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CONTRIBUTION

From:	General Secretariat of the Council
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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 - Comments from Sweden



Ministry of Rural Affairs and infrastructure
Unit for Agriculture and Food



Questions ahead of the meeting of the Working Group for Agricultural Products on 19-20 November.

In preparation for the discussions of the Working Group on Agricultural Products on 19-20 November, Sweden submits the following questions.

Questions on protein crop sector

Can the Commission clarify what protein crop products will be covered by the proposed, new, sector and what will be covered by the fruit and vegetable sector?

Must a PO that produces both fresh beans and dried beans be recognised for both fresh fruit and vegetables and dried protein crops? Can the Commission explain in more detail and give examples on how to approach PO's that do both?

Questions on hemp

Sweden would like a clarification on what areas of use the Commission foresees for the hemp flowers. Specifically, if the proposal would allow for human consumption of hemp flowers. If so, how does the Commission see this aligning with Regulation (EU) 2023/915 on maximum levels for certain contaminants in food and the 1971 UN Convention on Psychotropic substances given, for instance, that mixtures with THC as well as THC in dosage form constitute psychotropic preparations according to the Convention?

In this respect we would also like to take part of the scientific evidence on public health protection mentioned by the Commission in the proposal.

Can the Commission clarify what the extended scope for the use of hemp plants entails and how this will impact related uses like pharmaceutical and cosmetic products?

As the levels for THC-content varies between parts of the plant this can constitute health risks. Has the Commission considered establishing THC limit values for each part of the hemp plant as is for instance being done regarding hemp leaf tea in Regulation (EU) 2023/915?

What are the Commission's view on the overlap between the proposal and draft Commission Implementing Regulation amending Annex III to Regulation (EC) No 767/2009 of the European Parliament and of the Council on the placing on the market and use of feed (SANTE/41765/2024)?

Could the Commission explain in more detail how this topic, and the ongoing negotiations, are being coordinated and communicated on with DG SANTE?

Questions on sectoral interventions

Must the types of interventions that are listed in article 31 be carried out by a PO, APO or TNPO?

Can the Commission clarify the intention behind the following wording from the proposed article 31(a) to the CMO:

“other than those referred to in Article 13 [*Investments for farmers*] of Regulation (EU) .../... [CAP Regulation]”.

Does this mean that investments that are eligible for support within Article 13 of the CAP-regulation are not eligible for support within the PO-scheme (and other sectorial support schemes), i.e. that PO-support for investments in individual member companies will no longer be possible?

Can the Commission clarify the wording of the proposed article 32(2) to the CMO which states that PO's and APO's must be the sole beneficiaries of interventions referred to in article 30(2)? Does this mean that it will be possible for a Member State to provide support for investments in individual farms only from the CAP investment support and not within the framework of the PO-scheme?

Sweden has noted that the Commission is considering moving some articles, including article 35(9), from the NRP-regulation to the CAP-regulation. However, article 35(8) and 35(9) of the NRP-regulation are addressing the financial aspects related to the CMO-regulation. For coherency and simplification - would the Commission consider putting these articles in the CMO-regulation instead?

The proposal maintains the current system of deciding support ceilings for PO's based on VMP and whether the PO has a cross-border element. This system is complex and sometimes difficult for authorities and PO's to administer. Has the Commission considered simplifying the PO-scheme by applying one set ceiling for support?

Sweden notes that there are minimum limits of 30% on the national support for sectoral interventions and 50% in the apicultural sector. However, there seems to be no upper limits for the national contribution. Is this correct and has the Commission considered introducing any limitations on the maximum level for the national contribution to ensure a level playing field in the EU?

Has the Commission considered a set support level which includes both the Union and the national contribution, thereby providing a ceiling for the national contribution level? For example, the ceiling for support today is 4,1 % of VMP. Therefore another 1,78 % of VMP (or more?) should be provided as national support. The total support level (Union and National) will be 5,89 % of VMP.

The proposal introduces a range of support levels, up to 95%, for various interventions. Has the Commission considered applying a single, lower, support level to simplify implementation and reduce risk of fraud and irregularities?

Would the Commission consider introducing specific objectives for the support scheme for PO's in the fruit and vegetable sector similar to what is currently provided by article 46 of Regulation (EU) 2021/2115?