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**Belgian written comments written comments following the meeting of the
WP on Agricultural Products on 2 September 2025**

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

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Recital 13 of draft proposal – Art. 152

... legumes should be included among the products eligible for support while respecting the EU WTO schedule on oilseeds...

To avoid misunderstandings, is it not better to refer to protein crops here as well?

Article 1 (5) of draft proposal– Art. 7 (deleted)

Article 7 determining the reference thresholds for agricultural products is deleted.

Is there another legislative document that contains the reference thresholds for agricultural products? If not, is such a regulation planned for the future

Article 1 (11) of draft proposal – Art.23 a new paragraph 1a

(1a) In school year 2027/2028, 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 90 001 722,9

Dividing the academic year into two financial segments presents challenges, primarily because the majority of payments are concentrated in the latter part of the year

Article 1 (12) of draft proposal – New Art. 26 School Scheme – scope.

In their presentation, the Commission made it clear that the implementation of a school scheme is compulsory in each member state. Therefore we regret that there are no allocated financial means available (like in the current scheme). The budget for the school scheme must come from the not ringfenced amount of the EU budget. The consequence is that there will be competition among measures for a share of the limited budget available. We fear that a new school scheme will be very limited without the support of a fixed allocation .

In the new proposition the Commission wants to switch budget/regulations on the 1st of January 2028. A school scheme starts in September, at the beginning of the school year. Dividing a school year in 2 financial parts is complex, most of the payments take place in the second part of the school year. This will lead to administrative and financial complexities that contradict the simplification objective announced by the Commission

Moreover, in the middle of the school years schools will have to start buying different types of ‘prioritized’ products, they need to start presenting more types of proofs. Contracts for the distribution of fruit and vegetables are closed at the beginning of the school year and are

logically made up for an entire school year. Switching in the middle of a school year will be very difficult. The new financial structure can also have as a consequence that some schools will be forced to stop participating in the school scheme because of insufficient funds. School will drop out or not even wanting to participate at all because of this insecurity. This will undermine the goal of the school scheme. Article 26 will prevent the increase in consumption of agricultural products and the improvement of children's eating habits.

Additionally, as the Commission envisages a switch on 1st January 2028. Is the evaluation of the national/regional strategy as foreseen in the current legislation (R2017/39 – art 8) and due for 1st March 2029 still necessary since school scheme will be part of the NRP plans?

Article 1 (12) of draft proposal – New Art. 27 School Scheme - scope and general rules.

(2). The participants in the EU school scheme shall be children attending educational establishments which are administered or recognised by the Member States' competent authorities.

Teaching and educational staff should be included among the participants. It is important that teachers can set an example and build trust with children by also being able to consume the products.

(4). Member States shall establish and provide support for interventions based on the following types of interventions ...: (b) awareness-raising measures.

Up to 15% of the total budget may be allocated to awareness-raising activities. Under current legislation, an additional 10% can be designated for other related costs, such as monitoring, evaluation, publicity, and communication (cfr. Art 22 R1308/2013 and R 2017/40). Is this provision still applicable?

Article 1 (12) of draft proposal – New Art. 28 School Scheme - Supply and distribution of agricultural products.

The extra priorities for the distributed products that the Commission has added in the new regulation will make the implementation of the school scheme more complex and expensive (instead of easier, leaner and more accessible).

Paragraph 2

This point should be removed. It gives no added value compared to other rules and is nonsensical:

- Agronomically: many fruits can naturally exceed these standards.
- Dietetically: sugar or fat concentration alone does not determine whether a product is unhealthy.
- In terms of control: this rule will be unenforceable in practice.

Paragraph 3

BE requests more flexibility regarding transformation by educational institutions, particularly concerning the addition of salt, sugar, fat, or other products not listed in Annex I.

Many schools wish to carry out cooking activities with students for educational purposes, but these recipes may conflict with paragraph 3.

BE believes that raising awareness of healthy and balanced eating also involves learning to cook. Some products are more easily consumed by students after slight transformation or help reduce food waste: soup, compote, pancakes.

Paragraph 4

This rule adds nothing to the Programme. It is already implicit in paragraph 1. Making it explicit will lead to divergent interpretations between Member States, the EC, and certification bodies, thus increasing administrative complexity. The exclusion of whole milk also seems to lack any objective basis.

RW recalls that due to cost reasons, fresh products are de facto prioritized over processed products

Additionally, whole fat milk has a place in a healthy diet of children, certainly for smaller children, so we would prefer that the priority for skimmed milk products is removed.

Paragraphe 5

Are there clear definitions for 'low climate impact'; 'small farm', 'sustainable packaging', 'fair trade' etc .. products that make these priorities explainable, checkable and implementable? Are there enough objective criteria for (on the spot) checks. This will certainly increase the administrative burden for schools. In the Flemish school scheme, schools can choose their own supplier, this can also be a supermarket. Will schools that buy their own products be able to obtain enough information and proofs with their invoices and tickets? How can we provide clear instructions to schools for them to buy the 'correct' products when there are no clear definitions, or clear categories in the market available.

Wallonie already implements paragraph 5 but believes that making it explicit in legislation will cause major issues in Programme execution:

- How will compliance with this rule be monitored?
- These criteria entail higher costs; without refinancing, this objective seems unattainable

Or does the commission envisages that all member states work with a centralized public tender and distribution? In this situation MS can force these extra requirements via the public tender. This will obviously increase pricing, meaning that there will be less products available to be distributed. How does the Commission envisions the implementation of these paragraphs? How can this work in combination with the implementation of a SCO? Or can member states decide to grant additional aid for 'prioritized' products as an incentive for schools to buy them.

The distribution of fruit en vegs in a school year starts in September/October. An obligation for only EU origin products will make it almost impossible to provide a various gamma of products during the winter months (besides apples and pears that can be refrigerated).

It is important to safeguard that the essential goal of the school scheme will not be damaged by these extra conditions: to help children create healthy eating habits by getting to know healthy food like milk products, fruit and vegetables and milk.

Paragraph 7

As explained for paragraph 3, BE requests more flexibility for cooking workshops within schools using distributed products. This should be allowed without violating paragraph 7.

Point (c) of paragraph 7 seems too vague and open to interpretation

Article 1 (12) of draft proposal – New Art. 31 Type of intervention in certain sectors.

Article 47 of 2021/2115 links investment mainly to environment and climate. Is that link no longer there?

The intervention types are not as detailed as the intervention types for f&v and apiculture in R2021/2115. Consequently, is it up to the member state to elaborate further in its NRPP? Can we add other intervention types if we define them in the NRPP?

(g) : actions to protect and/or improve the environment;
Does this also include investments to protect and/or improve the environment?

(n): sustainable restructuring and conversion of vineyards through varietal conversions, relocation of vineyards, and improvements to vineyard management techniques;

In R2021/2115 this was also applied to fruit trees, now only to vineyards

Article 1 (12) of draft proposal – New Art. 32 Beneficiaries (of sectoral interventions).

(1). Member States shall establish in their NRP Plans which operators may benefit from interventions in the sectors referred to in Article 30(1).

It is unclear who the operators could be?

(2). ... Member States shall establish that producer organisations and association of producer organisations ... and producer groups as referred to in paragraph 3 ... are the sole beneficiaries of the interventions

It is unclear whether the Member State has the option of also allowing producer groups to be beneficiaries, given that point 3 states “may”

Article 1 (12) of draft proposal – New Art. 33 Operational Programs and Operational Funds.

(2) Operational programmes shall have a minimum duration of three years and a maximum duration of seven years.

What will happen to the current 7-year OPs that run until 2029 and some until 2030? Can they be continued according to 2021/2115?

(4) Member States shall set out in their NRP Plans the maximum percentages of the operational fund which may be spent on any individual type of intervention in order to ensure a balance between the different types of interventions.

This will be very difficult to implement. We have currently more than 100 interventions. This makes it difficult to determine in advance a maximum percentage of the operational fund that may be spent. We suggest determining this at the level of the objectives

Article 1 (12) of draft proposal – New Art. 34 Value of marketed production.

(1) Member States shall indicate in their NRP Plans how the value of marketed production is calculated for each sector.

Does this apply also for the fruits & Vegetables sector ? In art. 31 of delegated regulation 2022/126 of SPR 2021/2115 the calculation of the WAP is described for fruits & vegetables. Will there be a new delegated regulation for fruits & vegetables?

(2) The value of the marketed production for a producer organisation, association of producer organisations or producer group shall be calculated on the basis of the production of the producer organisation or producer group or association of producer organisations and its producer members

Why are no longer transnational PO or transnational UPO mentioned?

Regulation 2022/126 clearly describes which members must be included (only those who are members on January 1 of the year in which the aid is requested).

There is no mention of this here, but it is very important to define this.

It shall be further calculated at the ‘ex-organisation, association or producer group’ stage or at ‘ex-subsidiary’ stage, provided that at least 90 % of the shares or capital of the subsidiary is owned by the producer organisation, association or producer group.

Is it still possible that at least 90% of the shares is owned by members of the PO?

(2) 3d Alinea: The value of marketed production shall include the value of the by-products, of market withdrawals for free distribution, of outsourced activities

Regulation 2022/126 describes how this value is calculated, but not here.

What is meant by outsourced activities?

Article 1 (13) of draft proposal – Art. 75 Marketing standards.

(a) in paragraph 1, the following points are added:...(o) cheese.’;

The Commission wishes to know whether Member States can support a proposal to develop marketing standards for certain products, including cheese. These marketing standards may (but do not necessarily have to) include a mandatory origin indication.

Belgium does not support a mandatory origin indication for cheese.

Article 1 (23) of draft proposal – Art. 173 Delegated powers.

Will the Commission establish the specific aims which may, must or must not be pursued by such organisations and associations because at this moment they are not in the proposal of the 1308/2013? Aims are necessary to create a level-playing field in all the member-states.

Article 1 (31) of draft proposal – New Art. 222 c Plans for availability of supply

Scrutiny reservation

We recommend that DG AGRI discusses these crisis related proposals with DG GROW, in order to align them with existing legislation. Will there be implications for NIS2 and CER? Furthermore, the implementation (and establishment of a national competent authority) needs to align with Belgian national legislation. Are the NCCN and CCB involved in the preparation of this legislation, where crisis is concerned?

This article shall apply from [12 months after the date of entry into force of this Regulation]. This seems a little optimistic.

(1) The Commission and the Member States shall cooperate ...to enhance the coherence of crisis preparedness in the agri-food sector.

Will these measures be linked with the monitoring, measures and provisions as foreseen by IMERA (Internal Market Emergency and Resilience Act)?

(2) a) ... of supply of agricultural products ...

Suggestion to refer to “key agricultural products”. it does not seem feasible to be able to continue to guarantee access to and availability of ALL agricultural products during a crisis? Does this chapter refer specifically to the products produced by agriculture, not to those they need in order to be capable to produce crops and livestock? (including wheat, meat, milk, ..., but excluding fertiliser, seeds, ... ?)

(3) a) monitoring and early warning mechanisms including assessments of structural supply chain vulnerabilities and risk scenarios for major disruptions

Will this be incorporated in the monitoring structures proposed by IMERA?

Major disruption of “key agricultural products”

Article 1 (31) of draft proposal – New Art. 222 d Reserve of agricultural products

Will every Member State be expected to stockpile the full range of essential goods on their own territory (e.g. meat, fish, wheat), or will there be a coordinated European approach where responsibilities are divided?

(2) c) the purchase of agricultural products for the reserves.

Only agricultural products, or also seeds, fertilisers,...?

Article 1 (35) of draft proposal – Art. 225 Reporting obligations of the Commission

Point e) and f) deleted. Quid of the points da) dc) and dd) ?

Annex I (4) of draft proposal – Annex VII new Part Ia – meat and meat products designations

We welcome the initiative, provided it is limited to the designations of primary and secondary products (not processed products). This will ensure clarity for consumers regarding the content and composition of the products offered.

General remarks

We would like to refer to the recent decision of the Court of Justice in the *Proteines de France and Others* - case (c-438/23). In this case, the Court states that a legal name is established by associating a specific term with a particular foodstuff. Simply listing a series of names, without a definition or description, goes against the principles laid down in this judgment and can hamper the work of market surveillance authorities and lead to confusion among operators and consumers. Therefore, we request that, in addition to listing, the terms be adequately defined. For animal species, this can be done by referring to the scientific names. For cuts, reference can be made to other Community legislation (e.g., customs codes, Commission Regulation (EC) No 543/2008) or a conclusive description.

Furthermore, as is the case with dairy products (in parallel to Commission Decision 2010/791/EU.), a list of permitted historical exceptions (such as "beef tomato") should be drawn up.

paragraph 3

The current list is incomplete. It does not include all primary designations (animal species: for example, rabbit and horse are missing), and it contains some random secondary designations (i.e., cuts). We understand that the Commission is inviting Member States to complete this list, as it should not be limited to certain farm animals only.

We would propose to add the following terms to the list:

Animal species:

Horse (*Equus ferus caballus*)

Rabbit (*Oryctolagus cuniculus*)

Should the species listed in art1.1 543/2008 be repeated here or does the Commission Regulation protect those designations?

Cuts:

Ham

Should the cuts listed in art1.2 543/2008 be repeated here or does the Commission Regulation protect those designations?

paragraph 4

Can the Commission please elaborate on the scope and purpose of art 4?

What is the position regarding "hybrid meat"? How is this being addressed in light of the increasing protein shift? Specifically, how should the following text be interpreted, particularly: "which takes no part of is intended to take the place of any meat constituent"?