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NOTE

From: Presidency
To: Delegations

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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
- Analysis of the final compromise text with a view to agreement

1. On 1 June 2018, the European Commission published a set of three legislative proposals laying down the legislative framework for the CAP for the period 2021–2027.

The three proposed regulations were:

- the CAP Strategic Plan Regulation (covering a proposed new delivery model with more subsidiarity for Member States, direct payments to farmers, rural development support and sectoral support programmes);

- the Horizontal Regulation (on financing, managing and monitoring the CAP);
- the Amending Regulation (amending regulations on the Single Common Market Organisation, on quality schemes for agri-food products, on aromatised wines and on specific measures for outermost regions and smaller Aegean islands).

On 23 October 2020, the European Parliament adopted its position on the Amending Regulation and the Council reached agreement on its General Approach on 20 October 2020.

2. The interinstitutional negotiations began with a joint trilogue on 10 November 2020, where the co-legislators presented their positions on all three CAP reform proposals and, for the Amending Regulation, concluded with a joint trilogue on 24-25 June 2021. There were eight trilogues dedicated specifically to the Amending Regulation, which resulted in agreement on the consolidated text of the draft Regulation set out in the Annex to this document and introduces changes to the following regulations:

- Regulation 1308/2013 on the common organisation of the markets in agricultural products (CMO);
- Regulation 1151/2012 on quality schemes for agricultural products and foodstuffs;
- Regulation 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products; and
- Regulation 228/2013 laying down specific measures for agriculture in the outermost regions of the Union.

3. In the light of the above, the Presidency invites the Special Committee on Agriculture, at its meeting on 23 July 2021:
- a) to confirm its agreement on the consolidated text in the form of the draft Amending Regulation set out in the Annex;
 - b) to agree that the SCA Chair should write to the Chair of the Committee on Agriculture and Rural Development of the European Parliament, informing him that, should the European Parliament adopt its position at first reading, in accordance with Article 294(3) TFEU, in the form set out in that annex (which would be annexed to the letter), and subject to revision by the lawyer/linguists of both institutions, the Council would, in accordance with Article 294(4) TFEU, approve the European Parliament's position and the act would be adopted in the wording which corresponds to the European Parliament's position.
4. The annexed version of the consolidated text includes the following corrections to the initial version:
- Recital 1: deleted "market orientation" and reverted to COM proposal;
 - Recital 6: last sentence added;
 - Recital 12a: last part of the 1st sentence added;
 - Recital 17a was missing and is now added;
 - Recital 23f was missing and is now added;
 - point 22i, missing introductory sentence on Art 157 was added & change in paragraph numbering;
 - deletion of last paragraph on Art 22a of Reg 228/2013;
 - correction in Annex I, point (c)(ii), deletion of code 0709 99 60;
 - editorial change in Article 7, 2nd and 4th paragraph.
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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 and (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union and (EU)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2), Article 114, the first paragraph of Article 118 and Article 349 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Having regard to the opinion of the Court of Auditors,

Acting in accordance with the ordinary legislative procedure,

Whereas:

¹ OJ C , , p. .

² OJ C , , p. .

- (1) The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled ‘The Future of Food and Farming’ of 29 November 2017 sets out the challenges, objectives and orientations for the future Common Agricultural Policy (CAP) after 2020. These objectives include, inter alia, the need for the CAP to be more result-driven, to boost modernisation and sustainability, including the economic, social, environmental and climate sustainability of the agricultural, forestry and rural areas, and to help reducing the Union legislation-related administrative burden for beneficiaries.
- (2) Since the CAP needs to sharpen its responses to the challenges and opportunities as they manifest themselves at Union, international, national, regional, local and farm levels, it is necessary to streamline the governance of the CAP and improve its delivery on the Union objectives and to significantly decrease the administrative burden. In the CAP based on delivery of performance (‘delivery model’), the Union should set the basic policy parameters, such as objectives of the CAP and basic requirements, while Member States should bear greater responsibility as to how they meet the objectives and achieve targets. Enhanced subsidiarity makes it possible to better take into account local conditions and needs and the particular nature of agricultural activity, which results from the social structure of agriculture and from structural and natural disparities between the various agricultural regions tailoring the support to maximise the contribution to Union objectives.
- (2a) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union (‘TFEU’) apply to this Regulation. These rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 TFEU also include a general regime of conditionality for the protection of the Union budget.

- (3) To ensure coherence of the CAP, all interventions of the future CAP should be part of a strategic support plan which would include certain sectoral interventions that were laid down in Regulation (EU) No 1308/2013 of the European Parliament and of the Council³.
- (4) Annex II to Regulation (EU) No 1308/2013 sets out certain definitions concerning sectors falling within the scope of that Regulation. Definitions concerning the sugar sector set out in Section B of Part II of that Annex should be deleted because they are no longer applicable. In order to update definitions concerning other sectors referred to in that Annex, in light of new scientific knowledge or market developments, the power to adopt acts in accordance with Article 290 of TFEU should be delegated to the Commission in respect of the amendment of those definitions, without adding new ones. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council. Consequently, the individual empowerment delegated to the Commission in point 4 of section A of Part II of that Annex to amend the definition of inulin syrup should be deleted.
- (5) Part I of Regulation (EU) No 1308/2013 should be simplified. Redundant and obsolete definitions and provisions empowering the Commission to adopt implementing acts should be deleted.
- (5a) In the light of experience gained, the periods where the system of public intervention is available should be extended. Where it is open automatically, its duration should be extended by one month. Where its opening depends on market developments, it should be available during the entire year.

³ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

- (5b) For the purpose of increased transparency, and in the context of the Union's international commitments, it is appropriate to provide for the publication of the relevant volume and price information where products are bought in and where they are disposed of under public intervention.
- (5c) The granting of aid for private storage for olive oil has proved to be an effective tool for market stabilisation. In light of the experience gained and in order to achieve the aim of ensuring a fair standard of living and of stabilising the market of the olive oil and table olives sector, it is appropriate to extend the list of products eligible for aid for private storage to also cover table olives.
- (6) Following the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union, the limits of Union aid for the supply of fruit and vegetables and of milk and milk products in educational establishments, set out in Article 23(a) of Regulation (EU) No 1308/2013 should be updated. It is appropriate for reasons of legal certainty to provide for the application of the reduced limits with retroactive effect, from 1 January 2021.
- (7) Provisions concerning Aid schemes set out in Sections 2 to 6 of Chapter II of Title I of Part II of Regulation (EU) No 1308/2013 should be deleted as all types of interventions in these sectors will be set out in Regulation (EU).../... of the European Parliament and of the Council⁴ (CAP Strategic Plan Regulation).

⁴ Regulation (EU).../... of the European Parliament and of the Council of establishing rules on support for strategic plans to be drawn up by Member States under the Common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Regulation (EU) No 1307/2013 of the European Parliament and of the Council (OJ L ..., .., p...).

- (7a) The Union wine policy with its existing scheme of authorisation that allows for an orderly growth of vine plantings since 2016 has contributed to increase the competitiveness of the Union wine sector and to encourage a high-quality production. While the wine sector has achieved a balance between production supply, quality, consumer demand and exports on the world market, this balance is not long standing or stable enough yet, in particular when faced with serious market disturbances. In addition, there is a trend towards a continued decrease in wine consumption in the Union due to changes in consumer habits and lifestyle. In consequence, liberalisation of new vine plantings risks to threaten in the long term, the balance achieved so far between the supply capacity of the sector, the fair standard of living for wine growers and the reasonable prices for consumers. This risks to put into question the positive developments obtained through the Union legislation and policy of the last decades.
- (7b) The existing scheme of authorisations for vine plantings is also considered essential to ensure the diversity and respond to the specificities of the Union wine landscape. The wine sector has specific characteristics, including the long cycle of vineyards with production only taking place several years after planting but then continuing for several decades and the potential for considerable fluctuations in production from one harvest to the next. Unlike many wine producing third countries, the Union wine sector is also characterized by a very high number of small, family-run farms which results in a diverse range of wines. In order to guarantee the economic viability of their projects and to improve the competitiveness of the Union wine sector on the global market, operators in the sector and winegrowers therefore need long-term predictability, given the significant investment that the planting of a vineyard represents.
- (7c) In order to secure the achievements obtained in the Union's wine sector until now and to achieve a long-lasting quantitative and qualitative balance in the sector through the continued orderly growth of vine plantings beyond 2030, the scheme should be extended until 2045, i.e. for a period equivalent to the initial period in place since 2016, but with two mid-term reviews to be carried out in 2028 and 2040, to evaluate the regime and, if necessary, to present proposals based on the results of these mid-term evaluations that can be taken into account to improve the competitiveness of the wine sector.

- (8) In view of the decrease in the actual area planted with vines in several Member States in the years 2014-2017, and in view of the potential loss in production ensuing, when establishing the area for new planting authorisations referred to in Article 63(1) of Regulation (EU) No 1308/2013, Member States should be able to choose between the existing basis and a percentage of the total area actually planted with vines in their territory on 31 July 2015 increased by an area corresponding to the planting rights under Regulation (EC) No 1234/2007 available for conversion into authorisations in the Member State concerned on 1 January 2016.
- (8a-1) It should be clarified that Member States that limit the issuing of vine planting authorisations at regional level, for areas eligible for the production of wines with a protected designation of origin or with a protected geographical indication, may require those authorisations to be used in those regions. Therefore, Article 63(2) of Regulation (EU) No 1308/2013 should be amended accordingly.
- (8a) Allowing growers to delay the replanting of vineyards could have a positive environmental impact by improving soil sanitary conditions with less chemical inputs. Therefore, in order to contribute to a better soil management in viticulture, it is appropriate to allow for the extension of replanting authorisations from three to six years where the replanting takes place on the same parcel of land.

(8aa) Due to the crisis caused by the COVID-19 pandemic in the EU wine sector, Regulation (EU) 2020/2220 of the European Parliament and of the Council⁵ provided for a prolongation of the validity of planting authorisations for new plantings or for replanting expiring in 2020 until 31 December 2021. Due to the prolonged effects of the crisis caused by the COVID-19 pandemic, winegrowers holding planting authorisations for new plantings or for replanting expiring in years 2020 and 2021 continue to be largely prevented from making planned use of those authorisations in the last year of their extended validity or their validity, respectively. To avoid the loss of those authorisations and reduce the risk of the deterioration of the conditions under which the planting would need to be carried out, it is pertinent to allow for a further prolongation of the validity of planting authorisations for new plantings or for replanting which expire in 2020 and a prolongation for those which expire in 2021. All planting authorisations for new plantings or for replanting expiring in years 2020 and 2021 should therefore be prolonged until 31 December 2022. Also, taking into account changes in market perspectives, the holders of planting authorisations expiring in 2020 and 2021 should have the possibility not to use their authorisations without being subject to the administrative penalties. Moreover, in order to avoid any discrimination, producers who, in accordance with the possibility granted in Regulation (EU) 2020/2220 informed the competent authority by 28 February 2021 that they did not intend to make use of their authorisation not knowing about the possibility for a second year of validity extension, should be allowed to retract such declaration by a written communication to the competent authority by 28 February 2022 and make use of their authorisation within the extended validity period until 31 December 2022.

⁵ Regulation (EU) 2020/2220 of the European Parliament and of the Council of 23 December 2020 laying down certain transitional provisions for support from the European Agricultural Fund for Rural Development (EAFRD) and from the European Agricultural Guarantee Fund (EAGF) in the years 2021 and 2022 and amending Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards resources and application in the years 2021 and 2022 and Regulation (EU) No 1308/2013 as regards resources and the distribution of such support in respect of the years 2021 and 2022 (OJ L 437, 28.12.2020, p. 1).

- (8ab) The provision of Regulation (EU) No 1308/2013 on planting authorisations for new plantings or for replanting that expire in years 2020 and 2021, amended by this Regulation, should, because of the market disturbances due to the COVID-19 pandemic and the economic uncertainty it caused as regards the use of those authorisations, apply retroactively from 1 January 2021.
- (8aba) It should be clarified that Member States may, for the purpose of granting vine planting authorisations, apply objective and non-discriminatory eligibility and priority criteria at national or regional level. In addition, the experience of Member States shows the necessity to revise some of the priority criteria to be able to give preference to vineyards contributing to the preservation of vine genetic resources and holdings with proved increased cost-efficiency, competitiveness or presence on the markets. Therefore, Article 64 of Regulation (EU) No 1308/2013 should be amended.
- (8b) In order to ensure that no advantage is granted in favour of a natural or legal person in respect of whom it is established that the conditions required for obtaining such advantages were created artificially, it is appropriate to clarify that Member States should be allowed to adopt measures to prevent the circumvention of rules concerning the safeguard mechanism for new wine vine plantings and the eligibility and priority criteria for the granting of authorisations for new wine vine plantings.
- (8c) The latest deadline for the submission of requests for conversion of planting rights into authorisations ends on 31 December 2022. In some cases, circumstances such as the economic crisis caused by the COVID-19 pandemic, may have had the effect of limiting the conversion of planting rights into planting authorisations. Therefore, and in order to allow Member States to preserve the production capacity corresponding to such planting rights, it is appropriate that from 1 January 2023, planting rights still valid on 31 December 2022 and not converted into planting authorisations, remain at the disposal of the concerned Member States that may allocate them at the latest by 31 December 2025 as authorisations for new vine plantings, without being counted for the purposes of the limitations laid down in Article 63 of Regulation (EU) No 1308/2013. Article 68 of Regulation (EU) No 1308/2013 should be amended accordingly.

- (9) 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.
- (10) To enable producers to use vine varieties that are better adapted to changing climatic conditions and with higher resistance to diseases, provision should be made permitting products using designations of origin not only from vine varieties belonging to *Vitis vinifera* but also from vine varieties stemming from a cross between *Vitis vinifera* and other species of the genus *Vitis*.
- (11) Article 90 of Regulation (EU) No 1308/2013 lays down that, save as otherwise provided for in international agreements concluded in accordance with the TFEU, Union rules on designations of origin and geographical indications, labelling, definitions, designations and sales descriptions of certain products from the wine sector as well as the oenological practices authorised by the Union, are to apply to the products imported into the Union. Therefore, in the interest of consistency, it is appropriate to also provide that the rules concerning certificates of compliance and analysis reports for the imports of those products should also be applied in light of the international agreements concluded in accordance with the TFEU).

- (12) The definition of a designation of origin in Regulation (EU) No 1308/2013 should be aligned with the definition in the Agreement on Trade-Related Aspects of Intellectual Property Rights ('TRIPS Agreement'), approved by Council Decision 94/800/EC, in particular with Article 22(1) thereof, in that the name is to identify the product as originating in a specific region or a specific place. In the interest of clarity, it is appropriate to explicitly lay down that such new definition of a designation of origin includes names traditionally used. Consequently, the list of the requirements for a traditionally used name to constitute a designation of origin in the wine sector set out in Article 93(2) of Regulation (EU) No 1308/2013 becomes obsolete and should be deleted. For reasons of consistency, such clarification should also be introduced in the definition of geographical indication in the wine sector laid down in Regulation (EU) No 1308/2013 and in the definitions of designation of origin and geographical indications in the food sector laid down in Regulation (EU) No 1151/2012.
- (12a) The geographical environment with its natural and human factors is a crucial element that affects the quality and characteristics of the grapevine products, agricultural products and foodstuffs that benefit from a protected designation of origin or geographical indication pursuant to Regulations and (EU) No 1308/2013 and (EU) No 1151/2012, respectively. Particularly, where fresh products that undergo little or no processing are concerned, natural factors may be predominant in determining the quality and characteristics of the product concerned whilst the human factors' contribution to the quality and characteristics of the product may be less specific. Therefore, the human factors that should be taken into account for the description of the link of the quality and characteristic of a product to a particular geographical environment to be included in the product specification of protected designations of origin pursuant to Articles 94 of Regulation (EU) No 1308/2013 and 7 of Regulation (EU) No 1151/2012 should not be limited to specific methods of production or processing, conferring a specific quality to the product concerned, but may involve soil and landscape management, cultivation practices as well as any other human activities that contribute to the maintenance of the essential natural factors that predominantly determine the geographical environment and the quality and characteristics of the product concerned.

- (13) To ensure coherent decision-making as regards applications for protection and objection submitted in the preliminary national procedure referred to in Article 96 of Regulation (EU) No 1308/2013 and in Article 49 of Regulation (EU) No 1151/2012, the Commission should be informed in a timely and regular manner when procedures are launched before national courts or other bodies concerning an application for protection forwarded by the Member State to the Commission, as referred to in Article 96(5) of Regulation (EU) No 1308/2013 and in Article 49(4) of Regulation (EU) No 1151/2012. For the same reason, upon communication by a Member State, where the national decision on which the application for protection is based is likely to be invalidated at the end of a national judicial proceeding, the Commission should be exempted from the obligation to carry out, within the prescribed deadline, the scrutiny procedure set out in Articles 97 of Regulation (EU) 1308/2013 and 50 of Regulation (EU) 1151/2012 of an application for protection and from the obligation to inform the applicant of the reasons for the delay. In order to protect the applicant from vexatious legal actions and to preserve its fundamental right to secure protection of a Geographical Indication within a reasonable time, the exemption should be limited to cases where the application for protection has been invalidated at national level by an immediately applicable but not final judicial decision, or the Member States considers that the action to challenge the validity of the application is based on valid grounds.
- (14) Registration of geographical indications should be made simpler and faster by separating the assessment of compliance with intellectual property rules from the assessment of compliance of the product specifications with the requirements laid down in the marketing standards and labelling rules.

- (15) The assessment carried out by the competent authorities of Member States is an essential step in the procedure. Member States have knowledge, expertise and access to data and facts that make them the best placed to verify whether the information provided in the application is correct and truthful. Therefore, Member States should guarantee that the result of that assessment, which is to be faithfully recorded in a single document summarising the relevant elements of the product specification, is reliable and accurate. Having regard to the principle of subsidiarity, the Commission should subsequently scrutinise applications to ensure that there are no manifest errors, in order to assure, in particular, that they contain the required information, are free of obvious substantive errors, that the reasoning presented supports the application, and that Union law and the interests of stakeholders outside the Member State of application and outside the Union are taken into account.
- (16) The period during which an objection can be made in the wine sector should be extended to three months to ensure that all interested parties have sufficient time to analyse the application for protection and the possibility to submit a statement of objection. To ensure that the same procedure for objections is applied under Regulation (EU) No 1308/2013 and under Regulation (EU) No 1151/2012 of the European Parliament and of the Council¹ and thus enable Member States to forward objections stemming from natural or legal persons residing or established in their territory to the Commission in a coordinated and efficient manner, objections from natural or legal persons should be submitted via the authorities of the Member State in which they reside or are established. To simplify the objection procedure, the Commission should be empowered to reject inadmissible statements of objection in the implementing act conferring protection. Therefore, Article 111 of Regulation (EU) No 1308/2013 conferring implementing powers on the Commission to reject inadmissible objections under a separate implementing act should be deleted.

- (17) To increase procedural efficiency and in order to ensure uniform conditions for the conferral of protection on designations of origin or geographical indications, implementing powers should be conferred on the Commission to adopt implementing acts conferring protection in the wine sector without recourse to the examination procedure in circumstances where no admissible statement of objections to the application for protection has been submitted. Where an admissible statement of objection has been submitted, implementing powers should be conferred on the Commission to adopt implementing acts in accordance with the examination procedure either conferring protection or rejecting the application for protection.
- (17a) The relationship between trade marks and Geographical Indications of grapevine products should be clarified in relation to criteria for refusal, invalidation and coexistence. Such clarification should not affect rights acquired by holders of geographical indications at national level or that exist by virtue of international agreements concluded by Member States for the period before the establishment of the Union protection system for grapevine products.
- (17d) For reasons of consistency with Regulations (EU) No 1151/2012 and (EU) 2019/787 and ease of application, rules concerning the national procedure, the objection procedure, the classification of the amendments into Union and Standard, including the main rules for their adoption, and the temporary labelling and presentation are of high importance in the economy of the scheme for the protection of designations of origin and geographical indications in the wine sector currently laid down in Commission Delegated Regulation (EU) 2019/33⁶ should be integrated into Regulation (EU) No 1308/2013. Some technical adjustments should be made to adapt these provisions to the new structure.

⁶ Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation (OJ L 9, 11.1.2019, p. 2).

(18) Concerning the protection of Geographical Indications, it is important to have due regard to the General Agreement on Tariffs and Trade ('GATT Agreement') including Article V thereof on freedom of transit, which was approved by Council Decision 94/800/EC. Within such legal framework, in order to strengthen geographical indication protection and to combat counterfeiting more effectively, the protection should also apply with regard to goods entering the customs territory of the Union, without being released for free circulation, and placed under customs special procedures such as transit, storage, specific use or processing. As a result, the protection conferred by Articles 103(2) of Regulation (EU) No 1308/2013 and 13(1) of Regulation (EU) No 1151/2012 should be extended to cover goods which are in transit across the Union customs territory as well as the protection conferred by Articles 103(2) of Regulation (EU) No 1308/2013 and 13(1) and 24 of Regulation (EU) No 1151/2012 to designations of origin, geographical indications and traditional specialties guaranteed should be extended to cover goods which are sold over the internet or by other means of electronic commerce.

In addition, designations of origin and geographical indications in the wine sector should also be protected against any direct or indirect commercial use where they refer to products used as ingredient. Designations of origin and geographical indications in the wine sector and traditional specialties guaranteed should also be protected against misuse, imitation and evocation where they refer to products used as ingredients.

- (19) It should be possible to cancel the protection of a designation of origin or geographical indication in circumstances where they are no longer in use or where the applicant referred to in Article 95 of Regulation (EU) No 1308/2013 no longer wishes to maintain that protection.
- (19a) Within the framework of the CAP reform, provisions concerning withdrawal from the market of products that do not comply with the labelling rules should be integrated into Regulation (EU) No 1308/2013. In view of the increasing consumer demand for product controls, Member States should take measures to ensure that products which are not labelled in conformity with that Regulation are not placed on the market or, if they have already been placed on the market, are withdrawn from it. Withdrawal includes the possibility to correct the labelling of the products without definitely removing them from the market.

- (20) In view of the ever increasing consumer demand for innovative grapevine products with a lower actual alcoholic strength than the minimum actual alcoholic strength set out for grapevine products in Part II of Annex VII to Regulation (EU) No 1308/2013, it should be possible to produce such innovative grapevine products also in the Union. To this end, it is necessary to lay down the conditions under which certain grapevine products may be dealcoholised or partially dealcoholised and establish the authorised processes for their dealcoholisation. These conditions should take into account the Resolutions of the International Organisation of Vine and Wine (OIV), OIV-ECO 432-2012 Beverage Obtained By Dealcoholisation of Wine, OIV-ECO 433-2012 Beverage Obtained By Partial Dealcoholisation of Wine and OIV-ECO 523-2016 Wine With An Alcohol Content Modified by Dealcoholisation and OIV-OENO 394A-2012 Dealcoholisation Of Wines.
- (20a) These innovative grapevine products have never been marketed in the Union. For that reason, further research and experimentation would be necessary to improve the quality of these products and, in particular, to ensure that the total removal of the alcohol content allows preserving the differentiating characteristics of quality wines protected by a geographical indication or a designation of origin. Therefore, whereas both partial and total dealcoholisation should be authorised for wines without a geographical indication or a designation of origin, only partial dealcoholisation should be authorised for wines with a protected geographical indication or a protected designation of origin. In addition, to ensure clarity and transparency both for producers and consumers of wines with a geographical indication or a designation of origin, it is appropriate to lay down that where wines with a geographical indication or a designation of origin may be partially dealcoholised, their product specification should contain a description of the partially dealcoholised wine and, where applicable, the specific oenological practices to be used as well as the relevant restrictions.

- (21a) In order to provide a higher level of information to consumers, the mandatory labelling of wine with a nutrition declaration that may be limited on the label to the energy value only, and the list of ingredients should be added to Article 119 of Regulation 1308/2013 under compulsory particulars. As stated in Article 118 of that Regulation, the specific rules laid down in Regulation (EU) No 1169/2011 should apply to the labelling and presentation. Producers should have the option of making the full nutrition declaration and the list of ingredients available by electronic means, while avoiding any collection or tracking of user data and the provision of information aimed at marketing purposes. However, this should not affect the existing requirement to list on the label substances causing allergies or intolerances. In Article 122 of Regulation (EU) No 1308/2013, the Commission should be empowered to adopt delegated acts regarding rules for indication and designation of ingredients. The marketing of existing stocks of wine should be allowed to continue after the dates of application of the new labelling requirements, until those stocks are exhausted.
- (22) In order to ensure that consumers are informed of the nature of dealcoholised wine products and that the rules governing labelling and presentation of products in the wine sector also apply to dealcoholised or partially dealcoholised grapevine products, Article 119 of Regulation (EU) No 1308/2013 should be amended. However, in order to maintain the current level of information on minimum durability required for beverages containing less than 10% by volume of alcohol under Regulation (EU) No 1169/2011, it is appropriate to require products which have undergone a dealcoholisation treatment with an actual alcoholic strength by volume of less than 10 % to include, as compulsory particulars, an indication of the date of minimum durability.
- (22a) In addition, Part XII of Annex I to Regulation (EU) No 1308/2013 that lists the products covered under the wine sector currently covers partially de-alcoholised wines with an alcohol content by volume above 0.5%. In order to ensure that all de-alcoholised wines, including those with an alcohol content by volume up to and including 0.5 %, are covered in the wine sector, it is appropriate to amend Part XII of Annex I to Regulation (EU) no 1308/2013 by adding a new entry.

- (22b) As regards rules concerning the conditions of use of closures in the wine sector in order to ensure that consumers are protected from misleading use of certain closures associated with certain beverages and from hazardous closure materials that may contaminate the beverages the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (23) The rules on production and the requirements applying to the sugar sector expired at the end of the 2016/2017 marketing year. Article 124 and Articles 127 to 144 of Regulation (EU) No 1308/2013 are now obsolete and should be deleted.
- (23--a) Directive (EU) 2019/633 of the European Parliament and of the Council⁷ lays down an exception from the maximum payment deadline for the sale of grapes and must in the wine sector. In order to contribute to the stability of the wine supply chain and to provide agricultural producers with the security of longstanding sales relations, the sales of bulk wine sales should be treated in the same manner. It is therefore appropriate to provide that, by way of derogation from the applicable maximum payment deadlines laid down in Directive (EU) 2019/633, upon request of an interbranch organisation, Member States may decide that the applicable maximum payment deadlines do not apply to the sales of bulk wines, provided that the specific payment deadline terms are included in standard contracts which have been extended by Member States under Article 164 of Regulation (EU) No 1308/2013 before 31 October 2021 and that the supply agreements between suppliers of bulk wines and their direct buyers are multiannual or become multiannual.

⁷ Directive (EU) 2019/633 of the European Parliament and of the Council of 17 April 2019 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain (OJ L 111, 25.4.2019, p. 59).

- (23-a) Where the delivery of agricultural products by a producer to a processor or distributor is covered by a written contract or offer pursuant to Articles 148 and 168 of Regulation (EU) No 1308/2013 and the price payable for the delivery is calculated by combining various factors set out in the contract, those elements, which may include objective indicators, indices and methods of calculation, should be easily understandable by the parties. Furthermore, Member States should have the possibility to determine voluntary indicators on the basis of available objective market information and studies that may be used by the parties to the contracts.
- (23a) Following the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union, the total amount of raw milk production in the Union has decreased. In order not to undermine the contractual negotiation powers granted to producer organisations in the milk and milk products sector, the applicable quantitative limit, expressed as a percentage of the total Union production, to the volume of raw milk covered by such negotiations should be increased. It is appropriate for reasons of legal certainty to provide for the application of the increased quantitative limit with retroactive effect, from 1 January 2021.
- (23ab) To help achieve the environmental objectives of the Union, Member States should be able to recognise producer organisations that pursue specific aims relating to the management and valorisation of by-products, residual flows and waste, in particular to protect the environment and boost circularity, as well as to the management of mutual funds for any sector. It is therefore appropriate to extend the existing list of objectives of producer organisations set out Article 152 of Regulation (EU) No 1308/2013. For increased transparency of producer organisations, their statutes should also enable producer members to scrutinise democratically the accounts and budgets of the organisation. Moreover, for the ease of the commercial transactions being engaged in by the producer organisation, it is appropriate to lay down that 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 function by the producer organisation and the producer organisation continues to have sole discretion over the essential elements of a sale to be effected by the producer organisation.

- (23b) In the light of the experience gained and the evolution of the milk and milk products sector since the end of the quota system, it is no longer appropriate to maintain specific rules related to the objectives and the recognition arrangements foreseen for interbranch organisations in the sector of milk and milk products. Those rules set out in Article 157(3) of Regulation (EU) No 1308/2013 should be deleted.
- (23c) The experience in different sectors shows that Member States may recognise interbranch organisations at different geographical levels without undermining the role and the aims of such organisations. Therefore, it is pertinent to clarify that Member States may opt for the recognition of such interbranch organisations at one or more geographical levels. Interbranch organisations are to pursue a specific aim taking account of the interests of their members and of consumers. In light of the environmental objectives of the Union, it is appropriate to extend the list of objectives set out in Article 157 of Regulation (EU) No 1308/2013 to including providing the information and carrying out the research necessary towards products more suited to the protection of climate action, animal health and animal welfare, contributing to the valorisation of by-products and the reduction and management of waste, and promoting and implementing measures to prevent, control and manage animal health, plant-protection and environmental risks, including by setting up and managing of funds or by contributing to such funds with a view to paying financial compensation to farmers for the costs and economic losses arising from the promotion and implementation of such measures. To avoid that organisations of a certain stage of the food chain concentrate more power, Member States should only recognise interbranch organisations that strive for a balanced representation of the organisations of the stages of the supply chain that constitute the organisation.

- (23d) The definition of ‘economic area’ laid down in Article 164 of Regulation (EU) No 1308/2013 for the purpose of the extension of rules and compulsory contributions should be complemented to adapt to the production specificities of products with a protected designation of origin or protected geographical indication recognised under Union law. In order to foster sustainable practices, agreements, decisions and concerted practices of interbranch organisation related to plant health, animal health, food safety and environmental risks should be eligible to be made binding for non-members. However, because of the importance of biodiversity in the seed material used in organic farming, rules related to the use of certified seeds should not be eligible to be made binding by extension for non-members practicing organic farming.
- (23e) In view of the importance of protected designations of origin and protected geographical indications in Union agricultural production, and in view of the success of the introduction of supply management rules for cheeses and dry-cured hams under geographical indications in ensuring the added value and maintaining the reputation of the products, as well as in the stabilisation of their prices, the possibility to apply supply management rules should be extended to agricultural products with a protected designation of origin or geographical indication under Regulation (EU) No 1308/2013 or Regulation (EU) No 1151/2012. For clarity and consistency, it is appropriate to integrate the existing rules on the regulation of supply into one single provision covering all agricultural products. Member States should therefore be authorised to apply these rules to regulate the supply of agricultural products under geographical indications at the request of an interbranch organisation, producer organisation, or a group of producers or operators, provided that at least two thirds of the producers or representatives of that product agree, and, where applicable, the agricultural producers of the raw material concerned have been consulted, and in the case of cheese, for reasons of continuity, given their agreement. These rules should be subject to strict conditions, in particular in order to avoid damage to the trade in products in other markets and to protect minority rights. Member States should immediately publish and notify to the Commission the adopted rules, ensure regular checks and repeal the rules in case of non-compliance. The Commission should be empowered to adopt implementing acts requiring that a Member State repeal the rules if the Commission finds that those rules do not comply with certain conditions, 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. In the light of the Commission’s powers in the field of Union competition policy and given the

special nature of those acts, the Commission should decide without applying Regulation (EU) No 182/2011.

- (23f) Value-sharing clauses in the food supply chain are of interest not only between producers and first buyers but also with a view to enable farmers to participate in price developments in the more downstream stages of the chain. It should therefore be made possible for farmers and their associations to agree on such clauses with downstream actors beyond the stage of the first buyers.
- (23g) The special commercial value of wines covered by a protected designation of origin (PDOs) or a protected geographical indication (PGIs) derives from their belonging to a premium segment of the market thanks to their quality credence related to their production specifications. These wines tend to fetch higher prices in the market as consumers value these characteristics for which the designation of origin and geographical indication vouchsafes. So as to prevent these quality credentials being undercut by detrimental price action, interbranch organisations, representing the operators invested in the credentials and the market-value of the respective designations and indications, should be able to issue price guidance concerning the sales of the respective grapes by way of derogation from Article 101(1) TFEU. However, this guidance should remain non-mandatory so as to avoid eliminating intra-PDO/PGI price competition altogether.
- (23h) Article 5 of the WTO Agreement on Agriculture includes the calculation methods that may be used to fix the trigger volume of the special safeguard clause in the relevant sectors. In order to take into account all possible calculation methods to establish the trigger volume for the purpose of the application of additional import duties, including where domestic consumption is not taken into account, Article 182(1) of Regulation (EU) No 1308/2013 should be amended to reflect the calculation method laid down in Article 5(4) of the WTO Agreement on Agriculture.
- (25) Articles 192 and 193 of Regulation (EU) No 1308/2013 should be deleted as such measures are no longer necessary in view of the end of the production regulation in the sugar sector. In order to ensure that the Union market is adequately supplied by means of imports from third countries, delegated and implementing powers should be conferred on the Commission to suspend import duties for cane and beet molasses.

- (26) The Ministerial Decision of 19 December 2015 on Export Competition of the 10th WTO Ministerial Conference in Nairobi⁸ sets down rules on export competition measures. As regards export subsidies, WTO members are required to eliminate their export subsidy entitlements as of the date of that Decision. Therefore, Union provisions on export refunds set out in Articles 196 to 204 of Regulation (EU) No 1308/2013 should be deleted.
- (26a) The internal market relies on a consistent application of competition rules in all Member States. This calls for the continued close cooperation of national competition authorities and the European Commission in the European network of competition authorities, where questions of interpretation and application of competition rules can be discussed and actions to apply competition rules be coordinated, in accordance with Regulation (EC) No 1/2003.
- (26b) In order to ensure the effective use by interbranch organisations of Article 210 of Regulation (EU) No 1308/2013 and for the sake of simplification and with a view to reducing administrative burden, no prior Commission decision should be required for the agreements, decisions and practices of interbranch organisation to benefit from a derogation from Article 101(1) TFEU, provided that they meet the requirements laid down in Article 210 of Regulation (EU) No 1308/2013. However, upon request of the applicant, the Commission should give an opinion concerning the compatibility of those agreements, decisions and concerted practices with this Article. The Commission should retain the possibility to declare at any time that Article 101(1) TFEU applies for the future to the agreements, decisions or concerted practices in question, as soon as the conditions for an opinion to the effect that Article 101(1) TFEU does not apply are no longer met.

⁸ WT/MIN(15)/45, WT/L//980

- (26c) Certain vertical and horizontal initiatives concerning agricultural and food products, which aim to apply more stringent than the mandatory requirements can have positive effects on sustainability objectives. The conclusion of such agreements, decisions and concerted practices between producers and operators at different levels of the production, processing and trade could also strengthen the position of producers in the supply chain and increase their bargaining power and therefore should, under specific circumstances, not be subject to the application of Article 101(1) TFEU. In order to ensure the effective use of this new derogation and in the interest of reducing administrative burden, such initiatives should not require a prior Commission decision to be permitted. As this is a new derogation provision, it is appropriate to provide that the Commission should produce guidelines for operators concerning the conditions of applicability of such derogation within two years of the entry into force of this Regulation. After that delay, producers should also be given the possibility to request an opinion from the Commission concerning the compatibility of their agreements, decisions and concerted practices with the relevant provision. In justified cases, the Commission should be able to subsequently change the content of its opinion. National competition authorities should be able to intervene if they consider that this is necessary to protect competition, in which case they should inform the Commission of their actions.
- (26d) Restrictions to free circulation of products from the fruit and vegetables sector resulting from the application of measures intended to combat the spread of plant pests can cause difficulties on the market in one or more Member States. Particularly in light of increased occurrence of plant pests, it is therefore appropriate to allow for exceptional support measures to take account of restrictions on trade as a result of plant pests and to extend the list of products in respect of which exceptional support measures may be adopted to cover the fruit and vegetables sector.
- (27) In respect of export credits, export credit guarantees and insurance programmes, agricultural exporting state trading enterprises and international food aid, Member States may adopt national measures respecting Union law. Since the Union and its Member States are WTO Members, such national measures should also comply with the rules laid down in that WTO Ministerial Decision of 19 December 2015, as a matter of Union law and international law.

- (27a) The existing Union sectoral observatories and working groups for agricultural markets have proved positive in informing the choices of economic operators and public authorities as well as in facilitating the monitoring of market developments. To this end, and in order to enhance agricultural and food market transparency at Union level and to contribute to the stability of the agricultural markets, these instruments should be strengthened. Therefore, it is appropriate to establish a single formal legal framework for the setting-up and functioning of Union observatories of agricultural markets in any of the agricultural sectors and to lay down the notification and reporting obligations.
- (27b) On the basis of the statistical data and information collected for the monitoring of the agricultural markets, the Union observatories of agricultural markets should alert in their reports of threats of market disturbance. The Commission is to regularly present to the European Parliament and the Council the market situation of the agricultural products, the threats of market disturbance and possible measures to be taken, by means of regular participation in meetings of the Committee on Agriculture and Rural Development and the Special Committee on Agriculture.
- (27c) For reasons of clarity, the role of the Commission in respect of its existing obligations of cooperation and exchange of information with competent authorities designated in accordance with Article 22 of Regulation (EU) No 596/2014 of the European Parliament and of the Council⁹ and the European Securities and Markets Authority should be explicitly laid down in Article 223 of Regulation (EU) No 1308/2013.

⁹ Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC (OJ L 173, 12.6.2014, p. 1).

- (28) Obsolete reporting obligations of the Commission regarding the milk and milk products market and the extension of the school scheme scope should be deleted. Reporting obligations concerning the apiculture sector should be integrated in Regulation (EU) .../... (CAP Strategic Plan Regulation). New reporting obligations and deadlines should be laid down on the application of competition rules to the agriculture sector, on the setting up of market observatories and on the use of exceptional measures. The Commission should also report on the situation of sales designations and carcass classification in the sheepmeat and goatmeat sector.
- (29) In view of the repeal of Regulation (EU) No 1306/2013 of the European Parliament and of the Council¹⁰ by Regulation (EU).../... (CAP Strategic Plan Regulation), provisions concerning checks and penalties related to marketing rules, imports of hem and protected designations of origin, geographical indications and traditional terms should be integrated in Regulation (EU) No 1308/2013.
- (30) Provisions concerning the reserve for crises in the agricultural sector laid down in Chapter III of Part V of Regulation (EU) No 1308/2013 should be deleted as updated provisions concerning the agricultural reserve are laid down in Regulation (EU) .../... of the European Parliament and of the Council¹¹ (Horizontal Regulation).

¹⁰ Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549).

¹¹ Regulation (EU).../... of the European Parliament and of the Council of on the financing and monitoring of the common agriculture policy and repealing Regulation (EU) No 1306/2013 (OJ L ..., .., p...).

- (30b) In light of the existing derogation from sales descriptions to be used for veal with a protected designation of origin or geographical indication registered before 29 June 2007, for consistency reasons and in order to provide for unambiguous information to consumers, Member States should be given the possibility to allow groups responsible for protected designations of origin or geographical indications registered before the same date to derogate from compulsory carcass classification for veal.
- (30c) Rules on the assessment of the conflict between a name applied for registration as designation of origin or geographical indication under Regulation (EU) 1151/2012 and a name of a plant variety or animal breed produced in the Union should be laid down in order to reach a fairer balance between the interests at stake.
- (30d) To increase the awareness of consumers in respect of protected designations of origin, protected geographical indications and traditional specialities guaranteed under Regulation (EU) 1151/2012, the obligatory use of the related Union symbols should be extended to the advertising material.
- (33) Provision should be made for specific derogations that permit the use of other names alongside the registered name of a traditional speciality guaranteed. The Commission should fix transitional periods for the use of designations that contain names of traditional specialities guaranteed, in line with the conditions for such transitional periods already in existence for protected designations of origin and protected geographical indications.
- (32) Procedures related to the registration of protected designations of origin, protected geographical indications and traditional specialities guaranteed laid down in Regulation (EU) No 1151/2012 should be streamlined and simplified to ensure that new names can be registered within shorter time periods. The opposition procedure should be simplified. The reasoned statement of opposition should indicate all the grounds for opposition and details thereof. This should not prevent the opponent from adding and developing further details in the course of the consultations referred to in Article 51(3) of Regulation (EU) No 1151/2012.

- (34c) The procedure for approval of amendments to product specifications laid down in Regulation (EU) No 1151/2012 should be simplified by introducing a distinction between Union and standard amendments. In accordance with the subsidiarity principle, Member States should be responsible for approving standard amendments and the Commission should retain responsibility for approving Union amendments to product specifications.
- (34d) In light of the increasing demand from Union consumers of beeswax, its growing use in the food sector, and its close link to agricultural products and to the rural economy, the list of agricultural products and foodstuffs laid down in Annex I to Regulation (EU) no 1151/2012 should be extended to cover this product.
- (34e) In view of the limited number of registrations of geographical indications of aromatised wine products under Regulation (EU) No 251/2014 of the European Parliament and of the Council¹² the legal framework for the protection of geographical indications for those products should be simplified. Aromatised wine products and other alcoholic beverages with the exception of spirit drinks and of grapevine products listed in Part II of Annex VII to Regulation (EU) No 1308/2013 should have the same legal regime and procedures as other agricultural products and foodstuffs. The scope of Regulation (EU) No 1151/2012 should be extended to cover those products. Regulation (EU) No 251/2014 of the European Parliament and of the Council should be amended to take account of this change as regards its title, scope, definitions and provisions concerning labelling of aromatised wine products. A smooth transition for the names protected under Regulation (EU) No 251/2014 should be ensured.
- (34f) In order to facilitate trade with third countries, it should be laid down that Member States may allow the indication on the label of aromatised wine products produced for export of the sales denominations required by third countries and the indication of those sales denominations in languages other than the official languages of the Union, on condition that the appropriate sales denominations set out in Annex II also appear on the label.

¹² Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91 (OJ L 84, 20.3.2014, p. 14).

- (34g) It is appropriate to empower the Commission to adopt delegated acts to supplement the sales denominations and descriptions of aromatised wine products laid down in Annex II to Regulation (EU) No 251/2014 in order to adapt them in case of technical progress, scientific and market developments, consumers' health or consumer need for information.
- (34h) In order to provide a higher level of information to consumers, the mandatory labelling of aromatised wine products with a nutrition declaration that may be limited on the label to the energy value only, and the list of ingredients should be added to Regulation (EU) No 251/2014. As stated in Article 1(2) of that Regulation, Regulation (EU) No 1169/2011 applies to the presentation and labelling of aromatised wine products. Producers should have the option of making the full nutrition declaration and the list of ingredients available by electronic means, while avoiding any collection or tracking of user data and the provision of information aimed at marketing purposes. However, this should not affect the existing requirement to list on the label substances causing allergies or intolerances. The Commission should be empowered to adopt delegated acts to lay down detailed rules for the indication and designation of ingredients for aromatised wine products. The marketing of existing stocks of aromatised wine products should be allowed to continue after the dates of application of the new labelling requirements, until those stocks are exhausted.
- (34i) It is appropriate to allow the addition of a limited quantity of spirit drinks to flavour aromatised wine products belonging to any of the aromatised wines categories. Since technical progress enables nowadays the production of Vermouth without the addition of alcohol, this requirement should be made optional. Given consumers' demand, it is appropriate to allow the combination of red and white wine to produce Glühwein. In order to take into account an aromatised wine-based drink existing on the Polish market, it is appropriate to create the new category 'Wino ziołowe', setting out in Union law the traditional requirements for its production. Annexes I and II to Regulation (EU) No 251/2014 should be amended accordingly

- (35a) Given its small size, remoteness and specific situation concerning food security, local markets in the island of La Reunion are particularly vulnerable to price fluctuations. Interbranch organisations bring together producers and other operators of different stages in the food chain and can play a role in supporting the conservation and diversification of local production. In the specific food security context of La Reunion, it is appropriate to provide, by derogation to Article 165 of Regulation (EU) No 1308/2013, that where rules of a recognised interbranch organisation are extended, the Member State concerned may decide, after consulting the relevant stakeholders, that operators who are not members of the interbranch organisation are to pay financial contributions for the activities covered by the extended rules which are in the general economic interest to economic operators whose activities relate to products solely carried out in La Reunion and destined to the local market of La Reunion.
- (36) Regulations (EU) No 1308/2013, (EU) No 1151/2012, (EU) No 251/2014 and (EU) No 228/2013 should therefore be amended accordingly.
- (37) Transitional arrangements should be put in place for applications for protection and for the registration of protected designations of origin, geographical indications and traditional specialities guaranteed that have been submitted before the date of entry into force of this Regulation and for the expenditure incurred before 1 January 2021 under the aid schemes for olive oil and table olives, fruit and vegetables, wine, apiculture and hops established in Articles 29 to 60 of Regulation (EU) No 1308/2013.
- (38) In order to ensure a smooth transition to the new legal framework laid down in Regulation (EU) .../... (CAP Strategic Plan Regulation), the provisions concerning amendments to Regulation (EU) No 1308/2013 as regards certain aid schemes and the reserve for crisis in the agricultural sectors should apply from 1 January 2023,

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) No 1308/2013

Regulation (EU) No 1308/2013 is amended as follows:

(0) Article 2 is replaced by the following:

‘Article 2

General common agricultural policy (CAP) provisions

Regulation (EU) [.../...] [Horizontal Regulation] and the provisions adopted pursuant to it shall apply in relation to the measures set out in this Regulation.’;

(1) Article 3 is amended as follows:

(a) paragraph 2 is deleted;

(b) paragraphs 3 and 4 are replaced by the following:

‘3. The definitions set out in Regulation (EU) .../... of the European Parliament and of the Council*[Horizontal Regulation] and Regulation (EU) .../... of the European Parliament and of the Council** [CAP Strategic Plan Regulation] shall apply for the purposes of this Regulation, save as otherwise provided for in this Regulation.

4. The Commission shall be empowered to adopt delegated acts, in accordance with Article 227, amending the definitions concerning the sectors set out in Annex II to the extent necessary to update the definitions in light of market developments and without adding additional definitions.’;

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- * Regulation (EU) .../... of the European Parliament and of the Council of ... on the financing and monitoring of the common agriculture policy and repealing Regulation (EU) No 1306/2013 (OJ L ...,, p...).
 - ** Regulation (EU) .../... of the European Parliament and of the Council of ... establishing rules on support for strategic plans to be drawn up by Member States under the Common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Regulation (EU) No 1307/2013 of the European Parliament and of the Council (OJ L ...,, p...);'

(2) Article 5 is replaced by the following:

'Article 5

Article Conversion rates for rice

The Commission may adopt implementing acts fixing the conversion rates for rice at various stages of processing.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).';

(3) Article 6 is replaced by the following:

‘Article 6

Marketing years

The following marketing years shall be established:

- (a) 1 January to 31 December of a given year for the fruit and vegetables, processed fruit and vegetables and banana sectors;
- (b) 1 April to 31 March of the following year for the dried fodder and silkworm sectors;
- (c) 1 July to 30 June of the following year for:
 - (i) the cereals sector;
 - (ii) the seeds sector;
 - (iii) the flax and hemp sector;
 - (iv) the milk and milk products sector;
- (d) 1 August to 31 July of the following year for the wine sector;
- (e) 1 September to 31 August of the following year for the rice sector and table olives sectors;
- (f) 1 October to 30 September of the following year for the sugar and olive oil sectors.’;

(3a) Article 12 is replaced by the following:

‘Article 12

Public intervention periods

Public intervention shall be available for:

- (a) common wheat, from 1 October to 31 May;
- (b) durum wheat, barley and maize, throughout the year;
- (c) paddy rice, throughout the year;
- (d) beef and veal, throughout the year;
- (e) butter and skimmed milk powder, from 1 February to 30 September.’

(3b) Article 16 is amended as follows:

(a) the following paragraph is inserted:

‘2a. Member States shall notify to the Commission all the information needed, to allow monitoring the respect the principles laid down in paragraph 1.’;

(b) paragraph 3 is replaced by the following:

‘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.’;

(3c) in the first paragraph of Article 17, point (b) is replaced by the following:

'(b) olive oil and table olives;';

(4) Chapter II of Title I of Part II is amended as follows:

(a) the title is replaced by:

'CHAPTER II

Aid for the supply of fruit and vegetables and of milk and milk products in educational establishments';

(b) the heading 'Section 1' and its title are deleted;

(bd) in Article 23, paragraph 11 is replaced by the following:

‘11. Member States shall choose the products to be featured in distribution or to be included in accompanying educational measures on the basis of objective criteria which shall include one or more of the following: health and environmental considerations, seasonality, variety and the availability of local or regional produce, giving priority to the extent practicable to products originating in the Union. Member States may encourage in particular local or regional purchasing, organic products, short supply chains or environmental benefits, including sustainable packaging, and, if appropriate, products recognised under the quality schemes established by Regulation (EU) No 1151/2012.

Member States may consider, in their strategies, prioritising sustainability and fair-trade considerations.’;

(c) Article 23a is amended as follows:

(i) paragraph 1 is replaced by the following:

'1. Without prejudice to paragraph 4 of this Article, 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 220 804 135 per school year. Within that overall limit, the aid shall not exceed:

(a) for school fruit and vegetables: EUR 130 608 466 per school year;

(b) for school milk: EUR 90 195 669 per school year.';

(ii) in the third subparagraph of paragraph 2, the last sentence is deleted;

(iii) in paragraph 4 the first sentence is replaced by the following:

'4. Without exceeding the overall limit of EUR 220 804 135 laid down in paragraph 1, any Member State may transfer once per school year up to 20% of either one or the other of its indicative allocations.';

(d) Sections 2 to 6 covering Articles 29 to 60 are deleted;

(4a) Article 61 is replaced by the following:

‘Article 61

Duration

The scheme of authorisations for vine plantings established in this Chapter shall apply from 1 January 2016 to 31 December 2045, with two mid-term reviews to be undertaken by the Commission in 2028 and 2040 to evaluate the operation of the scheme and, if appropriate, make proposals.’;

(4b) Article 62 is amended as follows:

(a) paragraph 3 is amended as follows:

(i) the following subparagraph is inserted after subparagraph 1:

'By way of derogation from the first subparagraph, Member States may decide that when the replanting takes place on the same parcel or parcels on which the grubbing up was undertaken, the authorisations referred to in the first paragraph of Article 66 are valid for six years from the date on which they were granted. Such authorisations shall clearly identify the parcel or parcels in which the grubbing up and the replanting will take place.';

(ii) Subparagraphs 2 and 3 are replaced by:

'By way of derogation from the first subparagraph, the validity of authorisations granted in accordance with Article 64 and Article 66(1), which expires in the years 2020 and 2021, is extended until 31 December 2022.

Producers who hold authorisations in accordance with Article 64 and Article 66(1) of this Regulation, which expire in 2020 and 2021, shall not, by way of derogation from the first subparagraph of this paragraph, be subject to the administrative penalty referred to in Article 89(4) of Regulation (EU) No 1306/2013 provided that they inform the competent authorities by 28 February 2022 that they do not intend to make use of their authorisation and do not wish to benefit from the extension of their validity as referred to in the third subparagraph of this paragraph.

Producers who have informed the competent authority by 28 February 2021 that they do not intend to make use of their authorisation whose validity was extended until 31 December 2021 shall be allowed to retract this declaration by a written communication to the competent authority by 28 February 2022 and make use of their authorisation within the extended validity period provided for in the third subparagraph.';

(b) paragraph 4 is replaced by the following:

'4 This Chapter shall not apply to the planting or replanting of areas intended for experimental purposes, for setting-up collections of vine varieties intended to preserve genetic resources or for graft nurseries, to areas whose wine or vine products are intended solely for the consumption by the wine-grower's household or to areas to be newly planted as a result of compulsory purchases in the public interest under national law.';

(5) Article 63 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. Member States shall make available each year authorisations for new plantings corresponding to either:

(a) 1% of the total area actually planted with vines in their territory, as measured on 31 July of the previous year; or

(b) 1% of an area comprising the area actually planted with vines in their territory, as measured on 31 July 2015, and the area covered by planting rights granted to producers in their territory in accordance with Article 85h, Article 85i or Article 85k of Regulation (EC) No 1234/2007 and available for conversion into authorisations on 1 January 2016, as referred to in Article 68 of this Regulation.';

(b) in paragraph 2 the following second subparagraph is added:

'Member States that limit the issuing of authorisations at regional level, for specific areas eligible for the production of wines with a protected designation of origin or for areas eligible for the production of wines with a protected geographical indication, in accordance with point (b) of the first subparagraph, may require such authorisations to be used in those regions.';

(b) paragraph 3 is amended as follows:

(i) point b is replaced by the following:

'(b) the need to avoid a well-demonstrated risk of devaluation of a particular protected designation of origin or a protected geographical indication;';

(ii) the following point is added:

'(c) the wish to contribute to the development of the products in question while preserving their quality.';

(c) the following paragraph is inserted:

'3a Member States may take any regulatory measures necessary to prevent circumvention by the operators of the restrictive measures taken pursuant to paragraphs 2 and 3.';

(5a) Article 64 is amended as follows:

(a) in paragraph 1, the introductory sentence of the second subparagraph is replaced by the following:

'Member States may, for the purpose of this Article, apply at national or regional level one or more of the following objective and non-discriminatory eligibility criteria.');

(b) paragraph 2 is amended as follows:

(i) the introductory part of the first subparagraph is replaced by the following:

2. If the total area covered by the eligible applications referred to in paragraph 1 in a given year exceeds the area made available by the Member State, authorisations shall be granted according to a pro-rata distribution of hectares to all applicants on the basis of the area for which they have requested the authorisation. Such granting may establish a minimum and/or a maximum area by applicant and also be partially or completely made in accordance with one or more of the following objective and non-discriminatory priority criteria that may apply at national or regional level.');

(ii) point (b) is replaced by the following:

‘(b) areas where vineyards contribute to the preservation of the environment or the conservation of vine genetic resources;’;

(iii) point (f) is replaced by the following:

‘(f) areas to be newly planted which contribute to the increase of the production of holdings of the wine growing sector that proves increased cost-efficiency or competitiveness or presence on the markets;’;

(c) the following paragraph is inserted:

'2b. Member States may take any necessary regulatory measures to prevent the circumvention by the operators of the restrictive criteria that they apply pursuant to paragraphs 1, 2 and 2a.';

(5b) in Article 65, the first paragraph is replaced by the following:

'When applying Article 63(2), a Member State shall consider recommendations presented by recognised professional organisations operating in the wine sector referred to in Articles 152, 156 and 157, of interested groups of producers referred to in Article 95, or of other types of professional organisation recognised on the basis of that Member State's legislation, provided that those recommendations are preceded by an agreement entered into by the relevant representative parties in the reference geographical area.';

(5c) Article 68 is amended as follows:

(a) the following paragraph 2a is added:

'2a. From 1 January 2023, an area equivalent to the area covered by planting rights which were valid on 31 December 2022 and have not been converted into authorisations in accordance to paragraph 1, shall remain at the disposal of the concerned Member States which may allocate it in accordance with Article 64 at the latest by 31 December 2025.';

(b) paragraph 3 is replaced by the following:

3. The areas covered by the authorisations granted pursuant to paragraphs 1 and 2a shall not be counted for the purposes of Article 63.';

(6) 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.’;

(6a) Article 86 is replaced by the following:

‘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.’;

(6b) In Article 90, paragraph 1 is replaced by the following:

- ‘1. Save as otherwise provided for in international agreements concluded in accordance with the TFEU, the provisions concerning designation of origin and geographical indications and labelling of wine set out in Section 2 of this Chapter, and the definitions, designations and sales descriptions referred to in Article 78 of this Regulation shall apply to products imported into the Union and falling within CN codes 2009 61, 2009 69, 2204 and, where applicable, ex 2202 99 19, other, dealcoholised wine with an alcoholic strength by volume not exceeding 0.5% vol.’;

(7) in Article 90, paragraph 3 is replaced by the following:

- ‘3. Save as otherwise provided for in international agreements concluded in accordance with the TFEU, the import of the products referred to in paragraph 1 shall be subject to the presentation of:
 - (a) a certificate evidencing compliance with the provisions referred to in paragraphs 1 and 2, drawn up by a competent body, included on a list to be made public by the Commission, in the product's country of origin;
 - (b) an analysis report drawn up by a body or department designated by the product's country of origin, if the product is intended for direct human consumption.’;

(8) in Section 1 of Chapter 1 of Title II of Part II, the following subsection is inserted:

'Subsection 4a

Checks and penalties

Article 90a

Checks and penalties related to marketing rules

1. Member States shall take measures to ensure that the products referred to in Article 119(1) which are not labelled in conformity with this Regulation are not placed on the market or, if they have already been placed on the market, are withdrawn from it.
2. Without prejudice to any specific provisions which may be adopted by the Commission, imports into the Union of the products specified in points (a) and (b) of paragraph 1 of Article 189 of this regulation shall be subject to checks to determine whether the conditions provided for in paragraph 1 of that Article are met.
3. Member States shall carry out checks, based on a risk analysis, in order to verify whether the products referred to in Article 1(2) conform to the rules laid down in this Section and shall, as appropriate, apply administrative penalties.
4. Without prejudice to acts concerning the wine sector that have been adopted pursuant to Article 57 of Regulation (EU) [...] (Horizontal Regulation), in the event of infringement of Union rules in the wine sector, Member States shall apply proportionate, effective and dissuasive administrative penalties in accordance with Title IV, Chapter I of that Regulation (Horizontal Regulation). Member States shall not apply such penalties where the non-compliance is of a minor nature.
5. In order to protect Union funds and to protect the identity, provenance and quality of Union wine, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 relating to:
 - (a) the establishment or maintenance of an analytical databank of isotopic data to help detect fraud to be constructed on the basis of samples collected by Member States;

- (b) rules governing control bodies and the mutual assistance between them;
 - (c) rules governing the common use of the findings of Member States.
6. The Commission may adopt implementing acts laying down all measures necessary for establishing:
- (a) the procedures relating to Member States' respective databanks and to the analytical databank of isotopic data that will help detect fraud;
 - (b) the procedures relating to cooperation and assistance between control authorities and bodies;
 - (c) as regards the obligation referred to in paragraph 3, rules for performing checks on compliance with marketing standards, rules governing the authorities responsible for performing the checks, as well as on the content, the frequency and the marketing stage to which those checks are to apply.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).’;

(8a) In Article 92(1), the following subparagraph is added:

‘However, rules laid down in this section do not apply to products referred to in points (1), (4) to (6), (8) and (9) of Part II of Annex VII when such products have undergone a total dealcoholisation treatment in accordance with Section E of Part I of Annex VIII.’;

(9) Article 93 is amended as follows:

(a) in paragraph 1, point (a) and (b) are replaced by the following:

'(a) 'a designation of origin' means a name, including a name traditionally used, which identifies a product, referred to in Article 92(1):

- (i) whose quality or characteristics are essentially or exclusively due to a particular geographical environment, with its inherent natural and human factors;
- (ii) as originating in a specific place, region or, in exceptional cases, a country;
- (iii) produced from grapes which originate exclusively from that geographical area;
- (iv) the production of which takes place in that geographical area; and
- (v) which is obtained from vine varieties belonging to *Vitis vinifera* or a cross between the *Vitis vinifera* species and other species of the genus *Vitis*.

'(b) "a geographical indication" means an indication, including a name traditionally used, referring to a region, a specific place or, in exceptional and duly justifiable cases, a country, used to describe a product referred to in Article 92(1) fulfilling the following requirements:

- (i) it possesses a specific quality, reputation or other characteristics attributable to that geographical origin;
- (ii) at least 85 % of the grapes used for its production come exclusively from that geographical area;
- (iii) its production takes place in that geographical area; and

(iv) it is obtained from vine varieties belonging to *Vitis vinifera* or a cross between the *Vitis vinifera* species and other species of the genus *Vitis*.';

(b) paragraph 2 is deleted;

(c) paragraph 4 is replaced by the following:

'4. Production, as referred to in points (a)(iv) and (b)(iii) of paragraph 1, shall cover all the operations involved, from the harvesting of the grapes to the completion of the wine-making processes, with the exception of the harvesting of the grapes not coming from the geographical area concerned as referred to in point (b)(ii) of paragraph 1 and with the exception of any post-production processes.';

(10) Article 94 is amended as follows:

(a) In paragraph 1, the introductory wording is replaced by the following:

'Applications for protection of names as designations of origin or geographical indications shall include:';

(b) paragraph 2 is amended as follows:

(i) point g is replaced by the following:

‘(g) the details bearing out the link referred to in point (a)(i) of, or, as the case may be, in point (b)(i), of Article 93(1):

(i) as regards a protected designation of origin, the link between the quality or characteristics of the product and the geographical environment referred to in point (a)(i) of Article 93(1); the details concerning the human factors of that geographical environment may, where relevant, be limited to a description of the soil, plant material and landscape management, cultivation practices or any other relevant human contribution to the maintenance of the natural factors of the geographical environment referred to in Article 93(1);

(ii) as regards a protected geographical indication, the link between a specific quality, the reputation or other characteristic of the product, and the geographical origin referred to in point (b)(i) of Article 93(1);’;

(ii) the following subparagraphs are added:

‘The product specification may contain a description of the contribution of the designation of origin or geographical indication to sustainable development.

Where the wine or wines may be partially dealcoholised, the product specification shall also contain a description of the partially dealcoholised wine or wines in accordance with subparagraph 2 point (b) *mutatis mutandis* and, where applicable, the specific oenological practices used to make the partially dealcoholized wine or wines, as well as the relevant restrictions on making them.’;

(10a) 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.');

(11) in Article 96, the following paragraph is added:

'6. The Member State shall inform the Commission without delay if any procedure is initiated before a national court or other national body concerning an application for protection that the Member State has forwarded to the Commission, in accordance with paragraph 5.');

(12) In Article 97, paragraphs 2, 3 and 4 are replaced by the following:

'2. The Commission shall examine applications for protection that it receives in accordance with Article 94 and Article 96(5). The Commission shall check that the applications contain the required information and that they do not contain manifest errors, taking into account the outcome of the preliminary national procedure carried out by the Member State concerned.
That examination shall focus in particular on the single document referred to in point (d) of Article 94(1).

Scrutiny by the Commission should not exceed a period of six months from the date of receipt of the application from the Member State. Where this period is exceeded, the Commission shall inform the applicants of the reasons for the delay, in writing.

3. Upon communication by a Member State, concerning an application for registration lodged with the Commission in accordance with Article 96(5), which either:
 - (a) informs the Commission that the application has been invalidated at national level by an immediately applicable but not final judicial decision; or,
 - (b) requests the Commission to suspend the scrutiny referred to in paragraph 1 because a national judicial process has been launched to challenge the validity of the application which the Member States considers based on valid grounds,

The Commission shall be exempted from the obligation to comply with the deadline to perform that scrutiny and to inform the applicant of the reasons for the delay.

The exemption shall have effect until the Commission is informed by the Member State that the original application has been restored or that it withdraws its request of suspension, respectively.

4. Where, on the basis of the scrutiny carried out pursuant to paragraph 2 of this Article, the Commission considers that the conditions laid down in Articles 93, 100 and 101 are not met it shall adopt implementing acts rejecting the application.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).’;

- (13) Articles 98 and 99 are replaced by the following:

'Article 98

Objection procedure

1. Within three months from the date of publication in the Official Journal of the European Union, of the single document referred to in point (d) of Article 94(1), the authorities of a Member State or of a third country, or any natural or legal person residing or established in a third country and having a legitimate interest, may submit a reasoned statement of objection to the Commission opposing the proposed protection.

Any natural or legal person residing or established in a Member State other than the Member State that forwarded the application for protection and having a legitimate interest, may submit the statement of objection via the authorities of the Member State in which it is resident or established within a time limit permitting a statement of objections to be lodged pursuant to the first subparagraph.

2. If the Commission considers that the objection is admissible it shall invite the authority or natural or legal person that lodged the objection and the authority or natural or legal person that lodged the application for protection to engage in appropriate consultations for a period of three months. The invitation shall be issued within a period of five months from the date on which the application for protection, to which the substantiated statement of objection relates, is published in the Official Journal of the European Union and it shall be accompanied by a copy of the substantiated statement of objection. At any time during these three months, the Commission may, at the request of the authority or natural or legal person that lodged the application, extend the deadline for the consultations by a maximum of three months.

3. The authority or person that lodged the objection and the authority or person that lodged the application for protection shall start such consultations without undue delay. They shall provide each other with the relevant information to assess whether the application for protection complies with the conditions of this Regulation and the provisions adopted pursuant thereto.
4. If the parties reach an agreement, either the applicant established in the third country or the authorities of the Member State or of the third country from which the application for protection was lodged shall notify the Commission of the results of the consultations carried out and of all the factors which enabled that agreement to be reached, including the opinions of the parties. If the details published in accordance with Article 97(4) have been substantially amended, the Commission shall repeat the scrutiny referred to in Article 97(2) after a national procedure ensuring adequate publication of those amended details has been carried out. Where, following the agreement, there are no amendments to the product specification or where the amendments are not substantial, the Commission shall adopt a decision in accordance with Article 99(1) conferring protection on the designation of origin or geographical indication notwithstanding the reception of an admissible statement of objection.
5. If no agreement is reached, either the applicant established in the third country or the authorities of the Member State or of the third country, from which the application for protection was lodged shall notify the Commission of the results of the consultations carried out and of all the related information and documents. The Commission shall adopt a decision in accordance with Article 99(2) either conferring protection or rejecting the application.

Article 99

Decision on protection

1. Where the Commission has not received an admissible statement of objection in accordance with Article 98, it shall adopt implementing acts conferring the protection. Those implementing acts shall be adopted without applying the examination procedure referred to in Article 229(2) or (3).
2. Where the Commission has received an admissible statement of objection it shall adopt implementing acts either conferring protection or rejecting the application. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).
3. Protection conferred pursuant to this Article shall be without prejudice to the compliance of products concerned with other Union rules relating in particular to the placing of products on the market, marketing and to food labelling.';

(13a) Article 102 is replaced by the following:

‘Article 102

Relationship with trade marks

1. Where a designation of origin or a geographical indication is registered under this Regulation, the registration of a trade mark the use of which would contravene Article 103(2), and which relates to a product falling under one of the categories listed in Part II of Annex VII, shall be refused if the application for registration of the trade mark is submitted after the date of submission of the registration application in respect of the designation of origin or the geographical indication to the Commission.

Trade marks registered in breach of the first subparagraph shall be invalidated.

2. Without prejudice to Article 101(2) of this Regulation, a trade mark the use of which contravenes Article 103(2) of this Regulation, which has been applied for, registered or established by use, if that possibility is provided for by the legislation concerned, in good faith within the territory of the Union, before the date on which the application for protection of the designation of origin or geographical indication is submitted to the Commission, may continue to be used and renewed notwithstanding the registration of a designation of origin or geographical indication, provided that no grounds for the trade mark's invalidity or revocation exist under Directive 2008/95/EC of the European Parliament and of the Council¹ or under Council Regulation (EC) No 207/2009².

In such cases, the use of the designation of origin or geographical indication shall be permitted as well as use of the relevant trade marks.;

(14) Article 103 is amended as follows:

(a) in paragraph 2, points (a) and (b) are replaced by the following:

'(a) any direct or indirect commercial use of that protected name, including the use for products used as ingredients,

(i) by comparable products not complying with the product specification of the protected name; or

(ii) in so far as such use exploits, weakens or dilutes the reputation of a designation of origin or a geographical indication;

(b) any misuse, imitation or evocation, even if the true origin of the product or service is indicated or if the protected name is translated, transcribed or transliterated or accompanied by an expression such as "style", "type", "method", "as produced in", "imitation", "flavour", "like" or similar, including when those products are used as ingredients;';

(b) the following paragraph is added:

‘4. The protection referred to in paragraph 2 shall also apply with regard to:

- (a) goods entering the customs territory of the Union without being released for free circulation within the customs territory of the Union;
and
- (b) goods sold through means of distance selling such as electronic commerce.

For goods entering the customs territory of the Union without being released for free circulation within that territory, the group of producers or any operator entitled to use the protected designation of origin or protected geographical indication shall be entitled to prevent all third parties from bringing goods, in the course of trade, into the Union without being released for free circulation there, where such goods, including packaging, come from third countries and bear without authorisation the protected designation of origin or protected geographical indication.’;

(14a) 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.’;

- (15) Article 106 is replaced by the following:

Article 106

Cancellation

The Commission may, on its own initiative or at the duly substantiated request of a Member State, a third country, or a natural or legal person having a legitimate interest, adopt implementing acts cancelling the protection of a designation of origin or a geographical indication in one or more of the following circumstances:

- (a) where compliance with the corresponding product specification is no longer guaranteed;
- (b) where no product has been placed on the market bearing the designation of origin or geographical indication for at least seven consecutive years;

- (c) where an applicant satisfying the conditions laid down in Article 95 declares that it no longer wants to maintain the protection of a designation of origin or a geographical indication.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).!;

- (15a) The following article is inserted:

‘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.!;

- (16) Article 111 is deleted;

(17) in Section 2 of Chapter I of Title II of Part II, the following Subsection 4 is added:

'Subsection 4

Checks related to designations of origin, geographical indications and traditional terms

Article 116a

Checks

1. Member States shall take the necessary steps to stop unlawful use of protected designations of origin, protected geographical indications and protected traditional terms referred to in this Regulation.
2. Member States shall designate the competent authority responsible for carrying out the checks in respect of the obligations laid down in this Section. To that end, Articles 4(2), 4(4), 5(1), 5(4) and 5(5) of Regulation (EU) 2017/625 of the European Parliament and of the Council* shall apply.
3. Within the Union, the competent authority referred to in paragraph 2 of this Article or one or more delegated bodies within the meaning of point (5) of Article 3 of Regulation (EU) 2017/625 operating as a product certification body in accordance with the criteria laid down in Chapter III of Title II of that Regulation, shall verify annual compliance with the product specification, during the wine production and during or after conditioning.
4. The Commission shall adopt implementing acts concerning the following:
 - (a) the communication to be made by the Member States to the Commission;
 - (b) rules governing the authority responsible for verifying compliance with the product specification, including where the geographical area is in a third country;

- (c) the actions to be implemented by the Member States to prevent the unlawful use of protected designations of origin, protected geographical indications and protected traditional terms;
- (d) the checks and verification to be carried out by the Member States, including testing.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

* Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).’;

(18) Article 119 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) point (a) is replaced by the following:

‘(a) the designation for the category of the grapevine product in accordance with Part II of Annex VII. For grapevine products categories defined under points (1) and (4) to (9) of Part II of Annex VII, when such products have undergone a dealcoholisation treatment in accordance with Section E of Part I of Annex VIII, the designation of the category is accompanied by:

(i) the term “dealcoholised” if the product reaches an actual alcoholic strength of no more than 0,5% by volume, and

(ii) the term “partially dealcoholised” if the product reaches an actual alcoholic strength above 0,5% by volume and below the minimum actual alcoholic strength of the category before dealcoholisation.’;

(ii) the following points are added:

‘(h) the nutrition declaration pursuant to Article 9(1), point (l) of Regulation (EU) No 1169/2011;

(i) the list of ingredients pursuant to Article 9(1), point (b) of Regulation (EU) No 1169/2011;

(j) in the case of grapevine products which have undergone a dealcoholisation treatment in accordance with Section E of Part I of Annex VIII and with an actual alcoholic strength by volume of less than 10 %, the date of minimum durability pursuant to Article 9(1), point (f) of Regulation (EU) No 1169/2011.’;

(b) paragraph 2 is replaced by the following:

‘2. By way of derogation from point (a) of paragraph 1, for grapevine products other than those which have undergone a dealcoholisation treatment in accordance with Section E of Part I of Annex VIII, the reference to the category of the grapevine product may be omitted for wines whose labels include the name of a protected designation of origin or a protected geographical indication.’;

(c) the following paragraphs are added:

- ‘4. By way of derogation from paragraph 1, point (h), the nutrition declaration may be limited to the energy value on label or packaging, which may be expressed by using the symbol (E) for Energy. In this case, the nutrition declaration shall be provided additionally by electronic means identified on the label or packaging. This nutrition declaration shall not be displayed with other information intended for sales or marketing purposes and no user data shall be collected or tracked;
5. By way of derogation from paragraph 1, point (i), the list of ingredients may be provided by electronic means identified on the label or packaging. In this case, the following requirements apply:
- a) no user data shall be collected or tracked;
 - b) the list of ingredients shall not be displayed with other information intended for sales or marketing purposes; and
 - c) the indication of the particulars referred to in Article 9(1), point (c), of Regulation (EU) No 1169/2011 shall appear directly on the package or on a label attached thereto. This indication shall comprise the word ‘contains’ followed by the name of the substance or product as listed in Annex II of Regulation (EU) No 1169/2011.’;

- (20) in Article 122, paragraph 1 is amended as follows:
- (a) point (b) is amended as follows:
 - (i) point (ii) is deleted;
 - (ii) the following point is added:
 - ‘(vi) rules for indication and designation of ingredients for the application of article 119 paragraph 1 point (i).’;
 - (b) in point (c), the following point is added:
 - ‘(iii) terms referring to a holding and the conditions for their use.’;
 - (c) in point (d), point (i) is replaced by the following:
 - ‘(i) the conditions of use of certain bottle shapes and of closures, and a list of certain specific bottle shapes.’;
- (21) Section 1 of Chapter II of Title II of Part II is amended as follows:
- (a) Article 124 is deleted;
 - (b) the heading ‘Subsection 1’ and its title are deleted;
 - (ba) in Article 125, paragraph 3 is replaced by the following:
 - ‘Agreements within the trade shall conform to the purchase terms laid down in Annex X.’;
 - (c) Subsections 2 and 3 covering Articles 127 to 144 are deleted;

(22) in Article 145(3), the first sentence is replaced by the following:

'Member States which provide in their CAP strategic plans for restructuring and conversion of vineyards in accordance with point (a) of Article 52(1) of Regulation (EU) .../...[CAP Strategic Plan Regulation], shall on the basis of the vineyard register submit to the Commission by 1 March each year an updated inventory of their production potential.';

(22a) the following Article is inserted:

‘Article 147a

Payment delays for sales of bulk wine

By way of derogation from Article 3(1) of Directive (EU) 2019/633, Member States may, upon request of an interbranch organisation recognised under Article 157 operating in the wine sector, provide that the prohibition referred to in point (a) of the first subparagraph of Article 3 of Directive (EU) 2019/633 does not apply to payments made under supply agreements for the sales transactions of bulk wines between producers or resellers of wine and their direct buyers provided that:

- (a) specific terms to make payments after 60 days are included in standard contracts for transactions of bulk wines which have been made binding by the Member State pursuant to Article 164 of Regulation (EU) No 1308/2013 before 30 October 2021 and that this extension of the standard contracts is renewed by the Member States from that date without any significant changes to the terms of payment to the disadvantage of suppliers of bulk wines; and
- (b) that the supply agreements between suppliers of bulk wines and their direct buyers are multiannual or become multiannual.’;

(22b) in paragraph 2 of Article 148, point (c)(i) is replaced by the following:

'(i) the price payable for the delivery, which shall:

- be static and be set out in the contract and/or
- be calculated by combining various factors set out in the contract, which may include objective indicators, indices and methods of calculation of the final price, that are easily accessible and comprehensible and that reflect changes in market conditions, the volume delivered and the quality or composition of the raw milk delivered. These indicators may be based on relevant prices, production and market costs.

To that effect, Member States may determine indicators, in accordance with objective criteria based on studies carried out on production and the food chain. The parties to the contracts are free to refer to these indicators or any other indicators which they deem relevant.';

(22c) in Article 149(2), point (c)(i) is replaced by the following:

'(i) the volume of raw milk covered by such negotiations does not exceed 4% of total Union production,';

(22-d) Article 150 is deleted.

(22d) Article 151 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘From 1 April 2015, the first purchasers of raw milk shall declare to the competent national authority the quantity of raw milk that has been delivered to them each month and the average price paid. A distinction shall be made between organic and non-organic milk.’;

(b) paragraph 3 is replaced by the following:

‘Member States shall notify the Commission of the quantity of raw milk referred to in the first subparagraph.’;

(22b) Article 152(1)(c) is amended as follows:

(a) point (vii) is replaced by the following:

‘(vii) the management and valorisation of by-products, residual flows and of waste in particular to protect the quality of water, soil and landscape and preserving or encouraging biodiversity and boosting circularity.’;

(b) point (x) is replaced by the following:

‘(x) managing mutual funds.’;

(22f) Article 153 is amended as follows:

(a) in paragraph 2, point (c) is replaced by the following:

'(c) rules enabling the producer members to scrutinise democratically their organisation and its decisions as well as its accounts and budgets;';

(b) the following paragraph is inserted:

'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.';

(c) paragraph 3 is replaced by the following:

'3. Paragraphs 1, 2 and 2a shall not apply to producer organisations in the milk and milk products sector.';

(22g) in Article 154, point b of paragraph 1 is replaced by the following:

'(b) has a minimum number of members and/or covers a minimum volume or value of marketable production, to be laid down by the Member State concerned, in the area where it operates. Such provisions shall not prevent the recognition of producer organisations which are dedicated to small-scale production;';

(22i) Article 157 is amended as follows:

(a) in paragraph 1, the introductory wording is replaced by the following:

‘1. Member States may, on request, recognise interbranch organisations at national and regional levels and at the level of the economic areas referred to in Article 164(2), in a specific sector listed in Article 1(2) which:’

(b) in paragraph 1, point (c) is amended as follows:

(i) Point vii is replaced by the following:

providing the information and carrying out the research necessary to innovate, rationalise, improve and adjust production and, where applicable, the processing and marketing, towards products more suited to market requirements and consumer tastes and expectations, in particular with regard to product quality, including the specific characteristics of products with a protected designation of origin or a protected geographical indication, and protection of the environment, climate action, animal health and animal welfare;’;

(ii) Point xiv is replaced by the following:

‘contributing to the management and developing initiatives for the valorisation of by-products and the reduction and management of waste;’;

(iii) Point xvi is replaced by the following:

‘promoting and implementing measures to prevent, control and manage animal health, plant-protection and environmental risks, including by setting up and managing of mutual funds or by contributing to such funds with a view to paying financial compensation to farmers for the costs and economic losses arising from the promotion and implementation of such measures;’;

(c) paragraph 1a is replaced by the following:

'1a. 1. Member States may, on request, recognise interbranch organisations at national and regional levels and at the level of the economic areas referred to in Article 164(2), in a specific sector listed in Article 1(2) which:';

(d) paragraph 3 is deleted.

(22j) Article 158 is amended as follows:

(a) the following point (ca) is inserted in paragraph 1:

'(ca) strive for a balanced representation of the organisations of those stages of the supply chain, as referred to in point (a) of Article 157(1) , that constitute the interbranch organisation;';

(b) paragraph 4, is replaced by the following:

'Member States may recognise interbranch organisations in all sectors existing prior to 1 January 2014, whether they were recognised on request or established by law, even though they do not fulfil the condition laid down in point (b) of Article 157(1).';

(22n) Article 163 is amended as follows:

(a) paragraphs 1 and 2 are replaced by the following:

'1. Member States may recognise interbranch organisations in the milk and milk products sector provided that such organisations:

(a) fulfil the requirements laid down in Article 157;

(b) carry out their activities in one or more regions in the territory concerned;

- (c) account for a significant share of the economic activities referred to in point (a) of Article 157;
- (d) do not themselves engage in the production of, the processing of, or the trade in, products in the milk and milk products sector.

2. Member States may decide that interbranch organisations which have been recognised before 2 April 2012 on the basis of national law and which fulfil the conditions laid down in paragraph 1 are to be considered to be recognised as interbranch organisations under Article 157(3).’;

(b) in paragraph 3, point (d) is replaced by the following:

‘(d) withdraw recognition if the requirements and conditions for recognition laid down in this Article are no longer fulfilled.’;

(22p) Article 164 is amended as follows:

(a) paragraph 2 is replaced by the following:

‘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.’;

(b) paragraph 4 is amended as follows:

(i) points (l), (m) and (n) are replaced by the following:

‘(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, food safety or environmental risks;

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

(ii) subparagraph 2 is replaced by the following:

'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.';

(22q) Article 165 is replaced by the following:

‘Article 165

Financial contributions of non-members

Where rules of a recognised producer organisation, a recognised association of producer organisations or a recognised interbranch organisation are extended under Article 164 and the activities covered by those rules are in the general economic interest of economic operators whose activities relate to the products concerned, the Member State which has granted recognition may, after consulting the relevant stakeholders, decide that individual economic operators or groups which are not members of the organisation but which benefit from those activities shall 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 one or more of the activities in question. Any organisation which receives contributions from non-members under this Article shall, upon request of a member or a non-member that contributes financially to the activities of the organisation, make those parts of its yearly budget available which relate to the pursuit of activities listed in Article 164(4).’;

(22r) The following article is inserted:

'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 1151/2012.⁸ 4. For the purpose of paragraph 1, concerning cheese benefitting 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.’;

(22u) in paragraph 4 of Article 168, point (c)(i) is replaced by the following:

‘(i) the price payable for the delivery, which shall:

- be static and be set out in the contract and/or
- be calculated by combining various factors set out in the contract, which may include objective indicators, indices and methods of calculation of the final price, that are easily accessible and comprehensible and that reflect changes in market conditions, the quantities delivered and the quality or composition of the agricultural products delivered. These indicators may be based on relevant prices, production and market costs.

To that effect, Member States may determine indicators, in accordance with objective criteria based on studies carried out on production and the food chain. The parties to the contracts are free to refer to these indicators or any other indicators which they deem relevant.’;

(22-w) Article 172 is deleted.

(22w) Article 172a is replaced by the following:

Article 172a

Value sharing

Without prejudice to any specific value-sharing clauses in the sugar sector, farmers, including associations of farmers may agree with downstream operators on value sharing clauses, including market bonuses and losses, determining how any evolution of relevant market prices for the products concerned or other commodity markets is to be allocated between them.

Article 172b

Guidance by interbranch organisations for the sale of grapes for PDO/PGI wines

By way of derogation from Article 101(1) TFEU, interbranch organisations recognised under Article 157 operating in the wine sector may provide non-mandatory price guidance indicators concerning the sale of grapes for the production of PDO/PGI wines provided that such guidance does not eliminate competition in respect of a substantial proportion of the products in question.';

(22x) in Article 182(1), the second subparagraph is replaced by the following:

'The trigger volume shall be equal to either 125 percent, 110 percent or 105 percent depending on whether market access opportunities, defined as imports expressed as a percentage of the corresponding domestic consumption during the three preceding years, are less or equal to 10 percent, greater than 10 percent, or greater than 30 percent respectively.

Where domestic consumption is not taken into account, the trigger volume shall be equal to 125 percent.';

(24) Articles 192 and 193 are deleted;

(25) in Chapter IV, the following Article is added:

'Article 193a

Suspension of import duties for molasses

1. The Commission shall be empowered to adopt delegated acts in accordance with Article 227 establishing rules for the suspension of import duties in whole or in part for molasses falling within CN Code 1703.
2. In application of the rules referred to in paragraph 1, the Commission may adopt implementing acts to suspend in whole or in part import duties for molasses falling within CN Code 1703, without applying the procedure referred to in Article 229(2) or (3).';

(26) In Part III, Chapter VI, covering Articles 196 to 204, is deleted;

26a) The first paragraph of Article 206 is replaced by the following:

'Save as otherwise provided in this Regulation, and in accordance with Article 42 TFEU, Articles 101 to 106 TFEU and the implementing provisions thereto shall, subject to Articles 207 to 210a of this Regulation, apply to all agreements, decisions and practices referred to in Article 101(1) and Article 102 TFEU which relate to the production of, or trade in, agricultural products.';

(26d) Article 208 is replaced by the following:

‘Article 208

Dominant position

For the purposes of this Chapter, "dominant position" means a position of economic strength enjoyed by an undertaking which enables it to prevent effective competition being maintained in the relevant market by giving it the power to behave to an appreciable extent independently of its competitors, of its suppliers or customers, and ultimately of consumers.';

(26e) Article 210 is amended as follows:

(a) paragraphs 1 and 2 are replaced by the following:

'1. Article 101(1) TFEU shall not apply to agreements, decisions and concerted practices of interbranch organisations recognised under Article 157 of this Regulation which are necessary in order to meet the objectives listed in point(c) of Article 157(1) and for the olive oil and table olives and tobacco sectors, in Article 162 of this Regulation.

Agreements, decisions and concerted practices, which fulfil the conditions referred to in the first sub-paragraph of this Article, shall not be prohibited, no prior Commission decision to that effect being required.

2. Recognised interbranch organisations may request an opinion from the Commission concerning the compatibility of the agreements, decisions and concerted practices referred to in paragraph 1 with this Article. The Commission shall send the applicant its opinion within 4 months of receipt of a complete request.

If the Commission finds that the conditions for an opinion to the effect that Article 101(1) does not apply are no longer met, it shall declare that Article 101(1) TFEU applies for the future to the agreement, decision or concerted practice in question and inform the inter-branch organisation accordingly.

The Commission may at its own initiative or at the request of a Member State change the content of an opinion, in particular if the applicant has provided inaccurate information or misused the opinion.';

(b) paragraphs 3, 5 and 6 are deleted;

(26f) The following article is inserted:

'Article 210a

Vertical initiatives for sustainability

1. Article 101(1) TFEU shall not apply to agreements, decisions and concerted practices of producers of agricultural products that relate to the production of and trade in agricultural products and that aim to apply a sustainability standard higher than mandated by Union or national law, provided that these agreements, decisions and concerted practices only impose restrictions of competition that are indispensable to the attainment of this standard.
2. Agreements, decisions and concerted practices of producers of agricultural products within the meaning of paragraph 1 are concluded or taken either by several producers or by one or more producers with one or more operators at different levels of the production, processing, trade, including distribution, tiers of the chain for agricultural and food products.

3. A sustainability standard within the meaning of paragraph 1 is a standard which aims to contribute to one or more of the following objectives:
- Environmental objectives, including climate change mitigation and adaptation; the sustainable use and protection of landscapes, water and soil; transition to a circular economy, including the reduction of food waste; pollution prevention and control; the protection and restoration of biodiversity and ecosystems;
 - Production of agricultural products in ways that reduce the use of pesticides and manage risks therefrom, or reduce the danger of antimicrobial resistance in agricultural production; and
 - Animal health and animal welfare.
4. Agreements, decisions and concerted practices that fulfil the conditions referred to in this Article shall not be prohibited, no prior decision to that effect being required.
5. The Commission shall issue guidelines concerning the conditions of applicability of this Article for operators by [...date, two years from the entry into force of this regulation].
6. From [... date, two years from the entry into force of this regulation] the producers referred to in paragraph 1 may request an opinion from the Commission concerning the compatibility of the agreements, decisions and concerted practices referred to in paragraph 1 with this Article. The Commission shall send the applicant its opinion within 4 months of receipt of a complete request.

If the Commission finds that the conditions for an opinion to the effect that Article 101(1) does not apply are no longer met, it shall declare that Article 101(1) TFEU applies for the future to the agreement, decision or concerted practice in question and inform the producers accordingly.

The Commission may at its own initiative or at the request of a Member State change the content of an opinion, in particular if the applicant has provided inaccurate information or misused the opinion.

7. The national competition authority referred to in Article 5 of Regulation (EC) No 1/2003 may decide in individual cases that, for the future, one or more of the agreements, decisions and concerted practices referred to in paragraph 1 are to be modified, discontinued or not take place at all if it considers that this is necessary in order to prevent competition from being excluded or if it considers that the objectives set out in Article 39 TFEU are jeopardised.

For agreements, decisions and concerted practices covering more than one Member State, the decision referred to in the first subparagraph of this paragraph shall be taken by the Commission without applying the procedure referred to in Article 229(2) or (3).

When acting under the first subparagraph of this paragraph, the national competition authority shall inform the Commission in writing after initiating the first formal measure of the investigation and shall notify the Commission of the decisions without delay after their adoption.

The decisions referred to in this paragraph shall not apply earlier than the date of their notification to the undertakings concerned.';

(26g) Article 212 is deleted;

(26c) Article 214a is replaced by the following:

'Article 214a

"National payments for certain sectors in Finland"

"Subject to authorisation by the Commission, for the period 2023-2027, Finland may continue to grant national aids which it granted in 2022 to producers on the basis of this Article provided that:

- (a) the total amount of income aid is degressive over the whole period and in 2027 does not exceed 67% of the amount granted in 2022; and
- (b) prior to any recourse to this possibility, full use has been made of the support schemes under the CAP for the sectors concerned.

The Commission shall adopt its authorisation without applying the procedure referred to in Article 229(2) or (3) of this Regulation.';

(26j) in Article 218(2), the row for the United Kingdom is deleted;

(26l) paragraph 1 of Article 219 is amended as follows:

- (a) subparagraph 1 is replaced by the following:

'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.';

- (b) subparagraph 4 is replaced by the following:

‘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, 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.’;

- (26o) Section 2 of Chapter I of Part V is amended as follows:

- (a) the title is replaced by:

‘Market support measures related to animal diseases and plant pests and loss of consumer confidence due to public, animal or plant health risks’;

- (b) Article 220 is amended as follows:

- (i) the title is replaced by:

‘Measures concerning animal and plant pests and loss of consumer confidence due to public, animal or plant health risks’;

- (ii) in paragraph 1, point (a) is replaced by the following:

‘(a) restrictions on intra-Union and third-country trade which may result from the application of measures for combating the spread of diseases in animals or the spread of plant pests; and’;

- (iii) in paragraph 2, the following point is inserted:

‘(-a) fruit and vegetables’;

(iv) paragraph 4 is replaced by the following:

'4. The measures provided for in point (a) of the first subparagraph of paragraph 1 may be taken only if the Member State concerned has taken health , veterinary and phytosanitary measures quickly to stamp out the disease and to monitor, control and eradicate or contain the pest, and only to the extent and for the duration strictly necessary to support the market concerned.';

(26j) in Part V, the following chapter and articles are inserted:

‘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, to facilitate the monitoring of market developments and threats of market disturbance, 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, supply and stocks;
 - (b) prices, costs 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 disturbance related, in particular, to significant price rises or falls on internal or external markets or to 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 disturbance 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."

(26s) in paragraph 1 of Article 223, the second subparagraph is replaced by the following:

'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.';

(27) Article 225 is amended as follows:

(a) points (a) to (c) are deleted;

(b) point (d) is replaced by the following:

'(d) by 31 December 2025, and then every seven years, on the application of the competition rules laid down in this Regulation to the agricultural sector in all Member States;'

(c) the following points are inserted:

'(db) by 31 December 2023 on the market observatories set up in accordance with Article 222a;

(dc) by 31 December 2023, and then every three years, on the use of the crisis measures in particular adopted pursuant to Articles 219, 220, 221 and 222;

(dd) by 31 December 2024 on the use of new information and communication technologies to ensure better market transparency as referred to in Article 223;

(de) by 30 June 2024 on sales designations and carcass classification in the sheep and goat sector;'

(28) In Part V, Chapter III covering Article 226 is deleted.

(28a) Annex I is amended as follows:

(a) in Part I(a), the first and second rows (CN codes 0709 99 60 and 0712 90 19) are deleted;

(b) in Part I(d), the entry in the first row (CN code 0714) is replaced by:

ex-0714 - Manioc, arrowroot, salep and similar roots and tubers with high starch or inulin content, fresh, chilled, frozen or dried, whether or not sliced or in the form of pellets, excluding sweet potatoes of subheading 0714 20 and Jerusalem artichokes of subheading ex-0714 90 90; sago pith;

(c) Part IX is amended as follows:

(i) the entry in the fifth row (CN code 0706) is replaced by:

'Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots⁽¹⁾, fresh or chilled

⁽¹⁾ This includes swedes.';

(ii) the entry in the eighth row (CN code ex 07 09) is replaced by:

'Other vegetables, fresh or chilled, excluding vegetables of subheadings 0709 60 91, 0709 60 95, ex0709 60 99 of genus Pimenta, 0709 92 10 and 0709 92 90';

(iii) the following rows are added for CN code 0714:

'0714 20 sweet potatoes

ex-0714 90 90 Jerusalem artichokes';

(d) in Part X, the exclusions for sweetcorn are deleted;

(e) in Part XII, the following entry is added:

'(e) ex 2202 99 19 : - - - Other, dealcoholised wine with an alcoholic strength by volume not exceeding 0.5% vol.';

(f) in Part XXIV, section 1, the entry '0709 60 99' is replaced by the following:

'ex 0709 60 99 : - - - Other, of genus Pimenta';

(29) in Annex II, Part II is amended as follows:

(a) in point 4 of Section A, the second sentence is deleted;

(b) Section B is deleted;

(30) Annex III is amended as follows:

(a) the title is replaced by the following:

'STANDARD QUALITY OF RICE AND SUGAR AS REFERRED TO IN ARTICLE
1a OF REGULATION (EU) No 1370/2013*

* Council Regulation (EU) No 1370/2013 of 16 December 2013 determining
measures on fixing certain aids and refunds related to the common
organisation of the markets in agricultural products (OJ L 346, 20.12.2013, p.
12);'

(b) in Part B, Section I is deleted;

(31) Annex VI is deleted;

(32) Annex VII is amended as follows:

(a) Part I is amended as follows:

(i) in point II, the following subparagraph is added:

‘At the request of a group referred to in Article 3(2) of Regulation (EU) No 1151/2012, the relevant Member State may decide that the conditions referred to in this point shall not apply to the meat of bovine animals with a designation of origin or geographical indication protected in accordance with Regulation (EU) No 1151/2012 registered before 29 June 2007.’;

(ii) point III.1(A), the row for the United Kingdom is deleted;

(b) in Part II is amended as follows:

(i) the following introductory paragraph is added:

'The categories of grapevine products shall be those listed in points 1 to 17. The categories of grapevine products defined in points (1) and (4) to (9) may undergo a total or partial dealcoholisation treatment in accordance with Section E of Part I of Annex VIII, after having reached fully their respective characteristics as described in those points.';

(ii) ' in point 3, point (a) is replaced by the following:

‘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;’;

(c) Appendix 1 is amended as follows:

(i) point 1(c) is replaced by the following:

'(c) in Belgium, Denmark, Estonia Ireland, Lithuania, the Netherlands, Poland and Sweden: the wine-growing areas of these Member States;'

(ii) in point 2(g) the word "area" is replaced by "wine-growing region";

(iii) point 4(f) is replaced by the following:

'(f) in Romania, areas planted with vines in the following wine growing regions: Dealurile Munteniei și Olteniei with Dealurile Buzăului, Dealu Mare, Severinului and Plaiurile Drâncei, Colinele Dobrogei, Terasale Dunării, the South wine region, including sands and other favourable regions.';

(iv) point 4(g) is replaced by the following:

'(g) in Croatia, areas planted with vines in the following sub-regions: Hrvatska Istra, Hrvatsko primorje and Dalmatinska zagora';

(v) in point 6, the following point is added:

"(h) in Croatia, areas planted with vines in the following sub-regions: Sjeverna Dalmacija and Srednja i Južna Dalmacija.';

(33) Annex VIII is amended as follows:

(a) Part I is amended as follows:

(i) the title is replaced by:

‘Enrichment, acidification, de-acidification in certain wine growing zones and dealcoholisation’;

(ii) in Section B, point 7(b) is replaced by the following:

'(b) raise the total alcoholic strength by volume of the products referred to in paragraph 6 for the production of wines with a protected designation of origin or a protected geographical indication to a level to be determined by Member States.';

(iii) Section C is replaced by the following:

'C. Acidification and de-acidification

1. Fresh grapes, grape must, partially fermented grape must, new wine still in fermentation and wine may be subject to acidification and de-acidification.
2. Acidification of the products referred to in point 1 may be carried out only up to a limit of 4 g/l expressed as tartaric acid, or 53,3 milliequivalents per litre.
3. De-acidification of wines may be carried out only up to a limit of 1 g/l expressed as tartaric acid, or 13,3 milliequivalents per litre."
4. Grape must intended for concentration may be partially de-acidified.
5. Acidification and enrichment, except by way of derogation to be adopted by the Commission by means of delegated acts pursuant to Article 75(2), and acidification and de-acidification of one and the same product shall be mutually exclusive processes.';

(iv) in Section D, point 3 is replaced by the following:

'3. Acidification and de-acidification of wines shall take place only in the wine-growing zone where the grapes used to produce the wine in question were harvested.';

- (v) the following Section is added:

'E. Dealcoholisation processes

The following dealcoholisation processes, whether used each of its own or in combination, shall be allowed to reduce part of or almost all the ethanol content in grapevine products referred to in points 1 and 4 to 9 of Part II of Annex VII:

- (a) partial vacuum evaporation;
- (b) membrane techniques;
- (c) distillation.

The dealcoholisation processes shall not result in organoleptic defects of the grapevine product. The elimination of ethanol in grapevine product must not be done in conjunction with the increase of the sugar content in the grape must.'

- (b) in Part II, point 3 of Section B is replaced by the following:

'Points 1 and 2 shall not apply to products intended for the production, in Ireland and Poland, of products falling within CN code 2206 00 for which Member States may allow the use of a composite name, including the sales designation 'wine'.!';

- (34) paragraph 2 of point II of Annex X is replaced by the following:

- '2. The price referred to in paragraph 1 shall apply to sugar beet of sound, fair and marketable quality having a sugar content of 16 % at the reception point.

The price shall be adjusted by price increases or reductions, agreed by the parties in advance, to allow for deviations from the quality referred to in the first subparagraph.!';

(35) in point XI of Annex X, paragraph 1 is replaced by the following:

'1 Agreements within the trade as described in point 6 of Section A of Part II of Annex II shall contain conciliation and/or mediation mechanisms and arbitration clauses.';

(36) Annexes XI, XII and XIII are deleted.

Article 2

Amendments to Regulation (EU) No 1151/2012

Regulation (EU) No 1151/2012 is amended as follows:

(-1) in Article 1(2), point (b) is replaced by the following:

'(b) value-adding attributes 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.';

(1) in Article 2, paragraphs 2 and 3 are replaced by the following:

'2. This Regulation shall not apply to spirit drinks or grapevine products as defined in Part II of Annex VII to Regulation (EU) No 1308/2013, with the exception of wine-vinegars.

3. This Regulation, and in particular the registrations made pursuant to Article 52, shall be without prejudice to compliance of products concerned with other Union rules relating in particular to the placing of products on the market, marketing and to food labelling.';

(2) In Article 5, paragraphs 1 and 2 are replaced by the following:

- '1. For the purpose of this Regulation, 'designation of origin' is a name, including a name traditionally used, which identifies a product:
 - (a) originating in a specific place, region or, in exceptional cases, a country;
 - (b) whose quality or characteristics are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors; and
 - (c) the production steps of which all take place in the defined geographical area.
2. For the purpose of this Regulation, 'geographical indication' is a name, including a name traditionally used, which identifies a product:
 - (a) originating in a specific place, region or country;
 - (b) whose given quality, reputation or other characteristic is essentially attributable to its geographical origin; and
 - (c) at least one of the production steps of which take place in the defined geographical area.';

(2a) in Article 6, paragraph 2 is replaced by the following:

- '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.;

- (3) In Article 7, paragraph 1 is replaced by the following:
- '1. A protected designation of origin or a protected geographical indication shall comply with a specification which shall include at least:
- (a) the name to be protected as a designation of origin or geographical indication, as it is used, whether in trade or in common language, and only in the languages which are or were historically used to describe the specific product in the defined geographical area;
 - (b) a description of the product, including the raw materials, if appropriate, as well as the principal physical, chemical, microbiological or organoleptic characteristics of the product;
 - (c) the definition of the geographical area delimited with regard to the link referred to in point (f)(i) or (ii) of this paragraph, and, where appropriate, details indicating compliance with the requirements of Article 5(3);
 - (d) evidence that the product originates in the defined geographical area referred to in Article 5(1) or (2);
 - (e) a description of the method of obtaining the product and, where appropriate, the authentic and unvarying local methods as well as information concerning packaging, if the applicant group so determines and gives sufficient product-specific justification as to why the packaging must take place in the defined geographical area to safeguard quality, to ensure the origin or to ensure control, taking into account Union law, in particular that on the free movement of goods and the free provision of services;

- (f) details establishing the following:
 - (i) as regards a protected designation of origin the link between the quality or characteristics of the product and the geographical environment referred to in Article 5(1); the details concerning human factors of that geographical environment may, where relevant, be limited to a description of the soil and landscape management, cultivation practices or any other relevant human contribution to the maintenance of the natural factors of the geographical environment referred to in Article 5(1);
 - (ii) as regards a protected geographical indication, the link between a given quality, the reputation or other characteristic of the product and the geographical origin referred to in Article 5(2);
- (g) the name and address of the authorities or, if available, the name and address of bodies verifying compliance with the provisions of the product specification pursuant to Article 37 and their specific tasks;
- (h) any specific labelling rule for the product in question.

The product specification may contain a description of the contribution of the designation of origin or geographical indication to sustainable development.’;

- (4) in Article 10(1), the introductory wording is replaced by the following:

‘A reasoned statement of opposition as referred to in Article 51(1) shall be admissible only if it is received by the Commission within the time limit set out in that paragraph and if it:’;

(4b) In Article 12, paragraph 3 is replaced by the following:

'3. In the case of products originating in the Union that are marketed under a protected designation of origin or a protected geographical indication registered in accordance with the procedures laid down in this Regulation, the Union symbols associated with them shall appear on the labelling and advertising material. The labelling requirements set out in Article 13(1) of Regulation (EU) No 1169/2011 for presentation of mandatory particulars shall apply to the registered name of the product. The indications 'protected designation of origin' or 'protected geographical indication' or the corresponding abbreviations 'PDO' or 'PGI' may appear on the labelling.';

(5) Article 13 amended as follows:

(a) in paragraph 1, point (a) is replaced by the following:

'(a) any direct or indirect commercial use of a registered name in respect of products not covered by the registration where those products are comparable to the products registered under that name or where using the name exploits, weakens or dilutes the reputation of the protected name, including when those products are used as an ingredient;';

(b) the following paragraph is added:

'4. The protection referred to in paragraph 1 shall also apply with regard to:

- (a) goods entering the customs territory of the Union without being released for free circulation within the customs territory of the Union and
- (b) goods sold through means of distance selling such as electronic commerce.;

For goods entering the customs territory of the Union without being released for free circulation within that territory, the group or any operator entitled to use the protected designation of origin or protected geographical indication shall be entitled to prevent all third parties from bringing goods, in the course of trade, into the Union without being released for free circulation there, where such goods, including packaging, come from third countries and bear without authorisation the protected designation of origin or protected geographical indication.';

(6) Article 15 is amended as follows:

(a) in paragraph 1, the second subparagraph is replaced by the following:

'Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 57(2) except those where the admissible statement of opposition is lodged under Article 49(3).';

(b) in paragraph 2, the introductory wording is replaced by the following:

'Without prejudice to Article 14, the Commission may adopt implementing acts extending the transitional period mentioned in paragraph 1 of this Article up to 15 years in duly justified cases where it is shown that:';

(7) the following Article is inserted:

'Article 16a

Existing geographical indications for aromatised wine products

Names entered in the register established pursuant to Article 21 of Regulation (EU) No 251/2014 of the European Parliament and of the Council* shall automatically be entered in the register referred to in Article 11 of this Regulation as protected geographical indications. The corresponding specifications shall be deemed to be the specifications for the purposes of Article 7 of this Regulation.

- * Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91 (OJ L 84, 20.3.2014, p. 14).';

(8) In Article 21(1), the introductory wording is replaced by the following:

'A reasoned statement of opposition as referred to in Article 51(1) shall be admissible only if it is received by the Commission before expiry of the time limit and if it:';

(8a) in Article 23, paragraph 3 is replaced by the following:

- ‘3. In the case of products originating in the Union that are marketed under a traditional speciality guaranteed registered in accordance with this Regulation, the symbol referred to in paragraph 2 shall, without prejudice to paragraph 4, appear on the labelling and advertising material. The labelling requirements set out in Article 13(1) of Regulation (EU) No 1169/2011 for presentation of mandatory particulars shall apply to the registered name of the product. The indications ‘traditional speciality guaranteed’ or the corresponding abbreviation ‘TSG’ may appear on the labelling.”

The symbol shall be optional on the labelling of traditional specialities guaranteed which are produced outside the Union.’;

(8b) Article 24 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. 1. Registered names shall be protected against any misuse, imitation or evocation, including as regards products used as ingredients, or against any other practice liable to mislead the consumer.’;

(b) the following paragraph is added:

‘4. The protection referred to in paragraph 1 shall also apply with regard to goods sold through means of distance selling such as electronic commerce.’;

(9) the following Article is inserted:

'Article 24a

Transitional periods for use of traditional specialities guaranteed

The Commission may adopt implementing acts granting a transitional period of up to five years to enable products the designation of which consists of or contains a name that contravenes Article 24(1) to continue to use the designation under which they were marketed on condition that an admissible statement of opposition under Article 49(3) or Article 51 shows that such name has been legally used on the Union market for at least five years preceding the date of the publication provided for in point (a) of Article 50(2).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 57(2) except those where an admissible statement of opposition is lodged under Article 49(3).’;

(10) in Article 49, the following paragraph is added:

'8. The Member State shall inform the Commission without delay if any procedure is initiated before a national court or other national body concerning an application lodged with the Commission, in accordance with paragraph 4.';

(11) Article 50 is replaced by the following:

'Article 50

Scrutiny by the Commission and publication for opposition

1. The Commission shall examine applications for registration that it receives in accordance with Article 49(4) and (5). The Commission shall check that the applications contain the required information and that they do not contain manifest errors, taking into account the outcome of the scrutiny and opposition procedure carried out by the Member State concerned.

Scrutiny by the Commission should not exceed a period of six months from the date of receipt of the application from the Member State. Where this period is exceeded, the Commission shall inform the applicant of the reasons for the delay in writing.

The Commission shall, at least each month, publish the list of names for which applications for registration have been submitted to it, as well as the date of their submission.

2. Where, based on the scrutiny carried out pursuant to paragraph 1 of this Article, the Commission considers that the conditions laid down in Articles 5 and 6 are fulfilled as regards registration applications under the scheme set out in Title II, or that the conditions laid down in Article 18(1) and (2) are fulfilled as regards applications under the scheme set out in Title III, it shall publish in the *Official Journal of the European Union*:
 - (a) for applications under the scheme set out in Title II, the single document and the reference to the publication of the product specification;
 - (b) for applications under the scheme set out in Title III, the specification.;
3. Upon communication by a Member State, concerning an application for registration lodged with the Commission in accordance with Article 49(4), which either:
 - (a) informs the Commission that the application has been invalidated at national level by an immediately applicable but not final judicial decision; or,
 - (b) requests the Commission to suspend the scrutiny referred to in paragraph 1 because a national judicial process has been launched to challenge the validity of the application which the Member States considers based on valid grounds,

The Commission shall be exempted from the obligation to comply with the deadline to perform that scrutiny and to inform the applicant of the reasons for the delay.

The suspension shall have effect until the Commission is informed by the Member State that the original application has been restored or that it withdraws its request of suspension, respectively.;

(12) Article 51 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. Within three months from the date of publication in the Official Journal of the European Union, the authorities of a Member State or of a third country, or any natural or legal person resident or established in a third country and having a legitimate interest, may lodge a reasoned statement of opposition with the Commission.

Any natural or legal person resident or established in a Member State other than that from which the application was submitted, and having a legitimate interest, may lodge a reasoned statement of opposition with the Member State in which it is resident or established within a time limit permitting an opposition to be lodged pursuant to the first subparagraph.');

(b) paragraph 2 is replaced by the following:

'2. The Commission shall examine the admissibility of the reasoned statement of opposition based on the grounds of opposition laid down in Article 10 as regards protected designations of origin and protected geographical indications and based on the grounds for opposition laid down in Article 21 as regards traditional specialities guaranteed.');

(c) paragraph 3 is replaced by the following:

'3. If the Commission considers that the reasoned statement of opposition is admissible it shall, within five months from the date of publication of the application in the Official Journal of the European Union, invite the authority or person that lodged the reasoned statement of opposition and the authority or body that lodged the application with the Commission to engage in appropriate consultations for a reasonable period that shall not exceed three months.

The authority or person that lodged the reasoned statement of opposition and the authority or body that lodged the application shall start such appropriate consultations without undue delay. They shall provide each other with the relevant information to assess whether the application for registration complies with the conditions laid down in this Regulation. If no agreement is reached, this information shall be provided to the Commission.

At any time within the period of consultations, the Commission may, at the request of the applicant extend the deadline for the consultations by a maximum of three months.’;

(d) paragraph 5 is replaced by the following:

‘5. The reasoned statement of opposition and other documents which are sent to the Commission in accordance with paragraphs 1, 2 and 3 shall be in one of the official languages of the Union.’;

(13) in Article 52, paragraphs 1 and 2 are replaced by the following:

- ‘1. Where, on the basis of the information available to the Commission from the scrutiny carried out pursuant to the first subparagraph of Article 50(1), the Commission considers that the conditions laid down in Articles 5 and 6, as regards the quality schemes set out in Title II, or in Article 18, as regards the quality schemes set out in Title III, are not fulfilled, it shall adopt implementing acts rejecting the application. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 57(2).”
2. If the Commission receives no admissible reasoned statement of opposition under Article 51, it shall adopt implementing acts, without applying the examination procedure referred to in Article 57(2), registering the name.’;

(14) Article 53 is replaced by the following:

‘Article 53

Amendment to a product specification

1. A group having a legitimate interest may apply for approval of an amendment to a product specification.

Applications shall describe and give reasons for the amendments requested.

2. Amendments to a product specification shall be classified into two categories as regards their importance: Union amendments, requiring an opposition procedure at the 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, protected geographical indication or in the use of that name;
- (b) it risks voiding the links referred to in point (b) of Article 5(1) for protected designations of origin and of Article 5(2) for protected geographical indications;
- (c) it concerns a traditional speciality guaranteed;
- (d) it entails new restrictions on the marketing of the product.

All other amendments to product specifications shall be considered to be standard amendments.

A temporary amendment that concerns a temporary change in the product specification resulting from the imposition of obligatory sanitary and phytosanitary measures by the public authorities or a temporary amendment necessary because of a natural disaster or adverse weather conditions formally recognised by the competent authorities shall also be considered to be standard amendments.

Union amendments shall be approved by the Commission. The approval procedure shall follow, *mutatis mutandis*, the procedure laid down in Articles 49 to 52.

Standard amendments shall be approved by the Member State in the territory of which the geographical area of the product concerned is located and communicated to the Commission. Third countries shall approve standard amendments in accordance with the law applicable in the third country concerned and communicate them to the Commission.

The scrutiny of the application shall focus on the proposed amendment. Where appropriate, the Commission or the Member State concerned may invite the applicant to modify other elements of the product specifications.

3. In order to facilitate the administrative process of Union and standard amendments to product specification, including where the amendment does not involve any change to the single document, the Commission shall be empowered to adopt delegated acts, in accordance with Article 56, complementing the rules of the amendment application process.

The Commission shall be empowered to adopt implementing acts laying down detailed rules on procedures, form and presentation of an amendment application and notification of standard amendments to the Commission. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 57(2).’;

(15) in Point I of Annex I, the following indents are added:

- ‘- aromatised wines as defined in Article 3(2) of Regulation (EU) No 251/2014;
- other alcoholic beverages, except for spirit drinks and grapevine products as defined in Part II of Annex VII to Regulation (EU) No 1308/2013.
- beeswax’;

Article 3

Amendments to Regulation (EU) No 251/2014

(1) the title is replaced by the following:

'Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation and labelling of aromatised wine products and repealing Council Regulation (EEC) No 1601/91';

(2) in Article 1, paragraph 1 is replaced by the following:

'1. This Regulation lays down rules on the definition, description, presentation and labelling of aromatised wine products.';

(3) in Article 2, point 3 is deleted;

(4) Article 5 is amended as follows:

(a) paragraph 4 is replaced by the following:

'4. Sales denominations may be supplemented or replaced by a geographical indication of aromatised wine product protected under Regulation (EU) No 1151/2012.';

(b) the following paragraphs are added:

'6. In the case of aromatised wine products produced in the Union and destined for export to third countries whose legislation requires different sales denominations, Member States may allow that those sales denominations accompany the sales denominations set out in Annex II. Those additional sales denominations may appear in languages other than the official languages of the Union.

7. The Commission shall be empowered to adopt delegated acts in accordance with Article 33 to supplement Annex II to this Regulation in order to take into account technical progress, scientific and market developments, consumers' health or consumer need for information.;

(4a) The following article is inserted:

'Article 6a

Nutrition declaration and ingredients list

1. The labelling of aromatised wine products marketed in the Union shall contain the following mandatory particulars:
 - (a) the nutrition declaration pursuant to Article 9(1), point (l), of Regulation (EU) No 1169/2011; and
 - (b) the list of ingredients pursuant to Article 9(1), point (b), of Regulation (EU) No 1169/2011.'
2. By way of derogation from paragraph 1, point (a), the nutrition declaration may be limited to the energy value on the label or packaging, which may be expressed by using the symbol (E) for Energy. In that case, the nutrition declaration shall be provided additionally by electronic means identified on the label or packaging. This nutrition declaration shall not be displayed with other information intended for sales or marketing purposes and no user data shall be collected or tracked.

3. By way of derogation from paragraph 1, point (b), the list of ingredients may be provided by electronic means identified on the label or packaging. In this case, the following requirements apply:
- (a) no user data shall be collected or tracked;
 - (b) the list of ingredients shall not be displayed with other information intended for sales or marketing purposes; and
 - (c) the indication of the particulars referred to in Article 9(1), point (c), of Regulation (EU) No 1169/2011 shall appear directly on the package or on a label attached thereto. This indication shall comprise the word ‘contains’ followed by the name of the substance or product as listed in Annex II of Regulation (EU) No 1169/2011.
4. The Commission is empowered to adopt delegated acts in accordance with Article 33 to further detail the rules for the indication and designation of ingredients for the application of paragraph 1, point (b).’;

(5) in Article 8, paragraph 2 is replaced by the following:

- ’2. The name of the geographical indication of aromatised wine product protected under Regulation (EU) No 1151/2012 shall appear on the label in the language or languages in which it is registered, even where the geographical indication replaces the sales denomination in accordance with Article 5(4) of this Regulation.

Where the name of a geographical indication of aromatised wine product protected under Regulation (EU) No 1151/2012 is written in a non-Latin alphabet, it may also appear in one or more of the official languages of the Union.’;

(6) Article 9 is deleted;

(7) Chapter III is deleted.

(7a) Article 33 is amended as follows:

(a) the following paragraph is inserted:

‘2a. The power to adopt delegated acts referred to in Articles 5(5b) and 6a(4) shall be conferred on the Commission for a period of five years from [entry into force of Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.’;

(b) paragraph 3 is replaced by the following:

‘3. The delegation of power referred to in Articles 4(2), 5(7), 6a(4), 28, 32(2) and 36(1) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect the day following the publication in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of the delegated acts already in force.’;

(c) paragraph 5 is replaced by the following:

‘5. A delegated act adopted pursuant to Articles 4(2), 5(7), 6a(4), 28, 32(2) and 36(1) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months on the initiative of the European Parliament or the Council.’;

(8) in the first paragraph of Part (a) of Annex I, the following point is added:

'(iv) spirit drinks in a quantity not exceeding 1% of the overall volume.';

(9) Annex II is amended as follows:

(a) in part A, the first indent of point (3) is replaced by the following:

‘- to which alcohol may have been added, and’

(b) part B is amended as follows:

(i) in point 8, the first indent is replaced by the following:

‘- which is obtained exclusively from red or white wine or both,’;

(ii) the following point is added:

‘14. *Wino ziolowe*

Aromatised wine-based drink:

(a) which is obtained from wine and in which grapevine products represent at least 85% of the total volume,

(b) which has been flavoured exclusively with flavouring preparations obtained from herbs or spices or both,

(c) which has not been coloured,

(d) which has an actual alcoholic strength by volume of not less than 7 % vol.’.

Article 4

Amendment to Regulation (EU) No 228/2013

The following article is inserted:

'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 not 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.

Article 6

Transitional provisions

1. The rules applicable before the date of entry into force of this Regulation shall continue to apply to applications for protection, applications for approval of amendment and requests of cancellation of designations of origin or geographical indications received by the Commission pursuant to Regulation (EU) No 1308/2013 before... [the date of entry into force of this Regulation] and to applications for registration, applications for approval of amendment and requests of cancellation of protected designations of origin, protected geographical indications or traditional specialities guaranteed received by the Commission pursuant to Regulation (EU) No 1151/2012 before... [the date of entry into force of this Regulation].

2. The rules applicable before... [the date of entry into force of this Regulation] shall continue to apply to applications for protection, applications for approval of amendment and requests for cancellation of names of aromatised wines as geographical indication received by the Commission pursuant to Regulation (EU) No 251/2014 before... [the date of entry into force of this Regulation]. However, the decision on registration shall be adopted pursuant to Article 52 of Regulation (EU) No 1151/2012 as amended by point (13) of Article 2 of this Regulation.
3. Articles 29 to 38 and 55 to 57 of Regulation (EU) No 1308/2013 shall continue to apply after 31 December 2022 as regards expenditure incurred and payments made for operations implemented before 1 January 2023 within the aid schemes referred to in those Articles.
 - 3a. Articles 58 to 60 of Regulation (EU) No 1308/2013 shall continue to apply after 31 December 2022 as regards expenditure incurred and payments made before 1 January 2023 within the aid scheme referred to in those Articles.
 - 3b. Recognised producer organisations or their associations in the fruit and vegetables sector having an operational programme as referred to in Article 33 of Regulation (EU) No 1308/2013 that has been approved by a Member State for a duration beyond 31 December 2022 shall, by 15 September 2022, submit a request to that Member State to the effect that its operational programme:
 - (a) be modified to meet the requirements of this Regulation; or
 - (b) be replaced by a new operational programme approved under this Regulation; or
 - (c) continues to operate until its end under the conditions applicable under Regulation (EU) No 1308/2013.

Where such recognised producer organisations or their associations do not submit such request by 15 September 2022, their operational programme approved under Regulation (EU) No 1308/2013 shall end on 31 December 2022.

- 3c. The support programmes in the wine sector referred to in Article 40 of Regulation (EU) No 1308/2013 shall continue to apply until 15 October 2023. Articles 39 to 54 of Regulation (EU) No 1308/2013 shall continue to apply after 31 December 2022 as regards:
- (a) expenditure incurred and payments made for operations implemented pursuant to that Regulation before 16 October 2023 within the aid scheme referred to in Articles 39 to 52 of that Regulation;
 - (b) expenditure incurred and payments made for operations implemented pursuant to Articles 46 and 50 of that Regulation before 16 October 2025, provided that, by 15 October 2023 such operations have been partially implemented and the expenditure incurred amounts to at least 30 % of their total planned expenditure and, that such operations are fully implemented by 15 October 2025.
4. Wine which meets the labelling requirements of Article 119 of Regulation (EU) No 1308/2013 and aromatised wine products which meet the labelling rules of Regulation (EU) No 251/2014 applicable in both cases before [two years after the entry into force of this Regulation] and which were produced and labelled before that date may continue to be placed on the market until stocks are exhausted.

Article 7

Entry into force and application

This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union.

Points (1)(b), (4)(a), (4)(b), (4)(d), (8), (17), (22), (26c), (27), (28) and (31) of Article 1 shall apply from 1 January 2023.

Points (4)(c)(i), (4)(c)(iii), (4b)(ii) and (22c) of Article 1 shall apply from 1 January 2021.

Points (18)(a)(ii) and (18)(c) of Article 1 and point (4a) of Article 3 shall apply from... [two years after the entry into force of this Regulation].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament

For the Council

The President

The President
