relating to the establishment and

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

(c) transnational organisations and associations including the rules referred to in points (a) and (b) of this Article;

(d) outsourcing of activities and the provision of technical means by organisations or associations;

(e) the minimum volume or value of marketable production of organisations and associations;

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

the conditions of administrative assistance to be given by the relevant competent authorities in the case of organisations carrying out activities in more than one Member State.

(c) in the case of organisations regulated in Article 109a (a)(aa) and (b)

(i) the specific aims which may, shall or shall not be pursued by such organisations and associations,

(ii) the rules concerning recognition, structure, membership, size, accountability, activities and mergers of such organisations and their associations;

(iii) outsourcing of activities and the provision of technical means by organisations and associations;

(iv) the minimum volume or value of marketable production of organisations and associations;

(d) in the case of producer organisations regulated in Article 109a (a)(bb) the rules concerning membership, including the obligation of the members of a producer organisation to deliver all or a certain amount of the production to the producer organisation.

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

Or. en

(Point d becomes point iii of the amendment text and point e becomes point iv)

Amendment 125

Michel Dantin

Compromise amendment replacing Amendment 342

Proposal for a regulation

Article 115

Text proposed by the Commission

Article 115

Implementing powers in accordance with the examination procedure

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

Amendment

Article 115

Implementing powers in accordance with the examination procedure

The Commission may, by means of implementing acts, adopt the necessary measures concerning this Chapter, in particular *measures concerning:*

(a) implementation of the conditions for recognition of producer organisations and interbranch organisations set out in

Articles 106b and 108a;

(b) notifications to be made by the Member States to the Commission in accordance with Article 105a(8), 105b(7), Article 106b(4)(d) and Article 108a(4)(e);

(c) procedures relating to administrative assistance in the case of transnational cooperation;

(d) procedures and technical conditions as regards the implementation of the measures referred to in Articles 110 and 112, in particular the implementation of the concept of "economic area" as referred to in Article 110 (2).

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

Or. en

Amendment 126

Britta Reimers, James Nicholson

Compromise amendment

Proposal for a regulation

Article 115

Text proposed by the Commission

Article 115

Implementing powers in accordance with the examination procedure

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

Amendment

Article 115

Implementing powers in accordance with the examination procedure

The Commission may, by means of implementing acts, adopt in accordance with the examination procedure referred to in Article 162(2) *the following:*

(a) the implementation of the conditions

for recognition of producer organisations and their associations and interbranch organisations, especially of organisations carrying out activities in more than one Member State;

(b) the procedures relating to administrative assistance in the case of organisations carrying out activities in more than one Member State;

(c) in the case of organisations regulated in Article 109a the refusal of or repeal of recognition;

(d) the transmitting of information to the Commission regarding the number of recognised organisations and associations including the refusal or withdrawal of recognition.

Or. en

Amendment 127

Michel Dantin

Compromise amendment replacing Amendments 343-345

Proposal for a regulation

Article 116

Text proposed by the Commission

Article 116

Other implementing powers

The Commission may, by means of implementing acts, adopt individual decisions regarding:

(a) the recognition of organisations carrying out activities in more than one Member State, pursuant to the rules adopted under Article 114(c);

(b) *the refusal of or repeal of recognition of interbranch organisations, repeal of the extension of rules or compulsory*

Amendment

Article 116

Other implementing powers

1. The Commission may, by means of implementing acts, adopt individual decisions regarding

(a) the recognition, *the refusal or the repeal of recognition* of organisations carrying out activities in more than one Member State, pursuant to the rules adopted under Article 114(c);

(b) the extension of rules or compulsory contributions *of the organisations referred to in point a) and their repeal.*

contributions, *approval of, or decisions on the amendment of economic areas notified by Member States pursuant to the rules adopted under Article 114(f).*

1a. The Commission may, by means of implementing acts, adopt decisions concerning the approval or modification of the economic areas notified by Member States in application of the rules adopted in accordance with Article 114(f).

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

Or. en

Amendment 128
Britta Reimers, James Nicholson
Compromise amendment

Proposal for a regulation
Article 116

Text proposed by the Commission

Amendment

Article 116

deleted

Other implementing powers

The Commission may, by means of implementing acts, adopt individual decisions regarding:

(a) the recognition of organisations carrying out activities in more than one Member State, pursuant to the rules adopted under Article 114(c);

(b) the refusal of or repeal of recognition of interbranch organisations, repeal of the extension of rules or compulsory contributions, approval of, or decisions on the amendment of economic areas notified by Member States pursuant to the rules adopted under Article 114(f).

Or. en

Amendment 129

Michel Dantin

Compromise amendment replacing Amendments 346, 643

Proposal for a regulation

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

Text proposed by the Commission

Amendment

SECTION 4a

**TRANSPARENCY AND MARKET
INFORMATION**

Article 116 a

European Food Price Monitoring Tool

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

2. With a view to the application of paragraph 1, and in conjunction with the work of the national statistical institutes and national price observatories, the European Food Price Monitoring Tool shall, without creating additional burdens for farmers, gather the statistical data and information needed to produce analyses and studies in particular on:

(a) production and supply;

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

(c) price trends and, as far as possible, profit margins at all levels of the food

supply chain in the EU and the Member States and in all agricultural and agri-foodstuff sectors, particularly fruit and vegetables, milk and milk products and meat;

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

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

3. The information made public through the activities of the European Food Price Monitoring Tool shall be treated with confidentiality. The Commission shall ensure that it does not permit the identification of individual operators.

Or. en

Amendment 130

Michel Dantin

Compromise amendment replacing Amendment 1917

Proposal for a regulation

Article 129 a (new)

Text proposed by the Commission

Amendment

Article 129a

Imports of hops

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

2. Products shall be considered as being of the standard referred to in paragraph 1

if they are accompanied by an attestation issued by the authorities of the country of origin and recognised as equivalent to the certificate referred to in Article 59b.

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

3. In order to minimise the administrative burden, the Commission may, by means of delegated acts, adopted in accordance with Article 160, set the conditions under which obligations related to an attestation of equivalence and the labelling of packaging do not apply.

4. The Commission shall, by means of implementing acts, adopted in accordance with the examination procedure referred to in Article 162(2), adopt rules related to this Article, including the rules on the recognition of attestations of equivalence and on the checking of imports of hops.

Or. en

Amendment 131

Michel Dantin

Compromise amendment replacing Amendment 362

Proposal for a regulation

Article 130 a (new)

Text proposed by the Commission

Amendment

Article 130 a

*Import of raw sugar for refining:
exclusive 3-month period for full-time
refiners*

*1. Until the end of the 2019-2020
marketing year, an exclusive import*

capacity of 2 500 000 tonnes per marketing year, expressed in white sugar, is granted for full-time refiners.

2. The sole sugar beet processing plant at work in 2005 in Portugal is deemed to be a full-time refiner.

3. Import licences for sugar for refining shall be issued only to full-time refiners provided that the quantities concerned do not exceed the quantities referred to in paragraph 1. The licences may be transferred only between full-time refiners and their validity expires at the end of the marketing year for which they have been issued.

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

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

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

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

(c) rules on administrative penalties to be charged.

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

Or. en

Amendment 132

Michel Dantin

Compromise amendment replacing Amendment 363

Proposal for a regulation

Article 130 b (new)

Text proposed by the Commission

Amendment

Article 130 b

Suspension of import duties in the sugar sector

In compliance with the mechanism described in Article 101da and until the end of the 2019-2020 marketing year, the Commission may, by means of implementing acts, suspend import duties in whole or in part for certain quantities of the following products in order to guarantee the supply required for the European sugar market:

(a) sugar falling within CN code 1701;

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

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

Or. en

Amendment 133

Michel Dantin

Compromise amendment replacing Amendments 1945, 1947, 1948

Proposal for a regulation

Article 133

Text proposed by the Commission

Amendment

Article 133

Article 133

Scope

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

(a) the products of the following sectors to be exported without further processing:

- (i) cereals;
- (ii) rice;
- (iii) sugar, with regard to the products listed in points (b) to (d) and (g) of Part III of Annex I;
- (iv) beef and veal;
- (v) milk and milk products;
- (vi) pigmeat;
- (vii) eggs;
- (viii) poultrymeat;

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

2. Export refunds on products exported in the form of processed goods shall not be higher than those applicable to the same

Scope

1. To the extent necessary to enable exports on the basis of world market quotations or prices *when conditions on the internal market fall under the scope of those described in Article 154(1)* and within the limits resulting from agreements concluded in accordance with Article 218 of the Treaty, *and in accordance with Article 3(5) of the Treaty of the European Union*, the difference between those quotations or prices and prices in the Union may be covered by export refunds for:

(a) the products of the following sectors to be exported without further processing:

- (i) cereals;
- (ii) rice;
- (iii) sugar, with regard to the products listed in points (b) to (d) and (g) of Part III of Annex I;
- (iv) beef and veal;
- (v) milk and milk products;
- (vi) pigmeat;
- (vii) eggs;
- (viii) poultrymeat;

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

2. Export refunds on products exported in the form of processed goods shall not be higher than those applicable to the same

products exported without further processing.

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

products exported without further processing.

2a. Without prejudice to the application of Article 154(1) and Article 159, the refund available for the products referred to in paragraph 1 shall be EUR 0.

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

Or. en

Amendment 134

Michel Dantin

Compromise amendment replacing Amendment 364

Proposal for a regulation

Article 135

Text proposed by the Commission

Article 135

Export refund fixation

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

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

Amendment

Article 135

Export refund fixation

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

2. Refunds shall be fixed, for a limited period, by the Commission by means of implementing acts adopted in accordance with the examination procedure referred to in Article 162(2).

They may be fixed by tendering procedures for cereals, rice, sugar and milk and milk products.

2a. One or more of the following aspects shall be taken into account when refunds for a certain product are being fixed:

(a) the existing situation and the future trend with regard to:

i) prices and availabilities of that product on the Union market,

(ii) prices for that product on the world market.

(b) the aims of the common market organisation which are to ensure equilibrium and the natural development of prices and trade on this market;

(c) the need to avoid disturbances likely to cause a prolonged imbalance between supply and demand on the Union market;

(d) the economic aspects of the proposed exports;

(e) the limits resulting from agreements concluded in accordance with Article 218 of the Treaty;

(f) the need to establish a balance between the use of Union basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under processing arrangements;

(g) the most favourable marketing costs and transport costs from Union markets to Union ports or other places of export, together with forwarding costs to the countries of destination;

(h) demand on the Union market;

(i) in respect of the pigmeat, eggs and poultrymeat sectors, the difference between prices within the Union and prices on the world market for the quantity of feed grain input required for the production in the Union of products of those sectors.

Or. en

Amendment 135

Michel Dantin

Compromise amendment replacing Amendment 367

Proposal for a regulation

Article 141

Text proposed by the Commission

Article 141

Other implementing powers

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

Amendment

Article 141

Other implementing powers

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

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

Or. en

Amendment 136

Michel Dantin

Compromise amendment replacing Amendments 368, 369, 2018

Proposal for a regulation

Article 143

Text proposed by the Commission

Article 143

Application of Articles 101 to 106 of the Treaty

Save as otherwise provided for in this Regulation, Articles 101 to 106 of the Treaty and implementation provisions thereof shall, subject to Articles **144** to 145 of this Regulation, apply to all agreements, decisions and practices referred to in Article 101(1) and Article 102 of the Treaty which relate to the production of, or

Amendment

Article 143

Application of Articles 101 to 106 of the Treaty

Save as otherwise provided in this Regulation, ***in accordance with Article 42 of the Treaty***, Articles 101 to 106 of the Treaty and implementation provisions thereof shall, subject to Article **143a** to 145 of this Regulation, apply to all agreements, decisions and practices referred to in Article 101(1) and Article 102 of the

trade in, agricultural products.

Treaty which relate to the production of, or trade in, agricultural products.

In order to improve the functioning of the internal market and to ensure uniform application of Union competition rules in the agricultural and agri-food sector, the Commission shall coordinate action by the various national competition authorities. For this purpose, the Commission shall notably publish guidelines and good practice guides to assist the various national competition authorities, as well as undertakings of the agricultural and agri-food sector.

Or. en

Amendment 137

Michel Dantin

Compromise amendment replacing Amendment 370

Proposal for a regulation

Article 143a (new)

Text proposed by the Commission

Amendment

Article 143a

The relevant market

1. The definition of the relevant market is a tool to identify and define the boundaries of competition between firms, and is founded on two cumulative elements:

(a) the relevant product market: for the purposes of this Chapter, ‘product market’ means the market comprising all those products which are regarded as interchangeable or substitutable by the consumer by reason of the products’ characteristics, their prices and their intended use;

(b) the relevant geographic market: for the purposes of this Chapter, ‘geographic market’ means the market comprising the

area in which the firms concerned are involved in the supply of the relevant products, in which the conditions of competition are sufficiently homogeneous and which can be distinguished from neighbouring areas, particularly because the conditions of competition are appreciably different in those areas.

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

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

(b) the relevant geographic market shall be considered in the first instance to be the EU market; wherever a smaller subdivision is used, this shall be duly substantiated.

Or. en

Amendment 138

Michel Dantin

Compromise amendment replacing Amendment 371

Proposal for a regulation

Article 143b (new)

Text proposed by the Commission

Amendment

Article 143b

Dominant position

1. For the purposes of this Chapter, 'dominant position' means a position of economic strength enjoyed by an undertaking which enables it to prevent effective competition being maintained in the relevant market by giving it the power to behave to an appreciable extent independently of its competitors,

customers and ultimately of consumers.

2. A dominant position shall be deemed not to be present where the market shares held on a relevant market by an undertaking, or by several undertakings linked by a horizontal agreement, in the agricultural and agri-foodstuffs sector, are smaller than the market shares held by the largest undertaking on the same relevant market at the next stage down in the supply chain.

Or. en

Amendment 139

Michel Dantin

Compromise amendment replacing Amendments 372-376

Proposal for a regulation

Article 144

Text proposed by the Commission

Article 144

Exceptions for the objectives of the CAP and farmers and their associations

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

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

Amendment

Article 144

Exceptions for the objectives of the CAP and farmers and their *organisations or associations of organisations*

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

In particular, agreements, decisions and ***concerted*** practices of farmers, or producer organisations recognised under Article 106 of this Regulation, or associations of producer organisations recognised under Article 107 of this Regulation, which concern the production or sale of agricultural products or the use of joint facilities for the storage, treatment or processing of agricultural products ***shall be presumed to be necessary to achieve the***

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

objectives of Article 39 of the Treaty.

The agreements, decisions and concerted practices referred to in the present paragraph shall be presumed to comply with the conditions laid down in Article 101(3) of the Treaty.

The present paragraph shall not apply where competition is excluded.

1a. The agreements, decisions and concerted practices referred to in paragraph 1 shall not entail an obligation to charge an identical price, except as regards the contracts referred to in Articles 104a, 105a, 113a and 113b.

1b. The agreements, decisions and concerted practices of farmers, of producer organisations or of associations of producer organisations referred to in Article 143 shall fall under the scope of the application of Regulation (EC) No 1/2003.

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

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

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

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

Or. en

Amendment 140

Michel Dantin

Compromise amendment replacing Amendments 381-385, 2029

Proposal for a regulation

Article 145

Text proposed by the Commission

Article 145

Agreements and concerted practices of recognised interbranch organisations

1. Article 101(1) of the Treaty shall not apply to the agreements, decisions and concerted practices of interbranch organisations recognised under Article 108 of this Regulation with the object of carrying out the activities listed in point (c) of Article 108(1) of this Regulation, and for the olive oil and table olive and tobacco sectors, Article 108(2) of this Regulation.
2. Paragraph 1 shall apply only provided that:
 - (a) the agreements, decisions and concerted practices have been notified to the Commission;
 - (b) within two months of receipt of ***all the details*** required the Commission, by means of implementing acts, has not found that ***the agreements, decisions or concerted practices are incompatible with Union rules.***
3. The agreements, decisions and concerted practices may not be put into effect before the lapse of the period referred to in

Amendment

Article 145

Agreements and concerted practices of recognised interbranch organisations

1. Article 101(1) of the Treaty shall not apply to the agreements, decisions and concerted practices of interbranch organisations recognised under Article 108 of this Regulation with the object of carrying out the activities listed in point (c) of Article 108(1) of this Regulation, and for the olive oil and table olive and tobacco sectors, Article 108(2) of this Regulation.
2. Paragraph 1 shall apply only provided that:
 - (a) the agreements, decisions and concerted practices have been notified to the Commission;
 - (b) within two months of receipt of ***the notification*** required the Commission, by means of implementing acts ***adopted without applying Article 162(2) or (3)***, has not found that ***these agreements fall within the scope of paragraph 4.***
3. The agreements, decisions and concerted practices may not be put into effect before the lapse of the period referred to in

paragraph 2(b).

4. Agreements, decisions and concerted practices shall in any case be declared incompatible with Union rules if they:

(a) may lead to the partitioning of markets within the Union in any form;

(b) may affect the sound operation of the market organisation;

(c) may create distortions of competition which are not essential to achieving the objectives of the CAP pursued by the interbranch organisation activity;

(d) entail the fixing of prices *or the fixing of quotas*;

(e) may create discrimination or eliminate competition in respect of a substantial proportion of the products in question.

5. If, following expiry of the two-month period referred to in paragraph 2(b), the Commission finds that the conditions for applying paragraph 1 have not been met, it shall, by means of implementing acts, take a Decision declaring that Article 101(1) of the Treaty applies to the agreement, decision or concerted practice in question.

That Commission Decision shall not apply earlier than the date of its notification to the interbranch organisation concerned, unless that interbranch organisation has

paragraph 2(b).

3a. Notwithstanding paragraphs 2 and 3 of this article, in the event of a crisis, the agreements, decisions and concerted practices referred to in paragraph 1 shall enter into force and shall be notified to the Commission as soon as they are adopted.

With effect from the date of notification the Commission shall have 21 days to find, where appropriate, by means of implementing acts adopted without applying Article 162(2) or (3), that these agreements fall within the scope of paragraph 4.

4. Agreements, decisions and concerted practices shall in any case be declared incompatible with Union rules if they:

(a) may lead to the partitioning of markets within the Union in any form;

(b) may affect the sound operation of the market organisation;

(c) may create distortions of competition which are not essential to achieving the objectives of the CAP pursued by the interbranch organisation activity;

(d) entail the fixing of prices;

(e) may create discrimination or eliminate competition in respect of a substantial proportion of the products in question.

5. If, following expiry of the two-month period referred to in paragraph 2(b), the Commission finds that the conditions for applying paragraph 1 have not been met, it shall, by means of implementing acts, take a Decision declaring that Article 101(1) of the Treaty applies to the agreement, decision or concerted practice in question.

That Commission Decision shall not apply earlier than the date of its notification to the interbranch organisation concerned, unless that interbranch organisation has

given incorrect information or abused the exemption provided for in paragraph 1.

6. In the case of multiannual agreements, the notification for the first year shall be valid for the subsequent years of the agreement. ***However, in that event, the Commission may, on its own initiative or at the request of another Member State, issue a finding of incompatibility at any time.***

given incorrect information or abused the exemption provided for in paragraph 1.

6. In the case of multiannual agreements, the notification for the first year shall be valid for the subsequent years of the agreement.

6a. The Commission may adopt implementing acts laying down measures necessary for the uniform application of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).

Or. en

Amendment 141

Michel Dantin

Compromise amendment replacing Amendments 387, 2050, 2054

Proposal for a regulation

Article 154

Text proposed by the Commission

Article 154

Measures against market disturbance

1. Taking into account the need to react efficiently and effectively against ***threats of*** market disturbance caused by significant price rises or falls on internal or external markets or any other factors affecting the market, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to take the necessary measures for the sector concerned, respecting any obligations resulting from agreements concluded in accordance with Article 218 of the Treaty.

Amendment

Article 154

Measures against market disturbance

1. Taking into account the need to react efficiently and effectively against market disturbance caused by significant price rises or falls on internal or external markets ***or a substantial rise in production costs as set out in Article 7(2)*** or any other factors affecting the market, ***where that situation is likely to continue or to deteriorate***, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to take the necessary measures for the sector concerned, respecting any

Where in the cases *of threats* of market disturbances referred to in the first subparagraph, imperative grounds of urgency so require, the procedure provided for in Article 161 of this Regulation shall apply to delegated acts adopted pursuant to this paragraph.

Such measures may to the extent and for the time necessary extend or modify the scope, duration or other aspects of other measures provided for under this Regulation, or suspend import duties in whole or in part including for certain quantities or periods as necessary.

2. The measures referred to in paragraph 1 shall *not* apply to products listed in **Section 2 of Part XXIV** of Annex I.

3. The Commission may, by means of implementing acts, adopt necessary rules for the application of paragraph 1 of this Article. Those rules may, in particular, concern procedures and technical criteria. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).

obligations resulting from agreements concluded in accordance with Article 218 of the Treaty *and provided that any other measures available under this Regulation appear insufficient*.

Where in the cases of market disturbances referred to in the first subparagraph, imperative grounds of urgency so require, the procedure provided for in Article 161 of this Regulation shall apply to delegated acts adopted pursuant to this paragraph.

Such measures may, to the extent and for the time necessary, extend or modify the scope, duration or other aspects of other measures provided for under this Regulation, or suspend import duties in whole or in part including for certain quantities or periods as necessary, *or allocate funds in order to trigger the export refunds referred to in Chapter VI of Part III, or provide specific support for producers to mitigate the effects of serious market disturbance*.

2. *Without prejudice to Article 133(1)*, the measures referred to in paragraph 1 shall apply to *all of the* products listed in Annex I.

3. The Commission may, by means of implementing acts, adopt necessary rules for the application of paragraph 1 of this Article. Those rules may, in particular, concern procedures and technical criteria. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).

Or. en

Amendment 142

Michel Dantin

Compromise amendment replacing Amendments 389, 2069, 2074, 2086, 2088, 2092

Proposal for a regulation
Article 155

Text proposed by the Commission

Article 155

Measures concerning animal diseases and loss of consumer confidence due to public, animal or plant health risks

1. The Commission may, by means of **implementing** acts, **adopt** exceptional support measures:

(a) **for the affected market** in order to take account of restrictions on intra-Union and third-country trade which may result from the application of measures for combating the spread of diseases in animals, and

(b) in order to take account of serious market disturbances directly attributed to a loss in consumer confidence due to public, animal or plant health risks.

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

2. The measures provided for in paragraph 1 shall apply to the following sectors:

- (a) beef and veal;
- (b) milk and milk products;
- (c) pigmeat;
- (d) sheepmeat and goatmeat;
- (e) eggs;
- (f) poultrymeat.

The measures provided for in point (b) of paragraph 1 related to a loss in consumer confidence due to public or plant health risks shall also apply to all other agricultural products ***except those listed in Section 2 of Part XXIV of Annex I.***

Amendment

Article 155

Measures concerning *pests*, animal and *plant* diseases and loss of consumer confidence due to public, animal or plant health risks

1. The Commission may, by means of **delegated** acts, **adopted in accordance with the urgency procedure referred to in Article 161, lay down** exceptional support measures for the affected market:

(a) in order to take account of restrictions on intra-Union and third-country trade which may result from the application of measures for combating the spread of ***pests and*** diseases in animals ***and plants***, and

(b) in order to take account of serious market disturbances directly attributed to a loss in consumer confidence due to public, animal or plant health risks.

2. The measures provided for in paragraph 1 shall apply to the following sectors:

- (a) beef and veal;
- (b) milk and milk products;
- (c) pigmeat;
- (d) sheepmeat and goatmeat;
- (e) eggs;
- (f) poultrymeat.

The measures provided for in point (b) of paragraph 1 related to a loss in consumer confidence due to public or plant health risks shall also apply to all other agricultural products.

3. The measures provided for in paragraph 1 shall be taken at the request of the Member State concerned.

4. The measures provided for in point (a) of paragraph 1 may be taken only if the Member State concerned has taken health and veterinary measures quickly to stamp out the disease, and only to the extent and for the duration strictly necessary to support the market concerned.

5. The Union shall provide part-financing equivalent to 50 % of the expenditure borne by Member States for the measures provided for in paragraph 1.

However, with regard to the beef and veal, milk and milk products, pigmeat and sheepmeat and goatmeat sectors, the Union shall provide part-financing equivalent to 60 % of such expenditure when combating foot-and-mouth disease.

6. Member States shall ensure that, where producers contribute to the expenditure borne by Member States, this does not result in distortion of competition between producers in different Member States.

2a. The Commission may, by means of delegated acts adopted in accordance with the urgency procedure referred to in Article 161, extend the list of products referred to in paragraph 2.

3. The measures provided for in paragraph 1 shall be taken at the request of the Member State concerned.

4. The measures provided for in point (a) of paragraph 1 may be taken only if the Member State concerned has taken ***relevant phytosanitary or*** health and veterinary measures quickly to stamp out ***pest or*** the disease, and only to the extent and for the duration strictly necessary to support the market concerned.

5. The Union shall provide part-financing equivalent to 50 % ***and 75%, respectively,*** of the expenditure borne by Member States for the measures provided for in ***points (a) and (b) of*** paragraph 1. ***These measures may include tax advantages or preferential loans granted to farmers to be financed under Regulation [on Rural Development].***

However, with regard to the beef and veal, milk and milk products, pigmeat and sheepmeat and goatmeat sectors, the Union shall provide part-financing equivalent to 60 % of such expenditure when combating foot-and-mouth disease.

6. Member States shall ensure that, where producers contribute to the expenditure borne by Member States, this does not result in distortion of competition between producers in different Member States.

Or. en

Amendment 143

Michel Dantin

Compromise amendment replacing Amendment 390

Proposal for a regulation
Article 156

Text proposed by the Commission

Article 156

Measures to resolve specific problems

1. The Commission shall, by means of **implementing** acts, **adopt** necessary and justifiable emergency measures to resolve specific problems. Those measures may derogate from the provisions of this Regulation only to an extent that is strictly necessary and for a period that is strictly necessary. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).**

2. To resolve specific problems, on duly justified grounds of urgency, the Commission shall adopt **immediately applicable implementing** acts in accordance with the procedure referred to in Article **162(3)**.

Amendment

Article 156

Measures to resolve specific problems

1. The Commission shall, by means of **delegated** acts, **adopted in accordance with the urgency procedure referred to in Article 161, lay down** necessary and justifiable emergency measures to resolve specific problems. Those measures may derogate from the provisions of this Regulation only to an extent that is strictly necessary and for a period that is strictly necessary.

2. To resolve specific problems, on duly justified grounds of **extreme** urgency, the Commission shall adopt **delegated** acts in accordance with the procedure referred to in Article **161**.

Or. en

Amendment 144
Michel Dantin

Compromise amendment replacing Amendments 391, 2104

Proposal for a regulation
Article 156a (new)

Text proposed by the Commission

Amendment

Article 156a

Measures to address severe imbalances in the market for milk and milk products

1. From 1 April 2015, in the event of a severe imbalance in the market for milk and milk products, the Commission may decide, by means of implementing acts adopted in accordance with the

examination procedure referred to in Article 162(2), to grant, for a period of at least three months which may be extended, aid to milk producers who voluntarily cut their production by at least 5% compared with the same period in the previous year.

When granting such aid, the Commission shall also decide, by means of implementing acts adopted in accordance with the examination procedure referred to in Article 162(2), to impose, for a period of at least three months which may be extended, a levy on milk producers who increase their production by at least 5% compared with the same period in the previous year.

2. When triggering the measure referred to in paragraph 1, the Commission shall take into account the developments of the production costs, particularly the costs of inputs.

3. The supply of milk, free of charge, to charitable organisations, as defined in Article 29(3)(b) of COM (2012) 617 under the name "partner organisations", may be deemed a cut in production under the conditions laid down by the Commission pursuant to paragraph 4.

4. The products of undertakings that have implemented the system referred to in paragraph 1, subparagraph 1, shall be given priority when intervention measures, as referred to in Title I of Part II are taken on the market for milk and milk products.

5. Taking into account the need to ensure that this scheme is operated in an effective and appropriate manner, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 to establish:

(a) the criteria to be met in order to be eligible for aid;

(b) the specific conditions that will trigger implementation of this scheme;

(c) the terms under which free distribution of milk to charitable organisations, as referred to in paragraph 2, may be deemed a cut in production;

(d) the conditions governing the repayment of aid in the event of non-compliance with commitments to cut production, along with any interest due under the relevant rules in force.

6. The Commission may, by means of implementing acts, adopt the necessary measures as regards the amount of the aid and the size of the levy referred to in paragraph 1.

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

Or. en

Amendment 145

Michel Dantin

Compromise amendment replacing Amendment 2067

Proposal for a regulation

Article 156b (new)

Text proposed by the Commission

Amendment

Article 156b

Measures against market disturbance in the fruit and vegetables sector

1. Given the specific and perishable nature of fruit and vegetables, a mechanism shall be established to respond to serious market disturbances; these may be caused by significant falls in internal market prices resulting from health concerns and other causes that lead to sudden drops in demand.

2. This mechanism shall be exclusive to

the product or products in question, of limited application in time, revisable, automatically activated and accessible to all producers in the sector.

3. It shall include the measures listed in points (g), (h) and (d) of Article 31(2) of this Regulation, but they shall be independent of the management of the operational funds used by recognised fruit and vegetables producer organisations.

4. The Union shall finance 100 % of the expenditure for the measures provided for in this Article.

5. Serious crisis management operations shall be governed by the mechanisms established for crisis management measures under the framework of the operational programmes. Those affected who are not members of a producer organisation shall conclude agreements for the purpose of coordinating crisis management operations, and agree on a certain percentage to be set aside to cover management costs.

6. The Commission shall be empowered to adopt delegated acts in accordance with Article 160 in order to apply the measures provided for in paragraphs 1 and 2 of this Article.

7. At the request of Member States, the Commission may, by means of implementing acts, adopt exceptional measures. The Commission shall ensure that the public is informed when such measures are introduced and is made aware of the products, areas and amount of support in question. In the case of free distribution, the amount of support shall be adjusted. The end of the crisis period shall also be determined, by means of an implementing act, once the case of serious market disturbance has ended. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).

Amendment 146

Michel Dantin

Compromise amendment replacing Amendment 392

Proposal for a regulation

Part V – Chapter I – Section 3 a (new)

Text proposed by the Commission

Amendment

SECTION 3A

**AGREEMENTS, DECISIONS AND
CONCERTED PRACTICES DURING
PERIODS OF SEVERE IMBALANCE
IN MARKETS**

Amendment 147

Michel Dantin

Compromise amendment replacing Amendment 392

Proposal for a regulation

Article 156c (new)

Text proposed by the Commission

Amendment

Article 156c

Application of Article 101(1) of the Treaty

1. During periods of severe imbalance in markets, the Commission may decide, by means of implementing acts adopted in accordance with the examination procedure referred to in Article 162(2), that Article 101(1) of the Treaty shall not apply under any circumstances to agreements, decisions and concerted practices involving recognised producer organisations, associations thereof and recognised interbranch organisations in any of the sectors referred to in Article

1(2) of this Regulation, provided that such agreements, decisions or concerted practices seek to stabilise the sector concerned by introducing price fixing and production control measures.

This paragraph shall also apply to agreements, decisions and concerted practices between organisations.

2. Paragraph 1 shall apply only if the Commission has already adopted one of the measures referred to in this chapter or it has authorised public intervention or aid for private storage as referred to in Chapter I of Title I of Part II, and if the agreements, decisions and concerted practices referred to in paragraph 1 are considered by the Member State(s) concerned to be justified in the light of the imbalance in the market.

3. The agreements, decisions and concerted practices referred to in paragraph 1 may be valid for a period of no more than six months unless the Commission has given authorisation, under an implementing decision, for them to be extended by a further six months.

Or. en

Amendment 148

Michel Dantin

Compromise amendment replacing Amendment 396

Proposal for a regulation

Article 157a (new)

Text proposed by the Commission

Amendment

Article 157a

Compulsory declarations in the milk and milk products sector

From 1 April 2015, the first purchasers of raw milk shall declare to the competent

national authority the quantity of raw milk that has been delivered to them each month.

For the purpose of this Article and of Article 104a, a "first purchaser" means an undertaking or group which buys milk from producers in order to:

(a) subject it to collecting, packing, storing, chilling or processing, including under a contract;

(b) sell it to one or more undertakings treating or processing milk or other milk products.

Member States shall notify the Commission of the quantity of raw milk referred to in the first subparagraph.

The Commission may adopt implementing acts laying down rules on the content, format and timing of such declarations and measures relating to the notifications to be made by the Member States in accordance with this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).

Or. en

Amendment 149

Michel Dantin

Compromise amendment replacing Amendments 398-404, 2120, 2130

Proposal for a regulation

Article 158

Text proposed by the Commission

Article 158

Reporting obligation of the Commission

The Commission shall present a report to the European Parliament and to the

Amendment

Article 158

Reporting obligation of the Commission

The Commission shall present a report to the European Parliament and to the

Council:

(a) every three years after **2013 on the implementation of the measures concerning the apiculture sector as set out in Articles 52 to 54;**

(b) by 30 June 2014 and also by 31 December 2018 on the development of the market situation in the milk and milk products sector and in particular on the operation of Articles **104 to 107 and 145** in that sector covering, **in particular,** potential incentives to encourage farmers to enter into joint production agreements together with any appropriate proposals.

Council:

(a) every three years after **the entry into force of this Regulation:**

(i) on the implementation of the measures concerning the apiculture sector as set out in Articles 52 to 54;

(ii) on the application of competition rules to the farming and agrifood sector in all the Member States, with particular attention being paid to the application of the exemptions referred to in Articles 144 and 145 and potential disparities in the interpretation and implementation of both national and European competition rules, together with any appropriate proposals;

(iii) on the steps taken to protect designations of origin and geographical indications against misuse in third countries;

(b) by 30 June 2014 and also by 31 December 2018 on the development of the market situation in the milk and milk products sector and in particular on the operation of Articles **104a, 105a, 105b and 157a** in that sector, **assessing, in particular, the effects on milk producers and milk production in disadvantaged regions in connection with the general objective of maintaining production in such regions, and** covering, potential incentives to encourage farmers to enter into joint production agreements together with any appropriate proposals;

(ba) by 31 December 2014:

(i) on the feasibility of introducing specific marketing rules for pigmeat, sheepmeat and goatmeat. That report shall outline the relevant provisions which the Commission proposes to adopt by means of delegated acts;

(ii) on the introduction of simplified marketing standards tailored to the local

animal breeds and plant varieties used and produced by small-scale producers, together with any appropriate proposals for addressing the difficulties experienced by those producers in complying with EU marketing standards;

(iii) on the competitiveness and sustainability of agriculture and agrifood sector, followed by a second report by 31 December 2019;

(iv) on the development of the market situation and the functioning of the supply chain in the sugar sector, followed by a report by 1 July 2018 on the development of the market situation in the sugar sector, paying particular attention to the appropriate means of discontinuing the current quota system and on the sector's future after 2020, paying particular attention to the need to ensure a fair contractual system and a sugar price declaration system, together with any appropriate proposals.

(v) on a simplified scheme for optional reserved terms in the beef and veal sector, paying particular attention to the current framework for voluntary labelling, as well as the appropriate terms relating to breeding, production and feed that can add value in the beef and veal sector, together with any appropriate proposals;

(ba) no later than four years after the entry into force of this Regulation, on the operation and effectiveness of agricultural market management tools, their fitness for purpose in the new international context, with particular attention being paid to their consistency with the objectives laid down in Article 39 of the Treaty, together with any appropriate proposals;

Or. en

Amendment 150

Michel Dantin

Compromise amendment replacing Amendment 2146

Proposal for a regulation

Article 159

Text proposed by the Commission

Article 159

Use of the Reserve

Funds transferred from the Reserve for crises in the agricultural sector under the conditions and procedure referred to in paragraph 14 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission on cooperation in budgetary matters and on sound financial management shall be made available for the measures to which this Regulation applies for the year or years for which the additional support is required and which are implemented in circumstances that go beyond normal market developments.

In particular, funds shall be transferred for any expenditure under:

- (a) Chapter I of Title I of Part II,
- (b) Chapter VI of Part III, and
- (c) Chapter I of this Part.

The Commission may, by means of implementing acts, and by way of derogation from the second paragraph of this Article, decide that transfers of funds shall not be made for certain expenditure referred to in point (b) of that paragraph if such expenditure is part of normal market management. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 162(2).

Amendment

Article 159

Use of the Reserve

Funds transferred from the Reserve for crises in the agricultural sector under the conditions and procedure referred to in paragraph 14 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission on cooperation in budgetary matters and on sound financial management shall be made available for the measures to which this Regulation applies for the year or years for which the additional support is required and which are implemented in circumstances that go beyond normal market developments.

In particular, funds shall be transferred for any expenditure under:

- (a) Chapter I of Title I of Part II,
- (b) Chapter VI of Part III, and
- (c) Chapter I of this Part.

Or. en

Amendment 151

Michel Dantin

Compromise amendment

Proposal for a regulation

Article 163

Text proposed by the Commission

Article 163

Repeals

1. Regulation (EC) No 1234/2007 is repealed.

However, the following provisions of Regulation (EC) No 1234/2007 **[Regulation (EU) No COM(2010)799]** shall continue to apply:

(a) as regards the sugar sector, Title I of Part II, Article 142, the first subparagraph of Article 153(1), Article 153(2) and (3), Article 156, Part II of Annex III and Annex VI [Title I of Part II, Articles 248, 260 to 262 and Part II of Annex III of Regulation (EU) No COM(2010)799] until the end of the 2014/2015 marketing year for sugar on 30 September 2015;

(b) the provisions related to the system of milk production limitation set out in Chapter III of Title I of Part II and Annexes IX and X **[Chapter III of Title I of Part II and Annexes VIII and IX of Regulation (EU) No COM(2010)799]**, until 31 March 2015;

(c) as regards the wine sector:

(i) Articles 85a to 85e **[Articles 82 to 87 of Regulation (EU) No COM(2010)799]** as regards areas referred to in Article 85a(2) **[Article 82(2) of Regulation (EU) No COM(2010)799]** which have not yet been grubbed up and as regards areas referred to in Article 85b(1) **[Article 83(1) of Regulation (EU) No COM(2010)799]** which have not been regularised until such areas are grubbed up or regularised,

Amendment

Article 163

Repeals

1. Regulation (EC) No 1234/2007 is repealed.

However, the following provisions of Regulation (EC) No 1234/2007 shall continue to apply:

(b) the provisions related to the system of milk production limitation set out in Chapter III of Title I of Part II and Annexes IX and X, until 31 March 2015;

(c) as regards the wine sector:

(i) Articles 85a to 85e as regards areas referred to in Article 85a(2) which have not yet been grubbed up and as regards areas referred to in Article 85b(1) which have not been regularised until such areas are grubbed up or regularised,

(ii) the transitional planting right regime set out in Subsection II of Section IVa of Chapter III of Title I of Part II [Subsection II of Section V of Chapter III of Title I of Part II of Regulation (EU) No COM(2010)799] until 31 December 2015, or, to the extent necessary in order to give effect to any decision taken by Member States under Article 85g(5) [Article 89(5) of Regulation (EU) No COM(2010)799], until 31 December 2018,

(iii) Article 118m(5) and Article 118s(5);

(d) Article 182(7) [*Article 291(2) of Regulation (EU) No COM(2010)799*], until 31 March 2014;

(e) the first and second subparagraphs of Article 182(3) [*Article 293 of Regulation (EU) No COM(2010)799*] until the end of the 2013/2014 marketing year for sugar;

(f) Article 182(4) [*Article 294 of Regulation (EU) No COM(2010)799*] until 31 December 2017. ;/

(g) Article 326 of Regulation (EU) No COM(2010)799.

2. References to Regulation (EC) No 1234/2007 [*Regulation (EU) No COM(2010)799*] shall be construed as references to this Regulation and to Regulation (EU) No [...] [on the financing, management and monitoring of the common agricultural policy] and be read in accordance with the correlation tables set out in Annex VIII to this Regulation.

3. Council Regulations (EC) No 234/79, (EC) No 1601/96 and (EC) No 1037/2001 are repealed."

(iii) Article 118m(5) and Article 118s(5);

(d) Article 182(7), until 31 March 2014;

(e) the first and second subparagraphs of Article 182(3) until the end of the 2013/2014 marketing year for sugar;

(f) Article 182(4) until 31 December 2017.

2. References to Regulation (EC) No 1234/2007 shall be construed as references to this Regulation and to Regulation (EU) No [...] [on the financing, management and monitoring of the common agricultural policy] and be read in accordance with the correlation tables set out in Annex VIII to this Regulation.

3. Council Regulations (EEC) No 234/79, (EC) No 1601/96 and (EC) No 1037/2001 are repealed.

Or. en

Amendment 152

Michel Dantin

Compromise amendment replacing Amendment 415

Proposal for a regulation
Article 163a (new)

Text proposed by the Commission

Amendment

Article 163a

Date of application of marketing rules

In order to ensure legal certainty as regards the application of marketing rules, the Commission shall, by means of delegated acts adopted in accordance with Article 160, determine the date on which the following provisions of Regulation (EC) No 1234/2007 cease to apply to the sector concerned:

- Articles 113a, 113b, 114, 115, 116 and 117(1) to (4);***
- subparagraph 2 of point II of Annex XIa, points IV to IX of Annex XIa, paragraph 2 of point IV of Annex XII, subparagraph 2 of point VI of Annex XIII, part A of Annex XIV, paragraphs 2 and 3 of point I of part B of Annex XIV, point III of part B of Annex XIV, part C of Annex XIV and points II, III, IV and VI of Annex XV.***

That date shall be the date of application of the corresponding marketing rules to be established pursuant to the delegated acts provided for in Section I of Chapter I of Title II of Part II of this Regulation.

(The amendment is based on the COM document COM(2012) 535)

Or. en

Amendment 153

Michel Dantin

Compromise amendment replacing Amendment 417

Proposal for a regulation
Article 164

Text proposed by the Commission

Article 164

Transitional rules

Taking into account the need to ensure the smooth transition from the arrangements provided for in Regulation *(EU) No [COM(2010)799]* to those laid down in this Regulation, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 concerning measures necessary to protect the acquired rights and legitimate expectations of undertakings.

Amendment

Article 164

Transitional rules

Taking into account the need to ensure the smooth transition from the arrangements provided for in Regulation *1234/2007* to those laid down in this Regulation, the Commission shall be empowered to adopt delegated acts in accordance with Article 160 concerning measures necessary to protect the acquired rights and legitimate expectations of undertakings.

All multiannual aid programmes adopted before 1 January 2014 on the basis of Articles 103, 103i and 105a of Regulation (EC) No 1234/2007 shall continue to be governed by those provisions following the entry into force of this Regulation until those programmes come to an end.

Or. en

Amendment 154
Michel Dantin

Compromise amendment replacing Amendment 418

Proposal for a regulation
Article 165

Text proposed by the Commission

Article 165

Entry into force and application

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

It shall apply from 1 January 2014.

Amendment

Article 165

Entry into force and application

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

It shall apply from 1 January 2014.

However, Articles 7, 16 **and 101 and Annex III, as regards the sugar sector**, shall only apply after the end of the **2014/2015** marketing year for sugar on 1 October **2015**.

2. As regards the milk and milk products sector, Articles **104 and 105** shall apply until 30 June 2020.

However, Articles 7 **and 16** shall only apply after the end of the **2019/2020** marketing year for sugar on 1 October **2020**.

2. As regards the milk and milk products sector, Articles **104a, 105, 105b and 157a** shall apply until 30 June 2020.

Or. en

Amendment 155

Michel Dantin

Compromise amendment replacing Amendments 424, 2182

Proposal for a regulation

Annex II – Part I a (new)

Text proposed by the Commission

Amendment

Part Ia: Definitions concerning the sugar sector

- 1. ‘White sugars’ means sugars, not flavoured or coloured or containing any other added substances, containing, in the dry state, 99,5 % or more by weight of sucrose, determined by the polarimetric method.***
- 2. ‘Raw sugars’ means sugars, not flavoured or coloured or containing any other added substances, containing, in the dry state, less than 99,5 % by weight of sucrose, determined by the polarimetric method.***
- 3. ‘Isoglucose’ means the product obtained from glucose or its polymers with a content by weight in the dry state of at least 10 % fructose.***
- 4. ‘Inulin syrup’ means the immediate product obtained by hydrolysis of inulin or oligofructoses, containing in the dry state at least 10 % fructose in free form or as sucrose, and expressed as sugar/isoglucose equivalents. In order to***

avoid restrictions on the market for products with low sweetening power produced by inulin fibre processors without inulin syrup quota, this definition may be amended by the Commission.

5. 'Quota sugar', 'quota isoglucose' and 'quota inulin syrup' mean any quantity of sugar, isoglucose or inulin syrup production attributed to a specific marketing year under the quota of the undertaking concerned.

6. 'Industrial sugar' means any quantity of sugar production attributed to a specific marketing year over and above the sugar quantity referred to in point 5, intended for the production by the industry of one of the products referred to in Article 101m(2).

7. 'Industrial isoglucose' and 'industrial inulin syrup' mean any quantity of isoglucose or inulin syrup production attributed to a specific marketing year, intended for the production by the industry of one of the products referred to in Article 101m(2).

8. 'Surplus sugar', 'surplus isoglucose' and 'surplus inulin syrup' mean any quantity of sugar, isoglucose or inulin syrup production attributed to a specific marketing year over and above the respective quantities referred to in points 5, 6 and 7.

9. 'Quota beet' means all sugar beet processed into quota sugar.

10. 'Delivery contract' means a contract concluded between a seller and an undertaking for the delivery of beet for the manufacture of sugar.

11. 'Agreement within the trade' means one of the following:

(a) an agreement concluded at Union level, prior to the conclusion of any delivery contract, between a group of national undertakings' organisations on

the one hand and a group of national sellers' organisations on the other;

(b) an agreement concluded, prior to the conclusion of any delivery contract, between undertakings or an undertakings' organisation recognised by the Member State concerned on the one hand and a sellers' association recognised by the Member State concerned on the other;

(c) in the absence of any agreement as referred to in point (a) or (b), the law on companies and the law on cooperatives, in so far as they govern the delivery of sugar beet by the shareholders or members of a company or cooperative manufacturing sugar;

(d) in the absence of any agreement as referred to in point (a) or (b), the arrangements existing before the conclusion of any delivery contract, provided the sellers accepting the arrangement supply at least 60% of the total beet bought by the undertaking for the manufacture of sugar in one or more factories;

12. 'Full-time refiner' means a production unit:

– of which the sole activity consists of refining imported raw cane sugar, or

– which refined in the marketing year 2004/2005 a quantity of at least 15,000 tonnes of imported raw cane sugar. For the purpose of this indent, in the case of Croatia the marketing year shall be that of 2007/2008.

Or. en

Amendment 156
Michel Dantin
Compromise amendment

Proposal for a regulation
Annex III, Title

Text proposed by the Commission

Amendment

ANNEX III

ANNEX III

STANDARD QUALITY OF RICE AND
SUGAR AS REFERRED TO IN
ARTICLE 7

STANDARD QUALITY OF RICE AND
SUGAR AS REFERRED TO IN
ARTICLE 7 **AND ARTICLE 101G**

Or. en

Amendment 157

Michel Dantin

Compromise amendment replacing Amendments 426, 2198

Proposal for a regulation

Annex III a (new)

Text proposed by the Commission

Amendment

ANNEX IIIa

***UNION SCALES FOR THE CLASSIFICATION OF CARCASSES REFERRED TO IN
ARTICLE 7***

A: Union scale for the classification of carcasses of adult bovine animals

I. Definitions

The following definitions shall apply:

- 1. 'carcass': the whole body of a slaughtered animal as presented after bleeding, evisceration and skinning;***
- 2. 'half-carcass': the product obtained by separating the carcass referred to in point (1) symmetrically through the middle of each cervical, dorsal, lumbar and sacral vertebra and through the middle of the sternum and the ischiopubic symphysis.***

II. Categories

The carcasses of adult bovine animals shall be divided into the following categories:

- A: carcasses of uncastrated young male animals of less than two years of age;*
B: carcasses of other uncastrated male animals;
C: carcasses of castrated male animals;
D: carcasses of female animals that have calved;
E: carcasses of other female animals.

III. Classification

The carcasses shall be classified by successive assessment of:

1. Conformation, defined as follows:

Development of carcass profiles, in particular the essential parts (round, back, shoulder)

<i>Conformation class</i>	<i>Description</i>
<i>S Superior</i>	<i>All profiles extremely convex; exceptional muscle development (double muscled carcass type)</i>
<i>E Excellent</i>	<i>All profiles convex to super-convex; exceptional muscle development</i>
<i>U Very good</i>	<i>Profiles on the whole convex; very good muscle development</i>
<i>R Good</i>	<i>Profiles on the whole straight; good muscle development</i>
<i>O Fair</i>	<i>Profiles straight to concave; average muscle development</i>
<i>P Poor</i>	<i>All profiles concave to very concave; poor muscle development</i>

2. Fat cover, defined as follows:

Amount of fat on the outside of the carcass and in the thoracic cavity

<i>Class of fat cover</i>	<i>Description</i>
<i>1 low</i>	<i>None up to low fat cover</i>
<i>2 slight</i>	<i>Slight fat cover, flesh visible almost everywhere</i>
<i>3 average</i>	<i>Flesh with the exception of the round and shoulder, almost everywhere covered with fat, slight deposits of fat in the thoracic cavity</i>
<i>4 high</i>	<i>Flesh covered with fat, but on the round and shoulder still partly visible, some distinctive fat deposits in the thoracic cavity</i>
<i>5 very high</i>	<i>Entire carcass covered with fat; heavy deposits in the thoracic cavity</i>

Member States shall be authorised to subdivide each of the classes that are provided for in points 1 and 2 into a maximum of three subclasses.

IV. Presentation

Carcasses and half-carcasses shall be presented:

- 1. without the head and without the feet; the head shall be separated from the carcass at the atloido-occipital joint and the feet shall be severed at the carpametacarpal or tarsometatarsal joints,*
- 2. without the organs contained in the thoracic and abdominal cavities with or without the kidneys, the kidney fat and the pelvic fat,*
- 3. without the sexual organs and the attached muscles and without the udder or the mammary fat.*

V. Classification and identification

Slaughterhouses approved under Article 4 of Regulation (EC) No 853/2004 of the European Parliament and of the Council shall take measures to ensure that all carcasses or half-carcasses from adult bovine animals slaughtered in such slaughterhouses and bearing a health mark provided for Article 5(2) in conjunction with Chapter III of Section I of Annex I to Regulation (EC) No 854/2004 of the European Parliament and of the Council are classified and identified in accordance with the Union scale.

Before identification by marking, Member States may grant authorisation to have the external fat removed from the carcasses or half-carcasses if this is justified by the fat cover.

B: Union scale for the classification of pig carcasses

I. Definition

'Carcass' shall mean the body of a slaughtered pig, bled and eviscerated, whole or divided down the mid-line.

II. Classification

Carcasses shall be divided into classes according to their estimated lean-meat content and classified accordingly:

<i>Classes</i>	<i>Lean meat as percentage of carcass weight</i>
<i>S</i>	<i>60 or more (*)</i>
<i>E</i>	<i>55 and more</i>
<i>U</i>	<i>50 or more but less than 55</i>
<i>R</i>	<i>45 or more but less than 50</i>
<i>O</i>	<i>40 or more but less than 45</i>
<i>P</i>	<i>less than 40</i>
<i>(*) [Member States may introduce, for pigs slaughtered in their territory, a separate class of 60 % or more of lean meat designated with the letter S.]</i>	

III. Presentation

Carcasses shall be presented without tongue, bristles, hooves, genital organs, flare fat, kidneys and diaphragm.

IV. Lean-meat content

1. The lean-meat content shall be assessed by means grading methods authorised by the Commission. Only statistically proven assessment methods based on the physical measurement of one or more anatomical parts of the pig carcass may be authorised. Authorisation of grading methods shall be subject to compliance with a maximum tolerance for statistical error in assessment.

2. However, the commercial value of the carcasses shall not be determined solely by their estimated lean-meat content.

V. Identification of carcasses

Unless otherwise provided for by the Commission, classified carcasses shall be identified by marking in accordance with the Union scale.

C: Union scale for the classification of sheep carcasses

I. Definition

As regards the terms 'carcass' and 'half-carcass' the definitions laid down in point A.I shall apply.

II. Categories

The carcasses shall be divided into the following categories:

A: carcasses of sheep under 12 months old,

B: carcasses of other sheep.

III. Classification

1. The carcasses shall be classified by way of application of the provisions in point A.III mutatis mutandis. However, the term 'round' in point A.III.1 and in rows 3 and 4 of the table under point A.III.2. shall be replaced by the term 'hindquarter'.

2. By way of derogation from point 1, for lambs of less than 13 kg carcass weight, Member States may be authorised by the Commission, by means of implementing acts adopted without applying Article 162(2) or (3), to use the following criteria for classification:

(a) carcass weight;

(b) colour of meat;

(c) fat cover.

IV. Presentation

Carcasses and half-carcasses shall be presented without the head (severed at the atlantooccipital joint), the feet (severed at the carpometacarpal or tarso-metatarsal joints), the tail (severed between the sixth and seventh caudal vertebrae), the udder, the genitalia, the liver and the pluck. Kidneys and kidney fat are included in the carcass.

V. Identification of carcasses

Classified carcasses and half-carcasses shall be identified by marking in accordance with the Union scale.

Or. en

Amendment 158

Michel Dantin

Compromise amendment replacing Amendment 427

Proposal for a regulation

Annex III b (new)

Text proposed by Parliament

ANNEX IIIb

**NATIONAL AND REGIONAL QUOTAS FOR THE PRODUCTION OF SUGAR,
ISOGLUCOSE AND INULIN SYRUP AS REFERRED TO IN ARTICLE 101H**

(in tonnes)

<i>Member States or regions</i> <i>(1)</i>	<i>Sugar</i> <i>(2)</i>	<i>Isoglucose</i> <i>(3)</i>	<i>Inulin syrup</i> <i>(4)</i>
<i>Belgium</i>	<i>676 235,0</i>	<i>114 580,2</i>	<i>0</i>
<i>Bulgaria</i>	<i>0</i>	<i>89 198,0</i>	
<i>Czech Republic</i>	<i>372 459,3</i>		
<i>Denmark</i>	<i>372 383,0</i>		
<i>Germany</i>	<i>2 898 255,7</i>	<i>56 638,2</i>	
<i>Ireland</i>	<i>0</i>		
<i>Greece</i>	<i>158 702,0</i>	<i>0</i>	
<i>Spain</i>	<i>498 480,2</i>	<i>53 810,2</i>	
<i>France (metropolitan)</i>	<i>3 004 811,15</i>		<i>0</i>
<i>French overseas departments</i>	<i>432 220,05</i>		
<i>Italy</i>	<i>508 379,0</i>	<i>32 492,5</i>	
<i>Latvia</i>	<i>0</i>		
<i>Lithuania</i>	<i>90 252,0</i>		
<i>Hungary</i>	<i>105 420,0</i>	<i>250 265,8</i>	
<i>Netherlands</i>	<i>804 888,0</i>	<i>0</i>	<i>0</i>
<i>Austria</i>	<i>351 027,4</i>		
<i>Poland</i>	<i>1 405 608,1</i>	<i>42 861,4</i>	
<i>Portugal (mainland)</i>	<i>0</i>	<i>12 500,0</i>	
<i>Autonomous Region of the Azores</i>	<i>9 953,0</i>		

<i>Romania</i>	<i>104 688,8</i>	<i>0</i>	
<i>Slovenia</i>	<i>0</i>		
<i>Slovakia</i>	<i>112 319,5</i>	<i>68 094,5</i>	
<i>Finland</i>	<i>80 999,0</i>	<i>0</i>	
<i>Sweden</i>	<i>293 186,0</i>		
<i>United Kingdom</i>	<i>1 056 474,0</i>	<i>0</i>	
<i>Croatia</i>	<i>p.m.</i>	<i>p.m.</i>	<i>p.m.</i>
<i>TOTAL</i>	<i>13 336 741,2</i>	<i>720 440,8</i>	<i>0</i>

Or. en

Amendment 159

Michel Dantin

Compromise amendment replacing Amendments 428, 2181

Proposal for a regulation

Annex III c (new)

Text proposed by Parliament

ANNEX IIIc

DETAILED RULES ON TRANSFERS OF SUGAR OR ISOGLUCOSE QUOTAS IN ACCORDANCE WITH ARTICLE 101K

I

For the purpose of this Annex:

- (a) 'merger of undertakings' means the consolidation of two or more undertakings into a single undertaking;***
- (b) 'transfer of an undertaking' means the transfer or absorption of the assets of an undertaking having quota to one or more undertakings;***
- (c) 'transfer of a factory' means the transfer of ownership of a technical unit, including all the plant required to manufacture the product concerned, to one or more***

undertakings, resulting in the partial or total absorption of the production of the undertaking making the transfer;

- (d) *'lease of a factory' means the leasehold contract of a technical unit including all the plant required for the manufacture of sugar, with a view to its operation, concluded for a period of at least three consecutive marketing years, which the parties agree not to terminate before the end of the third marketing year, with an undertaking which is established in the same Member State as the factory concerned, if, after the lease takes effect, the undertaking which rents the factory can be considered a solely sugar-producing undertaking for its entire production.*

II

1. *Without prejudice to point 2, in the event of the merger or transfer of sugar-producing undertakings or the transfer of sugar factories, the quota shall be adjusted as follows:*
 - (a) *in the event of the merger of sugar-producing undertakings, the Member States shall allocate to the undertaking resulting from the merger a quota equal to the sum of the quotas allocated prior to the merger to the sugar-producing undertakings concerned;*
 - (b) *in the event of the transfer of a sugar-producing undertaking, the Member State shall allocate the quota of the transferred undertaking to the transferee undertaking for the production of sugar or, if there is more than one transferee undertaking, the allocation shall be made in proportion to the sugar production absorbed by each of them;*
 - (c) *in the event of the transfer of a sugar factory, the Member State shall reduce the quota of the undertaking transferring ownership of the factory and shall increase the quota of the sugar-producing undertaking or undertakings purchasing the factory in question by the quantity deducted in proportion to the production absorbed.*
2. *Where a number of the sugar-beet or cane growers directly affected by one of the operations referred to in point 1 expressly show their willingness to supply their beet or cane to a sugar-producing undertaking which is not party to those operations, the Member State may make the allocation on the basis of the production absorbed by the undertaking to which they intend to supply their beet or cane.*
3. *In the event of closure, in circumstances other than those referred to in point 1, of:*
 - (a) *a sugar-producing undertaking,*
 - (b) *one or more factories of a sugar-producing undertaking.*

The Member State may allocate the part of the quotas involved in such closure to one or more sugar-producing undertakings.

Also in the case referred to in point (b) of the first subparagraph, where some of the producers concerned expressly show their willingness to supply their beet or cane to a given sugar-producing undertaking, the Member State may allocate the proportion of the quotas corresponding to the beet or cane concerned to the undertaking which they intend to supply with those products.

4. *Where the derogation referred to in Article 101(5) is invoked, the Member State concerned may require the beet growers and the sugar undertakings concerned by that derogation to include in their agreements within the trade special clauses enabling the Member State to apply points 2 and 3 of this Section.*
5. *In the event of the lease of a factory belonging to a sugar-producing undertaking, the Member State may reduce the quota of the undertaking offering the factory for rent and allocate the portion by which the quota was reduced to the undertaking which rents the factory in order to produce sugar in it.*

If the lease is terminated during the period of three marketing years referred to in point I (d) the adjustment of quota under the first subparagraph of this point shall be cancelled retroactively by the Member State as at the date on which the lease took effect. However, if the lease is terminated by reason of force majeure, the Member State shall not be bound to cancel the adjustment.

6. *Where a sugar-producing undertaking can no longer ensure that it meets its obligations under Union legislation towards the sugar-beet or cane producers concerned, and where that situation has been ascertained by the competent authorities of the Member State concerned, the latter may allocate for one or more marketing years the part of the quotas involved to one or more sugar-producing undertakings in proportion to the production absorbed.*
7. *Where a Member State grants a sugar producing undertaking price and outlet guarantees for processing sugar beet into ethyl alcohol, that Member State may, in agreement with that undertaking and the beet growers concerned, allocate all or part of the sugar production quotas to one or more other undertakings for one or more marketing years.*

III

In the event of the merger or transfer of isoglucose-producing undertakings or the transfer of an isoglucose-producing factory, the Member State may allocate the quotas involved for the production of isoglucose to one or more other undertakings, whether or not they have a production quota.

IV

The measures taken pursuant to Sections II and III may take effect only if the following conditions are met:

- (a) *the interests of each of the parties concerned are taken into consideration;*

- (b) *the Member State concerned considers that they are likely to improve the structure of the beet, cane and sugar-manufacturing sectors;*
- (c) *they concern undertakings established in the same territory for which the quota is set in Annex IIIb.*

V

When the merger or transfer occurs between 1 October and 30 April of the following year, the measures referred to in Sections II and III shall take effect for the current marketing year.

When the merger or transfer occurs between 1 May and 30 September of the same year, the measures referred to in Sections II and III shall take effect for the following marketing year.

VI

Where Sections II and III are applied, Member States shall inform the Commission of the adjusted quotas not later than 15 days after the expiry of the periods referred to in Section V.

Or. en

Amendment 160

Michel Dantin

Compromise amendment replacing Amendment 429

Proposal for a regulation

Annex III d (new)

Text proposed by Parliament

ANNEX III d

Purchase terms for beets, referred to in Article 101

POINT I

For the purposes of this Annex ‘Contracting Parties’ means:

- (a) ***sugar undertakings (hereinafter referred to as manufacturers), and***

(b) beet sellers (hereinafter referred to as sellers).

POINT II

- 1. Delivery contracts shall be made in writing for a specified quantity of quota beet.*
- 2. Delivery contracts shall specify whether an additional quantity of beet may be supplied, and under what terms.*

POINT III

- 1. Delivery contracts shall indicate the purchase prices for the quantities of beet referred to in point (a) and, if appropriate, point (b), of Article 101(2a) of this Regulation. In the case of the quantities referred to in point (a) of Article 101(2a), those prices may not be lower than the minimum price for quota beet referred to in Article 101g(1).*
- 2. Delivery contracts shall lay down a fixed sugar content for beet. They shall include a conversion scale showing the different sugar contents and factors for converting the quantities of beet supplied into quantities corresponding to the sugar content shown in the delivery contract.*

The scale shall be based on the yields corresponding to the different sugar contents.

- 3. Where a seller has signed a delivery contract with a manufacturer for the delivery of beet as referred to in point (a) of Article 101(2a), all deliveries by that seller, converted in accordance with paragraph 2 of this Point, shall be considered to be deliveries within the meaning of point (a) of Article 101(2a), up to the quantity of beet specified in the delivery contract.*
- 4. Manufacturers producing a quantity of sugar lower than their quota beet for which they have signed pre-sowing delivery contracts under point (a) of Article 101(2a), shall distribute the quantity of beet corresponding to any additional production up to the amount of their quota among the sellers with whom they have signed pre-sowing delivery contracts within the meaning of point (a) of Article 101(2a).*

Agreements within the trade may derogate from this provision.

POINT IV

- 1. Delivery contracts shall contain provisions concerning the staggering and normal duration of beet deliveries.*
- 2. Provisions referred to in paragraph 1 shall be those applicable during the previous marketing year, taking account of the level of actual production; agreements within the trade may derogate therefrom.*

POINT V

1. *Delivery contracts shall provide for beet collection places.*
2. *Where sellers and manufacturers have already signed a delivery contract for the previous marketing year, the collection places agreed upon by them for deliveries during that marketing year shall remain in operation. Agreements within the trade may derogate from this provision.*
3. *Delivery contracts shall provide that loading and transport costs from the collection places are to be borne by the manufacturer subject to special agreements based on local rules or usages in operation before the previous marketing year.*
4. *However, in Denmark, Greece, Spain, Ireland, Portugal, Finland and the United Kingdom, where beet is delivered free-at-factory, delivery contracts shall require manufacturers to contribute to loading and transport costs and shall stipulate the percentage or amounts.*

POINT VI

1. *Delivery contracts shall provide for reception points for beet.*
2. *Where sellers and manufacturers have already signed a delivery contract for the previous marketing year, the reception points agreed upon by them for deliveries during that marketing year shall remain in operation. Agreements within the trade may derogate from this provision.*

POINT VII

1. *Delivery contracts shall provide for the sugar content to be determined using the polarimetric method. A sample of the beet shall be drawn at the time of reception.*
2. *Agreements within the trade may provide for samples to be drawn at another stage. In such cases, the delivery contract shall provide for a correction to compensate for any drop in the sugar content between the reception and the drawing of the sample.*

POINT VIII

Delivery contracts shall provide for gross weight, tare and sugar content to be determined using one of the following procedures:

- (a) *jointly, by the manufacturer and the beet growers' trade organisation, if an agreement within the trade so provides;*

- (b) by the manufacturer, under the supervision of the beet growers' trade organisation;*
- (c) by the manufacturer, under the supervision of an expert recognised by the Member State concerned, provided the seller defrays the costs thereof.*

POINT IX

1. Delivery contracts shall require manufacturers to do one or more of the following for the whole quantity of beet delivered:

- (a) to return the fresh pulp from the tonnage of beet delivered free of charge to the seller, ex-factory;*
- (b) to return part of that pulp, pressed, dried or dried and molassed, free of charge to the seller, ex-factory;*
- (c) to return the pulp, pressed or dried, to the seller, ex-factory; in this case, the manufacturer may require the seller to pay the pressing or drying costs;*
- (d) to pay the seller compensation which takes account of the possibilities of selling the pulp concerned.*

When parts of the whole quantity of beet delivered are subject to different treatment, the delivery contract shall impose more than one of the obligations provided for in the first subparagraph.

2. Agreements within the trade may provide for pulp to be delivered at a stage other than that referred to in paragraph 1(a), (b) and (c).

POINT X

1. Delivery contracts shall fix the time limits for any advance payments and for payment of the purchase price for beet.

2. The time limits referred to in paragraph 1 shall be those valid during the previous marketing year. Agreements within the trade may derogate from this provision.

POINT XI

Where delivery contracts lay down rules covering matters which are dealt with in this Annex, or where they contain provisions governing other matters, their provisions and effects shall not conflict with this Annex.

POINT XII

1. *Agreements in the trade as described in Annex II, Part Ia, point 11 to this Regulation shall contain arbitration clauses.*
2. *Where agreements within the trade at Community, regional or local level lay down rules covering matters which are dealt with in this Regulation, or where they contain provisions governing other matters, their provisions and effects shall not conflict with this Annex.*
3. *Agreements referred to in paragraph 2 lay down, in particular:*
 - (a) *rules on the distribution to sellers of quantities of beet which the manufacturer decides to buy prior to sowing, for the manufacture of sugar within the limits of the quota;*
 - (b) *rules on distribution as referred to in Point III(4);*
 - (c) *the conversion scale referred to in Point III(2);*
 - (d) *rules on the choice and supply of seeds of the varieties of beet to be produced;*
 - (e) *the minimum sugar content of beet to be delivered;*
 - (f) *a requirement for consultation between the manufacturer and the sellers' representatives before the starting date of beet deliveries is fixed;*
 - (g) *the payment of premiums to sellers for early or late deliveries;*
 - (h) *details of:*
 - (i) *the part of the pulp referred to in Point IX(1)(b),*
 - (ii) *the costs referred to in Point IX(1)(c),*
 - (iii) *the compensation referred to in Point IX(1)(d);*
 - (i) *the removal of pulp by the seller;*
 - (j) *without prejudice to Article 101g(1) of this Regulation, rules on how any difference between the reference price and the actual selling price of the sugar is to be allocated between the manufacturer and sellers.*

POINT XIII

Where there is no set agreement within the trade as to how the quantities of beet intended for the manufacture of sugar within the quota limits which the manufacturer offers to buy before sowing should be allocated among the sellers, the Member State concerned may itself lay down rules for such allocation.

Those rules may also grant to traditional sellers of beet to cooperatives delivery rights other than those which they would enjoy if they belonged to such cooperatives.

Or. en

Amendment 161

Michel Dantin

Compromise amendment replacing Amendment 2209

Proposal for a regulation

Annex VI – Part II – point 17 a (new)

Text proposed by the Commission

Amendment

(17a) Crémant shall be white or rosé quality sparkling wine with protected designations of origin, or with a geographical indication of a third country, produced under the following conditions:

(a) the grapes are harvested manually;

(b) the wine is made from must obtained by pressing whole or destemmed grapes. The quantity of must obtained does not exceed 100 litres for every 150 kg of grapes;

(c) the maximum sulphur dioxide content does not exceed 150 mg/l;

(d) the sugar content is less than 50 g/l;

(e) the wine was made sparkling by a second alcoholic fermentation in the bottle;

(f) the wine stayed without interruption in contact with the lees for at least nine months in the same undertaking from the time when the cuvée was constituted;

(g) the wine was separated from the lees by disgorging.

The term ‘Crémant’ shall be indicated on labels of quality sparkling wines in combination with the name of the geographical unit underlying the

demarcated area of the protected designation of origin, or the geographical indication of a third country, in question.

Neither point (a) of the first paragraph nor the second paragraph shall apply to producers with trade marks including the word 'crémant' that were registered before 1 March 1986.

Or. en

Amendment 162

Michel Dantin

Compromise amendment replacing Amendments 2210-2213

Proposal for a regulation

Annex VI – Part III – paragraph 2

Text proposed by the Commission

Amendment

[...]

[...]

2. For the purposes of this Part, 'milk products' means products derived exclusively from milk, on the understanding that substances necessary for their manufacture may be added provided that those substances are not used for the purpose of replacing, in whole or in part, any milk constituent.

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The following shall be reserved exclusively for milk products.

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(a) the following names used at all stages of marketing:

(a) the following names used at all stages of marketing:

(i) whey,

(i) whey,

(ii) cream,

(ii) cream,

(iii) butter,

(iii) butter,

(iv) buttermilk,

(iv) buttermilk,

(v) butteroil,

(v) butteroil,

(vi) caseins,

(vi) caseins,

(vii) anhydrous milkfat (AMF),

(vii) anhydrous milkfat (AMF),

(viii) cheese,
(ix) yogurt,
(x) kephir,
(xi) koumiss,
(xii) viili/fil,
(xiii) smetana,
(xiv) fil;

(b) names within the meaning of Article 5 of Directive 2000/13/EC actually used for milk products.

(viii) cheese,
(ix) yogurt,
(x) kephir,
(xi) koumiss,
(xii) viili/fil,
(xiii) smetana,
(xiv) fil;
(xiva) curd,
(xivb) sour cream,
(xive) rjaženka,
(xivd) rūgušpiens;

(b) names within the meaning of Article 5 of Directive 2000/13/EC actually used for milk products.

Or. en

Amendment 163

Michel Dantin

Compromise amendment replacing Amendment 2214

Proposal for a regulation

Annex VI – Part V – Section II

Text proposed by the Commission

II Definitions

(1) 'poultrymeat' means poultrymeat suitable for human consumption, which has not undergone any treatment other than cold treatment;

(2) “fresh poultrymeat” means poultrymeat which has not been stiffened at any time by the cooling process prior to being kept at a temperature not below – 2 °C and not higher than + 4 °C. However, Member States may lay down slightly different temperature requirements for the minimum length of time necessary for the cutting and

Amendment

II Definitions

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(2) “fresh poultrymeat” means poultrymeat which has not been stiffened at any time by the cooling process prior to being kept at a temperature not below – 2 °C and not higher than + 4 °C. However, Member States may lay down slightly different temperature requirements for the minimum length of time necessary for the cutting and

handling of fresh poultrymeat performed in retail shops or in premises adjacent to sales points, where the cutting and handling are performed solely for the purpose of supplying the consumer directly on the spot;

(3) “frozen poultrymeat” means poultrymeat which must be frozen as soon as possible within the constraints of normal slaughtering procedures and is to be kept at a temperature no higher than – 12 °C at any time

(4) 'quick-frozen poultrymeat' means poultrymeat which is to be kept at a temperature no higher than -18°C at any time within the tolerances as provided for in Council Directive 89/108/EEC .

(5) “poultrymeat preparation” means poultrymeat including poultrymeat that has been reduced to fragments, which has had foodstuffs, seasonings or additives added to it or which has undergone processes insufficient to modify the internal muscle fibre structure of the meat;

(6) “fresh poultrymeat preparation” means a poultrymeat preparation for which fresh poultrymeat has been used.

However, Member States may lay down slightly different temperature requirements to be applied for the minimum length of time necessary and only to the extent necessary to facilitate the cutting and handling performed in the factory during the production of fresh poultrymeat preparations;

(7) “poultrymeat product” means a meat product as defined in point 7.1 of Annex I to Regulation (EC) No 853/2004 for which poultrymeat has been used.

handling of fresh poultrymeat performed in retail shops or in premises adjacent to sales points, where the cutting and handling are performed solely for the purpose of supplying the consumer directly on the spot;

(3) “frozen poultrymeat” means poultrymeat which must be frozen as soon as possible within the constraints of normal slaughtering procedures and is to be kept at a temperature no higher than – 12 °C at any time

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However, Member States may lay down slightly different temperature requirements to be applied for the minimum length of time necessary and only to the extent necessary to facilitate the cutting and handling performed in the factory during the production of fresh poultrymeat preparations;

(7) “poultrymeat product” means a meat product as defined in point 7.1 of Annex I to Regulation (EC) No 853/2004 for which poultrymeat has been used.

Poultrymeat shall be marketed in one of the following conditions:

– *fresh,*

– *frozen,*

– quick-frozen.

Or. en

Amendment 164

Michel Dantin

Compromise amendment replacing Amendment 431

Proposal for a regulation
Annex VI – Part V a (new)

Text proposed by Parliament

Part Va. Eggs of hens of the Gallus gallus species

I. Scope

1) This Part of the Annex applies to the marketing within the Union of the eggs produced in the Union, imported from third countries or intended for export outside the Union.

2) Member States may exempt from the requirements provided for in this Part of this Annex, with the exception of point III(3), eggs sold directly to the final consumer by the producer:

(a) on the production site, or

(b) in a local public market or by door-to-door selling in the region of production of the Member State concerned.

Where such exemption is granted, each producer shall be able to choose whether to apply such exemption or not. Where this exemption is applied, no quality and weight grading may be used.

The Member State may establish, according to national law, the definition of the terms ‘local public market’, ‘door-to-door selling’ and ‘region of production’.

II. Quality and weight grading

1) Eggs shall be graded by quality as follows:

- Class A or ‘fresh’,***
- Class B.***

2. Class A eggs shall also be graded by weight. However, grading by weight shall not be required for eggs delivered to the food and non-food industry.

3. Class B eggs shall only be delivered to the food and non-food industry.

III. Marking of eggs

1. Class A eggs shall be marked with the producer code.

Class B eggs shall be marked with the producer code and/or with another indication.

Member States may exempt Class B eggs from this requirement where those eggs are marketed exclusively on their territory.

2. The marking of eggs in accordance with point 1 shall take place at the production site or at the first packing centre to which eggs are delivered.

3. Eggs sold by the producer to the final consumer on a local public market in the region of production of the Member State concerned shall be marked in accordance with point 1.

However, Member States may exempt from this requirement producers with up to 50 laying hens, provided that the name and address of the producer are indicated at the point of sale.

Or. en

Amendment 165

Michel Dantin

Compromise amendment replacing Amendments 432, 433

Proposal for a regulation

Annex VI – Part VI

Text proposed by the Commission

Amendment

Part VI. Spreadable fats

Part VI. Spreadable fats

The products referred to in Article 60 may not be supplied or transferred without processing to the ultimate consumer either directly or through restaurants, hospitals, canteens or similar establishments, unless they meet the requirements set out in the Annex.

The sales descriptions of these products shall be those specified in this Part.

The sales descriptions below shall be reserved to the products defined therein

I. Sales description

The products referred to in Article 60 may not be supplied or transferred without processing to the ultimate consumer either directly or through restaurants, hospitals, canteens or similar establishments, unless they meet the requirements set out in the Annex.

The sales descriptions of these products shall be those specified in this Part.

The sales descriptions below shall be reserved to the products defined therein

with the following CN codes and having a fat content of at least 10% but less than 90% by weight:

- (a) milk fats falling within CN codes 0405 and ex2106;
- (b) fats falling within CN code ex1517;
- (c) fats composed of plant and/or animal products falling within CN codes ex 1517 and ex 2106.

The fat content excluding salt shall be at least two-thirds of the dry matter.

However, these sales descriptions shall only apply to products which remain solid at a temperature of 20°C, and which are suitable for use as spreads.

These definitions shall not apply to:

- (a) the designation of products the exact nature of which is clear from traditional usage and/or when the designations are clearly used to describe a characteristic quality of the product;
- (b) concentrated products (butter, margarine, blends) with a fat content of 90 % or more.

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- (a) milk fats falling within CN codes 0405 and ex2106;
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- (a) the designation of products the exact nature of which is clear from traditional usage and/or when the designations are clearly used to describe a characteristic quality of the product;
- (b) concentrated products (butter, margarine, blends) with a fat content of 90 % or more.

II. Terminology

1. The term 'traditional' may be used together with the name 'butter' provided for in point 1 of part A of the Appendix, where the product is obtained directly from milk or cream.

For the purposes of this point, 'cream' means the product obtained from milk in the form of an emulsion of the oil-in-water type with a milk-fat content of at least 10 %.

2. Terms for products referred to in the Appendix which state, imply or suggest fat content other than those referred to in that Appendix shall be prohibited.

3. By way of derogation from paragraph 2 and in addition:

(a) the term 'reduced-fat' may be used for products referred to in the Appendix with a fat content of more than 41 % but not more than 62 %;

(b) the terms 'low-fat' or 'light' may be used for products referred to in the Appendix with a fat content of 41 % or less.

The term 'reduced-fat' and the terms 'low-fat' or 'light' may, however, replace respectively the terms 'three-quarter-fat' or 'half-fat' used in the Appendix.

Or. en

Amendment 166

Michel Dantin

Compromise amendment replacing Amendments 2222-2224

Proposal for a regulation

Annex VII

Text proposed by the Commission

Amendment

ANNEX VII

ANNEX VII

OENOLOGICAL PRACTICES REFERRED TO IN ARTICLE 62

OENOLOGICAL PRACTICES REFERRED TO IN ARTICLE 62

Part I

Part I

Enrichment, acidification and de- acidification in certain wine-growing zones

Enrichment, acidification and de- acidification in certain wine-growing zones

[...]

[...]

C. Acidification and de-acidification

C. Acidification and de-acidification

1. Fresh grapes, grape must, grape must in fermentation, new wine still in fermentation and wine may be subject to:

1. Fresh grapes, grape must, grape must in fermentation, new wine still in fermentation and wine may be subject to:

(a) de-acidification in wine-growing zones A, B and C I ;

(a) de-acidification in wine-growing zones A, B and C I ;

(b) acidification and de-acidification in wine-growing zones C I, C II and C III (a), without prejudice to point 7 of this Section;

(b) acidification and de-acidification in wine-growing zones C I, C II and C III (a), without prejudice to point 7 of this Section;

or

(c) acidification in wine-growing zone C III (b).

2. Acidification of the products, other than wine, referred to in point 1 may be carried out only up to a limit of 1,50 g/l expressed as tartaric acid, or 20 milliequivalents per litre.

3. Acidification of wines may be carried out only up to a limit of 2,50 g/l expressed as tartaric acid, or 33,3 milliequivalents per litre.

4. De-acidification of wines may be carried out only up to a limit of 1 g/l expressed as tartaric acid, or 13,3 milliequivalents per litre.

5. Grape must intended for concentration may be partially de-acidified.

6. Notwithstanding point 1, in years when climatic conditions have been exceptional, Member States may authorise acidification of the products referred to in point 1 in wine-growing zones A and B, under the conditions referred to in points 2 and 3 of this Section.

7. Acidification and enrichment, except by way of derogation to be ***adopted by the Commission by means of delegated acts pursuant to Article 59(1)***, and acidification and de-acidification of one and the same product shall be mutually exclusive processes.

D. Processes

1. None of the processes referred to in Sections B and C, with the exception of the acidification and de-acidification of wines, shall be authorised unless carried out, ***under conditions to be determined by the Commission by means of delegated acts pursuant to Article 59(1)***, at the time when the fresh grapes, grape must, grape must in fermentation or new wine still in fermentation are being turned into wine or into any other wine sector beverage

or

(c) acidification in wine-growing zone C III (b).

2. Acidification of the products, other than wine, referred to in point 1 may be carried out only up to a limit of 1,50 g/l expressed as tartaric acid, or 20 milliequivalents per litre.

3. Acidification of wines may be carried out only up to a limit of 2,50 g/l expressed as tartaric acid, or 33,3 milliequivalents per litre.

4. De-acidification of wines may be carried out only up to a limit of 1 g/l expressed as tartaric acid, or 13,3 milliequivalents per litre.

5. Grape must intended for concentration may be partially de-acidified.

6. Notwithstanding point 1, in years when climatic conditions have been exceptional, Member States may authorise acidification of the products referred to in point 1 in wine-growing zones A and B, under the conditions referred to in points 2 and 3 of this Section.

7. Acidification and enrichment, except by way of derogation to be ***decided in accordance with the procedure referred to in Article 62(2)***, and acidification and de-acidification of one and the same product shall be mutually exclusive processes.

D. Processes

1. None of the processes referred to in Sections B and C, with the exception of the acidification and de-acidification of wines, shall be authorised unless carried out at the time when the fresh grapes, grape must, grape must in fermentation or new wine still in fermentation are being turned into wine or into any other wine sector beverage intended for direct human consumption other than sparkling wine or aerated sparkling wine in the wine-growing

intended for direct human consumption other than sparkling wine or aerated sparkling wine in the wine-growing zone where the fresh grapes used were harvested.

2. The concentration of wines shall take place in the wine-growing zone where the fresh grapes used were harvested.

3. Acidification and de-acidification of wines shall take place only in the wine making undertaking and in the wine-growing zone where the grapes used to produce the wine in question were harvested.

4. Each of the processes referred to in points 1, 2 and 3 shall be notified to the competent authorities. The same shall apply in respect of the quantities of concentrated grape must rectified concentrated grape must or sucrose held in the exercise of their profession by natural or legal persons or groups of persons, in particular producers, bottlers, processors and merchants *to be determined by the Commission by means of delegated acts pursuant to Article 59(1)*, at the same time and in the same place as fresh grapes, grape must, grape must in fermentation or wine in bulk. The notification of these quantities may, however, be replaced by entry in a goods inwards and stock utilisation register.

5. Each of the processes referred to in Sections B and C shall be recorded on the accompanying document, as provided for in Article 103, under cover of which the products having undergone the processes are put into circulation.

6. Those processes, subject to derogations justified by exceptional climatic conditions, shall not be carried out:

(a) in wine-growing zone C after 1 January;

(b) in wine-growing zones A and B after 16 March, and they shall be carried out

zone where the fresh grapes used were harvested.

2. The concentration of wines shall take place in the wine-growing zone where the fresh grapes used were harvested.

3. Acidification and de-acidification of wines shall take place only in the wine making undertaking and in the wine-growing zone where the grapes used to produce the wine in question were harvested.

4. Each of the processes referred to in points 1, 2 and 3 shall be notified to the competent authorities. The same shall apply in respect of the quantities of concentrated grape must rectified concentrated grape must or sucrose held in the exercise of their profession by natural or legal persons or groups of persons, in particular producers, bottlers, processors and merchants at the same time and in the same place as fresh grapes, grape must, grape must in fermentation or wine in bulk. The notification of these quantities may, however, be replaced by entry in a goods inwards and stock utilisation register.

5. Each of the processes referred to in Sections B and C shall be recorded on the accompanying document, as provided for in Article 103, under cover of which the products having undergone the processes are put into circulation.

6. Those processes, subject to derogations justified by exceptional climatic conditions, shall not be carried out:

(a) in wine-growing zone C after 1 January;

(b) in wine-growing zones A and B after 16 March, and they shall be carried out

only for products of the grape harvest immediately preceding those dates.

7. Notwithstanding point 6, concentration by cooling and acidification and de-acidification of wines may be practised throughout the year.

only for products of the grape harvest immediately preceding those dates.

7. Notwithstanding point 6, concentration by cooling and acidification and de-acidification of wines may be practised throughout the year.

Or. en

Amendment 167

Michel Dantin

Compromise amendment replacing Amendment 434

Proposal for a regulation

Annex VII a (new)

Text proposed by Parliament

ANNEX VIIa OPTIONAL RESERVED TERMS

<i>Product category (reference to Combined Nomenclature classification)</i>	<i>Optional reserved term</i>	<i>Act defining the term and conditions of use</i>
<i>poultrymeat (CN 0207, CN 0210)</i>	<i>fed with</i>	<i>Regulation (EC) No 543/2008, Article 11</i>
	<i>extensive indoor/barn-reared</i>	
	<i>free range</i>	
	<i>traditional free range</i>	
	<i>age at slaughter</i>	
	<i>length of fattening period</i>	
<i>eggs (CN 0407)</i>	<i>fresh</i>	<i>Regulation (EC) No 589/2008, Article 12</i>
	<i>extra or extra fresh</i>	<i>Regulation (EC) No 589/2008, Article 14</i>
	<i>indication on how laying hens are fed</i>	<i>Regulation (EC) No 589/2008, Article 15</i>
<i>honey (CN 0409)</i>	<i>floral or vegetable origin</i>	<i>Directive 2001/110/EC, Article 2</i>
	<i>regional origin</i>	
	<i>topographic origin</i>	
	<i>specific quality criteria</i>	
<i>olive oil (CN 1509)</i>	<i>first cold pressing</i>	<i>Regulation (EC) No 1019/2002, Article 5</i>
	<i>cold extraction</i>	
	<i>acidity</i>	
	<i>pungent</i>	

	<i>fruity: ripe or green</i>	
	<i>bitter</i>	
	<i>intense</i>	
	<i>average</i>	
	<i>light</i>	
	<i>well-balanced</i>	
	<i>mild oil</i>	
<i>milk and milk products (CN 04)</i>	<i>traditional butter</i>	<i>Regulation (EU) No [CMO Regulation], Annex VI, Part VI</i>
<i>spreadable fats (CN 0405 and ex 2106, CN ex 1517, CN ex 1517 and ex 2106)</i>	<i>reduced-fat</i>	<i>Regulation (EU) No [CMO Regulation], Annex VI, Part VI</i>
	<i>light</i>	
	<i>low-fat</i>	

Or. en

Amendment 168

Michel Dantin

Compromise amendment

Proposal for a regulation

Recital 70

Text proposed by the Commission

Amendment

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

deleted

Amendment 169

Michel Dantin

Compromise amendment

Proposal for a regulation

Recital 77

Text proposed by the Commission

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

Amendment

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

Amendment 170

Michel Dantin

Compromise amendment replacing Amendments 42, 491, 492, 494

Proposal for a regulation

Recital 84 a (new)

Text proposed by the Commission

Amendment

(84a) To enable beet growers to complete their adaptation to the far-reaching reform carried out in the sugar sector in 2006 and to continue the efforts to become competitive undertaken since then, the present quota system should be extended until the end of the 2019-2020 marketing year. In this context, the Commission should be allowed to allocate

*production quotas to Member States who
relinquished all their quota in 2006.*

Or. en

Amendment 171

Michel Dantin

Compromise amendment replacing Amendments 42, 491-496

Proposal for a regulation

Recital 84 b (new)

Text proposed by the Commission

Amendment

(84b) The considerable and recurrent tensions observed on the European sugar market call for a mechanism that, for as long as necessary, releases non-quota sugar onto the internal market applying the same conditions as for quota sugar. This mechanism should, at the same time, permit additional imports at zero duty in order to ensure sufficient raw materials are available on the EU sugar market and to preserve the structural balance of this market.

Or. en

Amendment 172

Michel Dantin

Compromise amendment replacing Amendments 43, 497, 498

Proposal for a regulation

Recital 84 c (new)

Text proposed by the Commission

Amendment

(84c) In view of the definitive abolition of the quota system in 2020, the Commission should submit before 1 July 2018 a report to Parliament and the Council on the appropriate procedures for ending the current quota arrangements and on the

future of the sector after the abolition of quotas in 2020, accompanied by any necessary proposals to prepare the entire sector for the period after 2020. Before 31 December 2014, the Commission should also submit a report on the functioning of the supply chain in the EU sugar sector

Or. en

Amendment 173

Michel Dantin

Compromise amendment

Proposal for a regulation

Recital 107

Text proposed by the Commission

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

Amendment

(107) Refunds on exports to third countries, based on the difference between prices within the Union and on the world market, and falling within the limits set by the commitments made within the WTO, should *be retained as a crisis management instrument for* certain products falling within this Regulation, *until the future of this instrument has been decided within the framework of the WTO, on the basis of reciprocity. The budget heading for export refunds should therefore provisionally be set at zero. When used, export refunds* should be subject to limits in terms of value and quantity *and should not jeopardise the development of agricultural sectors and economies in developing countries.*

Or. en

Amendment 174

Michel Dantin

Compromise amendment

Proposal for a regulation
Recital 133

Text proposed by the Commission

(133) In order to react efficiently and effectively against **threats of** market disturbance caused by significant price rises or falls on internal or external markets or any other factors affecting the market, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the necessary measures for the sector concerned including, where necessary, measure to extend or modify the scope, duration or other aspects of other measures provided for under this Regulation, or suspend import duties in whole or in part including for certain quantities and/or periods.

Amendment

(133) In order to react efficiently and effectively against market disturbance caused by significant price rises or falls on internal or external markets **or a substantial rise in production costs** or any other factors affecting the market, **where that situation is likely to continue or deteriorate**, the power to adopt certain acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the necessary measures for the sector concerned including, where necessary, measure to extend or modify the scope, duration or other aspects of other measures provided for under this Regulation, or suspend import duties in whole or in part including for certain quantities and/or periods.

Or. en

Amendment 175
Michel Dantin
Compromise amendment

Proposal for a regulation
Recital 140

Text proposed by the Commission

(140) The **use of** urgency procedure should be **reserved for exceptional cases where this proves to be necessary** in order to react efficiently and effectively against **threats of market disturbance or where market disturbances are occurring. The choice of an urgency procedure should be justified and the cases in which the urgency procedure should be used should be specified.**

Amendment

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

Amendment 176

Michel Dantin

Compromise amendment replacing Amendment 76

Proposal for a regulation

Recital 143

Text proposed by the Commission

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

Amendment

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