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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Regulation amending the common market organisation (CMO) Regulation as regards the strengthening of the position of farmers in the food supply chain - Preparation for the trilogue

With a view to preparing the trilogue on 10 December 2025, the Presidency invites the SCA to provide guidance on the issues set out in the annexed explanatory note at its meeting on 1 December 2025.

ANNEX

Presidency explanatory note

This document provides an analysis comparing key elements of the Council mandate of 19 May with the European Parliament position adopted on 8 October 2025 in relation to the Commission's proposal of December 2024 to amend the Common Market Organization (CMO) Regulation as regards the strengthening of the farmers' position in the food supply chain. This document builds on the progress made thus far at both political and technical levels, as well as the confirmed shared goal of reaching an agreement before the end of the year. Its purpose is to:

1. Identify the key out-of-scope amendments proposed by the European Parliament which extend beyond the scope of the Commission's original proposal.

2. Highlight the main points of divergence between the Council's mandate and the Parliament's position, particularly in areas where both institutions hold strong positions.

3. Pose key questions for Member States to provide guidance on areas requiring flexibility and where further alignment may be needed.

The objective is to prepare for a constructive discussion at the SCA meeting on 1 December.

1. Key out of scope amendments proposed by the European Parliament

The position of the Parliament includes several amendments that go beyond the scope of the original Commission proposal. The most notable of those amendments concern the reference threshold for interventions, adding new products for public intervention, indication of origin, EU preferences, fixing public intervention prices and meat designations (rows 50b, 50c, 50d, 50e, 190a, 202b and 202f of 4-column table).

Based on the first political discussion on 12 November, it appeared that the priorities for the Parliament are the issues of origin labelling and meat designations and that they might be ready to take the Commission's proposals in the MFF-proposal as a basis.

More particularly, the Parliament strongly emphasized they would like to discuss the out-of-scope amendments as a package, emphasizing the need for clear and enforceable rules of origin for agricultural products, ensuring that consumers are well-informed about the origins of their food. Furthermore, the Parliament proposed stricter rules regarding the designation of meat products, aiming to restrict the use of terms like "meat" to products derived from animals, excluding lab-grown or alternative meat products. These proposals are addressed in lines 50e and 202f, where the Parliament specifically reserves traditional meat-related names for animal-derived products, excluding cell-cultured meat.

2. Main points of divergence between the Council's mandate and the position of the European Parliament

Based on the discussions to date, the main points of divergence between the Council's mandate and the European Parliament's position focus on several critical issues, particularly in the requirement for written contracts for the delivery of milk and milk products and the derogation from competition rules for non-recognised producer organisations.

- On Article 148, which concerns contractual relations for the delivery of milk and milk products, the Parliament advocates for less flexibility for Member States in the implementation of the regulation compared to the Council's mandate that supports greater flexibility for Member States under specific conditions.
- Mediation mechanism: in lines 78 and 146, the Parliament advocates for a mandatory mediation mechanism that would address disputes related to the formalization, interpretation, or fulfilment of contracts for all sectors. This would involve impartial mediation, possibly including representatives of farmers' organisations. However, the Council takes a more flexible approach, suggesting that mediation should be optional and not mandatory for Member States. Both the Parliament and the Council consider that the mediation mechanism should be voluntary for the contracting parties.
- Derogation for producer organisations and cooperatives: in line 93 both the Council and the Parliament allow for derogations for cooperatives and producer organisations for the requirement of written contracts under certain conditions. For the Council, a derogation is only possible if the producer organisation has statutes that ensure similar effect in regards to the requirement on pricing while the Parliament on the other hand allows for the derogation if the producer organisation has rules pursuing similar objectives as the requirement on pricing.

- In line 100a, the Parliament proposes that there should not be a possibility for derogation of a written contract for the delivery of milk and milk products, while the Council, on the other hand, allows for such a derogation under specific conditions following consultation with farmers' representatives or interbranch organisations. The discussion on line 93 and line 100a is linked.
- On Producer Organisations and in line 121, the Council deleted the relevant provision in the Commission proposal providing a derogation from competition rules in line with Article 101(1) of TFEU for non-recognised Producer Organisations. The Parliament, on the other hand, introduced an amendment authorising the derogation for a limited time period if the recognition process has been authorised. Thus, the position of the Parliament lies somewhere in the middle between the Commission proposal and the Council mandate.

3. Key questions for Member States to provide orientation and guidance on flexibilities

- Considering the Parliaments out-of-scope amendments and taking into account the Commission proposal for a Common Market Organisation (COM 2025 (553)) that includes a proposal for regulation of meat designations and marketing standards, what would you consider an acceptable way forward?
- What specific conditions or flexibility mechanisms for the requirement of mandatory written contract for the delivery of milk and milk products is needed to ensure the continuation of existing well-functioning cooperation structures between farmers while ensuring that farmers are protected?
- Taking into account the importance of ensuring a level-playing field, maintaining incentives for Producer Organisations to seek recognition and to lower administrative burdens, to what extent do you consider that the EP amendment on the derogation for non-recognised Producer Organisations could provide a basis for agreement on this issue?
- The position of the Parliament and the Council mandate on a mediation mechanism differs in that Parliament finds that Members States should be obliged to make such an instrument available for farmers. Would you be able to consider a set-of derogations inserted in a compromise that insures no or a minimum level of administrative burden for the Member States, in order to reach a compromise?

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