Council of the European Union

Brussels, 26 November 2019
(OR. en)

14535/19

Interinstitutional File: 2018/0218(COD)

AGRI 571
AGRIFIN 83
AGRIORG 91
AGRILEG 205
CODEC 1684
CADREFIN 388

WORKING DOCUMENT

From:	Presidency
To:	Delegations
No. prev. doc.:	7451/1/19 REV 1 + COR 1
No. Cion doc.:	9556/18 + REV 1 (en, de, fr) + COR 1
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products, (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union and (EU) No 229/2013 laying down specific measures for agriculture in favour of the smaller Aegean islands - Revised Presidency suggested amendments

1. During the Finnish Presidency, the Working Party on Agricultural Products met once, on 25 October 2019, to examined the above-mentioned proposal, focussing on issues concerning wine labelling.

2. In the light of the discussions within the working party, the Presidency has made the following changes to the text:

   a) returning **Article 90(0a) of Regulation 1308/2013** to the wording that currently appears in Article 89(1) of Regulation 1306/2013, while expanding **recital 19a** to clarify that wine can be returned to the market if a label that is not in conformity with the rules is corrected; and

b) clarifying, in the labelling rules in **Article 119 of Regulation 1308/2013**, that the option to make the list of ingredients available by electronic means does not apply to allergens and that consumers consulting such lists should not have their data collected or tracked and should not be targeted with marketing material, together with the addition of a new **recital 21a**;

c) adding a transitional rule to **Article 6 for existing wine stocks**;

d) to avoid any ambiguity, removing the remaining reference to a standard quality of sugar beet from **Annex X to Regulation 1308/2013**; and

e) adding a new sales denomination for aromatised wine-based drinks - Wino ziołowe (herbal wine) - to the list in Part B of **Annex II to Regulation 251/2014**.

3. The Finnish Presidency suggested changes are included in the annex, highlighted with grey shading, together with changes proposed earlier by the Austrian and Romanian Presidencies. Text added to the Commission proposal is marked in ***bold italics***, while deleted text is in ~~**bold strikethrough**~~. {Curly brackets} are used to mark Brexit-related items (recital 23a and point 22a of Article 1). The sign "[…]" indicates a deletion compared to a previous presidency text.

ANNEX

~~**Proposal for a** *Draft*~~

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products, (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union and (EU) No 229/2013 laying down specific measures for agriculture in favour of the smaller Aegean islands

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2), Article 114, the first paragraph of Article 118 and Article 349 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[1],

Having regard to the opinion of the Committee of the Regions[2],

Having regard to the opinion of the Court of Auditors,

1 OJ C , , p. .
2 OJ C , , p. .

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'The Future of Food and Farming' of 29 November 2017 sets out the challenges, objectives and orientations for the future Common Agricultural Policy (CAP) after 2020. These objectives include, *inter alia,* the need for the CAP to be more result-driven, to boost modernisation and sustainability, including the economic, social, environmental and climate sustainability of the agricultural, forestry and rural areas, and to help reducing the Union legislation-related administrative burden for beneficiaries.

(2) Since the CAP needs to sharpen its responses to the challenges and opportunities as they manifest themselves at Union, international, national, regional, local and farm levels, it is necessary to streamline the governance of the CAP and improve its delivery on the Union objectives and to significantly decrease the administrative burden. In the CAP based on delivery of performance ('delivery model'), the Union should set the basic policy parameters, such as objectives of the CAP and basic requirements, while Member States should bear greater responsibility as to how they meet the objectives and achieve targets. Enhanced subsidiarity makes it possible to better take into account local conditions and needs, tailoring the support to maximise the contribution to Union objectives.

(3) To ensure coherence of the CAP, all interventions of the future CAP should be part of a strategic support plan which would include certain sectoral interventions that were laid down in Regulation (EU) No 1308/2013 of the European Parliament and of the Council[3].

[3] Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

(4) Annex II to Regulation (EU) No 1308/2013 sets out certain definitions concerning sectors falling within the scope of that Regulation. Definitions concerning the sugar sector set out in Section B of Part II of that Annex should be deleted because they are no longer applicable. In order to update definitions concerning other sectors referred to in that Annex, in light of new scientific knowledge or market developments, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the amendment of those definitions. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council. Consequently, the individual empowerment delegated to the Commission in point 4 of section A of Part II of that Annex to amend the definition of inulin syrup should be deleted.

(5) Part I of Regulation (EU) No 1308/2013 should be simplified. Redundant and obsolete definitions and provisions empowering the Commission to adopt implementing acts should be deleted.

(6) The limits of Union aid for the supply of fruit and vegetables and of milk and milk products in educational establishments, set out in Article 23a of Regulation (EU) No 1308/2013 should be updated.

(7) Provisions concerning Aid schemes set out in Sections 2 to 6 of Chapter II of Title I of Part II of Regulation (EU) No 1308/2013 should be deleted as all types of interventions in these sectors will be set out in Regulation (EU)…/… of the European Parliament and of the Council[4] (*CAP Strategic Plan Regulation)*.

---

[4] Regulation (EU)…/… of the European Parliament and of the Council of …. establishing rules on support for strategic plans to be drawn up by Member States under the Common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Regulation (EU) No 1307/2013 of the European Parliament and of the Council (OJ L …, ..., p…).

(8) In view of the decrease in the actual area planted with vines in several Member States in the years 2014-2017, and in view of the potential loss in production ensuing, when establishing the area for new planting authorisations referred to in Article 63(1) of Regulation (EU) No 1308/2013, Member States should be able to choose between the existing basis and a percentage of the total area actually planted with vines in their territory on 31 July 2015 increased by an area corresponding to the planting rights under Regulation (EC) No 1234/2007 available for conversion into authorisations in the Member State concerned on 1 January 2016.

~~**(9) Rules for classifying wine grape varieties by Member States should be modified to include the wine grape varieties *Noah, Othello, Isabelle, Jacquez, Clinton and Herbemont*, previously excluded. To ensure that wine production in the Union develops a higher resistance to diseases and that it uses vine varieties better adapted to changing climatic conditions, provision should be made allowing *Vitis Labrusca* varieties and varieties stemming from crosses between *Vitis vinifera*, *Vitis Labrusca* and other species of the genus *Vitis* to be planted for wine production in the Union.**~~

(10) To enable producers to use vine varieties that are better adapted to changing climatic conditions and with higher resistance to diseases, provision should be made permitting products using designations of origin not only from vine varieties belonging to *Vitis vinifera* but also from vine varieties stemming from a cross between *Vitis vinifera* and other species of the genus *Vitis*.

(11) Provisions concerning certificates of compliance and analysis reports for imports of wine should be applied in light of the international agreements concluded in accordance with the Treaty on the Functioning of the European Union ('TFEU').

(12) The definition of a designation of origin ***in Regulation (EU) No 1308/2013*** should be aligned with the definition in the Agreement on Trade-Related Aspects of Intellectual Property Rights[5] ('TRIPS Agreement'), approved by Council Decision 94/800/EC[6], in particular with Article 22(1) thereof, in that the name is to identify the product as originating in a specific region or a specific place.

(12a) The geographical environment with its natural and human factors is a crucial element that affects the quality and characteristics of the product which should benefit from a protected designation of origin or geographical indication. Particularly, where fresh products that undergo little or no processing are concerned, natural factors may be predominant in determining the quality and characteristics of the product concerned whilst the human factors' contribution to the quality and characteristics of the product may be less specific. The human factors that may be taken into account should therefore not be limited to specific methods of production or processing, conferring a specific quality to the product concerned, but may involve soil and landscape management, cultivation practices as well as any other human activities that contribute to the maintenance of the essential natural factors that predominantly determine the geographical environment and the quality and characteristics of the product concerned.

---

5 Uruguay Round of Multilateral Trade Negotiations (1986- 1994) - Annex 1 - Annex 1C - Agreement on Trade-Related Aspects of Intellectual Property Rights (WTO) (OJ L 336, 23.12.1994, p. 214).

6 Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986-1994) (OJ L 336, 23.12.1994, p. 1).

(13) To ensure coherent decision-making as regards applications for protection and objection submitted in the preliminary national procedure referred to in Article 96 of Regulation (EU) No 1308/2013 ***and in Article 49 of Regulation (EU) No 1151/2012***, the Commission should be informed in a timely and regular manner when procedures are launched before national courts or other bodies concerning an application for protection forwarded by the Member State to the Commission, as referred to in Article 96(5) of Regulation (EU) No 1308/2013 ***and in Article 49(4) of Regulation (EU) No 1151/2012***. Implementing powers should be conferred on the Commission in order to, in those circumstances and where appropriate, suspend the examination of the application until the national court or other national body has adjudicated on the challenge to the Member State's assessment of the application in the preliminary national procedure. ***Delegated powers should be conferred on the Commission to lay down a non-exhaustive list of grounds for the suspension of the examination or scrutiny of the application.***

(14) Registration of geographical indications should be made simpler and faster by separating the assessment of compliance with intellectual property rules from the assessment of compliance of the product specifications with the requirements laid down in the marketing standards and labelling rules.

(15) The assessment carried out by the competent authorities of Member States is an essential step in the procedure. Member States have knowledge, expertise and access to data and facts that make them the best placed to verify whether the information provided in the application is correct and truthful. Therefore, Member States should guarantee that the result of that assessment, which is to be faithfully recorded in a single document summarising the relevant elements of the product specification, is reliable and accurate. Having regard to the principle of subsidiarity, the Commission should subsequently scrutinise applications to ensure that there are no manifest errors and that Union law and the interests of stakeholders outside the Member State of application are taken into account. ***The Commission should check the applications for manifest errors in order to ensure, in particular, that they contain the required information, are free of obvious substantive errors and that the reasoning presented supports the application.***

(16) The period during which an objection can be made should be extended to three months to ensure that all interested parties have sufficient time to analyse the application for protection and the possibility to submit a statement of objection. To ensure that the same procedure for objections is applied under Regulation (EU) No 1308/2013 and under Regulation (EU) No 1151/2012 of the European Parliament and of the Council[7] and thus enable Member States to forward objections stemming from natural or legal persons residing or established in their territory to the Commission in a coordinated and efficient manner, objections from natural or legal persons should be submitted via the authorities of the Member State in which they reside or are established. To simplify the objection procedure, the Commission should be empowered to reject inadmissible statements of objection in the implementing act conferring protection. Therefore, Article 111 of Regulation (EU) No 1308/2013 conferring implementing powers on the Commission to reject inadmissible objections under a separate implementing act should be deleted.

(17) To increase procedural efficiency and in order to ensure uniform conditions for the conferral of protection on designations of origin or geographical indications, implementing powers should be conferred on the Commission to adopt implementing acts conferring protection without recourse to the examination procedure in circumstances where no admissible statement of objections to the application for protection has been submitted. Where an admissible statement of objection has been submitted, implementing powers should be conferred on the Commission to adopt implementing acts in accordance with the examination procedure either conferring protection or rejecting the application for protection.

---

[7] Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

(18) ~~**Having due regard to the TRIPS Agreement, in particular to Articles 22 and 23 thereof, and to the General Agreement on Tariffs and Trade[8] ('GATT Agreement') in particular Article V thereof on freedom of transit, both of which were approved by Council Decision 94/800/EC and aim at strengthening the protection of designations of origin and geographical indications, and to combat counterfeiting more effectively, the protection conferred by Article 103(2) of Regulation (EU) No 1308/2013 should be extended to cover goods which are in transit across the Union customs territory and to goods which are sold over the internet or by other means of electronic commerce**~~. ***Concerning the protection of geographical indications, it is important to have due regard to the General Agreement on Tariffs and Trade ('GATT Agreement') including Article V thereof on freedom of transit, which was approved by Council Decision 94/800/EC. Within such legal framework, in order to strengthen geographical indication protection and to combat counterfeiting more effectively, the protection should also apply with regard to goods entering the customs territory of the Union, without being released for free circulation, and placed under customs special procedures such as transit, storage, specific use or processing. The protection conferred by Articles 103(2) of Regulation (EU) No 1308/2013 and 13 and 24 of Regulation (EU) No 1151/2012 to geographical indications and traditional specialities guaranteed should be extended to cover goods which are sold over the internet or by other means of electronic commerce. Traditional specialities guaranteed should also be protected against misuse, imitation and evocation where they refer to products used as ingredients.***

(19) It should be possible to cancel the protection of a designation of origin or geographical indication in circumstances where they are no longer in use or where the applicant referred to in Article 95 of Regulation (EU) No 1308/2013 no longer wishes to maintain that protection.

---

8 Uruguay Round of Multilateral Trade Negotiations (1986 - 1994) – Annex 1 – Annex 1A – General Agreement on Tariffs and Trade in Goods (WTO) (OJ L 336, 23.12.1994, p. 1).

(19a) Within the framework of the CAP reform, provisions concerning withdrawal from the market of products that do not comply with the labelling rules should be integrated into Regulation (EU) No 1308/2013. In view of the […] increasing consumer demand for product controls, Member States should take measures to ensure that products which are not labelled in conformity with that Regulation are not placed on the market or, if they have already been placed on the market, are withdrawn from it. […] Withdrawal includes the possibility to correct the labelling of the products without definitely removing them from the market.

(20) In view of the ever increasing consumer demand for innovative grapevine products with a lower actual alcoholic strength than the minimum actual alcoholic strength set out for grapevine products in Part II of Annex VII to Regulation (EU) No 1308/2013, it should be possible to produce such innovative grapevine products also in the Union.

(21) It is necessary to provide for definitions of de-alcoholised grapevine products and partially de-alcoholised grapevine products. These definitions should take into account the definitions set out in the Resolutions of the International Organisation of Vine and Wine (OIV), OIV-ECO 433-2012 *Beverage Obtained By Partial Dealcoholisation of Wine* and OIV-ECO 523-2016 *Wine With An Alcohol Content Modified by Dealcoholisation.*

(21a) In order to provide a higher level of information to consumers, the mandatory labelling of wine with a nutrition declaration, limited to the energy value only, and the list of ingredients should be added to Article 119 of Regulation 1308/2013 under compulsory particulars. As stated in Article 118 of that Regulation, the specific rules laid down in Regulation 1169/2011 should apply to the labelling and presentation. Producers should have the option of making the list of ingredients available by electronic means, while avoiding any collection or tracking of user data and the provision of information aimed at marketing purposes. However, this should not affect the existing requirement to list substances causing allergies or intolerances on the label. In Article 122 of that Regulation, the Commission should be empowered to adopt delegated acts regarding conditions relating to the presentation and use of the nutrition declaration and of the list of ingredients. The marketing of existing stocks of wine should be allowed to continue after the dates of application of the new labelling requirements, until those stocks are exhausted.

(22) In order to ensure that the rules governing labelling and presentation of products in the wine sector also apply to de-alcoholised or partially de-alcoholised grapevine products, to establish rules governing the dealcoholisation processes for the production of certain de-alcoholised or partially de-alcoholised grapevine products within the Union, and rules concerning the conditions of use of closures in the wine sector in order to ensure that consumers are protected from misleading use of certain closures associated with certain beverages and from hazardous closure materials that may contaminate the beverages, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(23) The rules on production and the requirements applying to the sugar sector expired at the end of the 2016/2017 marketing year. Article 124 and Articles 127 to 144 of Regulation (EU) No 1308/2013 are now obsolete and should be deleted.

(23a) {Following the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union, Union milk production will decrease. Consequently, in order to ensure the continuation of current conditions for producer organisations, the percentage representing the volume of raw milk should be updated.}

~~**(24) Measures and rules concerning imports of hemp set out in Article 189 of Regulation (EU) No 1308/2013 are redundant and obsolete and should be deleted.**~~

(25) Articles 192 and 193 of Regulation (EU) No 1308/2013 should be deleted as such measures are no longer necessary in view of the end of the production regulation in the sugar sector. In order to ensure that the Union market is adequately supplied by means of imports from third countries, ***delegated and*** implementing powers should be conferred on the Commission to suspend import duties for cane and beet molasses.

(26) The Ministerial Decision of 19 December 2015 on Export Competition of the 10th WTO Ministerial Conference in Nairobi[9] sets down rules on export competition measures. As regards export subsidies, WTO members are required to eliminate their export subsidy entitlements as of the date of that Decision. Therefore, Union provisions on export refunds set out in Articles 196 to 204 of Regulation (EU) No 1308/2013 should be deleted.

(27) In respect of export credits, export credit guarantees and insurance programmes, agricultural exporting state trading enterprises and international food aid, Member States may adopt national measures respecting Union law. Since the Union and its Member States are WTO Members, such national measures should also comply with the rules laid down in that WTO Ministerial Decision of 19 December 2015, as a matter of Union law and international law.

(28) Obsolete reporting obligations of the Commission regarding the milk and milk products market, the extension of the school scheme scope and the application of competition rules to the agriculture sector should be deleted. Reporting obligations concerning the apiculture sector should be integrated in Regulation (EU) …/… (*CAP Strategic Plan Regulation)*.

---

9 WT/MIN(15)/45, WT/L//980

(29) In view of the repeal of Regulation (EU) No 1306/2013 of the European Parliament and of the Council[10] by Regulation (EU)…/… (*CAP Strategic Plan Regulation)*, provisions concerning checks and penalties related to marketing standards and protected designations of origin, geographical indications and traditional terms should be integrated in Regulation (EU) No 1308/2013.

(30) Provisions concerning the reserve for crises in the agricultural sector laid down in Chapter III of Part V of Regulation (EU) No 1308/2013 should be deleted as updated provisions concerning the agricultural reserve are laid down in Regulation (EU) …/… of the European Parliament and of the Council[11] (*Horizontal Regulation)*.

(31) In view of the limited number of registrations of geographical indications of aromatised wines under Regulation (EU) No 251/2014 of the European Parliament and of the Council[12] the legal framework for the protection of geographical indications for those products should be simplified. Aromatised wines and other alcoholic beverages with the exception of spirit drinks and of grapevine products listed in Part II of Annex VII to Regulation (EU) No 1308/2013 should have the same legal regime and procedures as other agricultural products and foodstuffs. The scope of Regulation (EU) No 1151/2012 should be extended to cover those products. Regulation (EU) No 251/2014 of the European Parliament and of the Council should be amended to take account of this change as regards its title, scope, definitions and provisions concerning labelling of aromatised wine products. A smooth transition for the names protected under Regulation (EU) No 251/2014 should be ensured.

---

10 Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549).

11 Regulation (EU)…/… of the European Parliament and of the Council of …. on the financing and monitoring of the common agriculture policy and repealing Regulation (EU) No 1306/2013 (OJ L …, ..., p…).

12 Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91 (OJ L 84, 20.3.2014, p. 14).

(32) Procedures related to the registration of protected designations of origin, protected geographical indications and traditional specialities guaranteed laid down in Regulation (EU) No 1151/2012 should be streamlined and simplified to ensure that new names can be registered within shorter time periods. The opposition procedure should be simplified. ***The reasoned statement of oposition should indicate all the grounds for oposition and details thereof. This should not prevent the opponent from adding and developing further details in the course of the consultations referred to in Article 51(3) of Regulation (EU) No 1151/2012.***

(33) Provision should be made for specific derogations that permit the use of other names alongside the registered name of a traditional speciality guaranteed. The Commission should fix transitional periods for the use of designations that contain names of traditional specialities guaranteed, in line with the conditions for such transitional periods already in existence for protected designations of origin and protected geographical indications.

(34) The procedure for approval of amendments to product specifications laid down in Regulation (EU) No 1151/2012 should be simplified by introducing a distinction between Union and standard amendments. In accordance with the subsidiarity principle, Member States should be responsible for approving standard amendments and the Commission should retain responsibility for approving Union amendments to product specifications.

(35) The amounts of financial resources available to finance measures under Regulations (EU) No 228/2013[13] and (EU) No 229/2013 of the European Parliament and of the Council [14] should be updated.

---

13 Regulation (EU) No 228/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in the outermost regions of the Union and repealing Council Regulation (EC) No 247/2006 (OJ 78, 20.3.2013, p. 23).

14 Regulation (EU) No 229/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in favour of the smaller Aegean islands and repealing Council Regulation (EC) No 1405/2006 (OJ L 78, 20.3.2013, p. 41).

(36) Regulations (EU) No 1308/2013, (EU) No 1151/2012, (EU) No 251/2014, (EU) No 228/2013 and (EU) No 229/2013 should therefore be amended accordingly.

(37) Transitional arrangements should be put in place for applications for protection and for the registration of protected designations of origin, geographical indications and traditional specialities guaranteed that have been submitted before the date of entry into force of this Regulation and for the expenditure incurred before 1 January 2021 under the aid schemes for olive oil and table olives, fruit and vegetables, wine, apiculture and hops established in Articles 29 to 60 of Regulation (EU) No 1308/2013.

(38) In order to ensure a smooth transition to the new legal framework laid down in Regulation (EU) …/… (*CAP Strategic Plan Regulation),* the provisions concerning amendments to Regulation (EU) No 1308/2013 as regards certain aid schemes and the reserve for crisis in the agricultural sectors and the provisions concerning amendments to Regulations (EU) No 228/2013 and (EU) No 229/2013 should apply from 1 January 2021,

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) No 1308/2013

Regulation (EU) No 1308/2013 is amended as follows:

(1) Article 3 is amended as follows:

(a) paragraph 2 is deleted;

(b) paragraphs 3 and 4 are replaced by the following:

'3. The definitions set out in Regulation (EU) …/… of the European Parliament and of the Council*[*Horizontal Regulation*] and Regulation (EU) …/… of the European Parliament and of the Council** [*CAP Strategic Plan Regulation*] shall apply for the purposes of this Regulation, save as otherwise provided for in this Regulation.

4. The Commission shall be empowered to adopt delegated acts**,** in accordance with Article 227**,** amending the definitions concerning the sectors set out in Annex II to the extent necessary to update the definitions in light of market developments ***and without adding additional definitions.';***

*** Regulation (EU) …/… of the European Parliament and of the Council of …. on the financing and monitoring of the common agriculture policy and repealing Regulation (EU) No 1306/2013 (OJ L …, ..., p…).**

**** Regulation (EU) …/… of the European Parliament and of the Council of …. establishing rules on support for strategic plans to be drawn up by Member States under the Common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Regulation (EU) No 1307/2013 of the European Parliament and of the Council (OJ L …, ..., p…).';**

(2) Article 5 is replaced by the following:

'Article 5

Conversion rates for rice

The Commission may adopt implementing acts fixing the conversion rates for rice at various stages of processing.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).';

(3) Article 6 is deleted;

(4) Chapter II of Title I of Part II is amended as follows:

(a) the title is replaced by:

'CHAPTER II

Aid for the supply of fruit and vegetables and of milk and milk products in educational establishments';

(b) the heading 'Section 1' and its title are deleted;

(c) Article 23a is amended as follows:

(i) paragraph 1 is replaced by the following:

'1. Without prejudice to paragraph 4 ***of this Article***, the aid under the school scheme allocated for the distribution of products, the accompanying educational measures and the related costs referred to in Article 23(1) shall not exceed [EUR 220 804 135] per school year.

Within that overall limit, the aid shall not exceed:

(a) for school fruit and vegetables: [EUR 130 608 466] per school year;

(b) for school milk: [EUR 90 195 669] per school year.';

(ii) in the third subparagraph of paragraph 2, the last sentence is deleted;

(iii) ***in*** paragraph 4 ***the first sentence*** is replaced by the following:

'4. Without exceeding the overall limit of [EUR 220 804 135] laid down in paragraph 1, any Member State may transfer once per school year up to 20% of either one or the other of its indicative allocations.';

(d) Sections 2 to 6 ***(***covering Articles 29 to 60***)*** are deleted;

(5) in Article 63, paragraph 1 is replaced by the following:

'1. Member States shall make available each year authorisations for new plantings corresponding to either:

(a) 1% of the total area actually planted with vines in their territory, as measured on 31 July of the previous year; or

(b) 1% of an area comprising the area actually planted with vines in their territory, as measured on 31 July 2015, and the area covered by planting rights granted to producers in their territory in accordance with Articles 85h, 85i or 85k of Regulation (EC) No 1234/2007 and available for conversion into authorisations on 1 January 2016, as referred to in Article 68 of this Regulation.';

(5a) in Article 64, paragraph 2 is amended as follows:

(a) points (f) and (h) are replaced by the following:

'(f) areas to be newly planted which contribute to the increase of the production of holdings of the wine sector that have recorded an increase of their sales proceeds or competitiveness or presence on the markets;

(h) areas to be newly planted in the framework of increasing the size of small and medium-sized vine holdings;'

(b) the following point is added:

'(i) producers who have been operating in the wine sector for at least 10 years.'

(5b) in Article 68, paragraph 1a is added:

'After 31 December 2020, the areas covered by planting rights that have not been converted into authorisations remain at the disposal of Member State to be reallocated, in application of Article 66 of this Regulation, at the latest by 31 December 2023.'

~~**(6) in Article 81, paragraph 2 is replaced by the following:**~~

~~**'2. Subject to paragraph 3, Member States shall classify which wine grape varieties may be planted, replanted or grafted in their territories for the purpose of wine production.**~~

~~**Member States may classify wine grape varieties where:**~~

~~**(a) the variety concerned belongs to the species *Vitis vinifera* or *Vitis Labrusca;* or**~~

~~**(b) the variety concerned comes from a cross between the species *Vitis vinifera*, *Vitis Labrusca* and other species of the genus *Vitis*.**~~

~~**Where a wine grape variety is deleted from the classification referred to in the first subparagraph, grubbing up of this variety shall take place within 15 years of its deletion.';**~~

(7) in Article 90, paragraph 3 is replaced by the following:

'3. Save as otherwise provided for in international agreements concluded in accordance with the TFEU, the import of the products referred to in paragraph 1 shall be subject to the presentation of:

(a) a certificate evidencing compliance with the provisions referred to in paragraphs 1 and 2, drawn up by a competent body, included on a list to be made public by the Commission, in the product's country of origin;

(b) an analysis report drawn up by a body or department designated by the product's country of origin, if the product is intended for direct human consumption.';

(8) in Section 1 of Chapter 1 of Title II of Part II, the following subsection ~~4a~~ is inserted:

'Subsection 4a

Checks and penalties

Article 90a

Checks and penalties related to marketing rules

0a. Member States shall take measures to ensure that the products referred to in Article 119(1) which are not labelled in conformity with this Regulation are not placed on the market or, if they have already been placed on the market, are withdrawn from it […]**.**

0b. Without prejudice to any specific provisions which may be adopted by the Commission, imports into the Union of the products specified in points (a) and (b) of paragraph 1 of Article 189 of this regulation shall be subject to checks to determine whether the conditions provided for in paragraph 1 of that Article are met.

0c. Member States shall carry out checks, based on a risk analysis, in order to verify whether the products referred to in Article 1(2) conform to the rules laid down in this Section and shall, as appropriate, apply administrative penalties.

1. Without prejudice to acts concerning the wine sector that have been adopted pursuant to Article 57 of Regulation (EU) […/…] (*Horizontal Regulation)*, in the event of infringement of Union rules in the wine sector, Member States shall apply proportionate, effective and dissuasive administrative penalties in accordance with Title IV, Chapter I of that Regulation (*Horizontal Regulation*). ***Member States shall not apply such penalties where the non-compliance is of a minor nature.***

2. In order to protect Union funds and to protect the identity, provenance and quality of Union wine, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 relating to:

(a) the establishment of an analytical databank of isotopic data to help detect fraud to be constructed on the basis of samples collected by Member States;

(b) rules governing control bodies and the mutual assistance between them;

(c) rules governing the common use of the findings of Member States.

3. The Commission may adopt implementing acts laying down all measures necessary for establishing:

(a) the procedures relating to Member States' ~~own~~***respective*** databanks and to the analytical databank of isotopic data that will help detect fraud;

(b) the procedures relating to cooperation and assistance between control authorities and bodies;

(c) as regards the obligation referred to in paragraph ~~3~~**[*0b*]**, rules for performing checks on compliance with marketing standards, rules governing the authorities responsible for performing the checks, as well as on the content, the frequency and the marketing stage to which those checks are to apply.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).';

(9) Article 93 is amended as follows:

(a) in paragraph 1, point (a) is replaced by the following:

'(a) 'a designation of origin' means a name which identifies a product, as referred to in Article 92(1):

(i) whose quality or characteristics are essentially or exclusively due to a particular geographical environment, with its inherent natural factors and~~,~~ **~~where relevant,~~** human factors;

(ii) as originating in a specific place, region or, in exceptional cases, a country;

(iii) produced from grapes which originate exclusively from that geographical area;

(iv) the production of which takes place in that geographical area; and

(v) which is obtained from vine varieties belonging to *Vitis vinifera* or a cross between the *Vitis vinifera* species and other species of the genus *Vitis*.';

(b) in paragraph 2, point (c) is replaced by the following:

'(c) fulfil the requirements referred to in points (a)(i) to (v) of paragraph 1; and';

(c) paragraph 4 is replaced by the following:

'4. Production, as referred to in points (a)(iv) and (b)(iii) of paragraph 1, shall cover all the operations involved, from the harvesting of the grapes to the completion of the wine-making processes, with the exception of ***the harvesting of the grapes not coming from the geographical area concerned as referred to in point (b)(ii) of Article 93(1) and with the exception of*** any post-production processes.';

(10) ~~in~~ Article 94~~(1),~~ ***is amended as follows:***

(a) in paragraph 1, the introductory ~~sentence~~ ***wording*** is replaced by the following:

'Applications for protection of names as designations of origin or geographical indications shall include:'

(b) in paragraph 2, point (g) is replaced by the following:

'(g) the details bearing out the link referred to in point (a)(i) of, or, as the case may be, in point (b)(i), of Article 93(1):

(i) as regards a protected designation of origin, the link between the quality or characteristics of the product and the geographical environment referred to in point (a)(i) of Article 93(1); the details concerning the human factors of that geographical environment may, where relevant, be limited to a description of the soil and landscape management, cultivation practices or any other relevant human contribution to the maintenance of the natural factors of the geographical environment referred to in Article 93(1);

(ii) as regards a protected geographical indication, the link between a specific quality, the reputation or other characteristic of the product, and the geographical origin referred to in point (b)(i) of Article 93(1);';

(11) in Article 96, the following paragraph**~~s 6 and 7 are~~** ***is*** added:

'6. The Member State shall inform the Commission without delay if any procedure is initiated before a national court or other national body concerning an application for protection that the Member State has forwarded to the Commission, in accordance with paragraph 5.***';***

~~7. Where appropriate, the Commission may adopt implementing acts to suspend the examination of the application referred to in Article 97(2) until a national court or other national body has adjudicated on a challenge to an application for protection where the Member State has considered that the requirements are fulfilled in a preliminary national procedure in accordance with paragraph 5.~~

~~Those implementing acts shall be adopted without applying the procedure referred to in Article 229(2) or (3).';~~

(12) in Article 97, paragraphs 2, 3 and 4 are replaced by the following:

'2. The Commission shall examine applications for protection that it receives in accordance with Article 94 and Article 96(5). **~~It~~*****The Commission*** shall **~~scrutinise them~~** ***check that the applications contain the required information and that they do not contain*** **~~for~~** manifest errors, taking into account the outcome of the preliminary national procedure carried out by the Member State concerned.

Scrutiny by the Commission should not exceed a period of six months from the date of receipt of the application from the Member State. Where this period is exceeded, the Commission shall inform the applicants ***of the reasons for the delay,*** in writing ~~**of the reasons for this delay**~~.

3. In duly justified cases, including as set out in the framework provided by the delegated acts referred to in Article 109(6), the Commission may adopt implementing acts to suspend the examination of the application referred to in Article 97(2) until a national court or other national body has adjudicated on a challenge to an application for protection where the Member State has considered that the requirements are fulfilled in a preliminary national procedure in accordance with Article 96(5).

Those implementing acts shall be adopted without applying the procedure referred to in Article 229(2) or (3).';

~~**3**~~ ***4***. Where, on the basis of the scrutiny carried out pursuant to paragraph 2 of this Article, the Commission considers that the conditions laid down in Articles 93, 100 and 101 are met, it shall adopt implementing acts concerning the publication, in the *Official Journal of the European Union*, of the single document referred to in point (d) of Article 94(1) and of the reference to the publication of the product specification made in the course of the preliminary national procedure.

Those implementing acts shall be adopted without applying the procedure referred to in Article 229(2) or (3).

~~4~~ ***5***. Where, on the basis of the scrutiny carried out pursuant to paragraph 2 of this Article, the Commission considers that the conditions laid down in Articles 93, 100 and 101 are not met***,*** it shall adopt implementing acts rejecting the application.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).';

(13) Articles 98 and 99 are replaced by the following:

'Article 98

Objection procedure

Within three months from the date of publication in the *Official Journal of the European Union*~~,~~ of the single document referred to in point (d) of Article 94(1), the authorities of a Member State or of a third country, or any natural or legal person resid~~ent~~***ing*** or established in a third country ***and*** having a legitimate interest ~~**and resident or established in a third country**~~, may submit a ***reasoned*** statement of objection to the Commission opposing the proposed protection. ~~**A statement of objection shall be duly substantiated.**~~

Any natural or legal person ***residing or established in a Member State other than the Member State that forwarded the application for protection and*** having a legitimate interest ~~**and resident or established in a Member State other than the Member State that forwarded the application for protection,**~~ may submit the statement of objection via the authorities of the Member State in which it is resident or established within a time limit permitting a statement of objections to be lodged ~~**within the time limit referred to in**~~ ***pursuant to*** the first paragraph.

Article 99

Decision on protection

1. Where the Commission has not received an admissible statement of objection in accordance with Article 98, it shall adopt implementing acts conferring the protection. Those implementing acts shall be adopted without applying the examination procedure referred to in Article 229(2) or (3).

2. Where the Commission has received an admissible statement of objection***,*** it shall adopt implementing acts either conferring protection or rejecting the application. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

3. Protection conferred pursuant to this Article shall be without prejudice to ***the*** compliance of products concerned with other Union rules relating in particular to the placing of products on the market, marketing and to food labelling.'***;***

(13a) Article 102 is replaced by the following:

'Article 102

Relationship with trade marks

1. Where a designation of origin or a geographical indication is registered under this Regulation, the registration of a trade mark the use of which would contravene Article 103(2), and which relates to a product falling under one of the categories listed in Part II of Annex VII, shall be refused if the application for registration of the trade mark is submitted after the date of submission of the registration application in respect of the designation of origin or the geographical indication to the Commission.

Trade marks registered in breach of the first subparagraph shall be invalidated.

2. Without prejudice to Article 101(2) of this Regulation, a trade mark the use of which contravenes Article 103 of this Regulation, which has been applied for, registered or established by use, if that possibility is provided for by the legislation concerned, in good faith within the territory of the Union, before the date on which the application for protection of the designation of origin or geographical indication is submitted to the Commission, may continue to be used and renewed notwithstanding the registration of a designation of origin or geographical indication, provided that no grounds for the trade mark's invalidity or revocation exist under Directive 2008/95/EC of the European Parliament and of the Council[15] or under Council Regulation (EC) No 207/2009[16].

In such cases, the use of the designation of origin or geographical indication shall be permitted as well as use of the relevant trade marks.';

(14) ~~in~~ Article 103~~,~~ *is amended as follows:*

(a) in paragraph 2, points (a) and (b) are replaced by the following:

'(a) any direct or indirect commercial use of that protected name, including the use for products used as ingredients,

(i) by comparable products not complying with the product specification of the protected name; or

(ii) in so far as such use exploits the reputation of a designation of origin or a geographical indication;'

[15] Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks (OJ L 299, 8.11.2008, p. 25).
[16] Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (OJ L 78, 24.3.2009, p. 1).

'(b) any misuse, imitation or evocation, even if the true origin of the product or service is indicated or if the protected name is translated, transcripted or transliterated or accompanied by an expression such as "style", "type", "method", "as produced in", "imitation", "flavour", "like" or similar, including when those products are used as ingredients;'

(b) the following paragraph **4** is added:

'4. The protection referred to in paragraph 2 shall also apply with regard to

(a) goods entering the customs territory of the Union without being released for free circulation within the customs territory of the Union***;*** and

(b) ~~**with regard to**~~ goods sold through means of ***distance selling such as*** electronic commerce ~~**in the Union**~~**.';**

For goods entering the customs territory of the Union without being released for free circulation within that territory, the group of producers or any operator entitled to use the protected designation of origin or protected geographical indication shall be entitled to prevent all third parties from bringing goods, in the course of trade, into the Union without being released for free circulation there, where such goods, including packaging, come from third countries and bear without authorisation the protected designation of origin or protected geographical indication.';

(15) Article 106 is replaced by the following:

'Article 106

Cancellation

The Commission may, on its own initiative or at the duly substantiated request of a Member State, a third country, or a natural or legal person having a legitimate interest, adopt implementing acts cancelling the protection of a designation of origin or a geographical indication in one or more of the following circumstances:

(a) where compliance with the corresponding product specification is no longer guaranteed;

(b) where no product has been placed on the market bearing the designation of origin or geographical indication for at least seven consecutive years;

(c) where an applicant satisfying the conditions laid down in Article 95 declares that it no longer wants to maintain the protection of a designation of origin or a geographical indication.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).';

(15a) in Article 109, the following paragraph is added:

'6. The Commission shall adopt delegated acts, in accordance with Article 227, to supplement this Regulation by laying down a non-exhaustive list of grounds for the suspension of the scrutiny.';

(16) Article 111 is deleted;

(17) in Section 2 of Chapter I of Title II of Part II, the following ~~s~~Subsection ~~4~~ is added:

'Subsection 4

Checks related to designations of origin, geographical indications and traditional terms

Article 116a

Checks

1. Member States shall take the necessary steps to stop unlawful use of protected designations of origin, protected geographical indications and protected traditional terms referred to in this Regulation.

2. Member States shall designate the competent authority responsible for carrying out the checks in respect of the obligations laid down in this Section. To that end, Articles 4(2), 4(4), 5(1), 5(4) and 5(5) of Regulation (EU) 2017/625 of the European Parliament and of the Council* shall apply.

3. Within the Union, the competent authority referred to in paragraph 2 ***of this Article*** or one or more delegated bodies within the meaning of point (5) of Article 3 of Regulation (EU) 2017/625 operating as a product certification body in accordance with the criteria laid down in Chapter III of Title II of that Regulation, shall verify annual compliance with the product specification, during the wine production and during or after conditioning.

4. The Commission shall adopt implementing acts concerning the following:

(a) the communication to be made by the Member States to the Commission;

(b) rules governing the authority responsible for verifying compliance with the product specification, including where the geographical area is in a third country;

(c) the actions to be implemented by the Member States to prevent the unlawful use of protected designations of origin, protected geographical indications and protected traditional terms;

(d) the checks and verification to be carried out by the Member States, including testing.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

* **Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).';**

(18) Article 119 is amended as follows:

(a) ~~in~~ paragraph 1~~, the introductory sentence is replaced by the following~~ ***is amended as follows***:

(i) the introductory wording is replaced by the following:

'Labelling and presentation of the products referred to in points 1 to 11, 13, 15, 16, 18 and 19 of Part II of Annex VII marketed in the Union or for export shall contain the following compulsory particulars:';

(ii) the following points are added:

'(h) the nutrition declaration pursuant to Article 9 of Regulation (EU) No 1169/2011, which may be limited to the energy value only;

(i) the list of ingredients pursuant to Article 9(1)(b) of Regulation (EU) No 1169/2011, which may be provided in electronic form identified on the label or packaging, in which case no user data shall be collected or tracked and no information aimed at marketing purposes shall be provided. Substances listed in Annex II to Regulation (EU) No 1169/2011 shall be provided on the label.'

~~**(b) the following paragraph 4 is added:**~~

~~**'4 Member States shall take measures to ensure that the products referred to in paragraph 1 which are not labelled in conformity with the provisions of this Regulation are not placed on the market, or are withdrawn from it if already placed on the market.'**~~

(19) in Article 120(1), the introductory ~~**sentence**~~ ***wording*** is replaced by the following:

'Labelling and presentation of the products referred to in points 1 to 11, 13, 15, 16, 18 and 19 of Part II of Annex VII may, in particular, contain the following optional particulars:';

(20) in Article 122, paragraph 1 is amended as follows:

(a) ~~in~~ point (b)~~,~~ ***is amended as follows***:

(i) point (ii) is deleted;

(ii) the following points are added:

'(vi) conditions concerning the presentation and use of the nutrition declaration and of the list of ingredients.'

(b) in point (c), the following point ~~(iii)~~ is added:

'(iii) terms referring to a holding and the conditions for their use.';

(c) in point (d), point (i) is replaced by the following:

'(i) the conditions of use of certain bottle shapes and of closures, and a list of certain specific bottle shapes;';

(21) Section 1 of Chapter II of Title II of Part II is amended as follows:

(a) Article 124 is deleted;

(aa) in Article 125, paragraph 3 is replaced by the following:

'3. Agreements within the trade shall conform to the purchase terms laid down in Annex X.';

(b) the heading "Subsection 1" and its title are deleted;

(c) Subsections 2 and 3 covering Articles 127 to 144 are deleted;

(22) in Article 145(3), the first sentence is replaced by the following:

'Member States which provide in their CAP strategic plans for restructuring and conversion of vineyards in accordance with point (a) of Article 52(1) of Regulation (EU) …/…[*CAP Strategic Plan Regulation*], shall on the basis of the vineyard register submit to the Commission by 1 March each year an updated inventory of their production potential.';

(22a) {in Article 149(2), point (c)(i) is replaced by the following:

'(i) the volume of raw milk covered by such negotiations does not exceed 4% of total Union production,';}

(22b) in Section 4 of Chapter III of Title II, the following Article is inserted:

'Article 167a

Marketing rules to improve and stabilise the operation of the common olive oil market

1. In order to improve and stabilise the operation of the common market in the olive oil sector, producer Member States may lay down marketing rules to regulate supply.

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 yield that would otherwise be available.

2. The rules provided for in paragraph 1 shall be brought to the attention of operators by being published in full in an official publication of the Member State concerned.

3. Member States shall notify the Commission of any decisions taken under this Article.'

~~**(23) Article 189 is deleted;**~~

(24) Articles 192 and 193 are deleted;

(25) in Chapter IV, the following Article ~~**193a**~~ is added:

'Article 193a

Suspension of import duties for molasses

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 227 establishing rules for the suspension of import duties in whole or in part for molasses falling within CN Code 1703.

2. In application of the rules referred to in paragraph 1, t*~~**T**~~he Commission may adopt implementing acts ***to suspend~~**ing**~~ ***in whole or in part*** import duties ~~**in whole or in part**~~ for molasses falling within CN Code 1703~~**.,Those implementing acts shall be adopted**~~ without applying the procedure referred to in Article 229(2) or (3).';

(26) ~~**I*i***~~n Part III***,*** Chapter VI~~**,** ***(***~~covering Articles 196 to 204***),*** is deleted;

(26a) Article 212 is deleted;

(26b) in Article 214, the term "marketing" is deleted;

(26c) Article 214a is replaced by the following:

'Article 214a

National payments for certain sectors in Finland

Subject to authorisation by the Commission, for the period 2021-2027, Finland may continue to grant national aids which it granted in 2020 to producers on the basis of this Article provided that:

(a) the total amount of income aid is degressive over the whole period and in 2027 does not exceed 67% of the amount granted in 2020; and

(b) prior to any recourse to this possibility, full use has been made of the support schemes under the CAP for the sectors concerned.

The Commission shall adopt its authorisation without applying the procedure referred to in Article 229(2) or (3) of this Regulation.'

(26d) in Article 219(1), the fourth subparagraph, the words "or provide for export refunds" are deleted;

(27) ~~I~~***i***n Article 225, points (a) to (d) are deleted;

(28) ~~I~~***i***n Part V, Chapter III ***(***covering Article 226***)*** is deleted~~.~~***;***

(29) ~~**Part II of**~~ ***in*** Annex II, ***Part II*** is amended as follows:

(a) in point 4 of Section A, the second sentence is deleted;

(b) Section B is deleted;

(30) Annex III is amended as follows:

(a) the title is replaced by the following:

'STANDARD QUALITY OF RICE AND SUGAR AS REFERRED TO IN ARTICLE 1a OF REGULATION (EU) No 1370/2013*

* **Council Regulation (EU) No 1370/2013 of 16 December 2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products (OJ L 346, 20.12.2013, p. 12)';**

(b) in Part B, Section I is deleted;

(31) Annex VI is deleted;

(32) in Part II of Annex VII, the following points ~~**(18) and (19)**~~ are added:

'(18) The term 'de-alcoholised' ~~**may**~~ ***shall*** be used together with the name of the grapevine products referred to in points 1 and 4 to 9, where the product:

(a) is obtained from wine as defined in point 1, sparkling wine as defined in point 4, quality sparkling wine as defined in point 5, quality aromatic sparkling wine as defined in point 6, aerated sparkling wine as defined in point 7, semi-sparkling wine as defined in point 8, or from aerated semi-sparkling wine as defined in point 9;

(b) has undergone a dealcoholisation treatment in accordance with the processes specified in Section E of Part I of Annex VIII; and

(c) has a***n*** ~~**total**~~***actual*** alcoholic strength of no more than 0,5% by volume.

(19) The term 'partially de-alcoholised' ~~may~~ ***shall*** be used together with the name of the grapevine products referred to in points 1 and 4 to 9, where the product:

(a) is obtained from wine as defined in point 1, sparkling wine as defined in point 4, quality sparkling wine as defined in point 5, quality aromatic sparkling wine as defined in point 6, aerated sparkling wine as defined in point 7, semi-sparkling wine as defined in point 8, or from aerated semi-sparkling wine as defined in point 9;

(b) has undergone a dealcoholisation treatment in accordance with the processes specified in Section E of Part I of Annex VIII; and

(c) has a***n*** ~~total~~***actual*** alcoholic strength of more than 0,5% by volume ***and less than the alcohol content stipulated for products under point (a)***. ***F***~~f~~ollowing the processes specified in Section E of Part I of Annex VIII, ~~its total~~***the actual*** alcoholic strength ***of the product*** is reduced by more than 20% ~~by volume~~ compared to its initial total alcoholic strength.';

(32a) in point 2(g) of Appendix I of Annex VII the word "area" is replaced by "wine-growing region";

(32b) in Appendix I of Annex VII, point 4(f) is replaced by the following:

'in Romania, areas planted with vines in the following wine growing regions: Dealurile Munteniei și Olteniei with Dealurile Buzăului, Dealu Mare, Severinului and Plaiurile Drâncei, Colinele Dobrogei, Terasele Dunării, the South wine region, including sands and other favourable regions.';

(32c) in Appendix I of Annex VII point 4(g) is replaced by the following:

'(g) in Croatia, areas planted with vines in the following sub-regions: Hrvatska Istra, Hrvatsko primorje and Dalmatinska zagora.';

(32d) in point 6 of Appendix I of Annex VII, the following point is added:

'(h) in Croatia, areas planted with vines in the following sub-regions: Sjeverna Dalmacija and Srednja i Južna Dalmacija.';

(32e) in Section B of Part I of Annex VIII, point 7(b) is replaced by the following:

'(b) raise the total alcoholic strength by volume of the products referred to in paragraph 6 for the production of wines with a protected designation of origin or a protected geographical indication to a level to be determined by Member States.';

(32f) in Part I of Annex VIII, Section C is replaced by the following:

'C. Acidification and de-acidification

1. *Fresh grapes, grape must, partially fermented grape must, new wine still in fermentation and wine may be subject to acidification and de-acidification.*

2. *Acidification of the products, referred to in point 1 may be carried out only up to a limit of 4 g/l expressed as tartaric acid, or 53,3 milliequivalents per litre.*

3. *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.*

4. *Grape must intended for concentration may be partially de-acidified.*

5. Acidification and enrichment, except by way of derogation to be adopted by the Commission by means of delegated acts pursuant to Article 75(2), and acidification and de-acidification of one and the same product shall be mutually exclusive processes.';

(32g) in Section D of Part I of Annex VIII, point 3 is replaced by the following:

'3. Acidification and de-acidification of wines shall take place only in the wine-growing zone where the grapes used to produce the wine in question were harvested.';

(33) in Part I of Annex VIII, the following Section ~~I~~E is added:

'E. Dealcoholisation processes

The following dealcoholisation processes, whether used each of its own or in combination, shall be allowed to reduce part of or almost all the ethanol content in grapevine products referred to in points 1 and 4 to 9 of Part II of Annex VII:

(a) partial vacuum evaporation;

(b) membrane techniques;

(c) distillation.

The dealcoholisation processes shall not result in organoleptic defects of the grapevine product. The elimination of ethanol in grapevine product must not be done in conjunction with the increase of the sugar content in the grape must.';

(34) paragraph 2 of point II of Annex X is replaced by the following:

'2. The price referred to in paragraph 1 shall apply to sugar beet of sound, fair and marketable quality having a sugar content of 16 % at the reception point.

The price shall be adjusted by price increases or reductions, agreed by the parties in advance, to allow for deviations from the quality referred to in the first subparagraph.';

(35) in paragraph II of point V of Annex X, the term "marketing" is deleted;

(36) Annexes XI, XII and XIII are deleted.

Article 2

Amendments to Regulation (EU) No 1151/2012

Regulation (EU) No 1151/2012 is amended as follows:

(1) in Article 2, paragraphs 2 and 3 are replaced by the following:

'2. This Regulation shall not apply to spirit drinks or grapevine products as defined in Part II of Annex VII to Regulation (EU) No 1308/2013, with the exception of wine-vinegars.

3. This Regulation, and in particular the registrations made pursuant to Article 52, shall be without prejudice to compliance of products concerned with other Union rules relating in particular to the placing of products on the market, marketing and to food labelling.;

~~**(2) in paragraph 1 of Article 5, point (b) is replaced by the following:**~~

~~**'(b) whose quality or characteristics are essentially or exclusively due to a particular geographical environment, with its inherent natural factors and where relevant human factors;';**~~

~~**(3) in paragraph 1 of Article 7, point (d) is deleted;**~~

(3a) in Article 7(1), point (f) is replaced by the following:

'(f) details establishing the following:

(i) as regards a protected designation of origin the link between the quality or characteristics of the product and the geographical environment referred to in Article 5(1); the details concerning human factors of that geographical environment may, where relevant, be limited to a description of the soil and landscape management, cultivation practices or any other relevant human contribution to the maintenance of the natural factors of the geographical environment referred to in Article 5(1);

(ii) as regards a protected geographical indication, the link between a given quality, the reputation or other characteristic of the product and the geographical origin referred to in Article 5(2);';

(4) in ~~**paragraph 1 of**~~ Article 10***(1)***, the introductory ~~**sentence**~~ ***wording*** is replaced by the following:

'A reasoned statement of opposition as referred to in Article 51(1) shall be admissible only if it is received by the Commission within the time limit set out in that paragraph and if it:';

(5) in Article 13, the following paragraph **4** is added:

'4. The protection referred to in paragraph 1 shall also apply with regard to***:***

(a) goods entering the customs territory of the Union without being released for free circulation within the customs territory of the Union and ~~**with regard to**~~

(b) goods sold through means of ***distance selling such as*** electronic commerce.~~'~~;

For goods entering the customs territory of the Union without being released for free circulation within that territory, the group or any operator entitled to use the protected designation of origin or protected geographical indication shall be entitled to prevent all third parties from bringing goods, in the course of trade, into the Union without being released for free circulation there, where such goods, including packaging, come from third countries and bear without authorisation the protected designation of origin or protected geographical indication.';

(6) Article 15 is amended as follows:

(a) in paragraph 1, the second subparagraph is replaced by the following:

'Those implementing acts shall be adopted ~~**without applying**~~ ***in accordance with*** the examination procedure referred to in Article 57(2) ***except those where the admissible statement of opposition is lodged under Article 49(3)***.';

(b) in paragraph 2, the introductory ~~**sentence**~~ ***wording*** is replaced by the following:

'Without prejudice to Article 14, the Commission may adopt implementing acts extending the transitional period mentioned in paragraph 1 of this Article ***up to 15 years*** in ***duly*** justified cases where it is shown that:';

(7) the following Article ~~16a~~ is inserted:

'Article 16a

Existing geographical indications for aromatised wine products

Names entered in the register established pursuant to Article 21 of Regulation (EU) No 251/2014 **of the European Parliament and of the Council*** shall automatically be entered in the register referred to in Article 11 of this Regulation ***as protected geographical indications***. The corresponding specifications shall be deemed to be the specifications for the purposes of Article 7 of this Regulation.

* **Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91 (OJ L 84, 20.3.2014, p. 14).';**

(8) in ~~paragraph 1 of~~ Article 21(1), the introductory ~~sentence~~ ***wording*** is replaced by the following:

'A reasoned statement of opposition as referred to in Article 51(1) shall be admissible only if it is received by the Commission before expiry of the time limit and if it:';

(8a) Article 24 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. Registered names shall be protected against any misuse, imitation or evocation, including as regards products used as ingredients, or against any other practice liable to mislead the consumer.';

(b) the following paragraph is added:

'4 . The protection referred to in paragraph 1 shall also apply with regard to goods sold through means of distance selling such as electronic commerce.';

(9) the following Article ~~**24a**~~ is inserted:

'Article 24a

Transitional periods for use of traditional specialities guaranteed

1. The Commission may adopt implementing acts granting a transitional period of up to five years to enable products the designation of which consists of or contains a name that contravenes Article 24(1) to continue to use the designation under which they were marketed on condition that an admissible statement of opposition under Article 49(3) or Article 51 shows that such name has been legally used on the Union market for at least five years preceding the date of the publication provided for in point (a) of Article 50(2).

Those implementing acts shall be adopted ~~**without applying**~~ ***in accordance with*** the examination procedure referred to in Article 57(2) ***except those where an admissible statement of opposition is lodged under Article 49(3)***.';

(10) in Article 49, the following paragraph~~s~~ ~~**8 and 9 are**~~ ***is*** added:

'8. The Member State shall inform the Commission without delay if any procedure is initiated before a national court or other national body concerning an application lodged with the Commission, in accordance with paragraph 4.***'***

~~**9. Where appropriate, the Commission may adopt implementing acts to suspend the scrutiny of the application for registration referred to in Article 50 until a national court or other national body has adjudicated on a challenge to an application for registration where the Member State has taken a favourable decision in a national procedure in accordance with paragraph 4.**~~

~~**Those implementing acts shall be adopted without applying the examination procedure referred to in Article 57(2).';**~~

(11) Article 50 is replaced by the following:

'Article 50

Scrutiny by the Commission and publication for opposition

1. The Commission shall examine applications for registration that it receives in accordance with Article 49(4) and (5). The Commission shall ~~**review**~~***check that*** the applications ***contain the required information and that they do not contain*** ~~**for**~~ manifest errors, taking into account the outcome of the scrutiny and opposition procedure carried out by the Member State concerned.

   Scrutiny by the Commission should not exceed a period of six months from the date of receipt of the application from the Member State. Where this period is exceeded, the Commission shall inform the applicant ***of the reasons for the delay*** in writing ~~**of the reasons for the delay**~~.

   The Commission shall, at least each month, publish the list of names for which applications for registration have been submitted to it, as well as the date of their submission.

2. ***The Commission shall adopt delegated acts, in accordance with Article 56, supplementing this Regulation by laying down a non-exhaustive list of grounds for the suspension of the scrutiny.***

3. In duly justified cases, including as set out in the framework provided by the delegated acts referred to in paragraph 2 of this Article, the Commission may adopt implementing acts to suspend the scrutiny of the application for registration referred to in this Article until a national court or other national body has adjudicated on a challenge to an application for registration where the Member State has taken a favourable decision in a national procedure in accordance with Article 49(4). Those implementing acts shall be adopted without applying the examination procedure referred to in Article 57(2).

4. Where, based on the scrutiny carried out pursuant to paragraph 1 of tis Article, the Commission considers that the conditions laid down in Articles 5 and 6 are fulfilled as regards registration applications under the scheme set out in Title II, or that the conditions laid down in Article 18(1) and (2) are fulfilled as regards applications under the scheme set out in Title III, it shall publish in the *Official Journal of the European Union*:

(a) for applications under the scheme set out in Title II, the single document and the reference to the publication of the product specification;

(b) for applications under the scheme set out in Title III, the specification.';

(12) Article 51 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. Within three months from the date of publication in the *Official Journal of the European Union*, the authorities of a Member State or of a third country, or a***ny*** natural or ~~a~~ legal person ***resident or established in a third country and*** having a legitimate interest ~~**and established in a third country,**~~ may lodge a reasoned statement of opposition with the Commission.

A***ny*** natural or ~~**a**~~ legal person ~~**having a legitimate interest,**~~ ***resident or*** established ~~**or resident**~~ in a Member State other than that from which the application was submitted***, and having a legitimate interest,*** may lodge a reasoned statement of opposition with the Member State in which it is resident or established within a time limit permitting an opposition to be lodged pursuant to the first subparagraph.';

(b) paragraph 2 is replaced by the following:

'2. The Commission shall examine the admissibility of the reasoned statement of opposition based ~~**in particular**~~ on ***the*** grounds of opposition laid down in Article 10 as regards protected designations of origin and protected geographical indications and based ~~**in particular**~~ on the grounds for opposition laid down in Article 21 as regards traditional specialities guaranteed.';

(c) paragraph 3 is replaced by the following:

'3. If the Commission considers that the reasoned statement of opposition is admissible it shall, within five months from the date of publication of the application in the *Official Journal of the European Union*, invite the authority or person that lodged the reasoned statement of opposition and the authority or body that lodged the application with the Commission to engage in appropriate consultations for a reasonable period that shall not exceed three months.

The authority or person that lodged the reasoned statement of opposition and the authority or body that lodged the application shall start such appropriate consultations without undue delay. They shall provide each other with the relevant information to assess whether the application for registration complies with the conditions laid down in this Regulation. If no agreement is reached, this information shall be provided to the Commission.

At any time within the period of consultations, the Commission may, at the request of the applicant extend the deadline for the consultations by a maximum of three months.';

(d) paragraph 5 is replaced by the following:

'5. The reasoned statement of opposition and other documents which are sent to the Commission in accordance with paragraphs 1, 2 and 3 shall be in one of the official languages of the Union.';

(13) in Article 52, paragraph***s 1 and*** 2 ~~is~~***are*** replaced by the following:

'1. Where, on the basis of the information available to the Commission from the scrutiny carried out pursuant to the first subparagraph of Article 50(1), the Commission considers that the conditions laid down in Articles 5 and 6, as regards the quality schemes set out in Title II, or in Article 18, as regards the quality schemes set out in Title III, are not fulfilled, it shall adopt implementing acts rejecting the application. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 57(2).

2. If the Commission receives no admissible reasoned statement of opposition under Article 51, it shall adopt implementing acts, without applying the examination procedure referred to in Article 57(2), registering the name.';

(14) in Article 53, paragraphs 2 and 3 are replaced by the following:

'2. Amendments to a product specification are classified into two categories as regards their importance: Union amendments, requiring an opposition procedure at the Union level and standard amendments to be dealt with at Member State or third country level.

An amendment is considered to be a Union amendment where:

(a) it includes a change in the name of the protected designation of origin, protected geographical indication ~~**or traditional speciality guaranteed**~~ ***or in the use of that name***;

(b) it risks ~~**to**~~ void***ing*** the links referred to in point (b) of Article 5(1) for protected designations of origin and of Article 5(2) for protected geographical indications;

(c) ~~it introduces changes to the production method or to the use of raw materials and ingredients that deviate from the traditional practice and uses for traditional specialities guaranteed~~ ***it concerns a traditional speciality guaranteed***;

(d) it entails new restrictions on the marketing of the product.

All other amendments to product specifications are considered standard amendments. A temporary amendment that concerns a temporary change in the product specification resulting from the imposition of obligatory sanitary and phytosanitary measures by the public authorities or a temporary amendment necessary because of a natural disaster or adverse weather conditions formally recognised by the competent authorities are also considered to be standard amendments.

Union amendments shall be approved by the Commission. The approval procedure shall follow, *mutatis mutandis*, the procedure laid down in Articles 49 to 52.

Standard amendments shall be approved by the Member State in whose territory the geographical area of the product concerned is located and ~~**notified**~~ ***communicated*** to the Commission. Third countries shall approve standard amendments in accordance with the law applicable in the third country concerned and ~~**notify**~~ ***communicate*** them to the Commission.

~~**Amendments shall be scrutinised taking into account other elements of the product specifications.**~~ ***The scrutiny of the application shall focus on the proposed amendment.*** Where appropriate, the Commission or the Member State concerned may invite the applicant to modify other elements of the product specifications.

3. In order to facilitate the administrative process of Union and standard amendments to product specification, including where the amendment does not involve any change to the single document, the Commission shall be empowered to adopt delegated acts, in accordance with Article 56, complementing the rules of the amendment application process.

The Commission may adopt implementing acts laying down detailed rules on procedures, form and presentation of an amendment application and notification of standard amendments to the Commission. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 57(2).';

(15) in Point I of Annex I, the following indents are added:

'- aromatised wines as defined in Article 3(2) of Regulation (EU) No 251/2014;

- other alcoholic beverages, except for spirit drinks and grapevine products as defined in Part II of Annex VII to Regulation (EU) No 1308/2013.'

Article 3

Amendments to Regulation (EU) No 251/2014

(1) the title is replaced by the following:

'Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation and labelling of aromatised wine products and repealing Council Regulation (EEC) No 1601/91';

(2) in Article 1, paragraph 1 is replaced by the following:

'1. This Regulation lays down rules on the definition, description, presentation and labelling of aromatised wine products.';

(3) in Article 2, point 3 is deleted;

(4) in Article 5, paragraph 4 is replaced by the following:

'4. Sales denominations may be supplemented or replaced by a geographical indication of aromatised wine product protected under Regulation (EU) No 1151/2012.***';***

(5) in Article 8, paragraph 2 is replaced by the following:

'2. The name of the geographical indication of aromatised wine product protected under Regulation (EU) No 1151/2012 shall appear on the label in the language or languages in which it is registered, even where the geographical indication replaces the sales denomination in accordance with Article 5(4) of this Regulation.

Where the name of a geographical indication of aromatised wine product protected under Regulation (EU) No 1151/2012 is written in a non-Latin alphabet, it may also appear in one or more of the official languages of the Union.';

(6) Article 9 is deleted;

(7) Chapter III is deleted;

(8) in Annex II, Part B, the following point is added:

(14) **Wino ziołowe**

Aromatised wine-based drink:

— ***which is obtained from wine and in which grapevine products represent at least 85% of the total volume,***

— ***which has been flavoured exclusively with flavouring preparations obtained from herbs or spices or both,***

— ***which has not been coloured,***

— ***which has an actual alcoholic strength by volume of not less than 7 % vol.***

Article 4

Amendment to Regulation (EU) No 228/2013

In Article 30, paragraphs 2 and 3 are replaced by the following:

'2. In respect of each financial year, the Union shall finance the measures provided for in Chapters III and IV, up to a maximum annual sum of:

- in the French overseas departments: **[**EUR 267 580 000**]**
- Azores and Madeira: **[**EUR 102 080 000**]**
- Canary Islands: **[**EUR 257 970 000**]**

3. The sums for each financial year to finance the measures provided for in Chapter III may not exceed the following amounts:

- in the French overseas departments: **[**EUR 25 900 000**]**
- Azores and Madeira: **[**EUR 20 400 000**]**
- Canary Islands: **[**EUR 69 900 000**]**

The Commission shall adopt implementing acts establishing the requirements in accordance with which Member States may amend the allocation of resources allocated every year to the various products benefiting from the supply arrangements. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).'.

Article 5

Amendment to Regulation (EU) No 229/2013

In Article 18, paragraphs 2 and 3 are replaced by the following:

'2. The Union shall finance the measures provided for in Chapters III and IV up to a maximum amount of **[**EUR 23 000 000**]**.

3. The amount allocated to finance the specific supply arrangements referred to in Chapter III shall not exceed **[**EUR 6 830 000**]**.'

Article 6

Transitional provisions

1. The rules applicable before the date of entry into force of this Regulation shall continue to apply to applications for protection ***of, amendments to or cancellation*** of designations of origin or geographical indications received by the Commission pursuant to Regulation (EU) No 1308/2013 before**…** ***/***the date of entry into force of this Regulation***/*** and to applications for registration***, amendments or cancellation*** of protected designations of origin, protected geographical indications or traditional specialities guaranteed received by the Commission pursuant to Regulation (EU) No 1151/2012 before**…** ***/***the date of entry into force of this Regulation***/***.

2. The rules applicable before**…** ***/***the date of entry into force of this Regulation***/*** shall continue to apply to applications for protection ***of, amendments to or cancellation*** of names of aromatised wines as geographical indication received by the Commission pursuant to Regulation (EU) No 251/2014 before**…** ***/***the date of entry into force of this Regulation***/***. However, the decision on registration shall be adopted pursuant to Article 52 of Regulation (EU) No 1151/2012 as amended by point (13) of Article 2 of this Regulation.

3. Articles 29 to 60 of Regulation (EU) No 1308/2013 shall continue to apply after 1 January 2021 as regards expenditure incurred before 1 January 2021 within the aid schemes referred to in those Articles.

4. Wine which meets the labelling requirements of Article 119 of Regulation 1308/2013 applicable before* [two years after the entry into force of this Regulation] *and which was produced before that date may continue to be placed on the market until stocks are exhausted.

Article 7

Entry into force and application

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

Points (1)(b), (4), (8), (17), (22), ***{(22a)}***, (27), (28) and (31) of Article 1 and Articles 4 and 5 shall apply from 1 January 2021.

Point (18) of Article 1 shall apply from… [two years after the entry into force of this Regulation].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*