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CONTRIBUTION

From:	General Secretariat of the Council
To:	Delegations
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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 Slovakia

Comments the Slovak Republic on the Regulation amending Regulation (EU) 1308/2013 as regards the school scheme, sectoral interventions, the protein sector, hemp, marketing standards, import duties, the availability of supplies and securities (11722/25 + ADD1) and Council Regulation amending Regulation (EU) No 1370/2013 as regards the aid scheme for the supply of fruit and vegetables, bananas and milk in educational establishments (EU school scheme) (11715/25)

Working Party on Agricultural Products

Block 4

Sectoral interventions

Article 1(12) – Article 26 Scope:

We would like to ask the Commission for clarification on how the existing operational programmes (*CAP Strategic Plan 2023-2027*) will be implemented into the NRP Plan. Will there be a transitional period for the current operational programmes? For example, in the case of recognised producer organisations (POs) in the fruit and vegetables sector whose operational programmes extend beyond the new period, will these POs be able to continue under the current conditions, or will they be required to adapt to the new ones?

Question to the non-mandatory sectors: There are non-mandatory sectors implemented under the CAP Strategic Plan. If a Member State decides not to continue supporting these non-mandatory sectors in the new period from 1 January 2028, but there is an operational programme in the milk and milk products sector approved until 2029, can the Member State include only this operational programme in the NRP Plan while refraining from supporting new operational programmes in the milk and milk products sector? In our view, Member States may choose not to continue supporting certain sectors, but may decide to support new ones. In such a case, how should Member States manage operational programmes approved under the CAP Strategic Plan?

Article 1 (12) – Article 30 (2) Scope:

We would like to ask the Commission for clarification, if a Member States does not have a recognised POs in the specified mandatory sector, then recognition as a PO is not mandatory for the given sector and does the sector fall under the conditions set out in Article 30 (1)?

If it follows from the Member State's analyses that the sector in question, determined as mandatory, does not require such a need to organise itself and therefore recognise a POs in the given Member States, is it possible to apply an exemption for certain crops listed in Annex I a) sections 1 and 2?. What if there are not enough primary producers in the given Member States to meet the conditions for recognition in the mandatory sector?

In relation to the sector Article 1 (2) d) 1308/2013 when recognising a POs, will it be necessary to distinguish between POs producing dried pulses for human consumption and POs producing dried pulses for the production of feed?

Article 1(12) – Article 31 Types of intervention in certain sectors:

Article 31 refers to Articles 12 and 13 of the CAP Regulation. We need more clarification on how Member States should apply Articles 12 and 13, when in the CAP Regulation, Article 12 Support for participation in risk management tools instruments and Article 13 Support for investments for farmers and forest holders, are defined as "interventions" and not "types of interventions".

Do we understand correctly that under Article 12 Support for participation in risk management tools instruments can be a type of intervention – insurance of production, mutual funds, collective storage, etc.?

Under Article 13 Support for investments for farmers and forest holders, can a type of intervention be a specific investment such as the restocking of herds after compulsory culling? It would be appropriate for the Commission to clarify the link to Articles 12 and 13 of the CAP Regulation.

Article 1(12) – Article 31 Types of intervention in certain sectors, point (b) and (c):

Could the Commission clarify the difference between the type of intervention "b) training, information, including coaching and exchange of best practices" and "c) advisory services"?

Could the Commission clarify whether, in the case of an intervention under point (b), advice be provided only by a recognised producer organisation (or producer group) that already has experience in implementing an operational programme or whether it may also be provided by any other operator with experience in implementing certain measures, for example environmental measures?

Article 1(12) – Article 31 Types of intervention in certain sectors, point (a):

Within the scope of intervention type a) investments in tangible and intangible assets, can eligible expenditure include expenses that are not of an investment nature but that are related to the relevant investment, such as administrative costs, installation costs, project development costs, etc.?

Article 1(12) – Article 31 Types of intervention in certain sectors, point (f) and (g):

Within the intervention type f) actions to mitigate and/or to adapt to climate change and g) actions to protect and/or improve the environment, will investments also be eligible or only types of expenditure that are not of an investment nature?

Article 1 (12) – Article 31 Types of intervention in certain sectors

Could the Commission confirm that none of the interventions listed a) to q) are mandatory and that Member States may decide to choose only certain types of interventions? For these interventions, Member States should set maximum percentages? Will additional criteria be added for the selection of these types of interventions?

Article 1(12) – Article 32 Beneficiaries:

According to paragraph 1, Member States are to determine which operators will benefit from the interventions. The term "operators" is very broad and, according to our interpretation, means that in the case of non-mandatory sectors,

operators such as primary producers in the relevant sectors - can be beneficiaries of support. According to Regulation 2021/2115, only producer organisations and other forms of cooperation could be beneficiaries of support in non-compulsory sectors. The proposal submitted shows that the Commission is changing these rules. We therefore ask the Commission to clarify who can be a beneficiary of support in non-mandatory sectors.

Article 1(12) – Article 33 Operational programmes and operational funds:

According to paragraph 4, Member States shall set out in their NRP Plan the maximum percentage of the operational fund that may be spent on any individual type of intervention. Will Member States be able to change this percentage for justified reasons after the approval of the NRP Plan, or not?

In general:

Will it be possible to provide advance payments to the beneficiaries? Could the Commission clarify how the mechanism for providing support to beneficiaries will be organised? Will the Member State be able to provide payments in certain tranches, i.e. for investments/actions already implemented, more than once a year?

Hemp

We would appreciate clarification whether the new provisions regarding the production and marketing of hemp also apply to hemp and its products falling within the definition of food (e.g. hemp leaves intended for the tea preparation), for which maximum levels of delta-9-tetrahydrocannabinol (Δ 9-THC) in hemp seeds and products derived therefrom are already established.