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**Interinstitutional File:  
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**LIMITE**

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**NOTE**

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From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	16779/24 + REV 1 + REV 1 ADD 1
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

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The sixth and seventh interinstitutional technical meetings (ITMs) on the above-mentioned file took place on 3 and 4 December. This permitted agreement to be reached at the technical level on several more rows and also prepared the ground for the trilogue on 10 December.

With a view to that trilogue, the Presidency requests further guidance from the SCA on four key outstanding issues: mediation, contractual relations in the milk sector, the carve-out from competition rules for non-recognised producer organisations and meat designations.

In the SCA on 1 December, while some delegations continued to state a preference for a voluntary **mediation mechanism**, several delegations could accept a mandatory mediation mechanism if existing mechanisms would satisfy the requirement. The Presidency therefore suggested the annexed text, which it seems, following the ITMs, should provide a basis for an agreement at the trilogue.

On **contractual relations in the milk sector**, several delegations stated the importance of exempting deliveries to producer organisations and cooperatives from mandatory written contracts, while there was an openness to mandatory written contracts with certain derogations for deliveries to privately-owned dairies. The Presidency therefore suggested the annexed text, which it seems, following the ITMs, would provide a basis for an agreement at the trilogue.

Similarly, some delegations could accept to base the carve-out from competition law for **non-recognised producer organisations** on the European Parliament's amendment. The Presidency therefore suggested the annexed text, which it seems, following the ITMs, would provide a basis for an agreement at the trilogue.

On **meat designations**, in the SCA on 1 December several delegations were open to the principle of working on the basis of the Commission's proposal from July (doc. 11722/25 ADD 1 – new Part Ia of Annex VII). Would it be acceptable to base a compromise on the text from the MFF proposal, with the inclusion of an exemption for fishery products?

Finally, the Presidency would like to inform delegations about a number of **other outstanding issues** (Annex B) on which the technical teams made good progress and which will be brought to the political level for agreement in the context of a broader package.

The Presidency invites the SCA to provide guidance on the four issues at its meeting on 8 December.

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**PRESIDENCY COMPROMISE SUGGESTIONS****Mediation mechanisms**

Row	Council mandate (SCA May 2025)	Possible landing zone
78 (and 146)	3. Member States <i>may provide that mediation mechanisms are available in cases in which no agreement has been reached with a view to negotiating a mutually acceptable contract referred to in paragraphs 1 and 2 or revision of such a contract.</i>	<p>3. Member States shall provide that mediation mechanisms are available in cases in which no agreement has been reached with a view to negotiating a mutually acceptable contract referred to in paragraphs 1 and 2 or revision of such a contract.</p> <p>This mechanism shall be voluntary for the contracting parties and impartial and may include representatives of farmers representative organisations.</p> <p>The obligation set out in the first subparagraph can be fulfilled by:</p> <ul style="list-style-type: none"> <li>(a) organisations representing farmers;</li> <li>(b) interbranch organisations;</li> <li>(c) accredited private mediation services;</li> <li>(d) other independent dispute-resolution bodies; or</li> <li>(e) mediation services provided by private mediators.</li> </ul>

**Contractual relations regarding the delivery of milk and milk products – package for derogations**

<b>Row</b>	<b>Council mandate SCA May 2025</b>	<b>Possible landing zone</b>
93 (& 161)	(a) the milk or the milk products concerned are delivered by a member of a producer organisation or cooperative to the producer organisation or cooperative of which it is a member provided that the statutes of that producer organisation or cooperative or the rules and decisions provided for in, or derived from, these statutes have similar effects in terms of predictability, transparency and price transmission, as the provisions set out in paragraph 4;	(a) the milk or the milk products concerned are delivered by a member of a producer organisation or cooperative to the producer organisation or cooperative of which it is a member provided that the statutes of that producer organisation or cooperative or the rules and decisions provided for in, or derived from, these statutes provide for transparent and democratically decided rules, known in advance, for the remuneration of farmers, methods for determining the price of the milk or milk products delivered by them and the payment periods and procedures;

100a	<p>(ca) the delivery concerns milk or milk products for which the Member State considers, following consultation of relevant representatives of farmers or of interbranch organisations recognised in accordance with Article 163(1), that the effects of predictability, transparency and price transmission pursued by the provisions set out in paragraphs 1 and 4 have been achieved for the products concerned or that the obligation to have written contracts or written offers would not be appropriate or proportionate as regards these products for other justified reasons.</p>	<p><b>Row 100a</b> -&gt; remove and add a new row 72a:</p> <p>[Such contract shall fulfil the conditions laid down in paragraphs 4 and 8].</p> <p>Following consultation of relevant representatives of farmers or of interbranch organisations recognised in accordance with Article 163(1), Member States may decide that the delivery shall not be covered by the requirements in paragraph (4), point (c) (i) first and second indent and point (c) (iii), second subparagraph, regarding a revision clause if the effects of predictability, transparency and price transmission can be otherwise achieved for the milk or milk products concerned, or that the obligation to include the elements of paragraph (4), point (c)) (i) first and second indent and point (c) (iii), second subparagraph, regarding a revision clause would not be appropriate or proportionate as regards these products for other justified reasons.</p>
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**Non-recognised producer organisations (row 121)**

1a. By way of derogation from Article 101(1) TFEU, a producer organisation recognised under paragraph 1 of this Article, or a producer organisation, including a cooperative that has applied for recognition and has not yet been recognised as a producer organisation by a Member State, but meets the requirements set out in paragraph 1 of this Article and of Article 154, may plan production, optimise the production costs, place on the market and negotiate contracts for the supply of agricultural products, on behalf of its members for all or part of their total production.

Such a producer organisation may avail itself of this derogation within the period provided for in Article 154(4)(a) or, if the Member State has not taken any decision on the application for recognition by the end of that period, within five years of the date of submission of the application for recognition.

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**Other key outstanding issues to be discussed as part of a package approach**

- Optional terms & marketing standards
  - o *Rows 60, 63 and 65: Definition of short supply chain*
- Contractual relations
  - o *Row 76 and 144: reversing obligation to offer contract*
  - o *Row 88, 156 and 207: revision clause*
  - o *Row 98 and 166: threshold for small value contracts*
- Producer organisations
  - o *Row 111a: Article 149*
  - o *Row 121a, 127, 128a*
  - o *Row 133-134*
- Other amendments
  - o *Row 179c*
  - o *Row 184a-g*
  - o *Row 193a*
  - o *Row 199*
  - o *Row 200*
  - o *Row 202a- and 202d*
  - o *Rows 236-237: delayed entry into force*

*N.B. Provisional agreement on several of the rows has been reached at the technical level. The trilogue should endorse that agreement without discussion. An updated four-column table will be issued shortly.*