Council of the European Union

Brussels, 8 October 2026
(OR. en)

14113/26

Interinstitutional Files:
2025/0234 (NLE)
2025/0237 (COD)

LIMITE

AGRI 728
AGRIFIN 169
AGRIORG 121
AGRILEG 232
CADREFIN 422
FIN 1407
CODEC 1853

PUBLIC

NOTE

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	11722/25 + ADD 1; 11715/25
Subject:	Regulation amending Regulation (EU) No 1308/2013 (CMO) as regards the school scheme, sectoral interventions, the protein sector, hemp, marketing standards, import duties, the availability of supplies and securities Council Regulation amending the fixing Regulation as regards the EU school scheme - Exchange of views

The SCA discussed the CMO Regulation and the Council "fixing" Regulation on Monday 5th October. The Presidency assesses that there are three outstanding issues that require political direction in advance of reaching an agreement on the two files:

1. Financing of Sectoral Interventions
2. Hemp
3. Wine

Financing of Sectoral Interventions

On the VMP Capping, there was broad support from Member States for this to cover both Union financing and the national contribution. The Presidency therefore proposes that this should remain in the compromise text, with added clarifications in **red and bold** in Annex I.

On the 50/50 split between public and private financial contributions, Member States queried how this would relate to Article 35(8) of the NRP Regulation. In the Presidency's view, as the text is currently drafted, this provision relates to the amount of money that producer organisations must contribute to their operational funds in order to receive public financial assistance. As such, the Presidency's interpretation is that this 50/50 provision is separate and distinct from the support rates set out in Article 35(80 of the NRP and does not establish a 50% support rate. Rather, the Presidency considers that this provision is a safeguard for Member States with the objective of ensuring that producer organisations are financially liquid and capable of carrying out sectoral interventions.

The Presidency suggests that this provision be placed in Article 33a(3)(a) of the CMO Regulation and invites Member States to review the text contained in Annex I.

Hemp

The Presidency has listened to delegations' comments on the issue of hemp. It was clear that some member states have concerns regarding the intersection of these provisions with matters of internal security and public health. However, the majority of Member States find it acceptable that hemp inflorescences / hemp flowers remain in the compromise text. To ban them outright would be to restrict even further the internal market as it is currently, where there is no such ban. In response to the concerns communicated by Member States, the Presidency has made changes to the draft text in an effort to clarify that the proposal does not govern end use of the hemp plant.

The Presidency invites Member States to review the text contained in Annex II and indicate whether they can support this approach.

Wine

While Member States offered broad support for the introduction of mandatory wine interventions, some asked for greater flexibility in circumstances where the viticulture sector is supported not through sectoral interventions but through different and equivalent measures.

The Presidency invites Member States to review the text contained in Annex III and to indicate whether they can support this additional flexibility for Member States.

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ANNEX I

Presidency Compromise Text before SCA 5 October 2026	Updated Presidency Compromise Text before SCA 12 October
Article 33a	**Article 33a**
1. Subject to compliance with Article 20(4) of Regulation (EU) [NRP] the Union assistance and the national contribution to be granted to recognised producer organisations, associations of producer organisations or identified producer groups in respect of each intervention implemented in the sectors referred to in Article 30(1) of this Regulation shall be limited to:	1. Subject to compliance with Article 20(4) of Regulation (EU) [NRP] the Union assistance and the national contribution to be granted to recognised producer organisations, associations of producer organisations or, **where applicable**, identified producer groups in respect of each intervention implemented in the sectors referred to in Article 30(1) of this Regulation shall be limited to:
(a) 4.1% of the value of the marketed production of each producer organisation or producer group;	(a) 4.1% of the value of the marketed production of each producer organisation or, **where applicable**, producer group;
(b) 4.5% of the value of marketed production of each association of producer organisations;	(b) 4.5% of the value of marketed production of each association of producer organisations;
(c) 5% of the value of marketed production of each transnational producer organisation or transnational association of producer organisations.	(c) 5% of the value of marketed production of each transnational producer organisation or transnational association of producer organisations.
Those limits may be increased by 0,5 percentage points, where the operational programme includes one or more interventions linked to generational renewal, research and innovation, risk management or environment and climate, provided the amount in excess of the relevant percentage set out in the first subparagraph, points (a), (b) or (c), is used solely to finance expenditure related to the implementation of these interventions.	Those limits may be increased by 0,5 percentage points, where the operational programme includes one or more interventions linked to generational renewal, research and innovation, risk management or environment and climate, provided the amount in excess of the relevant percentage set out in the first subparagraph, points (a), (b) or (c), is used solely to finance expenditure related to the implementation of these interventions.

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Presidency Compromise Text before SCA 5 October 2026	Updated Presidency Compromise Text before SCA 12 October 2026
No Article Placement The sum of the national contribution and the Union financial assistance allocated to operational funds shall be equal to the financial contribution of the members of the producer organisations, their associations or, where applicable, producer groups.	**Article 33** **3(a)** The sum of the national contribution and the Union financial assistance allocated to operational funds shall be equal to the financial contribution of the members of the producer organisations, their associations or, where applicable, producer groups.

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Presidency Compromise Text before SCA 5 October 2026	Updated Presidency Compromise Text before SCA 12 October 2026
Recital 21 In compliance with various international instruments which the Member States have cooperated on or acceded to, as the United Nations Single Convention on Narcotic Drugs of 1961 and the Convention on Psychotropic Substances of 1971, the marketing of narcotic drugs should be prohibited, with the exception of strictly controlled trade or use for medical and scientific purposes. However, it follows from the reasoning of the Court in Case C-663/18 that the cannabidiol at issue in the case had no psychoactive effect based on the current state of scientific knowledge, and that it was derived from a hemp variety with a low Δ9-tetrahydrocannabinol content that was cultivated legally in the EU, and therefore should not be considered as a narcotic drug under those conventions.	**New Recital 21** **Europe faces significant health, social, security and governance challenges linked to the trafficking and use of illicit drugs, including cannabis.** In compliance with various international instruments which the Member States have cooperated on or acceded to, as the United Nations Single Convention on Narcotic Drugs of 1961 and the Convention on Psychotropic Substances of 1971, the marketing of narcotic drugs should be prohibited, with the exception of strictly controlled trade or use for medical and scientific purposes. However, it follows from the reasoning of the Court in Case C-663/18 that the cannabidiol at issue in the case had no psychoactive effect based on the current state of scientific knowledge, and that it was derived from a hemp variety with a low Δ9-tetrahydrocannabinol content that was cultivated legally in the EU, and therefore should not be considered as a narcotic drug under those conventions.

Recital 22a Member States have the possibility to introduce or maintain national provisions governing the end use of all parts of the hemp plant and products derived therefrom on grounds of the protection of public health, provided that such provisions comply with Union law, in particular Article 36 of the Treaty on the Functioning of the European Union.	**New Recital 22a** Member States have the possibility to introduce or maintain national provisions governing the end use of all parts of the hemp plant and products derived therefrom on grounds of the protection of public health and **public security**, provided that such provisions comply with Union law, in particular Article 36 of the Treaty on the Functioning of the European Union.

Article 147c (5)	New Article 147c (5)
This Article shall be without prejudice to Union rules and to national rules governing the end use of the products concerned.	This Article shall be without prejudice to Union rules and to national rules governing the end use of the products concerned, **including on grounds of the protection of public health and public security**.

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ANNEX III

Presidency Compromise Text before SCA 5 October 2026	Updated Presidency Compromise Text before SCA 12 October 2026
Article 30(2a) Interventions in the wine sector referred to in Article 1(2), point (l), shall be mandatory. However, Member States may decide not to implement interventions in the wine sector provided that they justify this decision in their NRP plan where: a) they identify insufficient interest or operational capacity among beneficiaries in the wine sector to implement the interventions effectively; or b) they identify that mandatory interventions in the wine sector would not contribute to achieving the CAP objectives in that Member State, having regard to the specific needs of the sector and other agricultural sectors of strategic importance.	Article 30(2a) Interventions in the wine sector referred to in Article 1(2), point (l), shall be mandatory. However, Member States may decide not to implement interventions in the wine sector provided that they justify this decision in their NRP plan where: a) they identify insufficient interest or operational capacity among beneficiaries in the wine sector to implement the interventions effectively; or b) they identify that mandatory interventions in the wine sector would not contribute to achieving the CAP objectives in that Member State, having regard to the specific needs of the sector and other agricultural sectors of strategic importance; or **c) they demonstrate that the objectives and needs of the wine sector are adequately addressed through other measures, considering the specific circumstances of that Member State.**

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