Council of the European Union
General Secretariat

Interinstitutional files:
2018/0218(COD)

Brussels, 25 May 2021

WK 6866/2021 REV 1

LIMITE

AGRI
AGRIFIN
AGRIORG
CODEC
AGRILEG

WORKING PAPER

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

NOTE

From: To:	General Secretariat of the Council Special Committee on Agriculture (SCA)
N° 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 - Revised Presidency background paper

The annex to this document contains a revised Presidency background paper which sets out the state of play on the CMO file following the trilogue on 21 May 2021. The only change of substance is to point 5 of Annex A, and relates to the wording of Article 164(4)(l) and (m).

CMO Regulation – Last news following SCA meeting on 17 May

As part of the CAP reform negotiations, the eighth trilogue on the Amending Regulation (AKA the "CMO" proposal) took place on Friday, 21 May 2021.

The Council hosted the meeting, with the Portuguese Minister of Agriculture, Maria do Céu Antunes, chairing. The rapporteur, Eric Andrieu, represented the European Parliament and Deputy-Director General Michael Scannell the Commission.

A list of A-points was approved with agreements reached in technical meetings following mandates from Member States (to be integrated in the four-column document that will be circulated in due course).

The trilogue made good progress, reaching agreement (*ad referendum* for the Council) on most issues, hereby submitted for the consideration of the Member States (the relevant text is in Annex A to this note).

Agreements have also been reached following mandates from Member States (relevant text in Annex B to this note).

However, four particularly political issues were referred to the super trilogue: criteria for fixing of intervention prices, the trade package, supply agreements for sales of wine in bulk and value sharing for PDO and PGI products (where there is new text, it is set out in Annex C to this note).

In addition to the points addressed at the eighth trilogue on 21 May, agreements at technical level were reached (*ad referendum* for the Council) after the SCA on 17 May, which are presented to the Member States in this document for validation at next Wednesday's Council, with a view to their inclusion in the list of A-points during the super-trilogue (Annex D of this document).

Proposals for possible agreement are compared with the status quo, except where there is a proposal in the Council's General Approach, where the comparison is made with that proposal.

ANNEX A - Agreements in Trilogue *ad referêndum*, presented through this document to the Member States

1. **Article 12 - Public intervention periods** (EP AM 53)

The European Parliament wanted the possibility of opening public intervention all year round for all products. In response, the Council suggested bringing forward the opening by one month for products with a fixed period.
Parliament accepted that proposal for products whose opening is automatic under Article 13.1a) of Reg. 1308/2013, and asked to allow the possibility throughout the year for products whose opening depends on a Commission decision under Article 13.1b) of Reg. 1308/2013.
The inclusion of a subparagraph (f) for sugar depends on the discussion on Article 11 that will take place in the Super Trilogue.
The Presidency considers this a balanced compromise solution.

"Article 12
Public intervention periods

Public intervention shall be available for:
(a) common wheat, ~~durum wheat, barley and maize~~, from 1 ***October*** *~~November~~ to 31 May;*
(b) durum wheat, barley and maize, throughout the year;
~~(b)~~ ***(c)*** *paddy rice****, throughout the year;*** *~~from 1 March April to 31 July;~~*
~~(c)~~ ***(d)*** *beef and veal, throughout the year;*
~~(d)~~ ***(e)*** *butter and skimmed milk powder, from 1* ***February*** *~~March~~ to 30 September;*
[(f) white sugar, throughout the year.]"

2. **Article 16 - General principles on disposal from public intervention** (EP AM 232)

The European Parliament's proposal on this article was aimed at increasing Member State's communication on operators selling to or buying in from public intervention, as well as strengthening the Commission's reporting obligation.
The Presidency and the Commission considered that it is possible to improve the information on this market instrument, but did not agree on aspects concerning the communication of nominal data of operators and the destination markets or use of products bought in under public intervention. Agreement was possible on a draft text which does not refer to these aspects.

"Article 16
General principles on disposal from public intervention

(…)
2a. Member States shall notify to the Commission all the information needed, to allow monitoring the respect the principles laid down in paragraph 1.´

*3. Each year the Commission shall publish details of the conditions under which products bought in under public intervention were **bought, if applicable, and** sold in the previous year**. Those details shall include the relevant volumes, the buying and selling prices.”***

3. Article 219/219a new - Package Market Disturbance: Measures against market disturbance (EP AM 148) / Volume reduction scheme (EP AM 149)

The technical discussion on the Parliament's proposals for measures against market disturbances was based on the European Commission's proposal to integrate in this article the reference to the possibility of voluntary reduction of production (replacing the Parliament's proposal for new article 219a), already applied in the recent past, and the possibility of adjusting import duties. This agreement was only possible because Parliament agreed to retain the safety-net test obligation.

“Art. 219
Measures against market disturbance

1. In order to react efficiently and effectively against threats of market disturbance caused by significant price rises or falls on internal or external markets or other events and circumstances significantly disturbing or threatening to disturb the market, where that situation, or its effects on the market, is likely to continue or deteriorate, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 to take the measures necessary to address that market situation, while respecting any obligations resulting from international agreements concluded in accordance with the TFEU *and provided that any other measures available under this Regulation appear to be insufficient* ***or not suitable***.
(…)
Such measures may to the extent and for the time necessary to address the market disturbance or threat thereof extend or modify the scope, duration or other aspects of other measures provided for under this Regulation, ~~or provide for export refunds~~ ***adjust or*** suspend import duties in whole or in part including for certain quantities or periods as necessary***, or take the form of a temporary voluntary production reduction scheme, in particular in cases of oversupply***.

(…)"

4. Article 153(2a) - Statutes of Producer Organisations (EP AM 238)

The discussion on the new paragraph 2a in Article 153 allowed clarification that PO members may have contacts with buyers and not contracts as initially drafted at the Parliament's amendment. It was agreed that these contacts shall not exempt the PO from its core tasks, concentrating supply and placing the produce on the market.

"Article 153
General principles on disposal from public intervention

(…)
2a. The statutes of a producer organisation may provide for the possibility for producer members to be in direct contact with purchasers provided that this does not jeopardise the concentration of supply and placing of products on the market by the producer organisation. This concentration shall be deemed ensured provided that the essential elements of the sales such as price, quality and volume are negotiated and determined by the producer organisation.
(…)"

5. Article 164 - Extension of rules (EP AM 242)

The discussion of the Parliament's amendment found a compromise basis for some of the many initial proposals, namely on the geographical area of application in the case of PDO/PGI products, the use of seeds for organic farming, the extension to prevention of risks resulting from phytosanitary, food safety or environmental aspects and the valorisation of by-products.
The approach to supply agreements for sales of wine in bulk, Parliament's amendment on new subparagraph 4(ca), is still open, however, the Parliament considered that it would be preferable to refer this matter to a new article 147a, which permitted agreement on article 164 as follows.

"Article 164
Extension of rules

(…)
*2. For the purposes of this Section, an "economic area" means a geographical zone made up of adjoining or neighbouring production regions in which production and marketing conditions are homogeneous****, or, for products with a protected***

designation of origin or protected geographical indication recognised under Union law, the geographical zone laid down in the product specification*.*

(…)

4. The rules for which extension to other operators may be requested as provided for in paragraph 1 shall have one of the following aims:

(…)

~~*[(ca) the drawing up of standard contracts or clauses in the wine sector, which are compatible with Union rules and which may include payment periods longer than 60 days, by way of derogation from Article 3(1) of Directive (EU) 2019/633, for the purchase of bulk wines as part of written multi-year contracts or of contracts which become multi-year between a producer or reseller of wine and its direct purchaser, provided that the clauses relating to those deadlines have been subject to extension before 31 October 2021;*~~

(…)

(l) the use of certified seed ***except when used for organic production within the meaning of Regulation (EU) 2018/848,*** *and* ***the*** *monitoring of product quality;*

(m) ***the prevention and management of phyto-sanitary,*** *animal health,* ~~*plant health or,*~~ *food safety* ***or environmental risks****;*

(n) the management ***and valorisation*** *of by-products;*

Those rules shall not cause any damage to other operators***, nor prevent the entry of new operators,*** in the Member State concerned or the Union and shall not have any of the effects listed in Article 210(4) or be otherwise incompatible with Union law or national rules in force.

(…)"

6. **Article 22a (Reg. 228/2013) - Extension of rules** (EP AM 212)

In the technical discussion of Parliament's amendment on interbranch agreements for the outermost regions, it emerged that this was a specific issue for La Reunion, on the grounds that it is one of the most distant from the continent, yet the proposed solution was too far-reaching as it was open to all regions. The Parliament submitted a revised proposal specifying the application only to that outermost region. The Presidency considered this revised proposal as a spirit of compromise.

"Article 22a
Interbranch agreements in la Reunion

1. Pursuant to Article 349 of the Treaty on the Functioning of the EU, by way of derogation from Article 101(1) of the Treaty on the Functioning of the EU and notwithstanding Article 164(4)(a) to (n) of Regulation (EU) No 1308/2013, where an interbranch organisation recognised pursuant to Article 157 of Regulation (EU) No 1308/2013, operating exclusively in la Reunion and considered to be representative

of the production of or trade or processing of one specified products, the Member State concerned may, at the request of that organisation, extend to other operators who are not members of this organisation rules aimed at supporting the maintenance and diversification of local production in order to increase food security in la Reunion, provided that the effect of these rules benefits only those operators whose activities relate to products solely carried out la Reunion and destined for the local market. Notwithstanding Article 164(3) of this Regulation, an interbranch organisation is to be regarded as representative under this Article where, it accounts for at least 70% of the volume of production, trade or processing of the product or products concerned.

2. By way of derogation from Article 165 of Regulation (EU) No 1308/2013, where the rules of a recognised interbranch organisation operating exclusively in la Reunion are extended under paragraph 1 of this Article, and the activities covered by those rules are in the general economic interest to economic operators whose activities relate to products solely carried out of the same outermost region territory and destined for the local market, the member State may, after consulting the relevant stakeholders, decide that individual economic operators or groups which are note members of the organisation but which operate on the local market in question are to pay the organisation all or part of the financial contributions paid by its members to the extent that such contributions are intended to cover costs directly incurred as a result of pursuing the activities in question.

3. The Member State shall inform the Commission of any agreement whose scope is extended in accordance with this Article.

7. Article 75 - Establishment and content (EP AM 234) – **solution found under article 86**

The Parliament has tabled a number of proposed amendments on marketing standards, which it was considered by the Presidency and the Commission to be better addressed after the ongoing public consultation under the farm-to-fork strategy. The parliament accepted this possibility, but kept the intention to introduce sustainability in relation to marketing standards in the CMO regulation.

A solution was found under Article 86 which deals with optional reserved terms, following a Commission drafting proposal.

Presidency considers that this would be the best way to frame this approach to sustainability, in such a way as to contribute to the added value of products.

"Article 86 - Reservation, amendment and cancellation of optional reserved terms

*In order to take account of the expectations of consumers, **including as regards production methods and sustainability in the supply chain**, developments in scientific*

and technical knowledge, the situation in the market and developments in marketing standards and in international standards, the Commission shall be empowered to adopt delegated acts in accordance with Article 227:
(a) reserving an additional optional reserved term, laying down its conditions of use;
(b) amending the conditions of use of an optional reserved term; or
(c) cancelling an optional reserved term."

ANNEX B - Agreements in the trilogue following mandates from the Members States

1. **Article 166a - Supply management PDO/PGI** (EP AM 124)

Agreement on the draft text tabled in SCA on 17 May was confirmed, however, paragraph 4(f) may be revised as a result of the discussion on article 172b, to take place in the super trilogue.

Articles 150 and 172 are deleted as they are included under this new article.

"Article 166a
Regulation of supply of agricultural products with a protected designation of origin or protected geographical indication

1. Without prejudice to Articles 167 and 167a, Member States may, upon the request of a producer organisation or association of producer organisation recognised under Article 152(1) or 161(1) of this Regulation, an interbranch organisation recognised under Article 157(1) of this Regulation, a group of operators referred to in Article 3(2) of Regulation (EU) No 1151/2012 or a group of producers referred to in Article 95(1) of this Regulation, lay down, for a limited period of time, binding rules for the regulation of the supply of agricultural products referred to in Article 1(2) benefiting from a protected designation of origin or from a protected geographical indication under Article 5(1) and (2) of Regulation (EU) No 1151/2012 or under Article 93(1), points (a) and (b) of this Regulation.

2. The rules referred to in paragraph 1 shall be subject to the existence of a prior agreement that shall be concluded between at least two-thirds of the producers or their representatives of the product defined in paragraph 1, accounting for at least two thirds of the production of that product in the geographical area referred to in Article 7(1), point (c) of Regulation (EU) No 1151/2012 or Article 93(1), points (a)(iii) and (b)(iii) of this Regulation for wine.
Where the production of the product referred to in paragraph 1 involves a processing process and the product specification referred to in Article 7(1) of Regulation (EU) No 1151/2012 or in Article 94(2) of this Regulation restricts the

sourcing of the raw material to a specific geographical area, Member States shall require, for purposes of the rules to be laid down according to paragraph 1:

(a) that the producers of that raw material used for the processing process in the specific geographical area shall, be consulted prior to the conclusion of the agreement referred to in subparagraph 1 of this paragraph; or

(b) that at least two-thirds of the producers or their representatives of the raw material accounting for at least two thirds of the production of the raw material used for the processing process in the specific geographical area, are also parties to the agreement referred to in subparagraph 1 of this paragraph.

3. By way of derogation from paragraph 2, for the production of cheese benefitting from a protected designation of origin or a protected geographic indication, the rules referred to in paragraph 1 shall be subject to the existence of a prior agreement between at least two-thirds of the milk producers or their representatives representing at least two thirds of the raw milk used for the production of cheese and where relevant, at least two-thirds of the producers of that cheese or their representatives representing at least two thirds of the production of that cheese in the geographical area referred to in Article 7(1), point (c) of Regulation (EU) No 1151/2012.

4. For the purpose of paragraph 1, concerning cheese benefiting from a protected geographical indication, the geographical area of origin of the raw milk, as set in the product specification for the cheese, shall be the same as the geographical area referred to in Article 7(1), point (c) of Regulation (EU) No 1151/2012 relating to that cheese.

4. The rules referred to in paragraph 1:

(a) shall only cover the regulation of supply of the product concerned and, where applicable, the raw material and shall have the aim of adapting the supply of that product to demand;

(b) shall have effect only on the product and, where applicable, the raw material, concerned;

(c) may be made binding for no more than three years and may be renewed after this period, following a new request, as referred to in paragraph 1;

(d) shall not damage the trade in products other than those concerned by those rules;

(e) shall not relate to any transaction after the first marketing of the product concerned;

(f) shall not allow for price fixing, including where prices are set for guidance or recommendation;

(g) shall not render unavailable an excessive proportion of the product concerned that would otherwise be available;

(h) shall not create discrimination, constitute a barrier for new entrants in the market, or lead to small producers being adversely affected;

(i) shall contribute to maintaining the quality and/or the development of the product concerned.
(j) shall be without prejudice to Articles 149 and 152(1a).

5. The rules referred to in paragraph 1 shall be published in an official publication of the Member State concerned.

6. Member States shall carry out checks in order to ensure that the conditions laid down in paragraph 5 are complied with, and, where it has been found by the competent national authorities that such conditions have not been complied with, shall repeal the rules referred to in paragraph 1.

7. Member States shall notify the Commission forthwith of the rules referred to in paragraph 1 which they have adopted. The Commission shall inform other Member States of any notification of such rules.

8. The Commission may at any time adopt implementing acts requiring that a Member State repeal the rules laid down by that Member State pursuant to paragraph 1 if the Commission finds that those rules do not comply with the conditions laid down in paragraph 5, prevent or distort competition in a substantial part of the internal market or jeopardise free trade or the attainment of the objectives of Article 39 TFEU. Those implementing acts shall be adopted without applying the procedure referred to in Article 229(2) or (3) of this Regulation.

Articles 150 and 172 are deleted.

2. Annex VII, Part III - Limits on the use of designations - milk products (AM 171)

The Parliament dropped the amendment.

~~In Part III of Annex VII, point 5 is replaced by the following:~~
(...)
~~Those designations shall also be protected from:~~
~~(a) any direct or indirect commercial use of the designation;~~
~~(i) for comparable products or products presented as capable of being substituted not complying with the corresponding definition;~~
~~(ii) in so far as such use exploits the reputation associated with the designation;~~
~~(b) any misuse, imitation or evocation, even if the composition or true nature of the product or service is indicated or accompanied by an expression such as "style", "type", "method", "as produced in", "imitation", "flavour", "substitute", "like" or similar;~~
~~(c) any other commercial indication or practice likely to mislead the consumer as to the product's true nature or composition.~~

(…)

ANNEX C – Draft proposals resulting from the trilogue referred to the supertrilogue

1. **Article 15(2a) - Fixing public intervention price** - **Objective criteria** (EP AM 266)

The Parliament's revised proposal failed to reach an agreement and this article has been placed on the agenda of the super trilogue as follows:

> *"Article 15*
> *Public intervention price*
> *[…]*
> ***2a. Without prejudice to the respective competences under the Treaty and in order to fulfill the objectives of the article 39 of the TFUE, the Commission shall take in account the best available scientific, technical and economic advice when making its proposal to the Council on the level of the public intervention price."***

2. **Article 147a (new)** - **Supply agreements of bulk wines (e*x EP AM on article 164.4(ca))***

Following the technical discussion on article 164, the Parliament considered that this provision would be better addressed in the wine chapter of the CMO, and presented a draft for a new article 147a to be considered at the trilogue. No agreement was reached on this new draft, and the article has been placed on the agenda of the super trilogue as follows.

> ***"Article 147a new***
> ***Supply agreements of bulk wines***
>
> ***Upon the request of an interbranch organisation recognised under Article 157 operating in the wine sector, Member State may lay down binding rules on standard contracts for the sales transactions of bulk wines between producers or resellers of wine and their direct buyers, containing, by way of derogation from Article 3(1) of Directive (EU) 2019/633, specific terms of payment longer than 60 days, provided those supply agreements are multiannual and are compatible with Union rules.***
> ***Those standards contracts shall be made binding by the Member State pursuant to this Article before 1 July 2022 and those rules on the standard contracts may only be renewed by the Member State from that date provided that no significant changes to the terms of payment are introduced to the disadvantage of producers or resellers of wine."***

<u>ANNEX D – Agreements reached at technical level *ad referendum* to be presented to the Council</u>

1. **Article 218a/218b – Package Market – Observatories** (EP AM 146 and 147)

The Presidency and the Commission did not accept the creation of a separate structure for an agricultural market observatory, proposed by the Parliament under a new article 218a. It was possible to work out an agreement to introduce into the basic act the current market observatories which the Commission develops under secondary legislation, extending to all sectors of the CMO under a draft presented by the Commission as a 'transparency package' to replace Parliament's proposals on Art. 218a and 218b (that were proposed to be renumbered as Art. 222a and 222b for reasons of readability of the CMO structure).
It was also noticed that specific deadlines for Commission reporting in addition to the regular reporting already embedded in the drafted version of this package, would better fit in Art. 225. It is also in Art. 225 that the "accountability" reporting by the Commission (solution for EP AM for Art. 222a) would fit, i.e. reporting on how the Commission has used measures provided for under the exceptional measures chapter.
This agreement was only possible because Parliament agreed to withdraw its intentions on having early warning mechanisms for market disturbances or alert thresholds linked to the observatories, as initially proposed under article 218b.

Chapter Ia
Transparency of the markets in agricultural products

Article 222a
Union observatories of agricultural markets

1. In order to improve transparency within the agri-food supply chain, to inform the choices of economic operators and public authorities and to facilitate the monitoring of market developments, the Commission shall establish Union observatories of agricultural markets.

2. The observatories may cover any of the agricultural sectors listed in Article 1(2).

3. The observatories shall make available the statistical data and information necessary for monitoring, in particular:
(a) production and supply;
(b) prices and, as far as possible, profit margins at all levels of the food supply chain;
(c) short- and medium-term market forecasts;
(d) imports and exports of agricultural products, in particular the filling of tariff quotas for the import of agricultural products into the Union.
The observatories shall produce reports containing the elements referred to in the first subparagraph.

4. The Member States shall collect the information referred to in paragraph 3 and notify it to the Commission.

Article 222b
Commission reporting on market developments

1. The observatories established pursuant to Article 222a shall alert in their reports of threats of market disturbances caused, in particular, by significant price rises or falls on internal or external markets or by other events or circumstances having similar effects.

2. The Commission shall regularly present to the European Parliament and the Council the market situation for agricultural products, where relevant, the causes of market disturbances and, where appropriate, possible measures to be taken and their rationale, in particular those provided for in Chapter I of Title I of Part II of this Regulation, and Articles 219, 220, 221 and 222.

2. Article 223 - Communication requirements (EP AM 249)

Under technical discussions of this amendment, it was possible to find a solution to the Parliament's proposal to strengthen the provision of information to national and European financial market authorities under article 223 under a draft proposal presented by the Commission which highlights the cooperation already taking place at the level of the European institutions. The Parliament withdrew the proposal to include in this article obligations for operators to communicate transactions through electronic platforms, following Presidency and Commission reserves on this provisions.

Article 223
Communication requirements

1. For the purposes of applying this Regulation, monitoring, analysing and managing the market in agricultural products, ensuring market transparency, the proper functioning of CAP measures, checking, controlling, monitoring, evaluating and auditing CAP measures, and complying with the requirements laid down in international agreements concluded in accordance with the TFEU, including notification requirements under those agreements, the Commission may, in accordance with the procedure referred to in paragraph 2, adopt the necessary measures regarding communications to be made by undertakings, Member States and third countries. In so doing, it shall take into account the data needs and synergies between potential data sources.

The information obtained may be transmitted or made available to international organisations, ***European and national financial market authorities****, the competent authorities of third countries and may be made public, subject to the protection of personal data and the legitimate interest of undertakings in the protection of their business secrets, including prices.*

The Commission shall cooperate and exchange information with competent authorities designated in accordance with Article 22 of Regulation (EU) No 596/2014 and the European Securities and Markets Authority (ESMA) to help them in fulfilling their tasks laid down in Regulation (EU) 596/2014.
[…]

3. Article 81 - Forbidden varieties (EP AM 75, 76; CSL)

At the super trilogue of 26 March, a compromise agreement was reached to accept the Council general approach on article 81, together with EP's amendment, by addition of following new 3rd subparagraph in Art 81(2) of the CMO:
"By way of derogation from the second subparagraph, Member States may authorise the replanting of Vitis Labrusca or the varieties from point (b) thereof in existing historical vineyards as long as the existing planted surface is not increased."
The Presidency submitted this exact text at the SCA meetings of 12 and 19 April (already presented to the Council on 23 March).
At the technical trilogues of 13 and 23 April 2021, EP clarified that the aim of its amendment was to allow the replanting of the existing vineyards and to allow wine to be produced from them, and the COM presented a non-paper with different options to translate such approach into legal wording.
At the technical trilogue of 23 April, the Presidency clarified that the Member States' were opposed to having wine produced on those historical vineyards. The compromise reached was understood as maintaining the status quo and meant only that the existing vineyards planted with forbidden varieties could be replanted with forbidden varieties.
Following the Council opposition to reopen the compromise reached at the super trilogue of March, the Commission presented an alternative draft for a new paragraph 6 of article 81, to supplement the previously agreement on this article presented to Member States, aiming to clarify the status quo for varieties currently grown for other purposes than wine production. This correspond to the current interpretation of the situation of those historical vineyards.
The Parliament accepted this redrafted text as ways to keep the super trilogue agreement. A justification in the form of recital is also proposed with the following wording proposal.

RECITAL:

'(xx) In some Member States there are traditional vineyards planted with varieties not allowed for wine production purposes whose production, including grape fermented beverages other than wine, is not intended for the wine market. It is pertinent to clarify that such vineyards are not subject to grubbing-up obligations and that the scheme of authorisation for vine planting set in this regulation does not apply to the planting and replanting of such varieties when used for purposes other than wine production.'

(yy) in Article 81, the following paragraph 6 is added:

> ***'6. Areas planted for purposes other than wine production with vine varieties which are not classified, in case of Member States other than those referred to in paragraph 3, or which do not comply with the second subparagraph of paragraph 2, in case of Member States referred to in paragraph 3, shall not be subject to a grubbing up obligation.***
>
> ***The planting and replanting of the vine varieties referred to in the first subparagraph, for purposes other than wine production shall not be subject to the scheme of authorisation for vine planting laid down in Chapter 3 of Title I of Part II.'***

As a result of the technical meetings it was also possible to reach possible solutions for agreement on technical points of Blocks 1 and 2, as follows:

4. **Annex I, Part IX, Table 1 – Other peppers** [EP AM 157]

   In a spirit of compromise, the COM redrafting of EP amendment was accepted to be presented to the Member States.

> ***In Annex I, Part IX, the entry 'ex 07 09' is replaced by the following:***
>
> *"ex 0709 : Other vegetables, fresh or chilled, excluding vegetables of subheadings 0709 60 91, 0709 60 95, **ex0709 60 99 of genus Pimenta**, 0709 92 10, 0709 92 90 and 0709 99 60"*
>
> ***In Annex I, Part XXIV, section 1, the entry '0709 60 99' is replaced by the following:***
>
> *"**ex** 0709 60 99 : - - - Other, **of genus Pimenta**"*

5. **Article 64(2f),(2i) - New planting authorisation objectives /criteria** (EP AM 64/CSL) Comparison with the Council General Approach.

   In a spirit of compromise, it was accepted COM redrafting on paragraph (2f), and dropped the Council AM on paragraph (2i), to be presented to the Member States.

> *(…)*
>
> *(f) areas to be newly planted which contribute to the increase of the production of holdings of the **wine** growing sector that ~~have recorded an increase of their sales proceeds~~ **proves increased cost-efficiency** or competitiveness or presence on the markets;*
>
> *(…)*

~~*(i) producers who have been operating in the wine sector for at least 10 years.*~~

(…)

6. **Article 96(5) - Preliminary national procedure** (EP AM 85)

In a spirit of compromise, the EP proposal was accepted to be presented to the Member States. Partly replaces Article 6 of Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 (DA 2019/33).

In Article 96(5), the following subparagraphs are added:

"When forwarding an application for protection to the Commission under the first subparagraph of this paragraph, the Member State shall include a declaration that it considers that the application lodged by the applicant meets the conditions for protection under this Section and the provisions adopted pursuant thereto and that it certifies that the single document referred to in point (d) of Article 94(1) constitutes a faithful summary of the product specification.
Member States shall inform the Commission of any admissible oppositions submitted under the national procedure.

7. **Article 105 - Amendments to product specifications** (EP AM 237)
Article 105a – Amendments to product specifications – Union level (EP AM 91)
Articles 105b/105c – Standard Amendments / Temporary amendments (EP AM 92/93)

In a spirit of compromise, a draft agreement was accepted to be presented to the Member States. Solution for EP AM on articles 105a, 105b and 105c was found under article 105. Fully replaces Articles 14, 15, 17(1) subparagraph 1 and 17(3) part of subparagraph 1 of DA 2019/33.

Article 105 is replaced by the following:

"*Article 105*
Amendments to product specifications

1. *An applicant satisfying the conditions laid down in Article 95 may apply for approval of an amendment to the product specification of a protected designation of origin or of a protected geographical indication, in particular to take account of* *developments in scientific and technical knowledge or to redemarcate the geographical area referred to in point (d) of the second subparagraph of Article 94(2). Applications shall describe and state reasons for the amendments requested.*

2. Amendments to a product specification are classified into two categories as regards their importance: Union amendments requiring an objection procedure at Union level and standard amendments to be dealt with at Member State or third country level.

An amendment shall be considered to be a Union amendment where:

(a) it includes a change in the name of the protected designation of origin or the protected geographical indication;

(b) it consists of a change, a deletion or an addition of a category of grapevine products referred to in Part II of Annex VII;

(c) it could potentially void the link referred to in point (a)(i) of Article 93(1) for protected designations of origin or in point (b)(i) of Article 93(1) for protected geographical indications;

(d) it entails further restrictions on the marketing of the product.

Applications for Union amendments submitted by third countries or by third country producers shall contain proof that the requested amendment complies with the laws on the protection of designations of origin or geographical indications in force in that third country

All other amendments to product specifications are considered standard amendments.

A temporary amendment is a standard amendment concerning a temporary change in the product specification resulting from the imposition of obligatory sanitary and phytosanitary measures by the public authorities or linked to natural disasters or adverse weather conditions formally recognised by the competent authorities.

3. The procedure for approval of a Union amendment shall follow mutatis mutandis the procedure laid down in Articles 94 and 96 to 99.

Applications for approval of Union amendments shall contain Union amendments exclusively. If an application for Union amendment also contains standard or temporary amendments, the procedure for Union amendments shall only apply to Union amendments. The standard or temporary amendments shall be deemed as not submitted.

The scrutiny of the application shall focus on the proposed amendments.

4. Standard amendments shall be approved and made public by Member States in which the geographical area of the designation of origin or geographical indication relates.

Decisions approving standard amendments concerning grapevine products originating in third countries shall be taken in accordance with the system in force in the third country concerned.

8. **Article 106a (new) - Temporary labelling and presentation** (EP AM 96)

In a spirit of compromise, a draft agreement was accepted to be presented to Member States. Fully replaces Article 22 of DA 2019/33.

> ***"Article 106a***
> ***Temporary labelling and presentation***
>
> ***After an application for the protection of a designation of origin or geographical indication has been forwarded to the Commission, producers may indicate it in labelling and presentation and use national logos and indications, in compliance with Union law and in particular with Regulation (EU) No 1169/2011.***
>
> ***Union symbols indicating the protected designation of origin or protected geographical indication, the Union indications 'protected designation of origin' or 'protected geographical indication' may appear on the labelling only after the publication of the decision conferring protection on that designation of origin or geographical indication.***
>
> ***Where the application is rejected, any grapevine products labelled in accordance with the first paragraph may be marketed until the stocks are exhausted."***

9. **Annex VII, Part II, (3)(a) – Alcohol limites aged/liquer wines** (EP AM 278)

In a spirit of compromise, the EP proposal was accepted to be presented to the Member States.

> ***in point 3 of part II of Annex VII, point (a) is replaced by the following:***
>
> ***(a)*** *~~which has~~ with an actual alcoholic strength of not less than 15 % volume and not more than 22 % volume**. Exceptionally, and for wines of prolonged ageing, those limits may differ in certain liqueur wines with an appellation of origin or geographical indication on the list established by the Commission by means of delegated acts adopted in accordance with Article 75(2), on the condition that:***
>
> ***- the wines put into the ageing process shall fulfil the definition of liqueur wines; and***

- the actual alcoholic strength of the aged wine shall not be less than 14 % volume;

10. Article 1(2b) (Reg. 1151/2012) - Objectives (EP AM 179)

In a spirit of compromise, the EP proposal was accepted to be presented to Member States.

"Article 1
Objectives

(…)
"2. This Regulation establishes quality schemes which provide the basis for the identification and, where appropriate, protection of names and terms that, in particular, indicate or describe agricultural products with:
(a) value-adding characteristics; or
*(b) value-adding attributes ~~as a result of~~ **resulting from** the farming or processing methods used in their production, or ~~of~~ **from** the place of their production or **from** marketing **or from their possible contribution to sustainable development.***
(…)

11. Article 6(2) (Reg. 1151/2012) – Generic nature, conflicts with names (...) – Details on avoiding name confusion (variety) (EP AM 182)

In a spirit of compromise, COM redrafting of EP proposal was accepted to be presented to the Member States.

"Article 6
Generic nature, conflicts with names of plant varieties and animal breeds, with homonyms and trade marks

(…)
*2. A name may not be registered as a designation of origin or geographical indication where it conflicts with a name of a plant variety or an animal breed and is likely to mislead the consumer as to the true origin of the product **or to cause confusion between products with the registered designation and the variety or breed in question.***
The conditions referred to in the first subparagraph shall be assessed in relation to the actual use of the names in conflict, including the use of the name of the plant

variety or animal breed outside its area of origin and the use of the name of the plant variety protected by another intellectual property right.

(…)