



Council of the
European Union

Brussels, 9 February 2021
(OR. en)

6045/21

LIMITE

AGRI 49
AGRIFIN 14
AGRIORG 14
AGRILEG 21
CODEC 168
CADREFIN 54

Interinstitutional File:
2018/0218(COD)

WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
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 - <i>Outcome of the 1st and 2nd trilogue</i>

Delegations will find in the Annex the four-column document reflecting the state of play of the inter-institutional negotiations after the first and second trilogue, which took place on 2 December 2020 and 27 January 2021.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 1, first paragraph, point (4b), introductory part			
80d		<u>(4b) In Article 62, paragraph 3 is replaced by the following:</u>		<p>(4b) [Trilogue 27/01/2021]</p> <p>In Art 1 (1) of the draft amending regulation, following new point is inserted:</p> <p>4b) In Article 62(3) the following second subparagraph is added:</p> <p>“By way of derogation from the first subparagraph, Member States may decide that when the replanting takes place on the same parcel or parcels on which the grubbing up was undertaken, the authorisations referred to in the first paragraph of Article 66 are valid for six years from the date on which they were granted. Such authorisations shall clearly identify the parcel or parcels in which the grubbing up and the replanting will take place.”</p>
	Article 1, first paragraph, point (4c), introductory part			
80f		<u>(4c) Article 62, paragraph 4 is replaced by the following:</u>		<p>(4c) [Trilogue 27/01/2021]</p> <p>EP amendment to be dropped - COM compromised text endorsed</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				(line 80g)
	Article 1, first paragraph, point (4c), amending provision, numbered paragraph			
80g		<p>"</p> <p>4. This Chapter shall not apply to the planting or replanting of areas intended for experimental purposes or for graft nurseries, to <u>the planting or replanting of areas whose vine products are intended solely for the production of grape juice, to</u> areas whose wine or vine products are intended solely for the consumption by the wine-grower's household or to areas to be newly planted as a result of compulsory purchases in the public interest under national law.</p> <p>"</p> <p>Am. 64</p>		<p>"</p> <p>[Trilogue 27/01/2021]</p> <p>In Art 1 (1) of the draft amending regulation, following new point is inserted:</p> <p>(4c) In Article 62 paragraph 4 is replaced by the following:</p> <p>"This Chapter shall not apply to the planting or replanting of areas intended for experimental purposes, for setting-up collections of vine varieties intended to preserve genetic resources or for graft nurseries, to areas whose wine or vine products are intended solely for the consumption by the wine-grower's household or to areas to be newly planted as a result of compulsory purchases in the public interest under national law."</p> <p>"</p>
	Article 1, first paragraph, point(5), Amending Provision(1a)			
84a		2. Member States may:		1a [Trilogue 27/01/2021]

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		<p>(a) apply at national level a lower percentage than the percentage set out in paragraph 1,</p> <p>(b) limit the issuing of authorisations at regional level, for specific areas eligible for the production of wines with a protected designation of origin, for areas eligible for the production of wines with a protected geographical indication, or for areas without a geographical indication; <u>those authorisations should be used in those regions.</u></p>		<p>In Art 1 (1) of the draft amending regulation, following new point is inserted:</p> <p>(5a) In Article 63 (2) the following second subparagraph is added:</p> <p>“ Member States that limit the issuing of authorisations at regional level, for specific areas eligible for the production of wines with a protected designation of origin or for areas eligible for the production of wines with a protected geographical indication, in accordance with point (b) of the first subparagraph, may require such authorisations to be used in those regions.”</p>
	Article 1, first paragraph, point(5), Amending Provision(1b)			
84b		<p>3. Any of the limitations referred to in paragraph 2 shall contribute to an orderly growth of vine plantings, shall be set above 0 %, and shall be justified on one or more of the following specific grounds:</p> <p><u>(a)</u> (a) the need to avoid a well-demonstrated risk of oversupply of wine products in relation to market prospects for those products, not exceeding what is necessary to</p>		<p>1b [Trilogue 02/12/2020]</p> <p>(ba) the wish to contribute to the development of the products in question while preserving their quality.</p>

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		<p>satisfy this need;</p> <p><u>(b) (b) the need to avoid a well-demonstrated risk of significant devaluation of a particular protected designation of origin or a protected geographical indication;</u></p> <p><u>(ba) the wish to contribute to the development of the products in question while preserving their quality.</u></p>		
	Article 1, first paragraph, point(5), Amending Provision(1c)			
G	84c	<p><u>3a. Member States may take any regulatory measures necessary to prevent circumvention by the operators of the restrictive measures taken pursuant to paragraphs 2 and 3.</u></p>		<p>1c [Trilogue 02/12/2020]</p> <p>3a. Member States may take any regulatory measures necessary to prevent circumvention by the operators of the restrictive measures taken pursuant to paragraphs 2 and 3.</p>
	Article 1, first paragraph, point(5), Amending Provision(1e)			
G	84e	<p><u>4a. Authorisations exceeding the limits provided for in this Article may be issued by Member States for plantings intended for conservation of vine genetic</u></p>		<p>1e [Trilogue 27/01/2021]</p> <p>This part of the EP amendment to be dropped - solution found in line 80g.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		resources Am. 66		
	Article 1, first paragraph, point (5a), amending provision, article, numbered paragraph			
84h		<p>1. If the total area covered by the eligible applications in a given year does not exceed the area made available by the Member State, all such applications shall be accepted.</p> <p>Member States may, for the purpose of this Article, apply at national or regional level one or more of the following objective and non-discriminatory eligibility criteria:</p> <p>(a) the applicant shall have an agricultural area which is not smaller than the area for which he requests the authorisation;</p> <p>(b) the applicant shall possess adequate occupational skills and competence;</p> <p>(c) the application shall not pose a significant risk of misappropriation of the reputation of specific protected designations of origin, which shall be presumed unless the existence of such risk is</p>		<p>"</p> <p>[Trilogue 02/12/2020]</p> <p>1. If the total area covered by the eligible applications in a given year does not exceed the area made available by the Member State, all such applications shall be accepted.</p> <p>Member States may, for the purpose of this Article, apply at national or regional level one or more of the following objective and non-discriminatory eligibility criteria:</p>

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		demonstrated by the public authorities; (ca) the applicant does not have vines planted without authorisation as referred to in Article 71 of this Regulation or without a planting right as referred to in Articles 85a and 85b of Regulation (EC) No 1234/2007; (d) where duly justified, one or more of the criteria referred to in paragraph 2, provided that they are applied in an objective and non-discriminatory manner.		
	Article 1, first paragraph, point (5a), amending provision, article, numbered paragraph, introductory part			
G 84i		2. If the total area covered by the eligible applications referred to in paragraph 1 in a given year exceeds the area made available by the Member State, authorisations shall be granted according to a pro-rata distribution of hectares to all applicants on the basis of the area for which they have requested the authorisation. Such granting may establish a minimum and/or a maximum area by applicant and also be partially or completely made in accordance with one or more of the following objective and non-discriminatory	" (a) points (f) and (h) are replaced by the following:	[Trilogue 27/01/2021] In Art 1 (1) of the draft amending regulation, following new point is inserted: (5b) In paragraph 2 of Art 64 the first subparagraph is replaced by the following: “2. If the total area covered by the eligible applications referred to in paragraph 1 in a given year exceeds the area made available by the Member State, authorisations shall be granted according to a pro-rata distribution of hectares to all applicants on the

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		priority criteria:		basis of the area for which they have requested the authorisation. Such granting may establish a minimum and/or a maximum area by applicant and also be partially or completely made in accordance with one or more of the following objective and non-discriminatory priority criteria that may apply at national or regional level.”
	Article 1, first paragraph, point (5a), amending provision, article, numbered paragraphpoint			
G	84k	(b) areas where vineyards contribute to the preservation of the environment <u>or the conservation of vine genetic resources</u> ;		[Trilogue 27/01/2021] (b) areas where vineyards contribute to the preservation of the environment or the conservation of vine genetic resources;"
	Article 1, first paragraph, point (5a), amending provision, article, numbered paragraphpoint			
G	84q	(h) areas to be newly planted in the framework of increasing the size of small and medium-sized holdings.	(h) areas to be newly planted in the framework of increasing the size of small and medium-sized vine holdings;'	[Trilogue 02/12/2020] (h) areas to be newly planted in the framework of increasing the size of small and medium-sized vine holdings;'
	Article 1, first paragraph, point (5a), amending provision, article, numbered paragraph			

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84t		<u>2b. Member States may take any necessary regulatory measures to prevent the circumvention by the operators of the restrictive criteria that they apply pursuant to paragraphs 1, 2 and 2a.</u>		[Trilogue 02/12/2020] 2b. Member States may take any necessary regulatory measures to prevent the circumvention by the operators of the restrictive criteria that they apply pursuant to paragraphs 1, 2 and 2a.
Article 1, first paragraph, point (5a), amending provision, article, numbered paragraph				
84v		<u>3a. Should there be a limitation in accordance with point (b) of Article 63(2) on a regional level, priority and eligibility criteria may be applied on that level that are deemed to be in line with Article 64.</u> "Am. 67"		[Trilogue 27/01/2021] This part of the EP amendment to be dropped - solution found in line 84i. "
Article 1, first paragraph, point (5b), amending provision, numbered paragraph				
84x		" <u>When applying Article 63(2), a Member State shall establish a preliminary procedure that enables it to consider the opinions of representative trade organisations recognised at</u>		" [Trilogue 27/01/2021] In Art 1 (1) of the draft amending regulation, following new point is inserted: (5c) In Article 65, the first

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		<u>regional level in accordance with the legislation of that Member State</u>		<p>paragraph is replaced by the following:</p> <p>“When applying Article 63(2), a Member State shall consider recommendations presented by recognised professional organisations operating in the wine sector referred to in Articles 152, 156 and 157, of interested groups of producers referred to in Article 95, or of other types of professional organisation recognised on the basis of that Member State's legislation, provided that those recommendations are preceded by an agreement entered into by the relevant representative parties in the reference geographical area.”</p>
		Am. 68		
	Article 1, first paragraph, point (5c), amending provision, article, numbered paragraph			
84ab		<u>1a. After 31 December 2020, the areas covered by planting rights that have not been converted into authorisations shall remain at the disposal of Member States, which may reallocate them in accordance with Article 66, at the latest by 31 December 2025.</u>	<p>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.</p>	<p>[Trilogue 27/01/2021]</p> <p>In Art 1 (1) of the draft amending regulation, following new point is inserted:</p> <p>(5d) in Article 68, following paragraph 2a is added:</p> <p>“2a. From 1 January 2023, an area equivalent to the area covered</p>

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				by planting rights which were valid on 31 December 2022 and have not been converted into authorisations in accordance to paragraph 1, shall remain at the disposal of the concerned Member States which may allocate it in accordance with Article 64 at the latest by 31 December 2025.”
	Article 1, first paragraph, point (5c), amending provision, article, numbered paragraph			
84ad		<p>3. The areas covered by the authorisations granted pursuant to paragraph 1 shall be not be counted for the purposes of Article 63.</p> <p style="text-align: right;">"</p> <p>Am. 233</p>		<p>[Trilogue 27/01/2021]</p> <p>in Article 68, paragraph 3 is amended as follows:</p> <p>In Art 1 (1) of the draft amending regulation, following new point is inserted:</p> <p>(5..) in Article 68, paragraph 3 is replaced by the following:</p> <p>“3. The areas covered by the authorisations granted pursuant to paragraphs 1 and 2a shall not be counted for the purposes of Article 63.”</p> <p style="text-align: right;">"</p>
	Article 1, first paragraph, point (5d), amending provision, numbered paragraph			
84af		"		"

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		<p><u>(ea) criteria relating to the conservation of vine genetic resources.</u></p> <p>Am. 69</p>	"	<p>[Trilogue 27/01/2021]</p> <p>EP amendment to be dropped - solution found in line 80g</p> <p>"</p>
Article 1, first paragraph, point(8), Amending Provision (0a)				
98a			<p>(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.</p>	<p>'</p> <p>[Trilogue 02/12/2020]</p> <p>(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.</p>
Article 1, first paragraph, point(8), Amending Provision (0b)				
98b			<p>(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</p>	<p>[Trilogue 02/12/2020]*</p> <p>(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</p>

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			for in paragraph 1 of that Article are met.	subject to checks to determine whether the conditions provided for in paragraph 1 of that Article are met.
	Article 1, first paragraph, point(8), Amending Provision (0c)			
98c			(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.	[Trilogue 02/12/2020]* (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.
	Article 1, first paragraph, point(8), Amending Provision(2), point(a)			
101	(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;	(a) the establishment <u>or maintenance</u> of an analytical databank of isotopic data to help detect fraud to be constructed on the basis of samples collected by Member States; <small>Am. 77</small>	(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;	(a) [Trilogue 02/12/2020] the establishment or maintenance of an analytical databank of isotopic data to help detect fraud to be constructed on the basis of samples collected by Member States;
	Article 1, first paragraph, point(8), Amending Provision(3), point(a)			
105				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(a) the procedures relating to Member States' own databanks and to the analytical databank of isotopic data that will help detect fraud;	(a) the procedures relating to Member States' own databanks and to the analytical databank of isotopic data that will help detect fraud;	(a) the procedures relating to Member States' own respective databanks and to the analytical databank of isotopic data that will help detect fraud;	(a) [Trilogue 02/12/2020] the procedures relating to Member States' respective databanks and to the analytical databank of isotopic data that will help detect fraud;
	Article 1, first paragraph, point(8), Amending Provision(3), point(c), first subparagraph			
107	(c) as regards the obligation referred to in paragraph 3, 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.	(c) as regards the obligation referred to in paragraph 3, 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.	(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.	(c) [Trilogue 02/12/2020] as regards the obligation referred to in paragraph 0c, 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.
	Article 1, first paragraph, point(32), Amending Provision(a)			
203a			(a) in Part I, point III.1(A), the row for the United Kingdom is deleted;	-1. [Trilogue 02/12/2020] in Part I, point III.1(A), the row for the United Kingdom is deleted;

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	Article 2, first paragraph, point(4), introductory part			
G 227	(4) in paragraph 1 of Article 10, the introductory sentence is replaced by the following:	(4) in paragraph 1 of Article 10, the introductory sentence is replaced by the following:	(4) in paragraph 1 of Article 10(1) , the introductory sentence wording is replaced by the following:	(4) [Trilogue 27/01/2021] in Article 10(1), the introductory wording is replaced by the following:
	Article 2, first paragraph, point (4a), amending provision, first paragraph			
G 228b		" 2. Geographical indications pertaining to products of third countries that are protected in the Union under an international agreement to which the Union is a contracting party may be entered in the register <u>if the agreement so provides</u> . Unless specifically identified in the said agreement as protected designations of origin under this Regulation, such names shall be entered in the register as protected geographical indications." Am. 185		" [Trilogue 27/01/2021] To drop EP Amendment - already covered by current Article 11(2) of Reg. 1151/2012." "
	Article 2, first paragraph, point (4c), amending provision, article, numbered paragraph			
G 228q				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>3a. The protection referred to in paragraph 1 of this Article shall also apply with regard to goods in transit within the meaning of point 44 of Article 3 of Regulation (EU) No 2017/625 entering the customs territory of the Union without being released for free circulation within the customs territory of the Union and with regard to goods sold through means of distance communication.</u></p> <p>To that end Member States shall designate the authorities that are responsible for taking these steps in accordance with procedures determined by each individual Member State.</p> <p>These authorities shall offer adequate guarantees of objectivity and impartiality, and shall have at their disposal the qualified staff and resources necessary to carry out their functions.</p> <p>"</p> <p>Am. 253</p>		<p>"</p> <p>[Trilogue 27/01/2021]</p> <p>To drop EP Amendment - solution found in lines 230a, b and c</p> <p>"</p>
	Article 2, first paragraph, point(5), Amending Provision(4), point(a)			
G	230a			G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			(a) goods entering the customs territory of the Union without being released for free circulation within the customs territory of the Union and	' (a) [Trilogue 27/01/2021] goods entering the customs territory of the Union without being released for free circulation within the customs territory of the Union and
	Article 2, first paragraph, point(5), Amending Provision(4), point(b)			
G 230b			(b) goods sold through means of distance selling such as electronic commerce.;	(b) [Trilogue 27/01/2021] goods sold through means of distance selling such as electronic commerce.;
	Article 2, first paragraph, point(5), Amending Provision(4), first paragraph			
G 230c			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	(c) [Trilogue 27/01/2021] 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

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			circulation there, where such goods, including packaging, come from third countries and bear without authorisation the protected designation of origin or protected geographical indication.';	circulation there, where such goods, including packaging, come from third countries and bear without authorisation the protected designation of origin or protected geographical indication.';