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*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1234/2007 as regards marketing standards
(COM(2010)0738 – C7-0422/2010 – 2010/0354(COD))

Committee on Agriculture and Rural Development

Rapporteur: Iratxe García-Pérez

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1234/2007 as regards marketing standards (COM(2010)0738 – C7-0422/2010 – 2010/0354(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2010)0738),
 - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0422/2010),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinions submitted, within the framework of the Protocol (N. 2) on the application of the principles of subsidiarity and proportionality, by the parliament of Luxembourg and by the two chambers of the Polish parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of 4 May 2011¹,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Agriculture and Rural Development (A7-0281/2011),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Not yet published in the Official Journal.

Amendment 1

Proposal for a regulation – amending act Recital 5

Text proposed by the Commission

(5) *The Commission should have the power to adopt delegated acts in accordance with Article 290 TFEU in order to supplement or amend certain non-essential elements of Section I of Chapter I of Title II of Part II of Regulation (EC) No 1234/2007. The elements for which that power may be exercised should be defined, as well as the conditions to which that delegation is to be subject.*

Amendment

(5) *In order to ensure the proper functioning of the regime established by this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of supplementing or amending certain non-essential elements of this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.*

Amendment 2

Proposal for a regulation – amending act Recital 6

Text proposed by the Commission

(6) *In order to guarantee uniform application of marketing standards in all Member States, the Commission should be empowered to adopt implementing acts in accordance with Article 291 TFEU. Save where explicitly provided otherwise, the Commission should adopt those implementing acts in accordance with the provisions of Regulation (EU) No [xxxx/yyyy] of the European Parliament and the Council on...[to be completed following the adoption of the regulation on control mechanisms, as referred to in*

Amendment

(6) *In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should, save where explicitly provided otherwise, be exercised in accordance with 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 Member States of the Commission's exercise of implementing powers*.*

Article 291(2) of the TFEU, currently the subject of discussion by the European Parliament and the Council].

** OJ L 55, 28.2.2011, p. 13.*

Amendment 3

Proposal for a regulation – amending act Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) The marketing standards should be clearly divided between obligatory rules and optional reserved terms. The optional reserved terms should continue to support the aims of the marketing standards and should thus be limited in scope to the products listed in Annex I to the Treaty.

Justification

The specific provisions relating to optional reserved terms and all articles and recitals relating to these terms and to marketing standards, as well as Annex II are moved to this proposal for Regulation, so as to integrate all optional reserved terms in the Single CMO.

Amendment 4

Proposal for a regulation – amending act Recital 11b (new)

Text proposed by the Commission

Amendment

(11b) In the light of the objectives of this Regulation and in the interest of clarity, existing optional reserved terms should be governed by this Regulation.

Justification

The specific provisions relating to optional reserved terms and all articles and recitals relating to these terms and to marketing standards, as well as Annex II are moved to this proposal for Regulation, so as to integrate all optional reserved terms in the Single CMO

Amendment 5

Proposal for a regulation - amending act

Article 1 - point 2

Regulation (EC) No 1234/2007

Article 112b

Text proposed by the Commission

Article 112b

Conformity with the general marketing standard

1. For the purposes of this Regulation a product complies with the "general marketing standard" if it is of sound, fair and marketable quality.

2. Where no marketing standards as referred to in Articles 112e, 112f and 112h and in Council Directives 2000/36/EC*, 2001/112/EC**, 2001/113/EC***, 2001/114/EC****, 2001/110/EC*****, 2001/111/EC*****, were established, products listed in Annex I to this Regulation which are ready for retail sale as human food as referred to in Article 3(7) of Regulation (EC) No 178/2002 of the European Parliament and of the Council***** may only be marketed if they conform to the general marketing standard.

3. A product shall be considered as conforming to the general marketing standard where the product intended to be marketed is in conformity with an applicable standard, as appropriate, adopted by any of the international

Amendment

Article 112b

Conformity with the general marketing standard

1. For the purposes of this Regulation a product complies with the "general marketing standard" if it is of sound, fair and marketable quality.

1a. In order to resolve the problems faced by small-scale producers in meeting Union marketing standards, the Commission shall, by 30 September 2012, present a report accompanied, if appropriate, by legislative proposals creating appropriate simplified marketing standards for local animal breeds and plant varieties that are used and produced by small-scale producers.

2. Where no marketing standards as referred to in Articles 112e, 112f and 112h and in Council Directives 2000/36/EC*, 2001/112/EC**, 2001/113/EC***, 2001/114/EC****, 2001/110/EC*****, 2001/111/EC*****, were established, products listed in Annex I to this Regulation which are ready for retail sale as human food as referred to in Article 3(7) of Regulation (EC) No 178/2002 of the European Parliament and of the Council***** may only be marketed if they conform to the general marketing standard.

3. ***Without prejudice to any additional Union requirements in the sanitary, commercial, ethical, or any other field, a*** product shall be considered as conforming to the general marketing standard where the product intended to be marketed is in

organisations listed in Annex XIIb.

conformity with an applicable standard, as appropriate, adopted by any of the international organisations listed in Annex XIIb.

3a. This Regulation does not prevent the Member States from adopting or maintaining national provisions on aspects of marketing which are not specifically harmonised by this Regulation. Moreover, Member States may adopt or maintain national rules on marketing standards for sectors or products to which the general marketing standard applies, provided that those rules are in compliance with Union law and with the rules on the functioning of the single market.

Amendment 6

Proposal for a regulation - amending act

Article 1 - point 2

Regulation (EC) No 1234/2007

Article 112c

Text proposed by the Commission

Amendment

Article 112c

Article 112c

Delegated powers concerning general marketing standard

Delegated powers concerning general marketing standard

In order to address changes in the market situation, taking into account the specificity of each sector, the Commission ***may, by means of*** delegated acts, ***adopt, modify and derogate*** from requirements related to the general marketing standard referred to in Article 112b(1), ***and rules concerning the conformity referred to in paragraph 3 of that Article .***

In order to address changes in the market situation, taking into account the specificity of each sector, the Commission ***shall be empowered to adopt*** delegated acts ***in accordance with Article 196 a concerning the modification of and the derogation*** from requirements related to the general marketing standard referred to in Article 112b(1).

The Commission shall adopt delegated acts in accordance with Article 196a concerning rules relating to the conditions for implementing and monitoring the conformity that is referred to in Article 112b(3), taking into account

the need to avoid lowering the general marketing standard to the point where the quality of European products starts to decline.

Amendment 7

Proposal for a regulation - amending act

Article 1 - point 2

Regulation (EC) No. 1234/2007

Article 112e - paragraphs 1 and 2

Text proposed by the Commission

1. In order to take account of the expectations of consumers and to contribute to the improvement of the economic conditions for the production and marketing of agricultural products as well as to their quality, the Commission **may, by means of** delegated acts, **adopt** marketing standards by sector or product referred to in Article 112a, at all stages of the marketing, as well as derogations and exemptions from the application of such standards in order to adapt to the constantly changing market conditions, to the evolving consumer demands, as well as in order to take account of developments in relevant international standards and avoid creating obstacles to product innovation.

Amendment

1. In order to take account of the expectations of consumers and **the demands made by actors from the sectors concerned, and** to contribute to the improvement of the economic conditions for the production and marketing of agricultural products as well as to their quality, the Commission **shall be empowered to adopt** delegated acts **in accordance with Article 196a concerning the** marketing standards by sector or product **that are** referred to in Article 112a, at all stages of the marketing, as well as derogations and exemptions from the application of such standards, **only for a limited period and in exceptional cases**, in order to adapt to the constantly changing market conditions, to the evolving consumer demands, as well as in order to take account of developments in relevant international standards and avoid creating obstacles to product innovation.

Marketing standards shall be revised only if all the groups concerned (which include inter alia farmers, processors, traders and consumers) benefit from the revision and the additional costs are not borne by producers alone.

1a. However, the Commission's power to adopt modifications of derogations and exemptions from existing marketing

2. The marketing standards referred to in paragraph 1 may relate where appropriate to the requirements for:

(a) the definition, designation and/or sales descriptions other than those set out in this Regulation and lists of carcasses and parts thereof to which Annex XIIa applies;

(b) classification criteria such as grading into classes, weight, sizing, age and category;

(c) the plant variety or animal race or the commercial type;

(d) the presentation, sales descriptions, labelling linked to obligatory marketing standards, packaging, rules to be applied in relation to packing centres, marking, wrapping, **year of harvesting** and use of specific terms;

(e) criteria such as appearance, consistency, conformation, product characteristics;

(f) specific substances used in production, or components or constituents, including their quantitative content, purity and identification;

(g) the type of farming and production method **including oenological practices** and related administrative rules, and operating circuit;

(h) coupage of must and wine including definitions thereof, blending and restrictions thereof;

(i) the conservation method and temperature;

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

(k) the frequency of collection, delivery, preservation and handling;

(l) the identification or registration of the producer and/or the industrial facilities in

standards shall not apply to Annex XIIIc.

2. The marketing standards referred to in paragraph 1 may relate where appropriate to the requirements for:

(a) the definition, designation and/or sales descriptions other than those set out in this Regulation and lists of carcasses and parts thereof to which Annex XIIa applies **this notwithstanding, this point shall not apply to products of the wine sector**

(b) classification criteria such as grading into classes, weight, sizing, age and category;

(c) the plant variety or animal race or the commercial type;

(d) the presentation, sales descriptions, labelling linked to obligatory marketing standards, packaging, rules to be applied in relation to packing centres, marking, wrapping, and use of specific terms, **except for products of the wine sector;**

(e) criteria such as appearance, consistency, conformation, product characteristics;

(f) specific substances used in production, or components or constituents, including their quantitative content, purity and identification;

(g) the type of farming and production method and related administrative rules, and operating circuit;

(i) the conservation method and temperature;

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

(k) the frequency of collection, delivery, preservation and handling;

(l) the identification or registration of the producer and/or the industrial facilities in

which the product has been prepared or processed;

- (m) the percentage of water content;
- (n) restrictions as regards the use of certain substances and/or practices;
- (o) specific use;
- (p) commercial documents, accompanying documents and registers to be kept;
- (q) storage, transport;
- (r) the certification procedure;
- (s) the conditions governing the disposal, the holding, circulation and use of products not in conformity to the marketing standards by sectors or products as referred to in paragraph 1 and/or to the definitions, designations and sales descriptions referred to in Article 112f, as well as the disposal of by-products;
- (t) time limits;
- (u) notifications by the Member States, notifications from different establishments to the competent authorities of the Member States and rules for obtaining statistical information on the markets in different products.

which the product has been prepared or processed;

- (m) the percentage of water content;
- (n) restrictions as regards the use of certain substances and/or practices;
- (o) specific use;
- (p) commercial documents, accompanying documents and registers to be kept;
- (q) storage, transport;
- (r) the certification procedure;
- (s) the conditions governing the disposal, the holding, circulation and use of products not in conformity to the marketing standards by sectors or products as referred to in paragraph 1 and/or to the definitions, designations and sales descriptions referred to in Article 112f, as well as the disposal of by-products;
- (t) time limits;
- (u) notifications by the Member States, notifications from different establishments to the competent authorities of the Member States and rules for obtaining statistical information on the markets in different products.

Amendment 8

Proposal for a regulation – amending act

Article 1 - point 2

Regulation (EC) No. 1234/2007

Article 112e - paragraph 3

Text proposed by the Commission

3. The marketing standards by sectors or by products referred to in paragraph 1 shall be established without prejudice to the provisions on Optional **Quality** Terms of **Regulation of the European Parliament and of the Council***** [Regulation on agricultural product quality schemes],**

Amendment

3. The marketing standards by sectors or by products referred to in paragraph 1 shall be established without prejudice to the provisions on optional **reserved** terms of **Article 112 ma and Annex XIII**, and taking into account:

and taking into account:

- (a) the specificities of the products concerned;
- (b) the need to ensure the conditions for a smooth placing of those products on the market;
- (c) the interest of consumers to receive adequate and transparent product information, including the place of farming to be determined on a case by case approach at the appropriate geographical level;
- (d) where appropriate the methods used for determining their physical, chemical and organoleptic characteristics;
- (e) the standard recommendations adopted by international bodies.

- (a) the specificities of the products concerned;
- (b) the need to ensure the conditions for a smooth placing of those products on the market;
- (c) the interest of consumers to receive adequate and transparent product information, including the place of farming to be determined on a case by case approach at the appropriate geographical level; ***after conducting an impact assessment covering inter alia the costs and administrative burdens for operators, as well as the benefits offered to producers and the end consumer;***
- (d) where appropriate the methods used for determining their physical, chemical and organoleptic characteristics;
- (e) the standard recommendations adopted by international bodies.

(ea) the need to preserve of the natural and essential characteristics of products and to avoid causing a substantial change in the composition of the product concerned;

Amendment 9

Proposal for a regulation – amending act

Article 1 - point 2

Regulation (EC) No. 1234/2007

Article 112f

Text proposed by the Commission

Article 112f

Definition, designation and/or sale description for certain sectors and/or products

1. The definitions, designations and/or sale descriptions provided for in Annex XIIa shall apply to the following sectors or

Amendment

Article 112f

Definition, designation and/or sale description for certain sectors and/or products

1. The definitions, designations and/or sale descriptions provided for in Annex XIIa **and in sections I, II and III of Part A of**

products:

- (a) olive oil and table olives,
- (b) wine,
- (c) beef and veal,
- (d) milk and milk products intended for human consumption,
- (e) poultrymeat,
- (f) spreadable fats intended for human consumption

2. A definition, designation or sale description provided for in Annex XIIa may be used in the Union only for the marketing of a product which complies with the corresponding requirements laid down in Annex XIIa.

3. In order to adapt to evolving consumer demands, and in order to take technical progress into account and avoid creating obstacles to product innovation, the Commission *may, by means of* delegated acts, *adopt any necessary modification, derogation or exemption* to the definitions and sales descriptions provided for in Annex XIIa.

Amendment 10

Proposal for a regulation - amending act

Article 1 - point 2

Regulation (EC) No. 1234/2007

Article 112g

Text proposed by the Commission

In order to take into account the specificity of each sector, the Commission *may, by means of* delegated acts, *adopt a*

Annex XIV shall apply to the following sectors or products:

- (a) olive oil and table olives,
- (b) wine,
- (c) beef and veal,
- (d) milk and milk products intended for human consumption,
- (e) poultrymeat *and eggs*,
- (f) spreadable fats intended for human consumption

2. A definition, designation or sale description provided for in Annex XIIa *and in sections I, II and III of Part A of Annex XIV* may be used in the Union only for the marketing of a product which complies with the corresponding requirements laid down in Annex XIIa *and in sections I, II and III of Part A of Annex XIV*.

3. In order to adapt to evolving consumer demands, and in order to take technical progress into account and avoid creating obstacles to product innovation, the Commission *shall be empowered to adopt* delegated acts *in accordance with Article 196a laying down supplementary specifications* to the definitions and sales descriptions provided for in Annex XIIa *and in sections I, II and III of Part A of Annex XIV*.

Amendment

In view of the specificity of each *product or* sector, the Commission *shall be empowered to adopt* delegated acts *in*

tolerance for each standard beyond which the entire batch of products will be considered as not respecting the standard.

*accordance with Article 196a, defining a tolerance for each **specific** standard beyond which the entire batch of products will be considered as not respecting the standard. **This tolerance defined on the basis of thresholds shall not alter the intrinsic characteristics of the product and shall apply only to weight, size and other minor criteria. This tolerance shall not apply to products, which are unsafe for human consumption.***

Amendment 11

Proposal for a regulation - amending act

Article 1 - point 2

Regulation (EC) No. 1234/2007

Article 112 g, paragraph 2

Text proposed by the Commission

Amendment

Member States may adopt or maintain additional national legislation on products covered by a Union marketing standard, provided that these provisions are consistent with Union law, particularly concerning compliance with the principle of free movement of goods.

Amendment 12

Proposal for a regulation – amending act

Article 1 - point 2

Regulation (EC) No. 1234/2007

Article 112 h

Text proposed by the Commission

Amendment

Article 112h

Article 112h

Oenological practices

Oenological practices

1. Where the International Organisation of Vine and Wine (OIV) has recommended and published methods of analysis for determining the composition of products and rules whereby it may be established

1. Where the International Organisation of Vine and Wine (OIV) has recommended and published methods of analysis for determining the composition of products and rules whereby it may be established

whether products have undergone processes contrary to the authorised oenological practices, these *should be the* methods and rules *applicable*.

Where *there are* no methods and rules recommended and published by the OIV, corresponding methods and rules shall be adopted by the Commission as referred to in ***point(g) of Article 112e (2)***.

Pending the adoption of such rules, the methods and rules to be used shall be those allowed by the Member State concerned.

2. Only oenological practices authorised in accordance with Annex XIIc and provided for ***in point (g) of Article 112e(2) and*** in Article 112k(2) and (3) shall be used in the production and conservation in the Union of products of the wine sector.

The first subparagraph shall not apply to:

- (a) grape juice and concentrated grape juice;
- (b) grape must and concentrated grape must intended for the preparation of grape juice.

Authorised oenological practices shall only be used for the purposes of ensuring proper vinification, proper preservation or proper refinement of the product.

Products of the wine sector shall be produced in the Union in accordance with the relevant restrictions laid down in Annex XIIc.

Products of the wine sector listed in Part II of Annex XIIa, which have undergone unauthorised Union oenological practices or, where applicable, unauthorised national oenological practices or which contravene the restrictions laid down in Annex XIIc, shall not be marketed in the Union.

whether products have undergone processes contrary to the authorised oenological practices, these methods and rules *shall apply*.

Where no methods and rules *have been* recommended and published by the OIV, corresponding methods and rules shall be adopted by ***the European Parliament and the Council on a proposal from*** the Commission as referred to in ***the procedure under Article 43(2) of the Treaty on the Functioning of the European Union***.

Pending the adoption of such rules, the methods and rules to be used shall be those allowed by the Member State concerned.

2. Only oenological practices authorised in accordance with Annex XIIc and provided for in Article 112k(2) and (3) shall be used in the production and conservation in the Union of products of the wine sector.

The first subparagraph shall not apply to:

- (a) grape juice and concentrated grape juice;
- (b) grape must and concentrated grape must intended for the preparation of grape juice.

Authorised oenological practices shall only be used for the purposes of ensuring proper vinification, proper preservation or proper refinement of the product.

Products of the wine sector shall be produced in the Union in accordance with the relevant restrictions laid down in Annex XIIc.

Products of the wine sector listed in Part II of Annex XIIa, which have undergone unauthorised Union oenological practices or, where applicable, unauthorised national oenological practices or which contravene the restrictions laid down in Annex XIIc, shall not be marketed in the Union.

3. When authorising oenological practices for wine as referred to in **point(g) of Article 112e(2)**, the Commission shall:

- (a) base itself on the oenological practices and methods of analyses recommended and published by the OIV as well as on the results of experimental use of as yet unauthorised oenological practices;
- (b) take into account the protection of human health;
- (c) take into account the possible risk of consumers being misled due to their established expectations and perceptions, having regard to the availability and feasibility of informational means to exclude such risks;
- (d) allow the preservation of the natural and essential characteristics of the wine and not cause a substantial change in the composition of the product concerned;
- (e) ensure an acceptable minimum level of environmental care;
- (f) respect the general rules concerning oenological practices and restrictions laid down in Annex XIIc.

3. When **making proposals on** authorising oenological practices for wine as referred to in **paragraph 1**, the Commission shall:

- (a) base itself on the oenological practices and methods of analyses recommended and published by the OIV as well as on the results of experimental use of as yet unauthorised oenological practices;
- (b) take into account the protection of human health;
- (c) take into account the possible risk of consumers being misled due to their established expectations and perceptions, having regard to the availability and feasibility of informational means to exclude such risks;
- (d) allow the preservation of the natural and essential characteristics of the wine and not cause a substantial change in the composition of the product concerned;
- (e) ensure an acceptable minimum level of environmental care;
- (f) respect the general rules concerning oenological practices and restrictions laid down in Annex XIIc.

Amendment 13

Proposal for a regulation - amending act

Article 1 - point 2

Regulation (EC) No 1234/2007

Article 112 k - paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States may adopt or maintain national marketing standards for sectors or products, provided that these measures are consistent with Union law.

Justification

Member States should retain a measure of regulatory leeway for national marketing measures - as they have to date - provided that these are not contrary to the principles of EU law.

Amendment 14

Proposal for a regulation - amending act

Article 1 - point 2

Regulation (EC) No. 1234/2007

Article 112 1

Text proposed by the Commission

In order to take account of the specificities in trade between the Union and certain third countries and of the special character of some agricultural products, *the Commission may, by means of delegated acts*, define the conditions under which imported products are considered as providing an equivalent level of compliance with the Union requirements concerning marketing standards and which allow for measures derogating from Article 112d and determine the rules relating to the application of the marketing standards to products exported from the Union.

Amendment

In order to take account of the specificities in trade between the Union and certain third countries and of the special character of some agricultural products *and to ensure that consumers are not misled as a result of their established expectations and perceptions, measures may be adopted acting in accordance with the ordinary legislative procedure* to define the conditions under which imported products are considered as providing an equivalent level of compliance with the Union requirements concerning marketing standards and which allow for measures derogating from Article 112d and determine the rules relating to the application of the marketing standards to products exported from the Union.

Amendment 15

Proposal for a regulation – amending act

Article 1 - point 2

Regulation (EC) No 1234/2007

Articles 112ma-me (new)

Text proposed by the Commission

Amendment

Article 112ma

Optional reserved terms

A scheme for optional reserved terms shall be established in order to make it easier for producers of agricultural product that have value-adding

characteristics or attributes to communicate those characteristics or attributes within the internal market, and in particular to support and complement specific marketing standards.

Article 112mb

Existing optional reserved terms

1. The optional reserved terms covered by this scheme at the date of entry into force of this Regulation are listed in Annex XIId to this Regulation together with the acts laying down the terms in question and their conditions of use.

2. The optional reserved terms referred to in paragraph 1 shall remain in force, subject to any amendment, unless cancelled pursuant to Article 112mc.

Article 112 mc

Reservation, amendment and cancellation of optional reserved terms

In order to take account of the expectations of consumers, developments in scientific and technical knowledge, the situation in the market and developments in marketing standards and in international standards, the Commission shall be empowered to adopt delegated acts in accordance with Article 196a , to:

- (a) reserve an additional optional reserved term, laying down its conditions of use,**
- (b) amend the conditions of use of an optional reserved term, or**
- (c) cancel an optional reserved term.**

Article 112md

Additional optional reserved terms

1. A term shall be eligible to be an additional optional reserved term only if it fulfils the following criteria:

- (a) the term relates to a characteristic of a product or to a farming or processing attribute and relates to a marketing standard, viewed on a sector-by-sector approach;**
- b) the use of the term adds value to the product in comparison with products of a similar type, and**
- (c) the product has been placed on the market having the characteristic or**

attribute referred to in point (a) identified to consumers in several Member States. The Commission shall take account of any relevant international standard and of the current reserved terms existing for the products or sectors involved.

2. Optional terms that describe technical product qualities for the purposes of implementing compulsory marketing standards and that are not intended to inform consumers about those product qualities shall not be reserved under this scheme.

3. In order to take into account the special characteristics of certain sectors as well as consumer expectations, the Commission shall be empowered to adopt delegated acts in accordance with Article 196a, concerning detailed rules relating to the requirements for the creation of the additional optional reserved terms referred to in paragraph 1.

Article 112me

Restrictions on use of optional reserved terms

1. An optional reserved term may only be used to describe products that conform to the applicable conditions of use.

2. Member States shall adopt appropriate measures to ensure that product labelling does not give rise to confusion with optional reserved terms.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 196a, concerning rules for the use of optional reserved terms.

Justification

The specific provisions relating to optional reserved terms and all articles and recitals relating to these terms and to marketing standards, as well as Annex II are moved to this proposal for Regulation, so as to integrate all optional reserved terms in the Single CMO.

Amendment 16

Proposal for a regulation - amending act

Article 1 - point 2

Regulation (EC) No. 1234/2007

Article 112 n

Text proposed by the Commission

Member States shall carry out checks, **based** on a risk analysis, *in order to verify* whether products conform to the rules laid down in this Section and shall apply administrative penalties as appropriate.

Amendment

Member States shall carry out checks **They shall base those checks** on a risk analysis *undertaken for the purpose of verifying* whether products conform to the rules laid down in this Section, and shall apply administrative penalties as appropriate. **For products from third countries, those checks shall be carried out before they are placed on the market.**

Amendment 17

Proposal for a regulation - amending act

Article 1 - point 2

Regulation (EC) No 1234/2007

Article 112 o - point i e (new)

Text proposed by the Commission

Amendment

(ie) lay down rules on the national procedures concerning the withdrawal and destruction of wine products that do not comply with the requirements of this Regulation;

Amendment 18

Proposal for a regulation - amending act

Article 1 - point 5 a (new)

Regulation (EC) No. 1234/2007

Article 118 y - paragraph 3 - point a

Text proposed by the Commission

Amendment

(5a) Article 118y(3)(a) shall be replaced by the following:

"(a) where a traditional term referred to in Article 118u(1)(a) appears on the label

in accordance with the legislation of a Member State or the product specification referred to in Article 118c(2) of this Regulation;”

Amendment 19

Proposal for a regulation - amending act

Article 1 - point 5b (new)

Regulation (EC) No. 1234/2007

Article 123a (new)

Text proposed by the Commission

Amendment

(5b) The following Article 123a is inserted:

“Article 123a

Role of groups

1. In order to improve and stabilise the operation of the market in products which have been assigned a protected designation of origin or a protected geographical indication pursuant to Regulation (EC) No XXXXXXXX on agricultural product quality schemes, producer Member States may lay down marketing rules to regulate supply, in particular by implementing decisions taken by the groups referred to in Article 42 of Regulation (EC) No XXXXXXXX on agricultural product quality schemes.

2. Such rules shall be proportionate to the objective pursued and shall:

(a) only cover the regulation of supply and aim to bring the supply of the product into line with demand;

(b) not be made binding for more than a renewable period of five years of marketing;

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

(d) not allow for price fixing, including where prices are set for guidance or by

way of recommendation;

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

(f) not have the effect of preventing an operator from starting production of the product concerned.

3. The rules referred to in paragraph 1 shall be brought to the attention of operators by being set out in extenso in an official publication of the Member State concerned.

4. The decisions and measures taken by the Member States in year n in accordance with this Article shall be notified to the Commission before 1 March of year n+1.

5. The Commission may ask a Member State to withdraw its decision if it finds that that decision precludes competition in a substantial part of the internal market, compromises the free movement of goods or is at odds with the objectives of Article 39 of the Treaty on the Functioning of the European Union.”

Amendment 20

Proposal for a regulation - amending act

Article 1 - point 5c (new)

Regulation (EC) No. 1234/2007

Article 184 - point 9 (new)

Text proposed by the Commission

Amendment

(5c) In Article 184, the following point is added:

“(9) to the European Parliament and the Council, by 31 December 2012, on the possibilities of establishing specific standards for pigmeat, sheepmeat and goatmeat. That report shall outline the relevant provisions which the Commission proposes to adopt by means of delegated acts.”.

Amendment 21

Proposal for a regulation – amending act

Article 1 - point 6

Regulation (EC) No 1234/2007

Article 196a

Text proposed by the Commission

Delegated acts

1. ***The power to adopt the delegated acts referred to in this Regulation shall be conferred on the Commission for an indeterminate period of time. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.***
2. ***The delegation of power referred to in paragraph 1 may be revoked at any time by the European Parliament or by the Council.***

The institution which has commenced an internal procedure for deciding whether to revoke the delegation of power shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated powers which could be subject to revocation and possible reasons for a revocation. The decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect immediately or at a later date

Amendment

Exercise of the delegation

1. ***The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.***
2. ***The delegation of power referred to in Articles 4a, 112c, 112e, Article 112f(3), Article 112g, Article 112k(3) and 112k(4) and Articles, 112mc, 112md and 112me shall be conferred on the Commission for a period of five years from...*. The Commission shall draw up a report in respect of the delegated power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***

specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.

3. The European Parliament and the Council may object to the delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council this period shall be extended by one month. If, on the expiry of that period, neither the European Parliament nor the Council has objected to the delegated act it shall be published in the Official Journal of the European Union and shall enter into force at the date stated therein.

The delegated act may be published in the Official Journal of the European Union and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections. If the European Parliament or the Council objects to a delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.

3. The delegation of power referred to in Articles 4a, 112c, 112e, Article 112f(3), Article 112g, Article 112k(3) and 112k(4) and Articles 112mc, 112md and 112me may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the powers specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Articles 4a, 112c, 112e, Article 112f(3), Article 112g, Article 112k(3) and 112k(4) and Articles 112mc, 112md and 112me shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of adoption of that act to the European Parliament and the Council, or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at

*the initiative of the European Parliament
or of the Council.*

** Date of entry into force of this
Regulation*

Justification

Adaptation of wording in accordance with the Common Understanding on practical arrangements for the use of delegated acts (Article 290 TFEU).

Amendment 22

Proposal for a regulation – amending act

Article 1 - point 6

Regulation (EC) No 1234/2007

Article 196b

Text proposed by the Commission

Amendment

Implementing acts - Committee

[Where implementing acts are adopted pursuant to this Regulation, the Commission shall be assisted by the Committee referred to in Article 195 of this Regulation and the procedure provided for in Article [5] of Regulation (EU) No [xxxx/yyyy](to be completed following the adoption of the regulation on control mechanisms, as referred to in Article 291(2) of the TFEU, currently the subject of discussion by the European Parliament and the Council)shall apply.]"

Committee procedure

1. The Commission shall be assisted by the Management Committee for the Common Organisation of Agricultural Markets established by Article 195(1) of this Regulation. That committee is a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Justification

In accordance with the templates for provisions on implementing acts subject to control by Member States, in line with the proposed Regulation of the European Parliament and the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

Amendment 23

Proposal for a regulation – amending act

Article 1 - point 7

Regulation (EC) No 1234/2007

Annexes XIa, XIb, XII, and XIII, Parts B and C of Annex XIV, and Annexes XV, XVa, XVb, XVI

Text proposed by the Commission

(7) Annexes XIa, XIb, XII, XIII, XIV, XV, XVa, XVb, XVI are deleted subject to Article 2(1) of this Regulation

Amendment

(7) Annexes XIa, XIb, XII **and** XIII, **Parts B and C of Annex XIV, and Annexes XV, XVa, XVb, and** XVI are deleted subject to Article 2(1) of this Regulation

Justification

This technical amendment is made necessary by the inclusion of eggs in Art. 112f(1)(e) in AM 9. Furthermore, in the Commission proposal, Annex XIV, concerning marketing standards for eggs, is deleted, while Art. 116, the only purpose of which is to refer to that annex, is kept in force.

Amendment 24

Proposal for a regulation – amending act

Annex I

Regulation (EC) No 1234/2007

Annex XIId (new)

Text proposed by the Commission

Amendment

ANNEX XIId

Optional reserved terms

***Product category
(reference to Combined
Nomenclature classification)***

Optional reserved term

***Act defining the term and
conditions of use***

<i>poultry meat</i> (CN 0207, CN 0210)	<i>fed with</i> <i>extensive indoor / barn-reared</i> <i>free range</i> <i>traditional free range</i> <i>free range – total freedom</i> <i>age at slaughter</i> <i>length of fattening period</i>	<i>Regulation (EC) No 543/2008</i> <i>Article 11</i>
<i>eggs</i> (CN 0407)	<i>fresh</i> <i>extra or extra fresh</i> <i>indication on how laying hens are fed</i>	<i>Regulation (EC) No 589/2008,</i> <i>Article 12</i> <i>Regulation (EC) No 589/2008,</i> <i>Article 14</i> <i>Regulation (EC) No 589/2008,</i> <i>Article 15</i>
<i>honey</i> (CN 0409)	<i>floral or vegetable origin</i> <i>regional origin</i> <i>territorial origin</i> <i>topographical origin</i> <i>specific quality criteria</i>	<i>Directive 2001/110/EC, Article 2</i>
<i>olive oil</i> (CN 1509)	<i>first cold pressing</i> <i>cold extraction</i> <i>acidity</i> <i>pungent</i> <i>fruity: ripe or green</i> <i>bitter</i> <i>intense</i> <i>medium</i> <i>light</i> <i>well-balanced</i> <i>mild oil</i>	<i>Regulation (EC) No 1019/2002,</i> <i>Article 5</i>
<i>milk and milk products</i> (CN 04) <i>spreadable fats</i> (CN 0405 and ex 2106, CN ex 1517, CN ex 1517 and ex 2106)	<i>traditional butter</i> <i>reduced fat</i> <i>light</i> <i>low-fat</i>	<i>Regulation (EC) No 1234/2007,</i> <i>Article 115 & Annex XV</i>

(This new Annex comes from COM(2010)0733, Annex II from quality proposal (2010/0353 COD)

Justification

The specific provisions relating to optional reserved terms and all articles and recitals relating to these terms and to marketing standards, as well as Annex II are moved to this proposal for Regulation, so as to integrate all optional reserved terms in the Single CMO. The marketing standards for spreadable fats are laid down in Annex XV of Regulation 1234/2007. According to Section III, point 3(b) of the Annex, the terms 'low-fat' or 'light' may be used for products referred to in the Appendix with a fat content of 41 % or less. This amendment re-introduces these terms.

EXPLANATORY STATEMENT

General presentation

European agriculture delivers food of great variety, with production methods that are respectful of the environment and of rural communities. The regional diversity of food, the traditional methods of production sometimes going centuries back, the emphasis on safety and good environmental conditions lead to the fact that the quality of European food is among the highest in the world.

Farmers and consumers alike need to be made aware of these special characteristics of their home grown food. In addition, this quality oriented approach could help reward the best quality products on the domestic, as well as international markets. The EU introduced a series of labels and quality schemes under its Food Quality policy that provide recognition for the high value characteristics of the products and also for the regional specificities of the product.

Commission new proposals

Parliament's Committee of agriculture and rural development currently works on a new legislative proposal of the European Commission on quality and on marketing standards.

The Quality Package presented by the Commission aims to improve the Union legislation in the field of quality, as well as in the operation of national and private certification schemes, in order to make them simpler, more transparent and easier to understand, adaptable to innovation, and less burdensome for producers and administrations.

The Commission has presented this set of legislative proposals last December, following an extensive public consultation process launched by the publication of the Green Paper on quality in 2009. The package includes two proposals for regulations - one on agricultural product quality schemes and one on marketing standards - as well as two guideline documents, one on certification schemes and one on labelling of products using PDO-PGI ingredients. The proposals are extensive and include many of the points demanded by Parliament in our own initiative report drafted by Giancarlo Scottà MEP. In addition to the points of substance, it is also important to note the provisions regarding delegated and implementing acts which bear an important significance for how policy making will be conducted in practice in the years to come.

Specific points on marketing standards

Marketing standards lay down product definitions and categories, minimum required characteristics and certain labelling requirements, such as place of farming for specific products and sectors. They are compulsory for most agricultural products (milk, products eggs, fruits and vegetables, olive oil, poultry, wine).

Marketing standards ensure that products sold in the single market are of a given quality, in line with consumer expectations, and prices of products of equivalent quality can be easily compared.

In addition to these mandatory standards, a series of optional reserved terms are in place, which complement the marketing standards and are indicative of a special characteristic that grants additional added value to the product.

Most of the marketing standards are presently included in the Commission's regulations, and have developed sector by sector for historic reasons, forming a legislative body that is comprehensive and stable. This body of legislation requires a unitary legal basis in order to reflect the new provisions of the Lisbon Treaty.

To this end, the Commission believes that primary legislation should develop the powers delegated to enable the development of the sectoral legislation. To this end, the Commission has listed in paragraph 2 of Article 112 sexies application areas where specific regulations are developed marketing. Moreover, there is no intention to remove sections or rules, but provide a legal basis for the current regime.

Rapporteur position

The Commission proposal constitutes a good departure point, however your rapporteur believes greater clarity and a more comprehensive European system for marketing standards may be achieved. This proposal for Regulation achieves a unification effort of existing legislation and should therefore include all instruments that relate to marketing standards, such as optional reserved terms.

Your rapporteur believes all **current marketing standards** should remain in place and be covered by the Single CMO regulation. During the meetings held with the Commission, including meetings with the Commissioner on Agriculture and Rural Development, assurances were given that the marketing standards in place shall remain in force and a revision is not planned in the foreseeable future. The same is valid for optional reserved terms. It is following these reassurances, that your rapporteur supports the Commission proposal, also with regards to the powers of the Commission with regards to delegated and implementing acts.

Your rapporteur also believes that **optional reserved terms** should be present in this regulation, since their development had always been closely linked to marketing standards. This approach is logical for two reasons:

Firstly, in addition to providing useful information to consumers and a simple framework for operators, optional reserved terms have a normalizing function of the market, providing the clarity of transactions in the market, with the simplification of terms relating to these alternative products associated with their use.

Secondly, the close connection with the production process makes it more practical to control and evaluation in a review committee linked to primary production.

That is why, your rapporteur proposed to move the provisions regarding optional reserved terms from the proposal for Regulation on quality (2010/0353 (COD) to the present proposal on marketing standards. This thinking is reflected in Amendments 3, 4, 5, 6, 9; thus, the

specific provisions relating to optional reserved terms and all articles and recitals relating to these terms and to marketing standards, as well as Annex II are moved to this proposal for Regulation, so as to integrate all optional reserved terms in the Single CMO.

Thus, we believe all marketing standards, whether obligatory or optional should be included under the same umbrella, providing greater clarity and simplification, for both operators and consumers.

Alignment

With regards to alignment, your rapporteur believes a balance should be achieved between the need for the Commission to act efficiently and expediently on one hand and the powers Parliament and Council have under the Lisbon Treaty with regards to the legislative process. Your rapporteur is generally in favour of most proposals for delegated or implementing acts and believes the Commission has made a balanced proposal in this regard.

Further proposals have been made, of a horizontal nature, in order to reflect the common understanding reached between the institutions on the use of delegated acts, as well as the entry into force of the Regulation on implementing acts.

PROCEDURE

Title	Amendment to Council Regulation (EC) No 1234/2007 concerning marketing standards		
References	COM(2010)0738 – C7-0422/2010 – 2010/0354(COD)		
Date submitted to Parliament	10.12.2010		
Committee responsible Date announced in plenary	AGRI 18.1.2011		
Committee(s) asked for opinion(s) Date announced in plenary	ENVI 18.1.2011	IMCO 18.1.2011	
Not delivering opinions Date of decision	ENVI 26.1.2011	IMCO 26.1.2011	
Rapporteur(s) Date appointed	Iratxe García Pérez 27.10.2010		
Discussed in committee	26.1.2011	15.3.2011	11.4.2011
Date adopted	4.7.2011		
Result of final vote	+: -: 0:	30 3 5	
Members present for the final vote	Richard Ashworth, Liam Aylward, José Bové, Luis Manuel Capoulas Santos, Vasilica Viorica Dăncilă, Michel Dantin, Albert Deß, Lorenzo Fontana, Iratxe García Pérez, Sergio Gutiérrez Prieto, Martin Häusling, Esther Herranz García, Peter Jahr, Elisabeth Jeggle, Agnès Le Brun, Gabriel Mato Adrover, Mariya Nedelcheva, James Nicholson, Georgios Papastamkos, Marit Paulsen, Britta Reimers, Alfreds Rubiks, Giancarlo Scottà, Czesław Adam Siekierski, Sergio Paolo Francesco Silvestris, Alyn Smith, Marc Tarabella		
Substitute(s) present for the final vote	Sandra Kalniete, Christa Klač, Giovanni La Via, Patrick Le Hyaric, Daciana Octavia Sârbu, Dimitar Stoyanov, Milan Zver		
Substitute(s) under Rule 187(2) present for the final vote	Josefa Andrés Barea, Sophie Auconie, Eider Gardiazábal Rubial, Fiona Hall, Anja Weisgerber		
Date tabled	18.7.2011		