

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) No 1308/2013 as regards the school fruit, vegetables and milk scheme ('EU school scheme'), sectoral interventions, the creation of a protein sector, requirements for hemp, the possibility for marketing standards for cheese, protein crops and meat, application of additional import duties, rules on the availability of supplies in time of emergencies and severe crisis and securities

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Proposal for a

## **REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending Regulation (EU) No 1308/2013 as regards the school fruit, vegetables and milk scheme ('EU school scheme'), sectoral interventions, the creation of a protein sector, requirements for hemp, the possibility for marketing standards for cheese, protein crops and meat, application of additional import duties, rules on the availability of supplies in time of emergencies and severe crisis and securities**

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### **EXPLANATORY MEMORANDUM**

#### **1. CONTEXT OF THE PROPOSAL**

- **Reasons for and objectives of the proposal**

Farming and food are strategic sectors for the Union, providing safe and high-quality food to 450 million Europeans at affordable prices and playing a key role for European as well as global food security. At the same time, they are essential for sustaining the economy and life in rural areas, as well as an important part of the solution in the protection of climate, nature, soils, water, and biodiversity currently under stress. The Common Agricultural Policy (CAP) is at the heart of the European project and has committed more than 60 years ago to ensuring food security and a fair standard of living for the agricultural community, in line with the EU Treaties' objectives.

Such commitment is as relevant today as it was then, as the EU agricultural sector continues to face significant challenges. Uneven global playing fields, some import dependencies and vulnerability to geopolitical uncertainties add to the long-term uncertainty faced by EU farmers. At the same time, farmers must get a better revenue from the market, enabling them to make the necessary investments for future-proof and resilient farms. For this to materialise, current imbalances in the food chain where an unfair distribution of revenues, risks and the burden of costs often disproportionately affect primary producers, must be addressed.

These challenges justify public intervention for the sector and at the same time call for a robust and adaptive policy response to ensure a competitive, resilient, and sustainable agricultural sector. In line with the Commission Communication 'A Vision for Agriculture and Food' <sup>1</sup>, such policy response would also contribute to ensure a more attractive and predictable sector where incomes enable farmers to thrive and attract future generations. In this context, defining proper enabling conditions at EU level together with an ambitious set of tools would help farmers to leverage their entrepreneurial potential, reinforce their

position in the value chain, including incentives for farmers to share risks (e.g., via producer organisations or cooperatives). At the same time, by supporting investments in training, exchange of best practices, uptake of innovative production methods and proper risk management practices at farm level, farmers are thereby supported to explore different income sources and grasp new market opportunities, such as those linked to the growing bioeconomy applications of hemp.

This is why specific support for certain sectors is considered of strategic nature to contribute to achieving the CAP objectives and to reinforce synergies with other CAP instruments. Equally important is EU support for protein crops considering the agronomic challenges and climatic vulnerability limiting the interest by farmers to engage in this sector. At the same time, this particular attention is also determined by the need to reduce the Union dependence on imports for high-quality proteins, and reinforce, in line with the Vision, the EU open strategic autonomy.

In this context and as recalled by the Vision, sustainable livestock remains an essential part of the Union's agriculture, competitiveness and cohesion. The Union livestock sector is particularly vulnerable to various shocks and global competition, and it is required to meet high production standards that are not always rewarded by the market. Recognising the natural composition of meat and meat products, in the interest of both Union producers and consumers becomes important as meat-related terms often carry cultural significance.

In line with the Niinistö Report on the Preparedness and Readiness of the EU <sup>2</sup> and in the Preparedness Union Strategy <sup>3</sup>, preparedness considerations should be integrated into all Union policies. This new reality has been marked by significant shocks, from the pandemic, the Russian war of aggression and market disturbances to animal and plant diseases and a volatile geopolitical situation. This is why, to ensure the delivery of EU Treaty objectives when it comes to ensuring the availability of supply, also in time of emergencies and severe crises, preparedness in the agricultural sector across Member States should be enhanced. This should be achieved by complementing national initiatives, enhancing coordination among Member States and between Member States and the Commission and improving efficiency and fostering a culture of preparedness and resilience, while fully respecting national competences and the specific circumstances of each Member State as well as the principles of subsidiarity and proportionality. In particular, the Commission Communication 'Union Stockpiling Strategy: Boosting the EU's material preparedness for crisis' <sup>4</sup> stresses that in severe, long-term, complex, and cross-border crises, it is crucial to coordinate national measures to ensure a steady supply of essential goods and the continuation of vital societal functions.

At the same time, in line with the Vision for Agriculture and Food, reconnecting EU consumers - especially vulnerable groups such as children - with food and local territories remains essential for the future of farming in Europe. For this reason, efforts to promote the quality of EU food on European markets, including in the outermost regions, as well as on the international markets

should continue. Such initiatives would enhance both the competitiveness of the agricultural sector as well as encourage healthier eating habits among the general public. In this respect, the aid for the supply of fruit and vegetables and of milk and milk products in educational establishments ('EU school scheme') has proven to be effective in increasing the consumption of selected agricultural products, but its effectiveness and coherence with other CAP instruments should be further strengthened.

Regulation (EU) No 1308/2013 of the European Parliament and of the Council <sup>5</sup> sets forth the fundamental rules for the common organisation of the markets in agricultural products (CMO). For the period 2028 to 2034, financial support for measures laid down in that Regulation will be governed by the legal framework set out in Regulation (EU) .../... of the European Parliament and of the Council [NRPF] <sup>6</sup>. This support will also be subject to the rules specified in Regulation (EU) .../... of the European Parliament and of the Council [Performance Regulation] <sup>7</sup>, which establishes a budget expenditure tracking and performance framework along with other horizontal rules for Union programmes and activities, unless otherwise specified.

Similarly, the EU school scheme and support for specific agricultural sectors will receive financial backing through National and Regional Partnership Plans (the 'NRP Plans') under Regulation (EU) .../... [NRPF Regulation]. However, since these are connected to agricultural product markets, the specific rules on the type of interventions should be laid down in Regulation (EU) No 1308/2013.

In addition, in order to take into account developments in the agricultural sector and to improve the implementation of Regulation (EU) No 1308/2013, certain provisions of that Regulation need to be amended and updated.

Moreover, following the repeal of Regulation (EU) No 1306/2013 of the European Parliament and of the Council <sup>8</sup> and in view of the proposals for Regulations (EU) .../... [NRPF Regulation] and (EU) .../... [Performance Regulation], certain empowerments laid down in Regulation (EU) No 1306/2013 and in Regulation (EU) 2021/2116 of the European Parliament and of the Council <sup>9</sup> concerning public intervention, aid for private storage, tariff rate quotas, producer organisations and securities should be integrated into Regulation (EU) No 1308/2013. Furthermore, following the integration of certain provisions of Regulation (EU) No 228/2013 of the European Parliament and of the Council <sup>10</sup> into Regulation (EU) .../... [NRPF Regulation], some of its provisions should also be integrated into Regulation (EU) No 1308/2013.

To align with the provisions of the WTO Agreement on Agriculture it is necessary to update certain provisions for calculation of additional import duties.

As a part of this initiative, provisions on the conditions for production and marketing of hemp products should be laid down. The existing rules on imports of hemp should also be updated for consistency.



Finally, provisions on the availability of supplies of agricultural products in time of emergencies and severe crises should be provided for in Regulation (EU) No 1308/2013.

- **Consistency with existing policy provisions in the policy area**

This proposal is fully consistent with the CAP Treaty objectives laid out in Article 39 TFEU. The objectives of the amendments are consistent with rules on the common market organisation for agricultural products . They aim at improving the existent common market organisation.

- **Consistency with other EU policies**

The amendments are consistent with other EU policies and reinforce the role of the CMO rules and related instruments in contributing to the objectives of the common agricultural policy.

## **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

- **Legal basis**

Articles 42, 43(2) and 349 of the Treaty on the Functioning of the European Union (TFEU) are the basis for the proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1308/2013.

The legal basis provides for: the establishment of the common organisation of agricultural markets and other provisions that are necessary for the pursuit of the objectives of the common agricultural policy, and rules on specific measures in outermost regions.

- **Subsidiarity (for non-exclusive competence)**

Under the Treaty on the Functioning of the European Union, agriculture is a field of shared competence between the Union and the Member States, and the principle of subsidiarity therefore applies.

Given the EU-wide dimension of the common market organisation and the fact that it regulates the free movement of goods of agricultural products in the internal market, the different issues need to be addressed at EU level than at the level of the Member States acting individually. Moreover, the proposed changes are amendments of the existing common market organisation for agricultural products.

- **Proportionality**

The proposal comprises limited and targeted changes to the current legislation, which are necessary for the good functioning of the existent common market organisation.

- **Choice of the instrument**

Given the objectives and content of the proposal, an amendment to the existing regulations is the most appropriate instrument.

### **3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

The proposal is part of the review of the CAP for post-2027 for which an overall impact assessment and stakeholder consultations have been carried out.

- **Fundamental rights**

The proposed amendments respect the rights and observe the principles enshrined in the Charter of Fundamental Rights of the European Union, as laid down in Regulations (EU) .../... [NRPF Regulation]. The provisions of Regulations (EU) .../... [NRPF Regulation] concerning the respect of fundamental rights and the rule of law will apply also to the EU school scheme and the support for agricultural sectors.

### **4. BUDGETARY IMPLICATIONS**

The EU school scheme and the support for agricultural sectors will be supported by the Fund for which rules are laid down in Regulations (EU) .../... [NRPF Regulation] and (EU) .../... [Performance Regulation]. As regards the EU school scheme, Commission Implementing Decision (EU) 2023/106 fixes the indicative allocations of Union aid to Member States for school fruit and vegetables and for school milk for the period from 1 August 2023 to 31 July 2029, thus it encroaches on the next multiannual financial framework ('MFF') period, for the years 2028 to 2034. As with the CAP post-2027 a new school scheme will be set up from 2028, a specific reduced allocation must be defined for the 5-month period, from 1 August to 31 December 2027, for school year 2027/2028, as its implementation and financing will still fall under the current MFF.

### **5. OTHER ELEMENTS**

- **Implementation plans and monitoring, evaluation and reporting arrangements**

This initiative will be monitored through the performance framework applicable for the 2028- 2034 multiannual financial framework which is set out in the proposal for a Regulation (EU) .../... [Performance Regulation], which establishes a budget expenditure tracking and performance framework along with other horizontal rules for Union programmes and activities, unless otherwise specified.

#### **EU school scheme interventions**

The legal provisions provide the basic policy parameters, such as the objectives of the scheme and its basic requirements, while Member States would 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. Regulation (EU) .../... [NRPF Regulation] rules should apply to the EU school scheme while specific rules on that type of intervention should be laid down in Regulation (EU) No 1308/2013.

In order to reduce the intake of free sugars and fats by schoolchildren, the distribution of products high in free sugars and fats should be limited. In order to raise awareness of children of the variety of products that are cultivated in the Union as well as their different qualities, the distribution of products originating in the Union should be prioritised combined with criteria linked to higher environmental and social sustainability standards. Member States should ensure the implementation of awareness raising measures on certain topics. As the case may be and to avoid duplications, the national curriculum can be used instead of the scheme. In view of the increased concern over processed foods and products potentially high in added sugars, which do not meet children's nutritional needs, those products should be excluded from the EU school scheme. Those new elements emerge from the evaluation of the scheme, as thoroughly analysed in the impact assessment.

### **Sectoral interventions**

The legal provisions define minimum requirements concerning the contents and policy objectives for such types of intervention which have the overall aim to ensure the efficient functioning and stability of agricultural markets. This would ensure a level playing field in the internal market and lay down conditions of equal and fair competition. When including interventions in certain sectors in their NRP Plans, Member States should ensure consistency with other interventions at a sectoral level. The types of intervention in certain sectors should provide support to the fruit and vegetables, wine, protein crops, apiculture products, olive oil and table olives and hops sectors, as well as for other sectors and products listed in Annex I to Regulation (EU) No 1308/2013 and, for which the establishment of specific interventions is deemed to have beneficial effects on the achievement of some or all of the general and specific objectives of the CAP pursued by Regulation (EU) .../... [NRPF Regulation].

### **Protein crops**

The legal provisions introduce specific rules for the mandatory recognition of producers and interbranch organisations in this sector. This would help to strengthen the value chain at regional, national and transnational level, and address agronomic challenges jeopardising farmers' interest in this sector.

In order to support the production of protein crops and reduce the Union dependence on imports for high-quality proteins, a distinct protein crop sector should be created in Annex I to Regulation (EU) No 1308/2013. For that purpose, the protein crop sector will replace the current dried fodder sector.

Products belonging to the protein crop sector will be moved from Part XXIV of Annex I to a new Section 1 in Part IV of Annex I, to Regulation (EU) No 1308/2013. Dried fodders which are not protein crops will be moved from the current Part IV of Annex I to Part XXIV of that Annex. The reference to the dried fodder sector should be removed from Article 6 on marketing years.

Transitional provisions should be added in Articles 154 and 158 of Regulation (EU) No 1308/2013 for the recognition of existing producer organisations (POs) and interbranch organisations (IBOs) already recognised for products that fall under the new protein crop sector.

The protein crop sector should be added to the list of sectors for which Member States are obliged to recognise, on request, producer organisations and interbranch organisations (Article 159, points (a) and (b), respectively of Regulation (EU) No 1308/2013).

### **Marketing standards**

In line with the conclusions of the Commission report on new marketing standards for dried leguminous vegetables and soya bean <sup>11</sup>, it is appropriate to provide for the possibility to lay down marketing standards for protein crops to better inform consumers about the origin of the protein crops products they purchase. For the same reason, beef, pigmeat, sheep and goat meat should be added to the list for which marketing standards can be adopted. In addition, with the objective of possibly harmonising the definition and composition of certain cheeses to ensure a common basis for quality across the internal market, it is also appropriate to provide for the possibility to lay down marketing standards for cheese.

### **Hemp**

Hemp falls under the CMO of the CAP, with Regulation (EU) No 1308/2013 expanding its scope beyond fibre use. Farmers can receive area-based CAP payments if they meet standard and hemp-specific criteria, including growing varieties with  $\Delta^9$ -tetrahydrocannabinol ('THC') content below 0,3 % to prevent illicit crop cultivation.

The European Court of Justice <sup>12</sup> ruled that cannabidiol ('CBD') from the whole Cannabis Sativa plant is not a drug under the Single Convention on Narcotic Drugs. However, inconsistencies among Member States' regulations limit full plant utilisation and economic potential, especially concerning flowering tops. These discrepancies can hinder farmers from accessing CAP support or marketing hemp products across Member States.

To address this, Regulation (EU) No 1308/2013 will include rules on hemp production and marketing. Article 189 will be amended, and Annex I, Part VIII will be expanded to encompass all hemp plant parts as agricultural products, provided CAP requirements are met. This aims to align with the EU hemp market's growth, offering legal certainty to farmers.

New legal provisions will also uphold public health protection, keeping strict seed certification and a 0,3 % THC limit, ensuring compliance with international drug conventions. Scientific evidence supports low health risk from hemp varieties with up to 0,3 % THC. To harmonise Annex I, Part VIII, changes will also apply to linseed, moving relevant products from Annex I, Part XXIV, Section 1.

Transitional provisions will protect existing producer organisations and allow farmers to market hemp sown before new rules apply. With a deferred application, stakeholders will have time to adjust to the new regulatory framework.

### **Sugar**

Article 125 of Regulation (EU) No 1308/2013 requires that the terms for buying sugar beet and sugar cane are to be governed by written agreements within the trade, as described in Part II, Section A, point 6, of Annex II to that Regulation. Article 125(3) of Regulation (EU) No 1308/2013 requires the agreements within the trade to conform to the purchase terms laid down in Annex X to that Regulation. Those provisions should be amended for the sake of clarity and consistency as regards the parties to the agreements within the trade and as regards the products concerned by those agreements and subject to purchase terms.

Furthermore, in order to enhance legal clarity and reinforce the protection of the rights of beet sellers in contractual relationships with sugar undertakings, it is necessary to amend point VIII of Annex X to Regulation (EU) No 1308/2013 to explicitly provide that the ownership of the beet pulp remains with the beet seller unless otherwise agreed.

To give stakeholders from the sugar sector sufficient time to adapt, the application of the changes concerning the agreements within the trade should be deferred until 1 October after the year of entry into force of the Regulation.

### **Additional import duties**

Article 182(1) of Regulation (EU) No 1308/2013 lays down rules for the calculation method that may be used to fix the trigger volume for the purpose of the application of additional import duties. In order to correctly reflect the calculation method set out in Article 5(4) of the World Trade Organization (WTO) Agreement on Agriculture, Article 182(1) of Regulation (EU) No 1308/2013 should be amended to specify that the calculation should be based on the average yearly imports in the three preceding years. Furthermore, Article 182(2) of Regulation (EU) No 1308/2013 provides that additional duties are not to be imposed where imports are unlikely to disturb the Union market, or where effects would be disproportionate to the intended objective. However, demonstrating that imports are likely to disturb the Union market is difficult and, in case of perishable seasonal products, where such safeguard currently applies, often unfeasible or not sufficiently timely. Since this requirement goes beyond

obligations set out in the WTO Agreement on Agriculture, and in order to address stakeholders' concerns and simplify the procedure, the referred paragraph 2 should be deleted.

### **Rules on the availability of supplies in time of emergencies and severe crisis**

Legal provisions introduce obligations for Member States to adopt baseline preparedness measures that should include the establishment of national and/or regional preparedness and response plans concerning agricultural products, regular sharing of information on stocks of agricultural products, the designation of competent authorities and participation in EU-level stress testing exercises. These efforts should be complemented by enhanced obligations during crises or high-risk situations, including mandatory reporting.

The Union Stockpiling strategy aims to combine centralised reserves with contributions from Member States, supported by public-private partnerships to ensure efficiency, scalability and cost-effectiveness. Where Member States establish and manage reserves of agricultural products, rules should be introduced to ensure that such measures are designed in a manner that minimises market distortions.

### **Meat designations**

Specific legal provisions should be introduced to protect meat-related terms in order to enhance transparency in the internal market as regards food composition and nutritional content and ensure that consumers can make well-informed choices, particularly for those seeking a specific nutritional content that is traditionally associated with meat products.

### **POSEI**

In view of the proposals for Regulations (EU) .../... [NRPF Regulation] and (EU) .../... [Performance Regulation], provisions laid down in Regulation (EU) No 228/2013 concerning the use of a logo for the marketing of quality agricultural products in the outermost regions and the State aid derogation for national payments for the sugar sector in the French outermost regions should be integrated into Regulation (EU) No 1308/2013.

### **Reinsert missing rules and empowerments**

Rules as well as empowerments relevant for measures provided for by Regulation (EU) No 1308/2013 were laid down in Regulation (EU) No 1306/2013 and are currently laid down in Regulation (EU) 2021/2116. Following the repeal of Regulation (EU) No 1306/2013 and in view of the proposals for Regulations (EU) .../... [NRPF Regulation] and (EU) .../... [Performance Regulation], rules and empowerments laid down in Regulation (EU) 2021/2116 concerning public intervention and aid for private storage, tariff quotas, recognition of producer organisations and securities should be integrated into Regulation (EU) No 1308/2013.

## **Deferred application and transitional rules**

In order to allow Member States and operators sufficient time to comply with the new rules, the date of application should be postponed for amendments related to agreements within the trade for the sugar sector, conditions for the marketing, production and imports of hemp, and the provisions on the availability of supplies in time of emergencies and severe crisis. Furthermore, in order to ensure a smooth transition to the new EU school scheme, the deletion of the provisions relating to the EU school scheme laid down Regulation (EU) No 1308/2013 should apply from 1 January 2028, but should continue to apply in respect of measures implemented until 31 December 2027. Moreover, as the current EU school scheme will be discontinued on 31 December 2028, a specific reduced allocation must be defined for the 5-month period, from 1 August to 31 December 2027, for school year 2027/2028, as its implementation and financing will still fall under the current MFF.

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### **REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

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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 42, Article 43(2) 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 Committee<sup>13</sup>,

Having regard to the opinion of the Committee of the Regions<sup>14</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Commission Communication of 19 February 2025 entitled ‘A Vision for Agriculture and Food’ <sup>15</sup> announces that the common agricultural policy (CAP) post-2027 will provide for further responsibility and accountability for Member States on how they meet the CAP objectives, supporting and stabilising farmers’ incomes and attracting a future generation of farmers, and guaranteeing food security. It should be a simpler and more targeted policy with more flexibility for farmers and a shift from requirements to incentives for farmers.
- (2) The multiannual financial framework for the years 2028 to 2034 legislative package includes Regulation (EU) .../... of the European Parliament and of the Council [NRPF Regulation] <sup>16</sup> establishing the National and Regional Partnership Fund (the ‘Fund’) for the period 2028 to 2034, grouping the nationally pre-allocated funds under the Fund, including the European Agriculture Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD). In accordance with that Regulation the Fund is to be implemented through National and Regional Partnership Plans (the ‘NRP Plans’) and the EU Facility (the ‘Facility’).
- (3) Regulation (EU) No 1308/2013 of the European Parliament and of the Council <sup>17</sup> provides for all basic elements of the common organisation of the markets in agricultural products.
- (4) The CAP support provided for in Regulation (EU) No 1308/2013 for the period post-2027 will be supported by the Fund and subject to the rules laid down in Regulations (EU) .../... [NRPF Regulation] and (EU) .../... of the European Parliament and of the Council [Performance Regulation] <sup>18</sup>, as complemented by Regulation (EU) No 1308/2013.
- (5) The production of protein crops in the Union faces persistent difficulties, due in particular to volatile supply and demand at local level and the agronomic challenges of their cultivation, which make them a higher-risk option for farmers. In order to support their production and reduce the Union dependence on imports for high-quality proteins, it is appropriate to create a distinct protein crop sector in Annex I to Regulation (EU) No 1308/2013. Furthermore, in order to facilitate the setting up of producer and interbranch organisations in the protein crop sector, and thereby strengthen the value chain at regional, national and transitional level, its recognition should be made mandatory. As the main products of the dried fodder sector listed in Part IV of Annex I to that Regulation should be included in the protein sector, the dried fodder sector should be removed from Regulation (EU) No 1308/2013.
- (6) By its judgment of 7 September 2016 in Case C-113/14 <sup>19</sup>, the Court of Justice of the European Union (‘the Court’) annulled Article 7 of



Regulation (EU) No 1308/2013 determining the reference thresholds for agricultural products on the grounds that those thresholds should have been adopted by the Council only, on a proposal from the Commission, on the basis of Article 43(3) of the Treaty on the Functioning of the European Union (TFEU). It is therefore appropriate to delete Article 7 of Regulation (EU) No 1308/2013.

- (7) Regulation (EU) No 1308/2013 lays down rules for public intervention. Regulation (EU) 2021/2116 laid down rules for public intervention expenditure and empowered the Commission to supplement that Regulation with rules on the type of measures eligible for Union financing and the reimbursement conditions, the eligibility conditions and calculation methods based on the information actually observed by the paying agencies, on flat rates determined by the Commission, or on flat-rate or non-flat-rate amounts provided for by the agricultural legislation in specific sectors, the valuation of operations in connection with public intervention, the measures to be taken in the case of loss or deterioration of products under the public intervention, and the determination of the amounts to be financed. Since these rules are necessary for the functioning of the system of public intervention, the existing empowerments should be integrated in Regulation (EU) No 1308/2013.
- (8) In addition to the rules on public intervention, Regulation (EU) No 1308/2013 lays down rules on aid for private storage. Commission Delegated Regulation (EU) 2016/1238 <sup>20</sup> and Commission Implementing Regulation (EU) 2016/1240 <sup>21</sup> lay down rules on checks and penalties adopted pursuant to empowerments for delegated and implementing acts laid down in Regulation (EU) No 1306/2013 of the European Parliament and of the Council <sup>22</sup> . Following the repeal of Regulation (EU) No 1306/2013 and in view of Regulations (EU) .../... [NRPF Regulation] and (EU) .../... [Performance Regulation], the empowerments laid down in Regulation (EU) No 1306/2013 and in Regulation (EU) 2021/2116 of the European Parliament and of the Council <sup>23</sup> to adopt delegated and implementing acts concerning checks and penalties related to public intervention and aid for private storage should be integrated into Regulation (EU) No 1308/2013.
- (9) In particular, the Commission should be empowered to adopt delegated acts to supplement Regulation (EU) No 1308/2013 with rules on reduction of payment of aid in case operators do not comply with their obligations relating to the conditions for public intervention or for private storage. The Commission should also be empowered to adopt, by way of implementing acts, uniform rules for Member States for the tests and methods to be applied in order to establish the eligibility of products for public intervention and private storage and the use of tendering procedures for public interventions or for private storage, on administrative and on-the-spot checks to be conducted by Member States with regard to the respect of obligations, commitments and eligibility criteria for public intervention or for private storage as well as on the

application and calculation of administrative penalties by Member States when operators do not comply with the eligibility criteria, commitments or other obligations relating to the conditions for public intervention or for private storage.

- (10) The aid for the supply of fruit and vegetables and of milk and milk products in educational establishments laid down in Part II, Title I, Chapter II, of Regulation (EU) No 1308/2013 ('EU school scheme') has proven to be effective in increasing the consumption of selected agricultural products. In order to contribute to achieving the CAP objectives, the EU school scheme should be continued. However, in order to increase its effectiveness and to ensure coherence with other CAP instruments, the EU school scheme should be based on delivery of performance and should be implemented as a type of intervention supported by the Fund. The Union should set the basic policy parameters, such as the objectives of the EU school scheme and its 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. Rules laid down in Regulations (EU) .../... [NRPF Regulation] and (EU) .../... [Performance Regulation] should apply to the EU school scheme, as complemented by this Regulation. The EU school scheme being a market intervention measure, the specific rules on the type of intervention should be laid down in Regulation (EU) No 1308/2013.
- (11) The objective of the EU school scheme is to reconnect children with agriculture and increase healthy eating habits. As children from vulnerable groups are more prone to have unhealthy diets, Member States should be given the possibility to focus on these groups according to socio-economic considerations. In order to reduce the intake of free sugars and fats by schoolchildren, the distribution of products high in free sugars and fats should be limited. In order to raise awareness of children of the variety of products that are cultivated in the Union as well as their different qualities, the distribution of products originating in the Union should be prioritised combined with criteria linked to higher environmental and social sustainability standards. Member States should ensure the implementation of awareness raising measures on certain topics. To avoid duplicates, the national curriculum can be used instead of the EU school scheme. In view of the increased concern over processed foods and products potentially high in added sugars, which do not meet children's nutritional needs, it is appropriate to exclude those products from the EU school scheme.
- (12) Considering that the EU school scheme implemented under the Fund is to cover the period from 1 January 2028 to 31 December 2034, the deletion of the provisions relating to the EU school scheme laid down in Part II, Title I, Chapter II, of Regulation (EU) No 1308/2013 should apply from 1 January 2028. In order to ensure a smooth transition, it should be provided that the deleted provisions continue to apply in respect of

measures implemented until 31 December 2027. Furthermore, considering that the EU school scheme laid down in Part II, Title I, Chapter II, of Regulation (EU) No 1308/2013 will therefore be discontinued before the end of school year 2027/2028, which runs from 1 August 2027 until 31 July 2028, the overall limit of Union aid laid down per school year in Article 23a of Regulation (EU) No 1308/2013, should be proportionally reduced for that school year.

- (13) Types of intervention in certain sectors are needed to contribute to achieving the CAP objectives and reinforce synergies with other CAP instruments. Minimum requirements concerning the contents and objectives for such types of intervention should be established at Union level in order to ensure a level playing field in the internal market and avoid conditions of unequal and unfair competition. When including interventions in certain sectors in their NRP Plans, Member States should ensure consistency with other interventions at sector level. The types of intervention in certain sectors should provide support to the fruit and vegetables, wine, protein crops, apiculture products, olive oil and table olives and hops sectors, as well as for other sectors and products listed in Annex I to Regulation (EU) No 1308/2013. In particular, given the Union's deficit on plant protein and the environmental benefits their production brings, legumes should be included among the products eligible for support while respecting the EU WTO schedule on oilseeds.
- (14) In order to protect the financial interests of the Union's budget, and ensure that penalties are proportionate, effective and dissuasive, the Commission should be empowered to adopt delegated acts to supplement Regulation (EU) No 1308/2013 with rules on the suspension, reduction and recovery for payments of aid for sectoral interventions in case of non-respect of the recognition criteria by the producer organisations. In addition, the Commission should be empowered to adopt, by way of implementing acts, rules on administrative and on-the-spot checks to be conducted by Member States on producer organisations or associations of producer organisations to verify compliance with the recognition criteria, as well as rules on a unique identification system of recognised producer organisations and associations of producer organisations.
- (15) In line with the conclusions of the Commission report on new marketing standards for dried leguminous vegetables and soya bean <sup>24</sup>, it is appropriate to provide for the possibility to lay down marketing standards for protein crops to better inform consumers about the origin of the protein crops products they purchase. For the same reason, beef, pigmeat, sheep and goat meat should be added to the list for which marketing standards may be adopted. In addition, with the objective of possibly harmonising the definition and composition of certain cheeses to ensure a common basis for quality across the internal market, it is also appropriate to provide for the possibility to lay down marketing standards for cheese.

- (16) The Commission Communication ‘A Vision for Agriculture and Food’ recalls livestock is an essential part of the Union’s agriculture, competitiveness and cohesion. Sustainable livestock systems are essential for the Union economy, the viability of rural areas and the preservation of the environment and rural landscapes. The Union livestock sector is particularly vulnerable to various shocks and global competition and it is required to meet high production standards that are not always rewarded by the market. In this context, it is necessary to acknowledge the natural composition of meat and meat products, in the interest of both Union producers and consumers. Meat-related terms often carry cultural and historical significance. It is therefore appropriate to protect meat-related terms to enhance transparency in the internal market as regards the food composition and nutritional content and ensure that consumers can make well-informed choices, particularly for those seeking a specific nutritional content that is traditionally associated with meat products.
- (17) Regulation (EU) No 228/2013 of the European Parliament and of the Council <sup>25</sup> introduced a logo to encourage farmers in the outermost regions to continue to supply high-quality products and to promote their marketing. In view of Regulations (EU) .../... [NRPF Regulation] and (EU) .../... [Performance Regulation], provisions laid down in Regulation (EU) No 228/2013 concerning the use of the logo should be integrated into Regulation (EU) No 1308/2013 and apply from 1 January 2028.
- (18) Article 125(1) of Regulation (EU) No 1308/2013 requires that the terms for buying sugar beet and sugar cane are to be governed by written agreements within the trade, as described in Part II, Section A, point 6, of Annex II to that Regulation. Article 125(3) of Regulation (EU) No 1308/2013 requires the agreements within the trade to conform to the purchase terms laid down in Annex X to that Regulation. For the sake of clarity, Article 125, Part II, Section A, points 5 and 6, of Annex II, and Annex X to Regulation (EU) No 1308/2013 should be amended to ensure consistency between those provisions as regards the parties to the agreements within the trade and as regards the products concerned by those agreements and subject to purchase terms. In particular, it should be clarified that the rules on sugar agreements and purchase terms apply not only to sugar beet but also to sugar cane.
- (19) Innovation and the growth of the bioeconomy have led to new applications for hemp biomass derived from all parts of the plant. This provides farmers with additional opportunities to valorise the plant beyond fibre production, making hemp a more attractive and competitive crop. In addition, growing hemp has environmental and climate benefits as it does not require pesticides or fertilisers and improves soil structure. Several hemp products, including raw hemp (CN 5302), hemp seeds (CN 1207 99 91) and other hemp parts (CN 1211 90 86) are listed as agricultural products in Annex I to the TFEU. In the interest of clarity, the products covered by the flax and hemp sector listed in Annex I, Part VIII,

to Regulation (EU) No 1308/2013 should be amended to include hemp products other than raw hemp.

- (20) Some Member States have adopted national measures, on grounds of health protection, that prohibit the production or marketing of specific hemp products. These divergent national approaches undermine the proper functioning of the common market organisation, create legal uncertainty and barriers in the internal market and cause unfair competition between farmers in different Member States.
- (21) In compliance with various international instruments which the Member States have cooperated on or acceded to, as the United Nations Single Convention on Narcotic Drugs of 1961 and the Convention on Psychotropic Substances of 1971, the marketing of narcotic drugs should be prohibited, with the exception of strictly controlled trade or use for medical and scientific purposes. However, it follows from the reasoning of the Court in Case C-663/18 <sup>26</sup> that non-psychoactive products as cannabidiol derived from hemp varieties with a low  $\Delta^9$ -tetrahydrocannabinol content are not to be considered narcotic drugs under these conventions.
- (22) Scientific evidence also suggests that hemp products obtained from varieties containing a maximum tetrahydrocannabinol content of 0.3 % are unlikely to pose a risk to human health. Therefore, to ensure legal certainty, promote the development of the sector, guarantee a level playing field across the Union and support the proper functioning of the common market organisation, while protecting public health interests, it is necessary to lay down harmonised rules at Union level for the production and marketing of hemp agricultural products that provide public health safeguards. In particular, these rules should include a uniform maximum limit of tetrahydrocannabinol content, as well as other appropriate safeguards.
- (23) Furthermore, it is also appropriate to amend Article 189 of Regulation (EU) No 1308/2013 that lays down rules on the imports of hemp in order to ensure consistency with the new Union rules on the marketing of hemp products.
- (24) In order to ensure legal certainty and to avoid disproportionate disruption for farmers, transitional arrangements should be put in place for the placing on the market of hemp products derived from hemp plants sown before the date of application of the new marketing conditions. Those products should be allowed to continue to be marketed subject to the rules in force prior to that date and only until [31 December of the year after the entry into force of this amending Regulation]. After that date, all hemp products should comply with the new marketing conditions.
- (25) In order to ensure a smooth transition following the creation of the protein crop sector, and to provide legal certainty and continuity for recognised producer or interbranch organisations, it is appropriate to

provide that producer or interbranch organisations already recognised before [date of entry into force of this amending Regulation] for products that fall under the new protein crop sector should be deemed to be recognised in that sector. Such producer organisations should also retain their recognition for other products listed under other sectors. However, in cases where they no longer meet the relevant conditions for recognition in one or more sectors, Member States should withdraw the corresponding recognition no later than [31 December 20XX at least 2 full years after the date of entry into force of this amending Regulation].

- (26) In order to ensure a smooth transition following the amendment of the products listed in the flax and hemp sector in Point VIII of Annex I to Regulation (EU) No 1308/2013, and to provide legal certainty and continuity for recognised producer or interbranch organisations, it is appropriate to provide that producer or interbranch organisations already recognised before [date of entry into force of this amending Regulation] for products that fall under the amended flax and hemp sector should be deemed to be recognised in that sector. Such producer organisations should also retain their recognition for other products listed under other sectors. However, in cases where they no longer meet the relevant conditions for recognition in one or more sectors, Member States should withdraw the corresponding recognition no later than [31 December 20XX at least 2 full years after the date of entry into force of this amending Regulation].
- (27) Article 182(1) of Regulation (EU) No 1308/2013 lays down rules for the calculation method that may be used to fix the tigger volume for the purpose of the application of additional import duties. In order to correctly reflect the calculation method set out in Article 5(4) of the World Trade Organization (WTO) Agreement on Agriculture, Article 182(1) of Regulation (EU) No 1308/2013 should be amended to specify that the calculation should be based on the average yearly imports in the three preceding years. Furthermore, Article 182(2) of Regulation (EU) No 1308/2013 provides that additional duties are not to be imposed where the imports are unlikely to disturb the Union market, or where the effects would be disproportionate to the intended objective. However, demonstrating that imports are likely to disturb the Union market is difficult and, in case of perishable seasonal products, where such safeguard currently applies, often unfeasible or not sufficiently timely. Since this requirement goes beyond the obligations set out in the WTO Agreement on Agriculture, and in order to address the stakeholders' concerns and simplify the procedure, that paragraph 2 should be deleted.
- (28) Regulation (EU) No 1308/2013 lays down rules on the management of tariff quotas. Commission Delegated Regulation (EU) 2020/760 <sup>27</sup> lays down rules on penalties for operators for cases of non-compliance with the conditions and eligibility requirements that an operator has to fulfil to submit an application within the tariff quota, that were adopted pursuant to an empowerment for the adoption of delegated acts laid down in

Regulation (EU) No 1306/2013. Following the repeal of Regulation (EU) No 1306/2013, the empowerment to adopt delegated acts in this respect should be integrated in Regulation (EU) No 1308/2013.

- (29) Article 214a of Regulation (EU) No 1308/2013 allows Finland to grant, under certain conditions, national aid in Southern Finland until 2027, subject to the authorisation of the Commission. In view of the specificities of Finnish agriculture, the granting of that national aid should continue to be allowed for the period 2028 to 2034.
- (30) Regulation (EU) No 228/2013 granted a state aid derogation for national payments for the sugar sector in the French outermost regions in order to mitigate the specific constraints on sugar farming in those regions linked to their extreme remoteness, specifically their isolation, insularity, small surface areas, mountainous terrain and climate and their economic dependency on sugar production. In view of Regulations (EU) .../... [NRPF Regulation] and (EU) .../... [Performance Regulation], provisions laid down in Regulation (EU) 228/2013 granting that derogation should be integrated into Regulation (EU) No 1308/2013 and apply from 1 January 2028.
- (31) As underlined in the Joint Communication on the European Preparedness Union Strategy <sup>28</sup> , the Union should strengthen its preparedness in response to growing risks and deep uncertainty, with the objective of establishing a secure and resilient Union equipped with the capacities to anticipate, respond to and manage threats and hazards, regardless of their nature or origin. Preparedness considerations should be integrated into all Union policies. The Commission Communication ‘EU stockpiling strategy: Boosting the EU's material preparedness for crises’ <sup>29</sup> stressed that in severe, long-term, complex, and cross-border crises, it is crucial to coordinate national measures to ensure a steady supply of essential goods and the continuation of vital societal functions.
- (32) To ensure the availability of supply, set out as one of the objectives of the CAP in the TFEU, also in time of emergencies and severe crises, preparedness in the agricultural sector should be enhanced. This should be achieved by complementing national initiatives, enhancing coordination among Member States and between Member States and the Commission and improving efficiency and fostering a culture of preparedness and resilience, while fully respecting the national competences and the specific circumstances of each Member State and the principles of subsidiarity and proportionality.
- (33) Member States should therefore be required to adopt baseline preparedness measures that should include the establishment of national and/or regional preparedness and response plans concerning agricultural products, regular sharing of information on stocks of agricultural products, the designation of competent authorities and participation in Union-level stress testing exercises. Where Member States establish and manage reserves of agricultural products, they should be implemented as

part of their national and/or regional preparedness and response plans and should be designed in a manner that minimises market distortions. Those preparedness efforts should be complemented by enhanced obligations during crises or high-risk situations, including mandatory reporting.

- (34) In order to ensure the uniform conditions for the implementation of the provisions concerning the availability of supplies in time of emergencies and severe crises, implementing powers should be conferred on the Commission as regards reporting requirements concerning the food security preparedness and response plans, cross-border cooperation in the framework of development and application of the food security preparedness and response plans, coordinated actions for the establishment and management of reserves, such as the identification of categories of products for the establishment of the reserves and the development of joint risk assessments and early warning mechanisms to mitigate cross-border supply risks and ensure continuity of supply during disruptions, voluntary solidarity and mutual assistance mechanisms by which Member States make parts of their reserves available to another Member State facing severe shortages, real-time reporting on stocks and other relevant information as well as technical and procedural requirements for the secure handling and exchange of information. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council <sup>30</sup>.
- (35) Various provisions of agricultural legislation require that security be lodged to ensure the payment of a sum due if an obligation is not met. This is in particular the case for the management of tariff quotas and of public intervention and private storage. In view of Regulations (EU) .../... [NRPF Regulation] and (EU) .../... [Performance Regulation], provisions laid down in Regulation (EU) 2021/2116 concerning securities should be integrated into Regulation (EU) No 1308/2013. The empowerments to adopt delegated and implementing acts concerning securities should also be maintained and therefore integrated into Regulation (EU) No 1308/2013.
- (36) In particular, in order to ensure non-discriminatory treatment, equity and the respect of proportionality when lodging a security, that delegation of power should cover rules on securities specifying the responsible party in the event that an obligation is not met, laying down the specific situations in which the competent authority may waive the requirement of a security, the conditions applicable to the security to be lodged and the guarantor, the conditions for lodging and releasing that security, the specific conditions related to the security lodged in connection with advance payments, and setting out the consequences of breaching the obligations for which a security has been lodged. Furthermore, the implementing powers of the Commission should cover the form of the securities to be lodged and the procedure for lodging the securities, for accepting them, and for replacing the original securities; the procedures



for the release of securities; and the notification to be made by Member States or by the Commission in the context of securities.

- (37) Regulation (EU) .../... [NRPF Regulation] provides that as regards expenditure for public intervention, the Commission has in certain cases to fix the uniform standard amounts for material operations arising from storage and, where appropriate, for the processing of the products eligible for public intervention referred in Article 11 of Regulation (EU) No 1308/2013. The relevant implementing acts are to be adopted in accordance with the advisory procedure laid down in Regulation (EU) No 182/2011. For the adoption of these implementing acts the Commission should be assisted by the Committee for the Common Organisation of the Agricultural markets established by Regulation (EU) No 1308/2013. Since that Regulation does not contain any reference to the advisory procedure of Regulation (EU) No 182/2011, a reference to that procedure should be inserted in Regulation (EU) No 1308/2013.
- (38) Section B, point IV, of Annex IV to Regulation (EU) No 1308/2013 lays down that the grading methods to assess the lean-meat content for the purposes of the Union scale for the classification of pig carcasses are to be authorised by the Commission. Considering that the pig grading methods to assess the lean-meat content are authorised per Member State, for the sake of simplicity and reduction of administrative burden, the grading methods should be authorised by Member States instead of the Commission.
- (39) Point VIII of Annex X to Regulation (EU) No 1308/2013 provides that delivery contracts between beet sellers and sugar undertaking are to set out the arrangements for the return or compensation of beet pulp. In order to ensure greater legal clarity and reinforce the protection of the rights of beet sellers, it is appropriate to amend Annex X to that Regulation to explicitly provide that the beet pulp obtained from the beet delivered remains the property of the beet seller unless otherwise agreed. To ensure transparency and balanced contractual relations, delivery contracts should explicitly stipulate the arrangements for the return, retention or processing of the pulp, including, where applicable, the quantities concerned, the sharing of pressing or drying costs, and the price or calculation method for any compensation due.
- (40) Regulation (EU) No 1308/2013 should therefore be amended accordingly.
- (41) In order to give stakeholders sufficient time to adapt to the changes, the amendments related to agreements within the trade for the sugar sector should apply from [1 October of the year after the date of entry into force of this Regulation].
- (42) In order to give stakeholders sufficient time to adapt, the rules on the conditions for the marketing, production and imports of hemp should apply from [1 January after the date of entry into force of this Regulation]

and the rules on meat-related terms should apply from [12 months after the date of entry into force of this Regulation].

- (43) In order to give Member States time to start implementing the provisions on the availability of supplies in time of emergencies and severe crises, these provisions should apply from [12 months after the date of entry into force of this Regulation],

HAVE ADOPTED THIS REGULATION:

### *Article 1*

Amendments to Regulation (EU) No 1308/2013

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

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

‘(d) protein crop sector, Part IV’;

- (2) Article 2 is replaced by the following:

‘Article 2

General common agricultural policy (CAP) provisions

Regulation (EU) .../... of the European Parliament and of the Council [NRPF Regulation]\* and Regulation (EU) .../... of the European Parliament and of the Council [Performance Regulation]\*\* and the provisions adopted pursuant to them shall apply in relation to the measures laid down in this Regulation.

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\* Regulation (EU) .../... of the European Parliament and of the Council [NRPF Regulation] (OJ L ..., ELI: ).

\*\* Regulation (EU) .../... of the European Parliament and of the Council [Performance Regulation] (OJ L ..., ELI: ).’;

- (3) Article 3 is amended as follows:

(a) paragraph 3 is deleted;

(b) in paragraph 5, the following point is added:

‘(c) “outermost regions” means the regions referred to in Article 349 TFEU.’;

- (4) in Article 6, point (b) is replaced by the following:

‘(b) 1 April to 31 March of the following year for the silkworm sector;’;

- (5) Article 7 is deleted;
- (6) the references to ‘Article 229(2) or (3)’ in Articles 13(1)(c), 13(2), 21, second subparagraph, 116, 149(6), second subparagraph, 152(1c), second subparagraph, 175, second subparagraph, 179, second subparagraph, 183, second subparagraph, 193a(2), 213 and 216(2), should be replaced by ‘Article 229(2), (3) or (4)’;
- (7) in Part II, Title I, Chapter I, Section 2, the following Article is added:

‘Article 16a

Public intervention expenditure

The Commission is empowered to adopt delegated acts in accordance with Article 227 supplementing this Regulation with rules on:

- (a) the type of measures eligible for Union financing and the reimbursement conditions;
- (b) the eligibility conditions and calculation methods based on the information actually observed by the paying agencies, on flat rates determined by the Commission, or on flat-rate or non-flat-rate amounts provided for by the agricultural legislation in specific sectors;
- (c) the valuation of operations in connection with public intervention, the measures to be taken in the case of loss or deterioration of products under the public intervention, and the determination of the amounts to be financed.’;

- (8) in Article 19(5), the following point is added:

‘(d) laying down the rules on payment of aid and identifying cases where no aid is paid or the aid is reduced in case operators do not comply with their obligations relating to the conditions for public intervention or for private storage as referred to in Sections 2 and 3.’;

- (9) in Article 20, first subparagraph, the following points are added:

‘(v) rules necessary for the tests and methods to be applied in order to establish the eligibility of products for public intervention and private storage and the use of tendering procedures for public interventions or for private storage;

(w) rules on administrative and on-the-spot checks to be conducted by Member States with regard to the respect of obligations, commitments

and eligibility criteria for public intervention or for private storage as referred to in Sections 2 and 3;

(x) detailed rules for the application and calculation of administrative penalties by Member States when operators do not comply with the eligibility criteria, commitments or other obligations relating to the conditions for public intervention or for private storage as referred to in Sections 2 and 3.’;

(10) in Part II, Title I, Chapter II is deleted;

(11) in Article 23a, the following paragraph is inserted:

‘1a. In school year 2027/2028, 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 90 001 722,9.’;

(12) in Part II, Title I, the following Chapter is inserted:

## **‘CHAPTER IIa**

### **Types of interventions referred to in Regulation (EU) .../... [NRPF Regulation]**

#### Section 1

#### General provisions

#### Article 26

#### Scope

This Chapter lays down rules on types of interventions provided for in Regulation (EU) .../... [NRPF Regulation] related to the EU school scheme and certain sectors referred to in Article 1 of this Regulation.

This Chapter applies to Union support financed by the National and Regional Partnership Fund (the ‘Fund’) for interventions specified in the National and Regional Partnership Plans (the ‘NRP Plans’) drawn up by a Member State and approved by the Commission, covering the period from 1 January 2028 to 31 December 2034.

Unless otherwise provided for in this Chapter, Regulations (EU) .../... [NRPF Regulation] and (EU) .../... [Performance Regulation] and the

provisions adopted pursuant to them apply to the types of interventions referred to in this Chapter.

## Section 2

### EU school scheme

## Article 27

### Scope and general rules

1. This Section lays down rules concerning the types of interventions in the NRP Plans to support the distribution of agricultural products to children in educational establishments in order to increase the consumption of selected agricultural products and to improve children's eating habits ('EU school scheme').

2. The participants in the EU school scheme shall be children attending educational establishments which are administered or recognised by the Member States' competent authorities.

Member States shall establish in their NRP Plans the eligibility criteria for participants in the EU school scheme. In cases where Member States consider it necessary for the attainment of the objectives of the school scheme, they may focus on certain age group or prioritise certain groups of children according to socio-economic considerations.

3. Member States shall establish in their NRP Plans the categories of beneficiaries of the interventions in the EU school scheme which shall be selected among educational establishments or authorities, organisations acting on their behalf, suppliers, or any other public or private bodies involved in the management or provision of any of the types of interventions referred to in paragraph 4.

4. Member States shall establish and provide support for interventions based on the following types of interventions under the conditions laid down in this Section and as further specified in their NRP Plans:

- (a) supply and distribution of agricultural products;
- (b) awareness-raising measures.

5. Member States shall ensure that educational establishments participating in the EU school scheme publicise, at school premises and other relevant places, their involvement in the EU school scheme and the fact that it is subsidised by the Union. Member States shall provide for the use of any suitable publicity tools, which may include posters, dedicated websites, informative graphic material, and information and awareness-raising campaigns. The Union emblem and funding

statement shall be used in accordance with Annex V to Regulation (EU) .../... [Performance Regulation].

6. Member States shall report under the data set related to the operation referred to in Article 63(1) [Data collection and recording], point (e), of Regulation (EU) .../... [NRPF] about the funds used for the supply and distribution of each of the product groups listed in Article 28(1) of this Regulation and for the awareness raising interventions referred to in Article 29 of this Regulation, the number of educational establishments and of children participating in the EU school scheme, the average portion size and the number of delivered portions, the quantities of products supplied broken down by product groups and by organic products, and if applicable, of products referred to in Article 29(2) of this Regulation, and the awareness-raising interventions implemented.

## Article 28

### Supply and distribution of agricultural products

1. Only the following products shall be eligible for supply and distribution under the EU school scheme:

- (a) fruit and vegetables listed in Part IX of Annex I;
- (b) processed fruit and vegetable products listed in Part X;
- (c) fresh bananas, excluding plantains, within CN code 0803 90;
- (d) drinking milk, cheese, curd, yoghurt and other fermented or acidified milk products without added flavouring, fruit, nuts or cocoa listed in Part XVI of Annex I.

2. Products distributed under the EU school scheme shall not contain more than 10 % of free sugars or more than 30 % fats.

3. Products distributed under the EU school scheme shall not contain any of the following:

- (a) added sugars;
- (b) added salt;
- (c) added fat;
- (d) added sweeteners;
- (e) added artificial flavour enhancers E 620 to E 650 as defined in Regulation (EC) No 1333/2008 of the European Parliament and of the Council\*.

Notwithstanding the first subparagraph of this paragraph, Member States may, after obtaining the appropriate authorisation from their authorities responsible for health and nutrition in accordance with their national procedures, decide that eligible products referred to in paragraph 1, points (b) and (d), may contain limited quantities of added sugar, added salt and/or added fat, which are necessary to process products and define the maximum daily intakes.

4. Member States shall prioritise the distribution of products of either or both of the following groups:

- (a) seasonal fresh fruit and vegetables;
- (b) skimmed or semi-skimmed unsweetened drinking milk and lactose-free versions thereof.

5. Member States shall, taking into account national circumstances, prioritise the distribution of products originating in the Union and one or more of the following:

- (a) products with low climate footprint;
- (b) products which are certified according to organic production standards;
- (c) products which are contained in sustainable packaging;
- (d) products which have been produced in compliance with animal welfare standards or practices which are higher than those provided for in Union legislation;
- (e) products which are locally produced and marketed through short supply chains;
- (f) products which originate from small farms as determined by Member States;
- (g) products which comply with fair-trade production standards.

6. Member States shall establish in their NRP Plans the list of products that may be supplied and distributed and the prioritisation criteria.

7. Products distributed under the EU school scheme:

- (a) shall not be used in the preparation of the regular school meals;
- (b) shall not replace products that are part of the regular school meals through the financial contribution from public and/or private entities, except where educational establishments distribute regular school meals free of charge;

- (c) should remain at all times clearly recognisable as part of the EU school scheme, through suitable communication and publicity measures.

Member States shall ensure the added value of the EU school scheme in relation to the provision of other meals in educational establishments.

## Article 29

### Awareness-raising interventions

1. The awareness-raising interventions shall be directly linked to the objectives of the EU school scheme of increasing the consumption of selected agricultural products and improving children's eating habits.

They shall be aimed at reconnecting children with agriculture and the variety of Union agricultural products, particularly those produced in their region, and raising awareness about related issues, such as healthy eating habits, local food chains, organic farming, sustainable food production and consumption and combating food waste.

2. In addition to the products supplied and distributed as provided for in Article 28, Member States may provide for the tasting of other agricultural products listed in Annex I.

3. Member States shall ensure that all the children participating in the EU school scheme can take part in awareness-raising interventions.

Member States may decide to take the regular school curriculum or other policies or programmes into account for the purpose of complying with the obligation laid down in the first subparagraph. However, no Union support shall be provided for those activities.

## Section 3

### Support for interventions in certain sectors

## Article 30

### Scope

1. This Section lays down rules concerning types of interventions in the sectors listed in Article 1(2), points (a) to (i), (k), (l) and (m), (o) to (t), (v) and (w), and products listed in Annex Ia.

2. Interventions in the sectors referred to in Article 1(2), points (d), (f), (g) and (i), shall be mandatory for Member States with producer organisations or associations of producer organisations in those sectors recognised under this Regulation.



3. Intervention in the apiculture sector referred to in Article 1(2), point (v), shall be mandatory for all Member States.

## Article 31

### Types of intervention in certain sectors

Member States may establish and provide support in the sectors for any of the types of interventions laid down in Article 12 [Risk management tools] and in Article 13 [Investments for farmers] of Regulation (EU) .../... of the European Parliament and of the Council [CAP Regulation]\*\*, and any of the following types of interventions under the conditions laid down in this Section and as further specified in their NRP Plans:

- (a) investments in tangible and intangible assets other than those referred to in Article 13 [Investments for farmers] of Regulation (EU) .../... [CAP Regulation];
- (b) training, information, including coaching and exchange of best practices;
- (c) advisory services;
- (d) promotion and marketing;
- (e) research, innovation and experimental production methods;
- (f) actions to mitigate and/or to adapt to climate change;
- (g) actions to protect and/or improve the environment;
- (h) laboratory tests and to laboratories for analysis;
- (i) implementation of traceability and certification systems;
- (j) collective storage of products;
- (k) green harvesting, consisting of the total harvesting on a given area of unripe non-marketable products, which have not been damaged prior to the green harvesting, and thereby reducing the yield of the relevant area to zero;
- (l) non-harvesting, consisting of the termination of the current production cycle on the area concerned where the product is well developed and is of sound, fair and marketable quality, excluding destruction of products due to a climatic event or disease;
- (m) implementation and management of third-country sanitary and phytosanitary requirements in the territory of the Union to facilitate access to third-country markets;

- (n) sustainable restructuring and conversion of vineyards through varietal conversions, relocation of vineyards, and improvements to vineyard management techniques;
- (o) distillation of by-products of wine making;
- (p) market withdrawal for free distribution or other destinations, including where necessary processing to facilitate such withdrawal;
- (q) actions in the apiculture sector to preserve or increase the existing number of beehives in the Union and actions to enhance product quality.

## Article 32

### Beneficiaries

1. Member States shall establish in their NRP Plans which operators may benefit from interventions in the sectors referred to in Article 30(1).
2. In their NRP Plans, Member States shall establish that producer organisations and association of producer organisations recognised under this Regulation and producer groups as referred to in paragraph 3 of this Article are the sole beneficiaries of the interventions referred to in Article 30(2).
3. Member States may decide that producer groups and entities representing other form of cooperation between producers that are constituted at the initiative of producers and controlled by them, may be beneficiaries of the interventions in the sectors referred to in Article 30(1). Such forms of cooperation shall be identified by the competent authority of a Member State as producer groups for the duration of their first operational programme. An operational programme and a recognition plan with a view to be recognised as producer organisations in accordance with the requirements laid down in Articles 152, 153, 154, 156 or 161 prepared by those producer groups shall be submitted to the competent authorities simultaneously. The producer groups shall implement that recognition plan.

## Article 33

### Operational programmes and operational funds

1. Interventions of producer organisations, associations of producer organisations or producer groups as referred to in Article 32(2) carried out in the sectors referred to in Article 30(1) shall be implemented through operational programmes approved by the Member State.

2. Operational programmes shall have a minimum duration of three years and a maximum duration of seven years.

3. Operational programmes shall be financed through operational funds consisting of:

(a) financial contributions from:

(i) members of the producer organisation or the producer organisation itself or both; or

(ii) members of the association of producer organisations or the association of producer organisations itself or both; or

(iii) members of the producer group or the producer group itself or both;

(b) Union financial assistance;

(c) national contribution.

4. Member States shall set out in their NRP Plans the maximum percentages of the operational fund which may be spent on any individual type of intervention in order to ensure a balance between the different types of interventions.

#### *Article 34*

##### Value of marketed production

1. Member States shall indicate in their NRP Plans how the value of marketed production is calculated for each sector.

2. The value of the marketed production for a producer organisation, association of producer organisations or producer group shall be calculated on the basis of the production of the producer organisation or producer group or association of producer organisations and its producer members that has been put on the market by this organisation, association or producer group and shall only include the production of those products for which the producer organisation, association or producer group is recognised or identified.

In addition, the value of marketed production shall be calculated at fresh stage or at the first processing stage on which the product is normally marketed, in bulk, where products are allowed to be marketed in bulk. It shall be further calculated at the 'ex-organisation, association or producer group' stage or at 'ex-subsidiary' stage, provided that at least 90 % of the shares or capital of the subsidiary is owned by the producer organisation, association or producer group.

The value of marketed production shall include the value of the by-products, of market withdrawals for free distribution, of outsourced activities or of the insurance indemnification received in respect of harvest and production insurance actions.

Cost of processing in case of processed products, VAT and costs of transport internal to the organisation or producer group for distance exceeding 300 km shall not be included in the calculation of the value of marketed production.

Doubled counting of the values of marketed production shall be prohibited. In order to avoid double counting of values of marketed production, the production of the members of a producer organisation, association of producer organisations or producer group which is marketed by another such organisation shall only be counted in the value of the marketed production of the latter organisation.

3. Member States shall determine a 12-month calendar reference period during the three years prior to the year for which the aid is requested.

Where historical data on marketed production for newly recognised producer organisations, association or producer group is insufficient for the purposes of the first subparagraph, Member States shall accept the value of marketed production communicated by the producer organisation, association or group for the purpose of its recognition.

4. Where for a product a reduction of at least 35 % in the value of marketed production for a given year in relation to the average of the three previous 12-month reference periods has occurred due to natural disasters, climatic events, plant diseases or pest infestations or any other reasons falling outside the responsibility and control of the organisation, association or group, the value of marketed production of that product shall be deemed to represent 85 % of the average value in the three previous 12-month reference periods. If preventive measures were undertaken, the value of marketed production of that product shall be deemed to represent 100 % of the average value in the three previous 12-month reference periods.

## Article 35

Delegated powers for additional requirements for types of intervention

1. The Commission is empowered to adopt delegated acts in accordance with Article 227 in order to supplement this Regulation with requirements additional to those laid down in this Section as regards:

(a) ensuring the proper functioning of types of intervention laid down in this Section, in particular by avoiding distortion of competition in the internal market and to ensure sustainability;

(b) the rules under which producers are to withdraw the by-products of winemaking, rules on exceptions to that obligation in order to avoid additional administrative burden and rules for the voluntary certification of distillers.

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\* Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16, ELI: <http://data.europa.eu/eli/reg/2008/1333/oj> ).

\*\* Regulation (EU) .../... of the European Parliament and of the Council [CAP] (OJ L ..., ELI:...);

(13) Article 75 is amended as follows:

(a) in paragraph 1, the following points are added:

‘(j) protein crops;

(k) beef;

(l) pigmeat;

(m) sheepmeat;

(n) goatmeat;

(o) cheese.’;

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

‘(j) the place of farming and/or origin’;

(14) in Article 78(1), the following points are added:

‘(h) pigmeat;

(i) sheepmeat;

(j) goatmeat.’;

(15) in Article 90a, paragraph 4 is replaced by the following:

‘4. In the event of an infringement of Union rules laid down in this Regulation in the wine sector, Member States shall apply proportionate, effective and dissuasive administrative penalties. Member States shall not apply such penalties where the non-compliance is of a minor nature.’;

(16) in Part II, Title II, Chapter I, the following Section is added:

## ‘Section 4

Marketing of quality agricultural products specific to the outermost regions

### Article 123a

#### Logo

1. A logo may be used with a view to improving awareness and increasing the consumption of quality agricultural products, whether processed or not, specific to the outermost regions.

2. The conditions for using the logo referred to in paragraph 1 shall be proposed by the trade organisations concerned. The national authorities shall forward such proposals, with their opinion thereon, to the Commission. Use of the logo shall be monitored by a public authority or a body approved by the competent national authorities.

3. The Commission is empowered to adopt delegated acts, in accordance with Article 227, concerning the conditions for exercising the right to use the logo and for reproducing and using it. Those conditions shall be set to improve awareness of high-quality agricultural products from the outermost regions and to increase the consumption thereof, regardless of whether those products are processed or non-processed.

4. The Commission shall adopt implementing acts concerning the detailed rules concerning the use of the logo and the minimum characteristics for the checks and monitoring which the Member States shall perform. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).’;

(17) in Article 125, paragraph 1 is replaced by the following:

‘1. The terms for buying sugar beet and sugar cane between Union growers of sugar beet and sugar cane and Union sugar undertakings, including pre-sowing delivery contracts, shall be governed by written agreements within the trade as described in Part II, Section A, point 6, of Annex II.’;

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

‘Member States which provide in their NRP Plans for restructuring and conversion of vineyards in accordance with Article 31, point (n), shall on the basis of the vineyard register submit to the Commission by 1 March each year an updated inventory of their production potential.’;

(19) in Part II, Title II, Chapter II, the following Section is inserted:

## ‘Section 2a

### Hemp

#### Article 147b

##### Production of hemp

1. The following products may be produced in the Union if they are grown from a variety of Cannabis Sativa L. registered in the Common Catalogue of Varieties of Agricultural Plant Species containing a maximum  $\Delta$ 9-tetrahydrocannabinol content not exceeding 0,3 % and they meet the following conditions:

- (a) raw true hemp falling within CN code 5302 grown from seeds certified in accordance with Council Directive 2002/57/EC\* or in accordance with Article 10 of Commission Directive 2008/62/EC\*\* in the case of conservation varieties;
- (b) hemp seeds for sowing falling within CN code ex 1207 99 20 produced in accordance with Directive 2002/57/EC or in accordance with Article 10 of Directive 2008/62/EC in the case of conservation varieties;
- (c) hemp seeds other than for sowing, falling within CN code 1207 99 91 grown from seeds certified in accordance with Directive 2002/57/EC or in accordance with Article 10 of Directive 2008/62/EC in the case of conservation varieties;
- (d) all other parts of the hemp plant falling withing CN code 1211 90 86 grown from seeds certified in accordance with Directive 2002/57/EC or in accordance with Article 10 of Directive 2008/62/EC in the case of conservation varieties.

2. Products referred to in paragraph 1 not meeting the conditions laid down therein may be produced on the territory of Member States that allow so for their territory and under the conditions they lay down in accordance with Union, international and national law.

#### Article 147c

##### Marketing of hemp

1. The following products may only be marketed in the Union if the following conditions are met:

- (a) raw true hemp falling within CN code 5302, produced from a variety of Cannabis Sativa L. registered in the Common Catalogue of Varieties of Agricultural Plant Species containing a maximum  $\Delta$ 9-tetrahydrocannabinol content not exceeding 0,3 % and grown from seeds certified in accordance with Directive 2002/57/EC or

in accordance with Article 10 of Directive 2008/62/EC in the case of conservation varieties;

- (b) hemp seeds for sowing falling within CN code ex 1207 99 20 of a variety of *Cannabis Sativa* L. registered in the Common Catalogue of Varieties of Agricultural Plant Species containing a maximum  $\Delta$ 9-tetrahydrocannabinol content not exceeding 0,3 %, marketed in accordance with Directive 2002/57/EC or in accordance with Article 10 of Directive 2008/62/EC in the case of conservation varieties;
- (c) all other parts of the hemp plant falling withing CN code 1211 90 86, of a variety of *Cannabis Sativa* L. registered in the Common Catalogue of Varieties of Agricultural Plant Species containing a maximum  $\Delta$ 9-tetrahydrocannabinol content not exceeding 0,3 % and grown from seeds certified in accordance with Directive 2002/57/EC or in accordance with Article 10 of Directive 2008/62/EC in the case of conservation varieties.

Hemp seeds other than for sowing, falling within CN code 1207 99 91 may be marketed in the Union.

2. By way of derogation from paragraph 1, products listed in that paragraph not complying with the conditions laid down therein may be marketed for use for medical and scientific purposes in accordance with Union, international and national law.

3. Hemp products referred to in paragraph 1 derived from hemp plants sown before [1 January of the year after the date of entry into force of this Regulation] may continue to be marketed in accordance with the rules in force prior to that date until [31 December of the year after the entry into force of the amending Regulation].

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\* Council Directive 2002/57/EC of 13 June 2002 on the marketing of seed of oil and fibre plants (OJ L 193, 20.7.2002, p. 74, ELI: <http://data.europa.eu/eli/dir/2002/57/oj> ).

\*\* Commission Directive 2008/62/EC of 20 June 2008 providing for certain derogations for acceptance of agricultural landraces and varieties which are naturally adapted to the local and regional conditions and threatened by genetic erosion and for marketing of seed and seed potatoes of those landraces and varieties (OJ L 162, 21.6.2008, p. 13, ELI: <http://data.europa.eu/eli/dir/2008/62/oj> ).’;

(20) in Article 154, the following paragraphs are inserted:

‘3a. Producer organisations which have been recognised before [date of entry into force of this amending Regulation] for one or more products in the protein crop sector shall be deemed to be recognised in that sector



as producer organisations pursuant to Article 152. Those producer organisations shall also retain their recognition for other products recognised under other sectors. However, where those producer organisations do no longer fulfil the conditions laid down in paragraph 1 of this Article for one or more sectors, Member States shall withdraw their recognition for the concerned sectors no later than [31 December 20XX at least 2 full years after the date of entry into force of this amending Regulation].

3b. Producer organisations which have been recognised before [date of entry into force of this amending Regulation] for one or more products added under point VIII of Annex I for the flax and hemp sector shall be deemed to be recognised in that sector as producer organisations pursuant to Article 152. Those producer organisations shall also retain their recognition for other products recognised under other sectors. However, where those producer organisations do no longer fulfil the conditions laid down in paragraph 1 of this Article for one or more sectors, Member States shall withdraw their recognition for the concerned sectors no later than [31 December 20XX at least 2 full years after the date of entry into force of this amending Regulation].’;

(21) in Article 158, the following paragraphs are inserted:

‘3a. Interbranch organisations which have been recognised before [date of entry into force of this amending Regulation] for one or more products in the protein crop sector shall be deemed to be recognised in that sector as interbranch organisations pursuant to Article 157. Those interbranch organisations shall also retain their recognition for other products recognised under other sectors. However, where those interbranch organisations do no longer fulfil the conditions laid down in paragraph 1 of this Article for one or more sectors, Member States shall withdraw their recognition for the concerned sectors no later than [31 December 20XX at least 2 full years after the date of entry into force of this amending Regulation].

3b. Interbranch organisations which have been recognised before [date of entry into force of this amending Regulation] for one or more products added under point VIII of Annex I for the flax and hemp sector shall be deemed to be recognised in that sector as interbranch organisations pursuant to Article 157. Those interbranch organisations shall also retain their recognition for other products recognised under other sectors. However, where those interbranch organisations do no longer fulfil the conditions laid down in paragraph 1 of this Article for one or more sectors, Member States shall withdraw their recognition for the concerned sectors no later than [31 December 20XX at least 2 full years after the date of entry into force of this amending Regulation].’;

(22) Article 159 is amended as follows:

(a) in point (a), the following point is added:

‘(v) protein crop sector’;

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

‘(b) interbranch organisations in the olive oil and table olives sector, the tobacco sector and protein crop sector.’;

(23) in Article 173(1), the following point is inserted:

‘(ca) the suspension, reduction and recovery for payments of support for interventions in certain sectors referred to in Part II, Title I, Chapter II, Section 2 in case of non-respect of recognition criteria’;

(24) in Article 174(1), first subparagraph, the following points are added:

‘(h) rules on administrative and on-the-spot checks to be conducted by Member States on producer organisations or associations of producer organisations to verify compliance with the recognition criteria;

(i) rules on a unique identification system of recognised producer organisations and associations of producer organisations.’;

(25) Article 182 is amended as follows:

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

‘The trigger volume shall be equal to either 125 %, 110 % or 105 % of the average yearly imports during the three preceding years for which data are available, 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 than or equal to 10 %, greater than 10 % but less than or equal to 30 %, or greater than 30 %, respectively.’;

(b) paragraph 2 is deleted;

(26) in Article 186(1), the following point is added:

‘(e) providing, where necessary, for penalties for operators for cases of non-compliance with the conditions and eligibility requirements that an operator has to fulfil to submit an application within the tariff quota, and in particular when they fail to provide accurate, up-to-date and truthful documents to the licence issuing authority.’;

(27) Article 189 is replaced by the following:

‘Article 189

Imports of hemp

1. The following products may only be imported into the Union if the following conditions are met:

- (a) raw true hemp falling within CN code 5302, produced from a variety of Cannabis Sativa L. registered in the Common Catalogue of Varieties of Agricultural Plant Species containing a maximum  $\Delta 9$ -tetrahydrocannabinol content not exceeding 0,3% and grown from seeds certified in accordance with Directive 2002/57/EC or in accordance with Article 10 of Directive 2008/62/EC in the case of conservation varieties or accompanied by proof that the  $\Delta 9$ -tetrahydrocannabinol level of the variety concerned does not exceed 0,3 %;
- (b) hemp seeds for sowing falling within CN code ex 1207 99 20 of a variety of Cannabis Sativa L. registered in the Common Catalogue of Varieties of Agricultural Plant Species containing a maximum  $\Delta 9$ -tetrahydrocannabinol content not exceeding 0,3 %, certified in accordance with Directive 2002/57/EC or in accordance with Article 10 of Directive 2008/62/EC in the case of conservation varieties or accompanied by proof that the  $\Delta 9$ -tetrahydrocannabinol level of the variety concerned does not exceed 0,3 %;
- (c) hemp seeds other than for sowing, falling within CN code 1207 99 91 and imported only by importers authorised by the Member State in order to ensure that such seeds are not intended for sowing;
- (d) other parts of the hemp plant falling within CN code 1211 90 86 of a variety of Cannabis Sativa L. registered in the Common Catalogue of Varieties of Agricultural Plant Species containing a maximum  $\Delta 9$ -tetrahydrocannabinol content not exceeding 0,3 % and grown from seeds certified in accordance with Directive 2002/57/EC or in accordance with Article 10 of Directive 2008/62/EC in the case of conservation varieties or accompanied by proof that the tetrahydrocannabinol level of the variety concerned does not exceed 0,3 %.

2. By way of derogation from paragraph 1, products referred to in that paragraph not meeting the conditions laid down therein may be imported for use for medical and scientific purposes in accordance with Union, international and national law.’;

(28) Article 214a is replaced by the following:

‘Article 214a

National payments for certain sectors in Finland

1. Subject to authorisation by the Commission, for the period 2023 to 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;

(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), (3) or (4).

2. Subject to authorisation by the Commission, for the period 2028 to 2034, Finland may continue to grant national aids which it granted in 2027 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 2034 does not exceed 67 % of the amount granted in 2027;

(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), (3) or (4).’;

(29) in Part IV, Chapter II, the following Article is added:

‘Article 214b

National payments for the sugar sector in the French outermost regions

France may grant the sugar sector in the French outermost regions aid of up to EUR 90 million per marketing year.

France shall inform the Commission within 30 days of the end of each marketing year of the amount of aid actually granted.’;

(30) Article 217 is deleted;

(31) in Part V, the following Chapter is inserted:

‘CHAPTER Ib

Availability of supplies in time of emergencies and severe crises

Article 222c

Plans for availability of supplies of agricultural products in time of emergencies and severe crises

1. The Commission and the Member States shall cooperate to identify and address structural vulnerabilities the supply chain of agricultural and enhance the coherence of crisis preparedness in the agri-food sector.
2. Member States shall establish, taking into account their specific risk profiles and institutional arrangements, national food security preparedness and response plans to:
  - (a) maintain the availability, access and security of supply of agricultural products during emergencies or severe crises at all territorial levels;
  - (b) prevent or mitigate supply chain disruptions during emergencies or severe crises at all territorial levels.
3. The food security preparedness and response plans shall include at least:
  - (a) monitoring and early warning mechanisms, including assessments of structural supply chain vulnerabilities and risk scenarios for major disruptions;
  - (b) arrangements to aggregate data on stocks of key agricultural products;
  - (c) allocation of roles and coordination mechanisms among competent authorities at all territorial levels as well as procedures for cooperation with relevant private sector actors;
  - (d) emergency communication protocols to ensure rapid dissemination of information to stakeholders and the general public.
4. Member States shall review their food security preparedness and response plans regularly.
5. Member States shall designate a national competent authority or contact point responsible for food security preparedness and response coordination with other Member States and the Commission.
6. Member States shall notify summaries of the latest version of their national food security preparedness and response plans referred to in paragraph 2 to the Commission every three years.
7. The Commission may adopt implementing acts:
  - (a) specifying the format, reporting requirements, dissemination of the non-confidential parts, and timelines for the submission of the summaries of the food security preparedness and response plans;

- (b) laying down rules for cross-border cooperation between Member States in the framework of development and application of the food security preparedness and response plans to achieve the objectives referred to in paragraph 2.

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

#### Article 222d

##### Reserves of agricultural products

1. For the purposes of this Article, “reserves” means stocks held by public or private operators designated for military or civil protection use in emergencies or crises, including humanitarian interventions or stocks kept available to ensure food security during major supply disruptions.

2. Where Member States establish and manage reserves of agricultural products, they shall ensure that such measures are designed in a manner that minimises market distortions, including the following:

- (a) the volume of agricultural products held in reserve shall be determined on the basis of predefined targets;
- (b) reserve levels shall be reviewed regularly and, where necessary, adjusted on the basis of identified supply chain vulnerabilities and risk assessments;
- (c) the purchase of agricultural products for the reserves shall be conducted at market prices, through tendering procedures. The release of agricultural products from reserves onto the market shall be carried out in a transparent manner, at market prices;
- (d) operations related to the establishment, maintenance and release of reserves shall be subject to regular monitoring by the competent authorities of the Member States.

3. Where Member States establish and manage reserves of agricultural products, the reserves shall be implemented as part of a national food security preparedness and response plan, as referred to in Article 222c(2).

The predefined targets referred to in paragraph 2, point (a), shall be set out in the national food security preparedness and response plan referred to in Article 222c(2).

Information concerning the establishment, maintenance and release of reserves shall be included in the summary of the national food security preparedness and response plan referred to in Article 222c(6).

4. The Commission may adopt implementing acts laying down rules:

- (a) for coordinated actions for the establishment and management of the reserves referred to in paragraph 1, such as the identification of categories of products for the establishment of the reserves and the development of joint risk assessments and early warning mechanisms to mitigate cross-border supply risks and ensure continuity of supply during disruptions;
- (b) on the implementation of voluntary solidarity and mutual assistance mechanisms by which Member States make parts of their reserves available to another Member State facing severe shortages.

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

#### Article 222e

##### Coordination

1. To support a coordinated Union approach to food security preparedness and agricultural supply chain resilience, the Commission shall establish a European Food Security Crisis preparedness and response Mechanism (EFSCM), bringing together competent authorities of Member States, relevant stakeholder organisations and, where appropriate, representatives of selected third countries.

2. The EFSCM shall:

- (a) promote effective implementation of Union legislation, programmes and policies concerning preparedness for, and response to, food supply and food security crises;
- (b) foster cooperation and coordination, exchange of experience and good practices on early warning, monitoring and reporting of threats, crisis response and post-crisis assessment;
- (c) support the identification of structural vulnerabilities and resilience gaps in the agri-food chains, including through stress testing, risk assessments and scenario planning;
- (d) promote regular exchanges and dialogue on national food security preparedness and response plans of Member States and non-EU countries, taking into account the confidentiality of such plans;
- (e) contribute to the preparation of recommendations or policy initiatives concerning Union preparedness for, and response to, food supply and food security crises.

## Article 222f

### Enhanced actions in severe crises or emergencies

In the event of a declared severe crisis or an emergency posing a high risk to food security, the Commission may, by means of immediately applicable implementing acts, require Member States and operators to provide real-time reporting to the Commission on relevant public and private stocks of agri-food products and inputs or on other information of relevance to ensure supply of those products in the Union.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(3).

## Article 222g

### Protection of sensitive or classified information

1. The Commission shall ensure that sensitive or classified data relating to stock levels, logistics capacities or supply vulnerabilities is handled, stored and exchanged in accordance with applicable Union rules on the protection of sensitive and classified information, including cybersecurity requirements.

2. The Commission may adopt implementing acts to specify technical and procedural requirements for the secure handling and exchange of such information.

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

(32) in Part V, the following Chapter is added:

### ‘CHAPTER III

### Securities

## Article 222h

### Securities

1. The Member States shall, where this Regulation or legislation adopted pursuant to it so provides, request the lodging of a security giving the assurance that a sum of money will be paid or forfeited to a competent authority if a particular obligation under that legislation is not fulfilled.

2. Except in cases of force majeure, the security shall be forfeited in whole or in part where the execution of a particular obligation is not carried out, or is carried out only partially.



3. The Commission is empowered to adopt delegated acts in accordance with Article 227 in order to supplement this Regulation with rules which ensure non-discriminatory treatment, equity and the respect of proportionality when lodging a security and which:

- (a) specify the responsible party in the event that an obligation is not met;
- (b) lay down the specific situations in which the competent authority may waive the requirement of a security;
- (c) lay down the conditions applying to the security to be lodged and the guarantor and the conditions for lodging and releasing that security;
- (d) lay down the specific conditions related to the security lodged in connection with advance payments;
- (e) set out the consequences of breaching the obligations for which a security has been lodged, as provided for in paragraph 1, including the forfeiting of securities and the rate of reduction to be applied on release of securities for refunds, licences, offers, tenders or specific applications, as well as, where an obligation covered by that security has not been met either wholly or in part, taking into account the nature of the obligation, the quantity for which the obligation has been breached, the period exceeding the time limit by which the obligation should have been met and the time by which evidence that the obligation has been met is produced.

4. The Commission may adopt implementing acts laying down rules on:

- (a) the form of the security to be lodged and the procedure for lodging the security, for accepting it, and for replacing the original security;
- (b) the procedures for the release of a security;
- (c) the notifications to be made by Member States and by the Commission.

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

(33) in Article 225, points (e) and (f) are deleted;

(34) in Article 229, the following paragraph is added:

‘4. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.’;

- (35) Annexes I, II, IV, VII and X are amended in accordance with Annex I to this Regulation;
- (36) the text set out in Annex II to this Regulation is inserted as Annex Ia;
- (37) Annex V is deleted.

## *Article 2*

### Transitional provisions

Articles 22 to 25 and 217, and Annex V to Regulation (EU) No 1308/2013 shall continue to apply after 31 December 2027 for measures implemented until 31 December 2027.

## *Article 3*

### Entry into force and application

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

Article 1, points (19) and (27), shall apply from [1 January of the year after the date of entry into force of this Regulation].

Article 1, point (31), and Annex I, point (4), shall apply from [12 months after the date of entry into force of this Regulation].

Annex I, point (5), shall apply from [1 October of the year after the date of entry into force of this Regulation].

Article 1, points (2), (3), (7) (10), (16), (18), (29), (30), (32) and (37), shall apply from [1 January 2028][date and point (9) dependant on the date of application of Regulation (EU) [...] establishing the National and Regional Partnership Fund for the period 2028-2034].

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*

- 
- (1) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions ‘A Vision for Agriculture and Food – Shaping together an attractive farming and agri-food sector for future generations’ 19.2.2025, COM(2025) 75final.
  - (2) Safer Together – Strengthening Europe’s Civilian and Military Preparedness and Readiness.
  - (3) Joint Communication to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the European Preparedness Union Strategy, JOIN(2025) 130 final.
  - (4) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, EU stockpiling strategy: Boosting the EU's material preparedness for crises, COM(2025) 528 final.
  - (5) 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, ELI: <http://data.europa.eu/eli/reg/2013/1308/oj> ).
  - (6) Regulation (EU) .../... of the European Parliament and of the Council of [...] [...] [NRPF Regulation] (OJ L ..., ELI:...).
  - (7) Regulation (EU) .../... of the European Parliament and of the Council of [...] [...] [Performance Regulation] (OJ L ..., ELI:...).
  - (8) 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, ELI: <http://data.europa.eu/eli/reg/2013/1306/oj> ).
  - (9) Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013 (OJ L 435, 6.12.2021, p. 187, ELI: <http://data.europa.eu/eli/reg/2021/2116/oj> ).
  - (10) Regulation (EU) No 228/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in the outermost regions of the Union and repealing Council Regulation (EC) No 247/2006 (OJ L 78, 20.3.2013, p. 23, ELI: <http://data.europa.eu/eli/reg/2013/228/oj> ).
  - (11) Report from the Commission to the European Parliament and the Council in accordance with Article 75(6) of Regulation (EU) No 1308/2013 on new marketing standards for cider and perry and dried leguminous vegetables and soya bean, COM/2023/200 final
  - (12) Judgment of the Court of Justice of 19 November 2020, B S and C A v. Ministère public et Conseil national de l'ordre des pharmaciens, C-663/18, EU:C:2020:938.
  - (13) OJ C [...], [...], p. [...].
  - (14) OJ C [...], [...], p. [...].
  - (15) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions ‘A Vision for Agriculture and Food – Shaping together an attractive farming and agri-food sector for future generations’ 19.2.2025, COM(2025) 75final.
  - (16) Regulation (EU) .../... of the European Parliament and of the Council of [...] [...] [NRPF Regulation] (OJ L ..., ELI:...).

- (17) 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, ELI: <http://data.europa.eu/eli/reg/2013/1308/oj> ).
- (18) Regulation (EU) .../... of the European Parliament and of the Council of [...] [...] [Performance Regulation] (OJ L ..., ELI:...).
- (19) Judgment of the Court of Justice of 7 September 2016, Germany v Parliament and Council, C-113/14, EU:C:2016:635.
- (20) Commission Implementing Regulation (EU) 2016/1240 of 18 May 2016 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage (OJ L 206, 30.7.2016, p. 71, ELI: [http://data.europa.eu/eli/reg\\_impl/2016/1240/oj](http://data.europa.eu/eli/reg_impl/2016/1240/oj) ).
- (21) Commission Delegated Regulation (EU) 2016/1238 of 18 May 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage (OJ L 206, 30.7.2016, p. 15, ELI: [http://data.europa.eu/eli/reg\\_del/2016/1238/oj](http://data.europa.eu/eli/reg_del/2016/1238/oj) ).
- (22) 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, ELI: <http://data.europa.eu/eli/reg/2013/1306/oj> ).
- (23) Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013 (OJ L 435, 6.12.2021, p. 187, ELI: <http://data.europa.eu/eli/reg/2021/2116/oj> ).
- (24) Report from the Commission to the European Parliament and the Council in accordance with Article 75(6) of Regulation (EU) No 1308/2013 on new marketing standards for cider and perry and for dried leguminous vegetables and soya bean, COM(2023) 200 final.
- (25) Regulation (EU) No 228/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in the outermost regions of the Union and repealing Council Regulation (EC) No 247/2006 (OJ L 78, 20.3.2013, p. 23, ELI: <http://data.europa.eu/eli/reg/2013/228/oj> ).
- (26) Judgment of the Court of Justice of 19 November 2020, B S and C A v. Ministère public et Conseil national de l'ordre des pharmaciens, C-663/18, EU:C:2020:938, paragraphs 72 to 77.
- (27) Commission Delegated Regulation (EU) 2020/760 of 17 December 2019 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the rules for the administration of import and export tariff quotas subject to licences and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the lodging of securities in the administration of tariff quotas (OJ L 185, 12.6.2020, p. 1, ELI: [http://data.europa.eu/eli/reg\\_del/2020/760/oj](http://data.europa.eu/eli/reg_del/2020/760/oj) ).
- (28) Joint Communication to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the European Preparedness Strategy, 26.3.2025 JOIN(2025) 130 final .
- (29) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, EU stockpiling strategy: Boosting the EU's material preparedness for crises, COM(2025) 528 final.

- (30) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: <http://data.europa.eu/eli/reg/2011/182/oj> ).

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EUROPEAN COMMISSION

Brussels,  
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final

**ANNEXES**  
*to the*

**Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF  
THE COUNCIL**

**amending Regulation (EU) No 1308/2013 as regards the school fruit, vegetables  
and milk scheme ('EU school scheme'), sectoral interventions, the creation of a  
protein sector, requirements for hemp, the possibility for marketing standards  
for cheese, protein crops and meat, application of additional import duties,  
rules on the availability of supplies in time of emergencies and severe crisis and  
securities**

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**ANNEX I**

(1) Annex I is amended as follows:

(a) Part IV is replaced by the following:

‘PART IV

Protein crops

The protein crops sector shall cover the products listed in Sections 1 and  
2 of this Part.

Section 1

Dried leguminous vegetables

CN code	Description
ex 0713	Dried leguminous vegetables, shelled, whether or not skinned or split:
ex 0713 10	– Peas ( <i>Pisum sativum</i> ):
0713 10 90	– – Other than for sowing
ex 0713 20 00	– Chickpeas ( <i>garbanzos</i> ), other than for sowing
	– Beans ( <i>Vigna</i> spp., <i>Phaseolus</i> spp.):
ex 0713 31 00	– – Beans of the species <i>Vigna mungo</i> (L) Hepper or <i>Vigna radiata</i> (L) Wilczek, other than for sowing
ex 0713 32 00	– – Small red (Adzuki) beans ( <i>Phaseolus</i> or <i>Vigna angularis</i> ), other than for sowing
ex 0713 33	– – Kidney beans, including white pea beans ( <i>Phaseolus vulgaris</i> ):
0713 33 90	– – – Other than for sowing
ex 0713 34 00	– – Bambara beans ( <i>Vigna subterranea</i> or <i>Voandzeia subterranea</i> ), other than for sowing
ex 0713 35 00	– – Cow peas ( <i>Vigna unguiculata</i> ), other than for sowing
ex 0713 39 00	– – Other , other than for sowing
ex 0713 40 00	– Lentils , other than for sowing
ex 0713 50 00	– Broad beans ( <i>Vicia faba</i> var. <i>major</i> ) and horse beans ( <i>Vicia faba</i> var. <i>equina</i> and <i>Vicia faba</i> var. <i>minor</i> ), other than for sowing
ex 0713 60 00	– Pigeon peas ( <i>Cajanus cajan</i> ), other than for sowing
ex 0713 90 00	– Other, other than for sowing
1201 90 00	Soya beans, whether or not broken, other than seed
1202 41 00	Groundnuts, not roasted or otherwise cooked, in shell, other than seed
1202 42 00	Ground-nuts, not roasted or otherwise cooked, shelled, whether or not broken, other than seed

ex 1209 29 45	Vetch seed, other than for sowing
ex 1209 29 50	Lupine seed, other than for sowing

## Section 2

### Leguminous fodder

1214 10 00	– Lucerne (alfalfa) meal and pellets
ex 1214 90 90	– Lucerne, sainfoin, clover, lupins, vetches, honey lotus, chickling pea, birdsfoot and similar leguminous fodder products

- (b) in Part VIII, the following rows are added:

'1204 00 90 Linseed, whether or not broken, other than for sowing

1207 99 91 Hemp seeds, whether or not broken, other than for sowing

ex 1211 90 86 Other parts of the hemp plant’;

- (c) in Part XXIV, Section 1 is amended as follows:

- (a) the rows included in heading ex 0713 are deleted;

- (b) the rows concerning CN code 1201 90 00, 1202 41 00 and 1202 42 00 are deleted;

- (c) the rows included in heading ex 1214 are replaced by the following:

‘ex 1214 Swedes, mangolds, fodder roots, hay, forage kale, and similar forage products, whether or not in the form of pellets:

ex 1214 90 – Other:

1214 90 10 – – Mangolds, swedes and other fodder roots

ex 1214 90 90 – – Other, excluding leguminous fodder’;

- (d) the rows concerning CN codes

1204 00 90 and

1207 99 91 are deleted;

- (e) the description in the entry concerning the heading ex 1211 is replaced by the following:

‘Plants and parts of plants (including seeds and fruits) of a kind used primarily in perfumery, in pharmacy or for insecticidal, fungicidal or similar purposes, fresh or dried, whether or not cut, crushed or powdered excluding the products listed under CN code ex 1211 90 86 in Part VIII and IX;’;

- (f) the description in the entry concerning headings ex 2309 90 91 to 2309 90 96 is replaced by the following:

‘— — — Other than containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup of subheadings 1702 30 50, 1702 30 90, 1702 40 90, 1702 90 50 and 2106 90 55 or milk products’;

- (2) in Annex II, Part II, Section A, points 5 and 6 are replaced by the following:

‘5. A "delivery contract" means a contract concluded between a seller and an undertaking for the delivery of beet or sugar cane for the manufacture of sugar.

6. "Agreement within the trade" means one of the following:

- (a) an agreement concluded, prior to the conclusion of any delivery contract, between undertakings or an undertakings' organisation recognised by the Member State concerned, or a group of such undertakings' organisations, on the one hand and a beet or sugar cane sellers' association recognised by the Member State concerned or a group of such sellers' organisations on the other;
- (b) in the absence of any agreement as referred to in point (a), the law on companies and the law on cooperatives, in so far as they govern the delivery of sugar beet and sugar cane by the shareholders or members of a company or cooperative manufacturing sugar.’;

- (3) in Annex IV, Part B, Section IV, point 1 is replaced by the following:

‘1. The lean-meat content shall be assessed by means of grading methods authorised by Member States. Only statistically proven assessment methods based on the physical measurement of one or more anatomical parts of the pig carcass may be authorised. Authorisation of grading methods shall be subject to compliance with a maximum tolerance for statistical error in assessment.’;

- (4) in Annex VII, the following Part is inserted:



‘PART Ia

Meat and meat products designations

1. "Meat" means exclusively the edible parts of an animal.
2. For the purposes of this Part, "meat products" means products derived exclusively from meat, on the understanding that substances necessary for their manufacture may be added provided that those substances are not used for the purpose of replacing, in whole or in part, any meat constituent.
3. The following names shall be reserved for products derived exclusively from meat at all stages of marketing:
  - (a) Beef;
  - (b) Veal;
  - (c) Pork;
  - (d) Poultry;
  - (e) Chicken;
  - (f) Turkey;
  - (g) Duck;
  - (h) Goose;
  - (i) Lamb;
  - (j) Mutton;
  - (k) Ovine;
  - (l) Goat;
  - (m) Drumstick;
  - (n) Tenderloin;
  - (o) Sirloin;
  - (p) Flank;
  - (q) Loin;
  - (r) Ribs;
  - (s) Shoulder;

- (t) Shank;
- (u) Chop;
- (v) Wing;
- (w) Breast;
- (x) Thigh;
- (y) Brisket;
- (``) Ribeye;
- (aa) T-bone;
- (bb) Rump;
- (cc) Bacon.

4. The term 'meat' and the designations listed in point 3 may also be used in association with a word or words to designate composite products of which no part takes or is intended to take the place of any meat constituent and of which meat is an essential part either in terms of quantity or for characterisation of the product.';

(5) Annex X is amended as follows:

(a) the title of the Annex is replaced by the following:

‘PURCHASE TERMS REFERRED TO IN ARTICLE 125(3)’;

(b) after the title, the following title of Part I is inserted:

‘PART I

Purchase terms for beet’;

(c) in point VIII, point 1 is replaced by the following:

‘1. Delivery contracts shall provide that the pulp obtained from the whole quantity of beet delivered shall be considered the property of the beet seller and shall require sugar undertakings to do one or more of the following with respect to that pulp:

(a) to return all or part of the pulp, fresh, free of charge, to the beet seller, ex-factory;

(b) to return part of that pulp, pressed, dried or dried and molassed, free of charge to the beet seller, ex-factory. In this case,

the part of the pulp to be retained by the sugar undertaking, free of charge, shall be stipulated in the delivery contract;

(c) to return all or part of the pulp, pressed or dried, to the beet seller, ex-factory. In this case, the amount of the pulp to be returned to the beet seller and the pressing or drying costs to be paid by the beet seller to the sugar undertaking shall be stipulated in the delivery contract;

(d) to retain all or part of the pulp. In this case, the amount of the pulp to be retained by the sugar undertaking and the price or calculation method for the value of the pulp to be paid by the sugar undertaking to the beet seller shall be stipulated in the delivery contract. The price or calculation method for the value of the pulp shall be based on the possibilities of selling the pulp concerned;’;

(d) the following Part is added:

‘PART II

Purchase terms for cane

The purchase terms for beet set out in Part I apply mutatis mutandis to sugar cane.’.

ANNEX II

‘ANNEX Ia

LIST OF PRODUCTS REFERRED TO IN ARTICLE 30(1)

CN code	Description
ex 0101	Live horses, asses, mules and hinnies:
	– Horses
0101 21 00	– – Pure-bred breeding animals*
0101 29	– – Other:
0101 29 10	– – – For slaughter
0101 29 90	– – – Other

0101 30 00	– Asses
0101 90 00	– Other
ex 0103	Live swine:
0103 10 00	– Pure-bred breeding animals**
ex 0106	Other live animals:
0106 14 10	– Domestic rabbits
ex 0106 19 00	– – Other: reindeer and deer
0106 33 00	– – Ostriches; emus ( <i>Dromaius novaehollandiae</i> )
0106 39 10	– – – Pigeons
0106 39 80	– – – Other birds
ex 0205 00	Meat of horses, fresh, chilled or frozen
ex 0208	Other meat and edible meat offal, fresh, chilled or frozen:
ex 0208 10 10	– – Meat of domestic rabbits
ex 0208 90 10	– – Meat of domestic pigeons
ex 0208 90 30	– – Meat of game other than rabbits or hares
ex 0208 90 60	– – Meat of reindeer
ex 0407	Birds' eggs, in shell, fresh, preserved or cooked:
0407 19 90	– Fertilised, other than of poultry
0407 29 90	– Other fresh eggs, other than of poultry
0407 90 90	– Other eggs, other than of poultry
0701	Potatoes, fresh or chilled
1203 00 00	Copra
1205 10 90	Low erucic acid rape or colza seeds, whether or not broken, other than for sowing
1205 90 00	Other rape or colza seeds, whether or not broken, other than for sowing

1206 00 91	Sunflower seeds, shelled; in grey and white striped shell, whether or not broken, other than for sowing
1206 00 99	Other sunflower seeds, whether or not broken, other than for sowing
1207 29 00	Cotton seeds, whether or not broken, other than for sowing
1207 40 90	Sesamum seeds, whether or not broken, other than for sowing
1207 50 90	Mustard seeds, whether or not broken, other than for sowing
1207 60 00	– Safflower ( <i>Carthamus tinctorius</i> ) seeds
1207 91 90	Poppy seeds, whether or not broken, other than for sowing
ex 1207 99 96	Other oilseeds and oleaginous fruits, whether or not broken, other than for sowing
ex 1211	Plants and parts of plants (including seeds and fruits) of a kind used primarily in perfumery, in pharmacy or for insecticidal, fungicidal or similar purposes, fresh or dried, whether or not cut, crushed or powdered excluding the products listed under CN code ex 1211 90 86 in Parts VIII and IX
1212 94 00	Chicory roots
ex 1214	Swedes, mangolds, fodder roots, hay, forage kale, and similar forage products, whether or not in the form of pellets:
ex 1214 90	– Other:
1214 90 10	– – Mangolds, swedes and other fodder roots
ex 1214 90 90	– – Other, excluding leguminous folder
ex 2206	Other fermented beverages (for example, cider, perry, mead); mixtures of fermented beverages and mixtures of fermented beverages and non-alcoholic beverages, not elsewhere specified or included:
ex 2206 00 31 to ex 2206 00 89	– Fermented beverages other than piquette

5201

Cotton, not carded or combed

\* Entry under this subheading is subject to the conditions laid down in the relevant Union provisions (see Regulation (EU) 2016/1012 of the European Parliament and of the Council of 8 June 2016 on zootechnical and genealogical conditions for the breeding, trade in and entry into the Union of purebred breeding animals, hybrid breeding pigs and the germinal products thereof and amending Regulation (EU) No 652/2014, Council Directives 89/608/EEC and 90/425/EEC and repealing certain acts in the area of animal breeding ('Animal Breeding Regulation') (OJ L 59, 3.3.2015, p. 1, ELI: [http://data.europa.eu/eli/reg\\_impl/2015/262/oj](http://data.europa.eu/eli/reg_impl/2015/262/oj) ) and Commission Implementing Regulation (EU) 2015/262 of 17 February 2015 laying down rules pursuant to Council Directives 90/427/EEC and 2009/156/EC as regards the methods for the identification of equidae (Equine Passport Regulation) (OJ L 171, 29.6.2016, p. 66, ELI: <http://data.europa.eu/eli/reg/2016/1012/oj> ).

**\*\*Regulation (EU) 2016/1012.'**

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