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NOTE

From:	Presidency
To:	Delegations

Subject:	AOB item for the meeting of the “Agriculture and Fisheries” Council on 23-24 June 2025: Regulation amending the common market organisation (CMO) Regulation as regards the strengthening of the position of farmers in the food supply chain - <i>State of play</i> - <i>Information from the Presidency</i>
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BACKGROUND

On 10 December 2024, the Commission submitted to the Council and the European Parliament its proposed targeted amendments to the Common Market Organisation (CMO) Regulation and two other related regulations (the CAP Strategic Plan Regulation and the Horizontal Regulation).

The aim of that proposal is to strengthen farmers' position and restore the trust between actors in the agri-food supply chain.

The proposal directly reflects several recommendations of the strategic dialogue on the future of EU agriculture and responds to some of the most pressing challenges that the agricultural sector is facing.

The Commission presented its proposal to the Special Committee on Agriculture (SCA) on 13 January 2025. The AGRIFISH Council held an initial exchange of views on 27 January 2025.

On 10 February and 28 March, the Working Party on Agricultural Products examined certain technical elements of the proposal while discussions were held in the SCA during its meetings on 3 February, 3 March and 28 April.

On 19 May the SCA approved the Council mandate for negotiations with the European Parliament, based on the fourth version of Presidency suggested amendments (doc. 8769/1/25 REV 1). The final version of the negotiating mandate, including technical corrections, is contained in doc. 9099/25.

CONTENT OF THE COUNCIL'S NEGOTIATING MANDATE

The main aspects of the Council's mandate may be summarized as follows:

- The Council supported the main elements and the overarching goals of the proposal while suggesting a series of amendments;
- Clarification of the scope of the obligation of written contracts for deliveries of agricultural products;
- Introduction of further exceptions from the obligation of written contracts providing Member States more flexibility to adjust the obligation according to their specific needs, depending on the sector and product. This includes the possibility of an additional derogation which may be used if a Member State considers that the objectives of transparency, predictability and price transmission can be achieved by other means than a written contract, or if the written contract obligation is deemed disproportionate or inappropriate for other justified reasons. However, it is essential that any such derogation must be the object of consultations with the representatives of farmers or with an interbranch organisation recognised in accordance with CMO rules.
- Moreover, the Council mandate allows Member States to decide that a written contract is not necessary if the first purchaser of agricultural products is a micro or small-sized enterprise, if the delivery of goods and payment take place at the same time, or if the value of deliveries does not exceed a maximum of €20 000.

- The possibility for farmers to trigger the revision clause for long-term contracts after twelve months, rather than the six months initially proposed by the Commission.
- Making the introduction of mediation mechanisms by Member States optional, as opposed to the mandatory mediation mechanisms originally proposed by the Commission.
- A return to status quo regarding the derogation from competition rules for producer organisations, meaning that it will remain applicable only to recognised producer organisations.
- Clarification of the terms “direct” and ”close” connection in the definition of short supply chain in Article 88a.

NEXT STEPS

The Council is ready to start negotiations with the European Parliament once it adopts its position.

The Committee on Agriculture and Rural Development is expected to vote on its report in September, while approval of the mandate in plenary session is expected to take place in September or October 2025.
