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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Regulation amending Regulation (EU) No 1308/2013 (CMO) as regards the school scheme, sectoral interventions, the protein sector, hemp, marketing standards, import duties, the availability of supplies and securities
- State of play on the discussions at Working Party level

Delegations will find in Annex a document on the state of play of the discussions at Working Party level, compiled by the Presidency.

State of play at Working Party level on the discussions on the Commission's proposal for a Regulation amending Regulation 1308/2013 as regards the school fruit, vegetables and milk scheme ('EU school scheme'), sectoral interventions, the creation of a protein sector, requirements for hemp, the possibility for marketing standards for cheese, protein crops and meat, application of additional import duties, rules on the availability of supplies in time of emergencies and severe crisis and securities and Regulation amending Regulation 1370/2013 as regards the aid scheme for the supply of fruit and vegetables, bananas and milk in educational establishments ('EU school scheme')

During the Danish Presidency, Member States have engaged in a first reading of the Commission's proposal at the Working Party on Agricultural Products. The discussions were organized into four blocks. Below is the state of play of the discussions, compiled by the Presidency. This progress report reflects the outcome of the discussions at the WP Agricultural Products but is not binding for Member States.

Block 1: EU School Schemes, marketing standards for meat and cheese, origin labelling, meat designations and grading methods for pig meat.

- **School Schemes:** During the discussion on the School Scheme, there were questions regarding a transition period and how split-year financing is to be handled. There were also questions regarding flexibility for minor product and milk products with a higher fat content. Member States also voiced concerns regarding the integration of the School Scheme into the National and Regional Partnership Plans without a dedicated, ring-fenced EU budget. It should be noted, that the provision regarding financing of the School Schemes is part of the proposal for the establishment of the European Fund for Economic, Territorial, Social Cohesion, Agriculture and Rural, Fisheries and Maritime Prosperity and Security, the NRP proposal. Furthermore, the provision is bracketed since it is likely to form part of an agreement in the European Council on the Multiannual Financial Framework for 2028-34.

- **Marketing standards for meat and cheese:** Many Member States asked for more clarity on which products are covered (beef, pork, sheep, goat, cheese, spreadable fats, protein crops, rice). There were also concerns voiced by other Member States about potential overlaps with existing EU rules and regulations, especially the Food Information to Consumers Regulation and other regulations.
- **Origin labelling:** Several Member States raised concerns about the administrative burden that could result from mandatory origin labelling, with some of them being outright critical of the proposal.
- **Meat designations:** A large group of Member States were in favor of protecting meat designations. Another group expressed concerns that strict protection could restrict plant-based, hybrid, or innovative products. Other Member States asked for flexibility to define national lists of protected meat terms.
- **Grading methods for pig meat:** The proposal was generally welcomed by Member States, but some Member States highlighted the risk of fragmentation, if leaving approval up to Member States.

Block 2: Availability of supplies, public interventions and empowerment for tariff quota.

- **Availability of supplies:** Generally well received by Member States, especially the importance of avoiding market distortions. However, there were questions about which products could be stored and if processed food products could be included. Many Member States asked about the costs and possible EU support. Some Member States asked if EU-wide strategic reserves would be mandatory or optional for Member States. The Commission clarified that establishing reserves and the decision of what to store would be left to the Member States. Some Member States raised questions about overlaps between the CMO and civil protection frameworks. Many Member States worried about the administrative burdens and costs and some wondered whether the CMO was the appropriate legal framework.
- **Public interventions:** Some Member States raised the issue of delegated versus implementing regulations.

- **Empowerment for tariff quota:** Some questions from Member States regarding the unclear distinction between administrative and criminal enforcement and possible conflict with Member States' existing fraud prosecution rules.

Block 3: Sectorial interventions

Sectorial interventions: Many Member States raised the issue of the transition between existing rules where operational programmes can run for up to seven years and would therefore be in force until 2028 or later. Member States also raised the issue on how the value of marketed production (VMP) should be calculated to ensure uniformity and avoid market distortions. Some Member States also raised the issue of interventions under the existing legislation which were not included in the proposal. Many Member States raised concerns about the introduction of mandatory national contributions (minimum 30%), with varying financial capacities among Member States to provide the required co-financing, risking distortion of competition, and increased administrative burdens. The provision regarding financing of sectorial interventions is part of the NRP-proposal. Furthermore, the provision is bracketed since it is likely to form part of an agreement in the European Council on the Multiannual Financial Framework for 2028-34.

Block 4: Protein crop sector, hemp, sugar and POSEI

- **Protein crop sector:** The establishment of a protein crop sector was generally well received among the Member States, although some Member States opposed the mandatory recognition of producer organizations in the new sector and the possibility for origin labeling. Some Member States asked for clarification on which crops would be included. A Member State asked for oil-seed crops to be included. The Commission replied that only nitrogen fixing crops should be included. Also, there were questions as to whether interventions target human nutrition or feed markets, or both.
- **Hemp:** Several Member States expressed concerns about whether the 0.3 % THC limit was sufficient to prevent misuse. Several Member States also requested clarification on which parts of the hemp plant would be eligible for various which uses. Some Member States were concerned about coordination with food, feed, pharmaceutical, and cosmetic legislation, as well as potential conflicts with national narcotics legislation.

- **Sugar:** One Member State pointed to a potential mismatch between beet rules and cane production structures. Another Member State requested greater flexibility regarding sugar pulp for contracting parties. There was also a request to clarify the definition of ‘sellers’ associations’. A Member State wanted to maintain existing rules.
 - **POSEI:** A Member State asked for the mentioning of a state-aid exemption in the POSEI Regulation on interprofessional agreements in La Réunion.
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