



Council of the European Union  
General Secretariat

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**Interinstitutional files:  
2018/0218(COD)**

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**Brussels, 05 April 2019**

**WK 137/2019 ADD 4**

**LIMITE**

**AGRI  
AGRIFIN  
AGRIORG  
AGRILEG  
CODEC**

### WORKING PAPER

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#### **CONTRIBUTION**

From:	General Secretariat of the Council
To:	Delegations
N° prev. doc.:	14195/18 + REV 1 + REV 2
N° Cion doc.:	9556/18 + REV 1 (en, de, fr) + COR 1
Subject:	Regulation on common market organisation (CMO) of agricultural products - German comments

Delegations will find attached the comments from the German delegation.



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DATE April 5th, 2019

**Commission's proposal for a regulation of the European Parliament and the Council amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products and (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs**

Germany thanks the Romanian presidency for the opportunity to send in written comments. Germany would like to reply to the arguments put forward by the Commission in the Special Committee on Agriculture on March 11<sup>th</sup> for a deletion of Article 189 CMO on the import regime for hemp. In addition, we would like to invite the presidency and the fellow delegations to consider our proposals on additional amendments already shared with you.

**I. Amendments to the CMO**

**Article 189**

Germany doesn't share the arguments put forward by the COM in the Special Committee on Agriculture on March 11<sup>th</sup> for a deletion of Article 189 CMO on the import regime for hemp due to the following reasons:

- In our opinion, the probable reason why 12 EU member states didn't designate a competent body for the import control is that imports of hemp are not carried out via all EU member states and therefore the provision of a control body may be unnecessary in those member states.
- A risk of collision of CAP rules with national regulations is not seen. In Germany for example, the national hemp import regulation was adopted to implement the EU hemp import regime. The national regulation doesn't contradict the EU regulation, but merely explains it in more detail.
- Moreover, the COM has dealt extensively with the import arrangements for hemp in 2016 and adopted it to the Lisbon treaty by the Regulations (EU) 2016/1239 and (EU) 2016/1237. The relevant reporting obligations (see Article 17 (2) Regulation (EU) No. 2016/1239) run as far as we know already on the ISAMM platform. If Article 189 were deleted, the customs authorities and control units would lack the necessary information resulting from the issue of the import license and here in particular the information on the intended use. This would result in significant additional administrative burden for the customs authorities and other control units. They would have to check and confirm that the products are not narcotic

drugs. This could, in the end, also jeopardize the security or control of the trade in narcotic drugs.

### **Article 125 CMO**

Germany proposes the deletion of Article 125 (2) CMO providing for the control of sectoral agreements in the sugar sector. At the same time the Regulation No 1516/74 should be repealed.

- After the abolishment of the sugar quota, the member states' control of the sugar sector agreements seems useless.
- The control is only of a formal nature. Since the omission of the minimum price for sugar beets no sanctions are foreseen for the violation of the rules.

### **Article 152 CMO**

We propose to amend Article 152 to avoid the joining of mere processors.

- The scope of Article 152 is defined by Annex I.
- Annex I also covers processed products (e.g. flour).
- In consequence, the wording of Article 152 grants mere processors the opportunity to form a PO.
- A PO consisting of mere processors would contradict the article's aim to strengthen the producers' position in the value chain.

### **Article 221 CMO**

The scope of Article 221 should be limited to market related measures. Problems caused by natural disasters or adverse climatic events should be exempted from the article's scope.

## **II. Amendments to the Regulation (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs**

### **Article 51 (1)**

Germany has concerns against the reduction of the opposition period to three months. In opposition proceedings to protected geographical indications accuracy should prevail over speed.

### **Article 53 (2) and (3)**

Germany has concerns against new rules for amendments, because GI rights are granted at the EU level, so that any changes to these rights for reasons of transparency at EU level should be approved. A return of competences of the member states for simple amendments leads to non-transparent responsibilities. So that the Commission can save some bureaucracy, all member states must adapt their national law in order to create a basis for the approval of simple amendments.