Amendment 149
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on behalf of the Committee on Agriculture and Rural Development

Report **A10-0161/2025**
Céline Imart
Strengthening of the position of farmers in the food supply chain
(COM(2024)0577 – C10-0209/2024 – 2024/0319(COD))

Proposal for a regulation
–

AMENDMENTS BY THE EUROPEAN PARLIAMENT*

to the Commission proposal

REGULATION (EU) 2026/…
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of …

amending Regulations (EU) No 1308/2013, (EU) 2021/2115 and (EU) 2021/2116 as regards the strengthening of the position of farmers in the food supply chain

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, first paragraph, and Article 43(2), thereof,

Having regard to the proposal from the European Commission,

* Amendments: new or amended text is highlighted in bold italics; deletions are indicated by the symbol ▌.

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

▌

Having regard to the opinion of the European Economic and Social Committee[1],

Having regard to the opinion of the Committee of the Regions[2],

Acting in accordance with the ordinary legislative procedure[3],

[1] OJ C, C/2025/2969, 16.6.2025, ELI: http://data.europa.eu/eli/C/2025/2969/oj
[2] OJ C, C/2025/3479, 16.7.2025, ELI: http://data.europa.eu/eli/C/2025/3479/oj
[3] Position of the European Parliament of …

Whereas:

(1) The agricultural sector, in particular farmers***, who ensure food security***, faces a range of challenges. The Covid-19 pandemic***, growing instability in world trade, increasingly extreme weather events*** and Russia's ongoing war of aggression against Ukraine have led to an unprecedented increase of energy-related agricultural input costs and a prolonged period of high inflation, affecting farmers' costs and food prices. In parallel, farmers continue to make efforts to ensure that their production is more environmentally sustainable. Already dealing with an increased cost of living, many customers have also been increasingly purchasing and consuming less expensive food products. ***Those factors have*** further destabilised the way that added value is distributed along the food supply chain and ***have*** increased the degree of uncertainty in which farmers***, in particular those farming small and medium-sized farms,*** operate, fuelling protests and mistrust. It is therefore appropriate to adopt measures to tackle those challenges in order ***to*** restore ***fairness and*** the trust of actors in the food supply chain***, to strengthen the position of farmers and to improve their bargaining power, including through producer organisations and cooperatives as creators of added value, as well as to protect farmers' incomes and to increase young people's confidence in the farming profession***.

(2) When developing marketing standards concerning the indication of the place of farming and/or origin, particular attention should be paid to the specific context of each product and sector. Those indications should be determined in the light of the need to better meet expectations of transparency, including through country of origin labelling in line with internal market rules, their relevance for consumers and the structure of the supply chain, while taking into consideration the practical implications for operators and the need to avoid unnecessary complexity.

(3) Various operators within the agricultural and food supply chain, active at different stages of production, processing, marketing, distribution, and retail, have developed schemes and labels to promote commercial modalities that ensure the fair allocation of added value to farmers and the creation and maintenance of short supply chains. Establishing minimum requirements for the use of optional terms to describe those commercial modalities is necessary to increase the transparency and reliability of the use of those terms in the food supply chain, thereby complementing existing food labelling rules, in particular those in Regulation (EU) No 1169/2011 of the European Parliament and of the Council[4].

[4] Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18, ELI: http://data.europa.eu/eli/reg/2011/1169/oj).

(4) In the interest of increased trust and fairness along the food supply chain, the terms ‘fair’, ‘equitable’***, and terms having an*** equivalent ***meaning to those*** terms, should only be used to designate commercial modalities that ensure stability and transparency in commercial relations between farmers and purchasers and pricing that is considered to be equitable ***and remunerative*** by participating farmers, and that support and contribute to the United Nations Sustainable Development Goals, including in a manner that is consistent with Annex I to Directive (EU) 2024/1760 of the European Parliament and of the Council[5].

(5) The term ‘short supply chain’ should only be used to designate commercial modalities where a direct connection exists between farmers and consumers that allows direct exchanges of information on the production process and the product, including by means of distance communication and/or through an intermediary ***in the supply chain, and consumers can easily identify the holdings of the participating farmers where the raw material was produced***. Alternatively, that term could also be used where a close connection exists between farmers and consumers in geographic proximity to one another, including in cross-border contexts. ***Geographical proximity should be understood inter alia as a short distance or short travelling time which takes into account the geographical and demographical specificities of the Member States.*** Such use of the term ‘short supply chain’ will incentivise consumers to pay prices that fairly remunerate farmers for what they produce, strengthen rural areas and contribute to the development ***and the revitalisation*** of those areas and improve transparency regarding the origin and production methods of the products. ***It should apply to products produced in or placed on the internal market.***

[5] Directive (EU) 2024/1760 of the European Parliament and of the Council of 13 June 2024 on corporate sustainability due diligence and amending Directive (EU) 2019/1937 and Regulation (EU) 2023/2859, (OJ L, 2024/1760, 5.7.2024, ELI: http://data.europa.eu/eli/dir/2024/1760/oj).

(6) In order to better reflect market conditions, evolving consumer expectations and advances both in marketing standards and in relevant international standards, ***the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU)*** should be ***delegated to*** the Commission ***in respect of amending Regulation (EU) No 1308/2013 of the European Parliament and of the Council***[6] ***by adding additional optional terms that are equivalent to the term 'fair' or 'equitable' and specifying*** conditions ***for*** the use of the optional terms designating commercial modalities related to the fair allocation of added value to farmers and the creation and maintenance of short supply chains***, taking into account any relevant international standards and related quality schemes***. ***It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that*** those ***consultations be conducted*** in accordance with ***the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making***[7] ***. In particular, to ensure equal participation in the preparation of delegated acts,*** the European Parliament and ▌ the Council ***receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts***.

6 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).

7 OJ L 123, 12.5.2016, p. 1, http://data.europa.eu/eli/agree_interinstit/2016/512/oj.

(7) While Member States may retain or introduce national law setting out supplementary requirements for the use of optional terms for commercial modalities, that law should not hinder, limit or obstruct the use of those terms for products legally produced or legally marketed in another Member State.

(8) The use of written contracts plays a crucial role in the accountability of operators, raises awareness of the importance of market signals, helps to adapt supply to demand, improves price transmission within the supply chain, enhances transparency and prevents and addresses unfair trading practices. The rules on contractual relations in the milk and milk products sector should therefore be extended to cover products other than raw milk, while ensuring alignment with the rules on contractual relations applicable to other agricultural sectors. ***However, this Regulation should allow Member States to exempt operators from the obligation to include indicators, indices or methods of calculation of the final price or a revision clause in their written contracts, after consulting the relevant representatives of farmers or the relevant interbranch organisations, provided that the effects of predictability, transparency and price transmission can be achieved by other means or that the obligation to include these elements would not be appropriate or proportionate for other justified reasons.***

(9) In order to reflect market developments while also maintaining effective competition in the dairy market, it is appropriate to increase the quantitative limits applicable to the volume of raw milk covered by collective contractual negotiations by recognised producer organisations expressed as a percentage of total Union production and of total volumes produced and delivered in a Member State.

(10) In order to increase flexibility for Member States and simplify the procedure for the recognition of producer organisations, thereby reducing transaction costs and improving efficiency, the applicable rules should allow for their recognition following a single request covering multiple sectors ***or*** products***, rather than the current requirement of a single request covering one specific sector, provided that the producer organisation fulfils the conditions applicable to each specific sector for which it seeks recognition***. Moreover, ▌ organic producers ***are able to use the existing possibility for*** the establishment and recognition of producer organisations ***to enhance their collaboration***. The criteria for the recognition of producer organisations and their statutes should also require that producer organisations be established at the initiative of farmers ***producing agricultural products of the soil, irrespective of whether the production methods use soil or other growing media, for example in greenhouses, or of stockfarming,*** and that the producer organisations be controlled in accordance with rules that enable ***those*** farmer members to democratically scrutinise their organisation and its decisions. ***Member States should also be allowed to decide that such democratic scrutiny can be carried out not only directly by the farmers but by their associations, including those in the form of cooperatives, provided that those associations are controlled by farmers.*** This should not preclude other producers that are not farmers ***producing agricultural products of the soil or stockfarming, such as first-stage processors or*** non-producers, from joining producer organisations.

(11) To promote further sustainable development, which is a core principle of the Treaties and a priority objective for the policies of the Union, and to ensure transparency, stability and fairness in commercial relations between farmers and purchasers throughout the supply chain, Member States should be able to recognise producer organisations that pursue specific aims by using optional terms for commercial modalities, such as ‘fair’ or ‘equitable’, or ***terms having an*** equivalent ***meaning to those*** terms, and the term ‘short supply chain’.

(12) To ensure a fair standard of living for farmers, to enhance their bargaining position vis-à-vis processors and other actors in the supply chain and to provide for a fairer distribution of added value along the supply chain, the possibility of negotiating contract terms on behalf of their members, for some or all of their production, should be extended to non-recognised producer organisations, including cooperatives ***or other equivalent legal forms recognised by national law***, ***provided that they comply with the recognition criteria laid down at Union level and engage in the activities set out in Regulation (EU) No 1308/2013, including concentrating supply and placing their members’ products on the market***. To ensure equal treatment of members of recognised and non-recognised producer organisations, that possibility should be subject to appropriate limits. In particular, it should only be extended to non-recognised producer organisations ▌ ***that have submitted an application for*** recognition ***to a Member State, within four months of the lodging of that application, or, if no decision is taken within that period by that Member State, within five years*** of the ***date of submission of*** their ***application, unless the Member State refuses recognition in the meantime***.

(13) To strengthen the negotiating position of recognised producer organisations and to ensure the viable development of agricultural production, recognised associations of producer organisations should be allowed to negotiate contract terms on behalf of their members, including price, for the products produced by some or all of their members even if they are not genuinely exercising an economic activity themselves provided that their members are genuinely exercising an economic activity . That possibility should be allowed, subject to the safeguard that the organisations that are members of those associations are not also members of another association of producer organisations and the volume of ***the product*** covered by the activities of those associations does not exceed ***36 %*** of the total national production of ***that product in the*** Member State ***concerned***. Furthermore, in order to maintain effective competition on the market, recognised associations of producer organisations should also not be allowed to negotiate contract terms where those associations include non-recognised producer organisations.

(14) ***The statutes of producer organisations require their members to limit membership to one producer organisation for any given product in order to create stability for the producer organisation, to prevent opportunistic behaviour by members by limiting the possibility for them to freely place their quantities with different producer organisations, and to maintain coherence in the representation of their members. At the same time, it should be possible for a producer to be a member of different producer organisations if the product concerned is a different product of the holding. It is therefore appropriate to clarify that multiple memberships are possible in duly justified cases, provided that the products are sufficiently distinct, with regard, inter alia, to their specific characteristics or the differentiated intended final uses.***

(15) To prevent purchasers from undermining the bargaining position of producer organisations, appropriate safeguards should be established for contacts between purchasers and members of such producer organisations. While purchasers may contact members of producer organisations, making contact with those members should not undermine the objectives of the producer organisations, or the concentration of supply and placing of products on the market, in particular, where such direct contact with members of producer organisations is used to circumvent the joint strategy of producer organisations.

(16) In order to reinforce the position of dairy farmers, in particular by strengthening their producer organisations, it is appropriate to align the rules on the statutes of producer organisations and to extend the application of those rules to producer organisations in the dairy sector, thereby enhancing democratic functioning and transparency.

(17) Interbranch organisations play an important role in facilitating dialogue between actors in the supply chain, and in promoting best practices, market transparency, stability and fairness in commercial relations between farmers and purchasers throughout the supply chain. It is therefore appropriate to include the promotion of initiatives for the inclusion of optional terms for commercial modalities, such as ‘fair’, ‘equitable’ or ***terms having an*** equivalent ***meaning to those*** terms, and the term ‘short supply chain’ in the list of objectives that a recognised interbranch organisation can pursue.

(18) Certain Member States require that all deliveries of agricultural products in their territory be covered by written contracts between the relevant parties. Where a Member State does not make use of that possibility, farmers, producer organisations or associations of producer organisations can request the use of written contracts. However, due to their weaker bargaining position and the fear of commercial retaliation by purchasers, it can be difficult for farmers and their associations to make such a request. To increase trust, transparency and efficiency within the supply chain***,*** farmers ***working at the very beginning of the agricultural food supply chain and their associations***, producer organisations and associations of producer organisations ***should*** have the benefit of written contracts***. Therefore, written contracts should be required when*** deliveries of agricultural products ***are made by farmers producing the products of the soil, irrespective of whether their production methods involve the use of soil or other growing media, for example in greenhouses, or of stockfarming on their holdings and when they process those primary agricultural products. Deliveries of such products made by farmers' associations***, ▌ producer ***organisations or associations*** of producer organisations ***that process or market such products for farmers*** should ***also*** be covered by a written contract.

(19) In order to take better account of market signals and to improve price transmission, Member States should be able to require the use of written contracts for the delivery of agricultural products, including deliveries ***by or to*** other ***operators in the food supply chain***, and to require that purchasers make use of written offers for contracts for the delivery of agricultural products. ▌

(20) For the sake of simplicity and reduction of transaction costs, this Regulation should include certain derogations from the required use of written contracts or written offers for contracts, and allow Member States to exempt certain deliveries from the required use of written contracts or written offers for contracts. Farmers and their associations should however retain the right to request a written contract or a written offer for a contract where there is no such obligation. To preserve the role of producer organisations and cooperatives in promoting collective approaches and maximising added value for their members, thereby strengthening the position of farmers in the supply chain, a written contract should not be required for the deliveries by members to their producer organisation or cooperative, provided that the statutes of the producer organisation or cooperative concerned provide for transparent and predictable rules on price transmission, taking into account the impact on the remuneration of farmers.

(21) In order ***to afford Member States the possibility to take into account national or regional practices, this Regulation should allow Member States to exempt products subject to seasonal supply or demand fluctuations or perishability and products that are subject to specific traditional or customary selling practices from the required use of written contracts or written offers for contracts. In addition, Member States should be allowed to exempt certain products other than milk and milk products from the obligation to be the subject of written contracts, after consulting the relevant representatives of farmers or the relevant interbranch organisations, provided that the effects of predictability, transparency and price transmission are achieved by other means for the products concerned or that the obligation that those products be the subject of written contracts or written offers for contracts would not be appropriate or proportionate for those products for other justified reasons. That possibility to exempt certain products from the obligation to be the subject of written contracts should also include the possibility to exempt certain products from certain mandatory elements for such written contracts. In order to protect farmers, the cases in which such exemptions can be granted should be clearly specified .***

(22) The required use of written contracts for the delivery of agricultural products and the basic conditions for their use should be laid down at Union level, while ensuring that the right of the parties to negotiate all elements of their contracts is not restricted beyond what is strictly necessary. ***Nevertheless, Member States should not be prevented from adopting measures to combat unfair trading practices in the agricultural and food supply chain negatively impacting the living standards of the agricultural community, provided that such measures are appropriate and proportionate for securing attainment of the objective pursued and are compatible with Directive (EU) 2019/633 of the European Parliament and of the Council[8], including its Article 9.***

(23) To encourage parties to reach an amicable settlement in the case of disputes over the conclusion or review of a written contract, Member States should ***ensure that*** mediation ***or comparable*** mechanisms ***are available to the parties. Such mechanisms could include existing mechanisms or new mechanisms which are established for that purpose. They could include, inter alia, organisations representing farmers, interbranch organisations, accredited private mediation services or other independent dispute-resolution bodies. Those mechanisms should be impartial and their use should be voluntary for the contracting parties***. Member States should inform the Commission about the ▌ mechanisms in place ***in*** their territory ▌ .

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8 Directive (EU) 2019/633 of the European Parliament and of the Council of 17 April 2019 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain (OJ L 111, 25.4.2019, p. 59, ELI: http://data.europa.eu/eli/dir/2019/633/oj).

(24) To facilitate the functioning of price transmission mechanisms, where the final price payable for the delivery of agricultural products is calculated by combining various factors set out in the contract, those factors should include objective indicators, indices or methods of calculation that are easily understandable by the parties. To avoid farmers being forced to sell systematically below their production costs, the indicators, indices and methods of calculation of the final price should reflect changes in market conditions and ***changes in relevant elements of*** production costs of the agricultural products delivered ***which impact the remuneration of farmers***.

(25) Considering the vulnerable negotiating position of farmers and their organisations, recent cases of significant volatility in agricultural input costs and market prices, and the need for more efficient price transmission within the supply chain, contracts ***in the dairy sector*** with a duration of more than six months***, and contracts with a duration of more than 12 months in other agricultural sectors,*** should include a revision clause that farmers ***or*** their organisations can trigger ***, for example in the event of unforeseen circumstances, such as extreme weather events, animal disease outbreaks, geopolitical tensions, or for any other reason***. Such a clause should allow farmers to request ▌, at any time ***after the first 6 or 12 months, as relevant,*** a revision of its elements and allow them to end it where no agreement ▌ can be reached. This should be without prejudice to the right of the parties to negotiate other possibilities for the revision of the contract.

(26) To enhance contractual transparency and contribute to fairer trading practices, Member States should be able to require the registration of written contracts for the delivery of agricultural products.

(27) Certain vertical and horizontal cooperation initiatives concerning agricultural and food products that aim to apply requirements that are more stringent than the mandatory requirements can have positive effects on the common agricultural policy objective of ensuring a fair standard of living for the agricultural community and on the objective of ensuring the sustainable development of the Union. Therefore, in specific cases, such initiatives should not be subject to the application of Article 101(1) TFEU.

(28) In periods of severe market imbalance, specific categories of collective action by private operators can contribute to stabilising the sectors concerned***. Such collective action by*** private operators ***might, for example, consist of market withdrawal or free distribution of their products, including by giving them to charity organisations***. With a view to ensuring that private operators have the necessary resources to implement those actions, the Commission should be able to make Union resources from the agricultural reserve available to support those actions. Member States should also be able to allocate additional national resources ***without delay***.

(29) In its Communication of 19 February 2025 entitled 'A Vision for Agriculture and Food', the Commission recalls that livestock is an essential part of the Union's agricultural sector, competitiveness and cohesion. Sustainable livestock systems are crucial for the Union economy, for the viability of rural areas and for the preservation of the environment and rural landscapes. The Union livestock sector is particularly vulnerable to various shocks and global competition and is required to meet high production standards that are not always rewarded by the market. In that context, it is necessary, in the interests of both Union producers and consumers, to acknowledge the natural composition of meat and meat products. 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 composition of food and its nutritional content, and to ensure that consumers can make well-informed choices. Such clarity is particularly important for consumers seeking a specific nutritional content traditionally associated with meat products. Therefore, for the purposes and within the scope of Regulation (EU) No 1308/2013 , 'meat' should mean the edible parts of animals.

(30) Furthermore, as regards agricultural products listed in Annex I to the TFEU as well as food products not listed in that Annex, certain terms should be reserved for products derived from meat, without prejudice to technological processes used in the production which do not aim to replace in whole or in part meat or any meat constituent, or for products that have a name in which those terms are used in association with a word or words to designate the animal species from which an agricultural product originates, without prejudice to the use of these terms for fishery and aquaculture products as defined in Union legislative acts on the common organisation of the markets in fishery and aquaculture products. In order to take into account that there are certain products not derived from meat, whose exact nature is clear due to an established long-term use and does not cause any possible confusion to the consumer, an empowerment for the Commission should be added to Article 78(3) of Regulation (EU) No 1308/2013 to draw up a list of names, which would be allowed to be used alone or in association with other words , and which takes into account how the terms are used in different languages.

(31) To enable sugar beet growers to benefit from enhanced contractual clarity and to ensure a harmonised contractual framework while taking account of the specificity of the sugar beet sector, purchase terms in contracts for the delivery of sugar beet should be aligned with the conditions for the use of written contracts in other agricultural sectors.

(32) Regulation (EU) No 1308/2013 should therefore be amended accordingly.

(33) To strengthen the position of farmers in the food supply chain, certain provisions of Regulation (EU) 2021/2115 of the European Parliament and of the Council[9] should be amended as regards the types of intervention that exist in certain sectors. These amendments aim to provide an incentive for farmers to become or to remain members of producer organisations or associations of producer organisations recognised under Regulation (EU) No 1308/2013, in view of the positive role producer organisations and associations of producer organisations play in strengthening the bargaining power of producers. Moreover, to ensure a more efficient and targeted support of producer organisations through strategic plans drawn up by Member States under the common agricultural policy (CAP Strategic Plans), the possibility of an increase in Union financial assistance to operational programmes in certain sectors should be provided for.

[9] Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013, (OJ L 435, 6.12.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/2115/oj).

(34) In certain Member States, the value of the production of fruit and vegetables marketed by producer organisations compared to the total value of the fruit and vegetable production remains far below the Union average. Among the financial incentives available, Member States can already provide national financial assistance under Article 53 of Regulation (EU) 2021/2115 to producer organisations located in certain regions where the degree to which producers are organised is significantly below the Union average. With a view to enhancing competitiveness, strengthening the position of farmers in the value chain and setting up new producer organisations, a financial incentive consisting of an increase of 10 % of Union financial assistance should be granted to producer organisations in Member States where the degree to which producers are organised is below 10 % for three consecutive years preceding the implementation of the relevant operational programme.

(35) With a view to facilitating generational renewal in the farming sector and to encouraging new producers to join producer organisations in the fruit and vegetables sector and in other sectors referred to in Article 42, point (f), of Regulation (EU) 2021/2115, an incentive should be granted to young farmers and new farmers who join a producer organisation recognised under Regulation (EU) No 1308/2013. In particular, it should be possible to increase the Union financial assistance for expenditure related to investments made at the premises of young farmers or new farmers who join a recognised producer organisation ***for the first time*** by ***20 percentage points*** .

(36) Given the recurrence of adverse climatic events, natural disasters, plant diseases and pest infestations in recent years, it has proved to be useful for producer organisations and associations of producer organisations to be able to redirect funds, including Union financial assistance within the operational fund, to interventions required to address the consequences of such events. It is therefore necessary to provide for the possibility of increasing the Union financial assistance laid down in ***Article 52(1), Article 62, Article 65(1) and Article 68*** of Regulation (EU) 2021/2115 from 50 % to 70 % of the actual expenditure incurred, subject to certain conditions.

(37) In order to support the setting up of types of intervention in the other sectors referred to in Article 42, point (f), of Regulation (EU) 2021/2115, Member States should be allowed, from 1 January 2025, additional flexibility in the adjustment of the allocation of funds to those sectors. Member States should therefore be able to use up to 6 % of their allocations for direct payments***, after assessing the consequences for the level of income support***.

(38) Regulation (EU) 2021/2115 should therefore be amended accordingly.

(39) With a view to ensuring that Union resources from the agricultural reserve can be made available to the Member States in order to support collective actions by private operators in periods of severe market imbalance, the possibility to use the agricultural reserve should be extended to the support of collective actions where the Commission decides that competition rules do not apply to those actions.

(40) Regulation (EU) 2021/2116 of the European Parliament and of the Council[10] should therefore be amended accordingly.

[10] 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).

(41) In order to give the market operators the necessary time to adapt and to allow the Commission to assess existing national schemes and practices, the application of the rules relating to the reservation of the optional terms ‘fair’ and ‘equitable’ and ***terms having an*** equivalent ***meaning to those*** terms, and the term ‘short supply chains’, should be deferred until two years after the date of entry into force of this Regulation. ***Similarly***, in order for operators to adapt their contractual relations to the new rules on written contracts ***and for producer organisations in the milk sector to adjust their statutes***, the application of those rules should be deferred until ***two years*** after the date of entry into force of this Regulation. ***Furthermore, in order to allow market operators to adapt and adjust their marketing strategies, the application of the definitions and reserved designations for meat and meat products should be deferred until three years after the date of entry into force of this Regulation. Products that have been produced or imported in accordance with the rules applicable before the date on which the new rules start to apply should, however, be allowed to continue to be marketed for a maximum period of six years from the date of entry into force of this Regulation or until the date of the exhaustion of stocks, whichever is earlier,***

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 75(3), point (j) is replaced by the following:***

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

(2) Article 78 is amended as follows:

(a) paragraph 1 is amended as follows:

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

‘(a) all sectors in which edible parts of animals are produced and in particular the beef and veal, pigmeat, sheepmeat and goatmeat, and poultrymeat sectors;’;

(ii) point (d) is deleted;

(b) in paragraph 3, the following subparagraph is added:

'As regards Part Ia, point 3, of Annex VII, the Commission is empowered to adopt delegated acts in accordance with Article 227 supplementing this Regulation by granting derogations allowing the use of designations reserved for products derived from meat, for other products the exact nature of which is clear due to an established long-term use and does not cause any possible confusion to the consumer.';

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

'Subsection 3a

Use of optional terms for products in all sectors listed in Article 1(2)

Article 88a

Optional terms for commercial modalities

1. The term 'fair' or 'equitable' or terms ***having an*** equivalent ***meaning to those*** terms may be used ▌, alone or in combination with other terms, on the labelling of, in the presentation of, on advertising material for or on the commercial documents related to a product of the sectors listed in Article 1(2) that is placed on the market, ***provided that those*** terms are used to inform purchasers about existing modalities for the organisation of production, distribution, or placing on the market, that aim to ***ensure*** at least ▌ the following:

(a) stability***, including through the contracts between the producers and buyers,*** transparency in the relationships between farmers and purchasers along the supply chain, ***and transparency in the information about participating farmers;***

(b) a price for their products that is considered by participating farmers to be equitable ***and remunerative ; and***

(c) collective initiatives pursuing one or more of the United Nations Sustainable Development Goals, ***notably contributing to the development of rural communities, in particular through the promotion of democratically managed collective organisations of farmers***.

For the purpose of point (b) of the first subparagraph, the price may take into account ***relevant available data on production costs.***

2. The term ‘short supply chain’ may be used, alone or in combination with other terms, on the labelling of, in the presentation of, on advertising material for or on the commercial documents related to a product of the sectors listed in Article 1(2) that is placed on the market, provided that ***consumers are able to easily identify the holdings of the participating farmers where the raw material was produced, and the term*** is used to inform purchasers about existing modalities for the organisation of production, distribution, or placing on the market, that ***ensure the following***:

(a) a direct connection between the farmer and the final consumer of the product, ***with one intermediary if appropriate;*** or

(b) a close connection ▌ between the farmer and the final consumer of the product***, with a limited number of intermediaries, and where the farmer, the intermediaries and the final consumer of the product are in geographical proximity to one another.***

▌

3. The Commission is empowered to adopt delegated acts in accordance with Article 227 ***to amend this Regulation by adding*** terms to paragraph 1 of this Article that are equivalent to the term ‘fair’ or ‘equitable’, when such equivalent terms are used on the market to inform purchasers about the commercial modalities referred to in paragraph 1 of this Article and to supplement this Regulation by laying down ***additional rules or by specifying conditions for the application of paragraphs 1 and 2 of this Article, taking into account any relevant international standard and related quality certified schemes.***

4. Member States may adopt or maintain national rules laying down conditions additional to those referred to in paragraph 1, points (a), (b) and (c), and in paragraph 2, points (a) and (b), for the use of the terms referred to in those paragraphs. Such rules shall not prohibit, restrict or impede the use of the terms referred to in those paragraphs for products that are legally produced or marketed in another Member State under the terms referred to in those paragraphs.

5. This Article shall be without prejudice to the rules laid down in Regulation (EU) No 1169/2011.';

(4) Article 148 is replaced by the following:

'Article 148

Contractual relations in the milk and milk products sector

1. Deliveries in the Union of milk and milk products by farmers, ***including farmers' associations, or*** by producer organisations or associations of producer organisations, to processors, collectors, distributors or retailers shall be covered by a written contract between those parties.

The obligation referred to in the first subparagraph shall apply only to the following:

(a) farmers producing raw milk on their holdings or processing the raw milk produced on their holdings into milk and milk products;

(b) farmers' associations, producer organisations or associations of producer organisations processing or marketing products as referred to in point (a).

Such a written contract shall fulfil the conditions laid down in paragraphs 4 and 8.

After consulting the relevant representatives of farmers or the interbranch organisations recognised in accordance with Article 163(1), Member States may decide that the inclusion of indicators, indices or methods of calculation of the final price referred to in paragraph 4, point (c)(i), second indent, of this Article shall not be compulsory and that the delivery shall not be covered by the requirements in paragraph 4, point (c)(iii), regarding a revision clause if the effects of predictability, transparency and price transmission can be otherwise achieved for the milk or milk products concerned, or that the obligation to include the elements referred to in paragraph 4, point (c)(i), second indent, of this Article and paragraph 4, point (c)(iii), of this Article, regarding a revision clause would not be appropriate or proportionate for those products for other justified reasons.

For the purposes of this Article, a "collector" means an undertaking that transports raw milk from a farmer or another collector to a processor of raw milk or another collector, where the ownership of the raw milk is transferred in each case.

2. Member States may also decide that:

(a) the delivery of milk and milk products by ***or to operators that are not covered by paragraph 1*** is to be covered by a written contract;

(b) ▌ a written offer for a contract for the delivery of milk and milk products ***is mandatory.***

In respect of written offers for contracts referred to in point (b) of the first subparagraph of this paragraph, the Member State concerned may decide that such an offer shall be made either by the first purchasers of milk and milk products or by the farmer, ***including a farmers' association, or by*** a producer organisation or an association of producer organisations.

Contracts referred to in point (a) of the first subparagraph of this paragraph or offers for a contract referred to in point (b) of the first subparagraph of this paragraph shall fulfil the conditions laid down in paragraphs 4 and 8.

3. Member States shall ***ensure that*** mediation ***or comparable mechanisms, including existing mechanisms, are available to the contracting parties . Such mechanisms shall be voluntary for the contracting parties and impartial to cover*** cases where there is no ***mutually acceptable*** contract referred to in paragraphs 1 and 2 or, where there is a contract referred to in paragraphs 1 and 2, ***for the revision of*** that contract. ***Those mechanisms may include representatives of farmers organisations***.

Member States shall inform the Commission of the ▌ mechanisms ***referred to in the first subparagraph of this paragraph that are available*** in their territory.

4. The contract or the offer for a contract referred to in paragraphs 1 and 2 shall:

(a) be made in advance of the delivery;

(b) be made in writing***, including in electronic form***; and

(c) include, in particular, the following elements:

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

- be static and set out in the contract; or
- be calculated by combining various factors set out in the contract, which shall include objective indicators, indices or methods of calculation of the final price, that are easily accessible and comprehensible and that reflect changes in market conditions and ***changes in relevant elements of*** production costs ***which impact the remuneration of farmers***, the quantities delivered and the quality or composition of the milk or milk products delivered; to that effect, Member States may determine indicators, ***that may be published online for use in contracts,*** in accordance with ▌ objective criteria based on studies carried out on production and the food supply chain***, or taking into account objective data from sources such as interbranch organisations, the EU Agri-food chain Observatory (AFCO) or any relevant objective data available;*** the parties to the contracts shall be free to refer to those indicators or any other indicators;

(ii) the volume of raw milk or the quality and quantity of milk or milk products to be delivered, and the timing of such deliveries;

(iii) the duration of the contract, which may include a definite duration or an indefinite duration with a termination clause and, in the case of a contract with a minimum duration longer than six months, a revision clause that can be triggered by the farmer, ***including a farmers' association, or by*** a producer organisation or an association of producer organisations;

(iv) details regarding payment periods and procedures***, including the application of any reductions agreed between the parties***;

(v) arrangements for collecting or delivering milk or milk products; and

(vi) rules applicable in the event of force majeure.

5. By way of derogation from paragraphs 1 and 2, a written contract or a written offer for a contract shall not be required in the following cases:

(a) the milk or the milk products concerned are delivered by a member of a producer organisation or cooperative to the producer organisation or cooperative of which it is a member, provided that the statutes of that producer organisation or cooperative or the rules and decisions provided for in, or derived from, ▌ those statutes ***provide for transparent and democratically decided rules, made known in advance, for methods for determining the price of the milk or milk products delivered by those members, taking into account the impact on the remuneration of farmers, and the payment periods and procedures***;

(b) the delivery is made for free or in the context of the disposal of milk or milk products which are no longer fit for sale.

6. Member States may decide that a written contract or a written offer for a contract is not required in one or more of the following cases:

(a) the first purchaser of milk or milk products is a micro or small-sized enterprise within the meaning of Recommendation 2003/361/EC ;

(b) ***the total value of*** the delivery ***or deliveries agreed by the parties does not exceed a maximum limit*** to be determined by the Member State concerned, which is to be no ***higher than EUR 10 000***;

(c) the conclusion of the contract and the payment for the milk or milk products take place at the time of delivery;

(d) the delivery concerns milk or milk products that are subject to seasonal supply or demand fluctuations or perishability; or

(e) the delivery concerns milk or milk products that are subject to traditional or customary selling practices.

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7. Where, pursuant to paragraph 5, ***point*** (b), or paragraph 6, a written contract or a written offer for a contract is not required, a farmer, ***including a farmers' association, or*** a producer organisation, or an association of producer organisations may require that any delivery to a processor, distributor, retailer or collector of milk or milk products be the subject of a written contract between the parties or of a written offer for a contract. Such a contract or offer for a contract shall fulfil the conditions laid down in paragraph 4 and paragraph 8, first subparagraph.

8. All elements of contracts for the delivery of milk or milk products concluded between farmers, ***including farmers' associations, or*** producer organisations or associations of producer organisations and collectors, processors, distributors or retailers, including the elements and their components referred to in paragraph 4, point (c), shall be freely negotiated between the parties.

Member States may establish one or more of the following:

(a) in respect of the written contracts referred to in paragraph 1:

(i) an obligation for the parties to agree on a relationship between a given quantity of milk or milk products delivered and the price payable for that delivery;

(ii) a minimum duration, which is to be at least six months and is not to impair the proper functioning of the internal market;

(b) in respect of the written offers for contracts referred to in point (b) of the first subparagraph of paragraph 2, an obligation that the written offer for a contract include a minimum duration for the contract, set by national law, but which is to be at least six months and which is not to impair the proper functioning of the internal market.

Farmers, ***including farmers' associations, or*** producer organisations or associations of producer organisations may refuse in writing the minimum duration laid down by the Member States pursuant to the second subparagraph.

9. Member States may require the purchaser of milk or milk products to register the written contracts referred to in paragraph 1 for the delivery of the milk or milk products concerned by the farmer, ***including a farmers' association, or by*** a producer organisation or an association of producer organisations to a collector, processor, distributor or retailer in their territory.

10. Member States that make use of the options referred to in paragraphs ***1,*** 2, 6, 8 and 9 shall notify the Commission of how those options are applied.

11. The Commission may adopt implementing acts laying down measures necessary for the uniform application of paragraphs 4 and 5 of this Article and measures relating to notifications to be made by the Member States in accordance with paragraph 10 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).

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

'(c) provided that, for a particular producer organisation, all of the following conditions are fulfilled:

(i) the volume of raw milk covered by such negotiations does not exceed 7 % of total Union production;

(ii) the volume of raw milk covered by such negotiations which is produced in any particular Member State does not exceed 36 % of the total national production of that Member State; and

(iii) the volume of raw milk covered by such negotiations which is delivered in any particular Member State does not exceed 36 % of the total national production of that Member State;';

(6) Article 152 is amended as follows:

(a) paragraph 1 is amended as follows:

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

'(a) are constituted by producers in ***a specific sector*** listed in Article 1(2) ▌ and are controlled by farmer members ***producing agricultural products of the soil or of stockfarming***, in accordance with Article 153(2), point (c)***; a recognition may be granted for one or more of the specific sectors listed in Article 1 (2) provided that the producer organisation fulfils the conditions for recognition for all of them;***

Member States may decide that the control by the farmer members referred to in this point can be exercised by associations of farmers producing agricultural products of the soil or stockfarming provided that these associations are controlled by those farmers;';

(ii) in point (b), the introductory phrase is replaced by the following:

'(b) are formed on the initiative of farmers ***producing agricultural products of the soil or of stockfarming*** and carry out at least one of the following activities:';

(iii) point (c)(vi) is replaced by the following:

'(vi) promoting and providing technical assistance for the use of production standards, improving product quality, developing products with a protected designation of origin, with a protected geographical indication or covered by a national quality label, and carrying out initiatives promoting short supply chains or the use of the optional terms referred to in Article 88a;';

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

‘1a. By way of derogation from Article 101(1) TFEU, a producer organisation recognised under paragraph 1 of this Article, or a producer organisation, including a cooperative ***or any other equivalent legal form recognised by national law*** that has ***applied for recognition and has not yet*** been recognised as a producer organisation by a Member State, provided that it meets the requirements set out in paragraph 1 of this Article and in Article 154 of this Regulation, may plan production, optimise the production costs, place on the market and negotiate contracts for the supply of agricultural products, on behalf of its members for all or part of their total production. ***Such a producer organisation may avail itself of that derogation within the period provided for in Article 154(4), point (a), of this Regulation, or, if the Member State has not taken any decision on the application for recognition by the end of that period, within the period of five years from the date of submission of the application for recognition, unless the Member State concerned has decided to refuse the recognition.***’;

(c) in paragraph 1b, the following subparagraph is inserted after the first subparagraph:

‘***Where*** an association of producer organisations recognised under Article 156(1) ***does not comply with the conditions set out in paragraph 1a, second subparagraph, points (a) and (b), of this Article, but its members do comply with those conditions, it*** may also carry out the activities referred to in the first subparagraph of paragraph 1a***,*** of this Article, provided that:

(a) its members have been recognised in accordance with paragraph 1 of this Article;

(b) its members are not members of another recognised association of producer organisations ***as regards the products covered by the activities referred to in the first subparagraph of paragraph 1a, of this Article***; and

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(c) the volume of ***the product*** covered by the activities referred to in the first subparagraph of paragraph 1a, of this Article does not exceed ***36 %*** of the total national production of ***that product in the*** Member State ***concerned***.’;

(7) Article 153 is amended as follows:

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

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‘(b) be members of only one producer organisation for any given product of the holding, where any given product refers to products which are sufficiently distinct, in particular on the basis of their characteristics or intended final uses;

however, Member States may derogate from this condition in duly justified cases where producer members hold two distinct production units located in different geographical areas.’;

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

‘(c) rules enabling the farmer members ***producing agricultural products of the soil or of stockfarming*** to scrutinise democratically their organisation and its decisions as well as its accounts and budgets;’; ▌

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

‘2a. The statutes of a producer organisation may provide for the possibility of members being in direct contact with purchasers, provided that such direct contact does not jeopardise the objectives pursued by the producer organisation, ***including*** the concentration of supply and placing of products on the market by the producer organisation. Concentration of supply ***and the placing of products on the market*** shall be deemed to have been ensured if the essential elements of the sales, such as price, quality and volume, are negotiated and determined by the producer organisation. ***The statutes of a producer organisation that allows direct contact between members and purchasers may include internal control and prevention mechanisms to ensure that such contact does not adversely affect the objectives of the producer organisation, including the concentration of supply.’;***

(d) paragraph 3 is ***deleted.***

(8) in Article 157(1), point (c), the following point is added:

‘(xvii) promoting the use of the optional terms referred to in Article 88a.’;

(9) Article 168 is replaced by the following:

‘Article 168

Contractual relations

1. Deliveries in the Union of agricultural products from a sector listed in Article 1(2) other than milk and milk products and sugar by farmers, ***including farmers' associations, or by*** producer organisations or associations of producer organisations, to processors, distributors or retailers, shall be covered by a written contract between the relevant parties.

The obligation referred to in the first subparagraph shall apply only to the following:

(a) farmers producing agricultural products of the soil or of stockfarming or processing such products produced on their holdings;

(b) farmers' associations, producer organisations or associations of producer organisations processing or marketing products as referred to in point (a).

Such a written contract shall fulfil the conditions laid down in paragraphs 4 and 8.

2. Member States may also decide that:

(a) the delivery of agricultural products by ***or to operators that are not covered by paragraph 1*** is to be covered by a written contract;

(b) ▌ a written offer for a contract for the delivery of agricultural products ***is mandatory;***

In respect of written offers for a contract referred to in point (b) of the first subparagraph of this paragraph, the Member State concerned may decide that such an offer is to be made either by the first purchasers of agricultural products or by the farmer, ***including a farmers' association, or*** by a producer organisation or an ***association*** of producer organisations.

Contracts referred to in point (a) of the first subparagraph of this paragraph or offers for a contract referred to in point (b) of the first subparagraph of this paragraph shall fulfil the conditions laid down in paragraphs 4 and 8.

3. Member States shall ***ensure that*** mediation ***or comparable mechanisms, including existing mechanisms, are available to the contracting parties. Such mechanisms shall be voluntary for the contracting parties and impartial to cover*** cases where there is no ***mutually acceptable*** contract referred to in paragraphs 1 and 2 or, where there is a contract referred to in paragraphs 1 and 2, ***for the revision of*** that contract. Those ***mechanisms may include representatives of farmers organisations***.

Member States shall inform the Commission of the ▌ mechanisms ***referred to in the first subparagraph of this paragraph that are available*** in their territory.

4. The contract or the offer for a contract referred to in paragraphs 1 and 2 shall:

(a) be made in advance of the delivery,

(b) be made in writing, ***including in electronic form,*** and

(c) include, in particular, the following elements:

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

- be static and set out in the contract; or
- be calculated by combining various factors set out in the contract, which shall include objective indicators, indices or methods of calculation of the final price, that are easily accessible and comprehensible and that reflect changes in market conditions and ***changes in relevant elements of*** production costs ***which impact the remuneration of farmers***, the quantities delivered and the quality or composition of the agricultural products delivered; to that effect, Member States may determine indicators, ***that may be published online for use in contracts*** in accordance with objective criteria based on studies carried out on production and the food supply chain***, or taking into account objective data from sources such as interbranch organisations, by the EU Agri-food chain Observatory (AFCO) or any other relevant objective data available***; the parties to the contracts shall be free to refer to those indicators or any other indicators which they deem relevant;

(ii) the quantity and quality of the agricultural products concerned which may or must be delivered and the timing of such deliveries;

(iii) the duration of the contract, which may include a definite duration or an indefinite duration with a termination clause and in the case of contracts with a minimum duration longer than ***twelve*** months, a revision clause that can be triggered ▌ by the farmer, ***including a farmers' association, or*** by a producer organisation or an association of producer organisations;

(iv) details regarding payment periods and procedures ***including the application of any reductions agreed between the parties;***

(v) arrangements for collecting or delivering the agricultural products; and

(vi) rules applicable in the event of force majeure.

5. By way of derogation from paragraphs 1 and 2, a written contract or a written offer for a contract shall not be required in the following cases:

(a) the agricultural products concerned are delivered by a member of a producer organisation or cooperative to the producer organisation or cooperative of which ***it is*** a member, provided that the statutes of that producer organisation or cooperative or the rules and decisions provided for in, or derived from ▌ those statutes***, provide for transparent and democratically decided rules, made known in advance, for methods for determining the price of the products delivered by those members, taking into account the impact on the remuneration of farmers, and the payment periods and procedures***;

(b) the delivery is made for free or in the context of the disposal of products which are no longer fit for sale.

6. Member States may decide that a written contract or a written offer for a contract is not required in one or more of the following cases:

(a) the first purchaser of agricultural products is a micro or small-sized enterprise within the meaning of Recommendation 2003/361/EC;

(b) ***the total value of*** the delivery ***or deliveries agreed by the parties does not exceed a maximum limit*** to be determined by the Member State concerned, ▌ which is to be no ***higher than EUR 10 000***;

(c) the delivery and payment of the agricultural products concerned take place simultaneously or, for justified reasons, at the latest within 3 working days;

(d) the delivery concerns agricultural products that are subject to seasonal supply or demand fluctuations or perishability;

(e) the delivery concerns agricultural products that are subject to traditional or customary selling practices;

(f) the delivery concerns agricultural products for which the Member State considers, after consulting the relevant representatives of farmers, or the interbranch organisations recognised for the relevant sectors in accordance with Article 158(1), that the effects of predictability, transparency and price transmission pursued by paragraphs 1 and 4 of this Article have been achieved for those products or that the obligation to have written contracts or written offers for contracts would not be appropriate or proportionate for those products for other justified reasons.

7. Where, pursuant to paragraph 5, ***point*** (b), or paragraph 6, a written contract or a written offer for a contract is not required, a farmer, ***including a farmers' association, or*** a producer organisation or an association of producer organisations, may require that any delivery of agricultural products to a processor, distributor or retailer be the subject of a written contract between the parties or of a written offer for a contract. Such a contract or offer for a contract shall fulfil the conditions laid down in paragraph 4 and paragraph 8, first subparagraph.

8. All elements of contracts for the delivery of agricultural products concluded between farmers, ***including farmers' associations, or*** producer organisations or associations of producer organisations, and processors, distributors, or retailers, including the elements and their components referred to in paragraph 4, point (c), shall be freely negotiated between the parties.

Member States may establish one or more of the following:

(a) in respect of the written contracts referred to in paragraph 1:

(i) an obligation for the parties to agree on a relationship between a given quantity of agricultural products delivered and the price payable for that delivery;

(ii) a minimum duration, which is to be at least six months and shall not impair the proper functioning of the internal market;

(b) in respect of the written offers for contracts referred to in point (b) of the first subparagraph of paragraph 2, an obligation that the written offer for a contract include a minimum duration for the contract, set by national law, but which is to be at least six months and which is not to impair the proper functioning of the internal market.

Farmers, ***including farmers' associations, or*** producer organisations or associations of producer organisations may refuse in writing the minimum duration laid down by the Member States pursuant to the second subparagraph.

9. Member States may require the purchaser of agricultural products to register the written contracts referred to in paragraph 1 ***for*** the delivery of the agricultural products concerned by the farmer, ***including a farmers' association, or*** by a producer organisation, or an association of producer organisations to a processor, distributor or retailer in their territory.

10. Member States that make use of the options referred to in paragraphs 2, 6, 8 and 9 shall notify the Commission of how those options are applied.

11. The Commission may adopt implementing acts laying down measures necessary for the uniform application of paragraphs 4 and 5 of this Article and measures relating to notifications to be made by the Member States in accordance with paragraph 10 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 229(2).';

(10) Article 210a is amended as follows:

(a) paragraph 3 is amended as follows:

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

'(a) environmental objectives, including: climate change mitigation and adaptation; the sustainable use and protection of landscapes, water and soil, including through irrigation systems; the transition to a circular economy, including the reduction of food waste and the nutrient recycling of livestock manure into organic fertilisers or energy production; and pollution prevention and control; as well as the protection and restoration of biodiversity and ecosystems;';

(ii) the following points are added:

‘(d) supporting the economic viability of small farms predominantly relying on family labour with a standard output as defined in Article 2, point (8), of Council Regulation (EC) No 1217/2009* that are not to exceed 100 000 EUR;

(e) attracting and supporting young producers of agricultural products; or

(f) improving working and safety conditions in agricultural or processing activities.

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* Council Regulation (EC) No 1217/2009 of 30 November 2009 setting up the Farm Sustainability Data Network (OJ L 328 15.12.2009, p. 27, ELI: http://data.europa.eu/eli/reg/2009/1217/oj).’;

(b) paragraph 6 is replaced by the following:

‘From 8 December 2023, producers referred to in paragraph 1 may request an opinion from the Commission concerning the compatibility of agreements, decisions and concerted practices as referred to in paragraph 1 with regard to the implementation of sustainability standards that aim to contribute to one or more of the objectives laid down in paragraph 3, points (a), (b) and (c), with this Article.

From [two years from the date of entry into force of this amending Regulation], producers referred to in paragraph 1 may request an opinion from the Commission concerning the compatibility of agreements, decisions and concerted practices as referred to in paragraph 1 with regard to the implementation of sustainability standards that aim to contribute to one or more of the objectives laid down in paragraph 3, points (d), (e) and (f), with this Article.

The Commission shall send its opinion to the applicant within four months of the receipt of a complete request.

If the Commission finds at any time after issuing an opinion that the conditions referred to in paragraphs 1, 3 and 7 of this Article are no longer met, it shall declare that Article 101(1) TFEU is to apply in the future to the agreement, decision or concerted practice in question and inform the producers accordingly.

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

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(11) in Article 222, paragraph 1 is replaced by the following:

'1. During periods of severe imbalance in markets, the Commission may adopt implementing acts to the effect that Article 101(1) TFEU is not to apply to agreements and decisions of farmers, farmers' associations, or associations of such associations, or recognised producer organisations, associations of recognised producer organisations and recognised interbranch organisations in any of the sectors referred to in Article 1(2) of this Regulation, provided that such agreements and decisions do not undermine the proper functioning of the internal market, strictly aim to stabilise the sector concerned and fall under one or more of the following categories:

(a) market withdrawal or free distribution of their products;

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(b) transformation and processing;

(c) storage by private operators;

(d) joint promotion measures;

(e) agreements on quality requirements;

(f) joint purchasing of inputs necessary to combat the spread of pests and diseases in animals and plants in the Union or of inputs necessary to address the effects of natural disasters in the Union;

(g) temporary planning of production taking into account the specific nature of the production cycle.

Where the Commission adopts implementing acts in accordance with the first subparagraph of this paragraph, it may decide to make Union support from the agricultural reserve referred to in Article 16 of Regulation (EU) 2021/2116 available to the Member States concerned. Such financial support shall provide the means necessary for the implementation ***without delay*** of those agreements and decisions by the operators concerned.

The Commission shall adopt implementing acts specifying the scope of the derogation of the first subparagraph of this paragraph, and, subject to paragraph 3, the period for which the derogation applies, as well as, where applicable, the amount of the agricultural reserve allocated to the Member State concerned under the second subparagraph of this paragraph.

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

(12) in Article 222a, paragraph 2 is replaced by the following:

'2. The Commission may decide for which agricultural sectors from those listed in Article 1(2) the Union market observatories shall be established. The Commission may make a specific distinction between organic and non-organic production within those observatories.';

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

'PART Ia

Meat and meat products designations

1. *For the purposes of this Part, "meat" means the edible parts of an animal falling within the scope of application of this Regulation.*

2. *For the purposes of this Part, "meat products" means products derived from meat, on the understanding that substances necessary for their manufacture can be added provided that those substances are not used for the purpose of replacing, in whole or in part, any meat constituent. This is without prejudice to the use of the term "meat" for the products covered by Union law on the common organisation of the markets in fishery and aquaculture.*

3. *As regards products listed in Annex I to the TFEU as well as food products not listed in that Annex, with the exception of the products covered by Union law on the common organisation of the markets in fishery and aquaculture and of other products listed in a delegated act adopted under Article 78(3), second subparagraph, of this Regulation, the term "meat" and the following terms shall be reserved for meat products and for products that have a name in which the following terms are used in association with a word or words to designate the animal species from which an agricultural product originates, 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;

(z) ribeye;

(aa) T-bone;

(ab) rump;

(ac) bacon;

(ad) steak;

(ae) liver.

4. In particular, the term ”meat” and the terms listed in point 3 of this Part shall not be used to designate food consisting of, isolated from or produced from cell culture or tissue culture derived from animals, plants, micro-organisms, fungi or algae within the meaning of Regulation (EU) 2015/2283 of the European Parliament and of the Council*.

5. The term ”meat” and the terms listed in point 3 may be used in combination to designate meat products. They 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.

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* ***Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001 (OJ L 327, 11.12.2015, p. 1, ELI: http://data.europa.eu/eli/reg/2015/2283/oj).’;***

(14) Annex X is amended as follows:

(a) in Point I, points 1 and 2 are replaced by the following:

‘1. Delivery contracts shall be made in writing for a specified quantity of beet before its delivery.

2. The duration of the delivery contracts may be pluriannual. In the case of contracts with a minimum duration that is longer than ***twelve*** months, the contract shall include a revision clause that may be triggered by the farmer, ***including a farmers' association, or by*** a producer organisation or an association of producer organisations.’;

(b) in Point II, point 2, the following paragraph is added:

‘The price shall be calculated by combining various factors set out in the contract, which shall include objective indicators, indices or methods of calculation of the final price, that are easily accessible and comprehensible and that reflect changes in market conditions and ***changes in relevant elements of*** production costs ***which impact the remuneration of farmers***, the quantities delivered and the quality or composition of sugar beet delivered. To that end, Member States may determine indicators, in accordance with objective criteria based on studies carried out on production and the food supply chain***, or taking into account objective data from sources such as interbranch organisations, the EU Agri food-chain observatory (AFCO) or any relevant objective data available***. ***Those indicators may be published online for use in contracts.*** The parties to the contracts ***shall be*** free to refer to those indicators or any other indicators.▌’;

(c) in Point III, the following paragraph is added:

‘Delivery contracts shall contain rules applicable in the event of *force majeure*.’;

(d) the following Point is inserted:

‘POINT IXa

‘Member States may require the sugar undertaking to register the written delivery contracts before the delivery of the sugar beet.’.

Article 2

Amendments to Regulation (EU) 2021/2115

Regulation (EU) 2021/2115 is amended as follows:

(1) Article 52 is amended as follows:

(a) paragraph 3 is amended as follows:

‘(i) point (e) is replaced by the following:

‘(e) producer organisations market less than 20 % of fruit and vegetable production in a Member State; that marketing rate shall be calculated, for each year of the duration of an operational programme, as the value of the fruit and vegetable production that was obtained in the Member State concerned and marketed by producer organisations recognised under Regulation (EU) No 1308/2013 during a period corresponding to the reference period set out in delegated acts adopted on the basis of Article 45, point (c), (the value of marketed production), divided by the total value of the fruit and vegetable production obtained in that Member State during the same period;’;

(ii) ▌ the following point is added:

‘(i) the producer organisation or the association of producer organisations implements an operational programme in a Member State in which the degree of organisation of producers in the fruit and vegetables sector has been less than 10 % for three consecutive years preceding the implementation of the operational programme; the degree of organisation shall be calculated as the value of ***the*** fruit and vegetable production ▌ obtained in the Member State concerned and marketed by producer organisations or associations of producer organisations recognised under Regulation (EU) No 1308/2013 ***during the three consecutive years preceding the implementation of the operational programme***, divided by the total value of the fruit and vegetable production that was obtained in that Member State ***during the same period***;’;

(b) the following paragraph is inserted:

‘5a. The 50 % limit provided for in paragraph 1 of this Article shall be increased to ***70*** % for expenditure linked to the objectives referred to in Article 46, point (a), (b) or (c), if the following conditions are fulfilled:

(a) the expenditure is related to investments in tangible and intangible assets as referred to in Article 47(1), point (a), made by young farmers or new farmers who join ***for the first time*** a producer organisation recognised under Regulation (EU) No 1308/2013 ;

(b) the investments referred to in point (a) are made at the premises of such young farmers or new farmers **,** as part of their first operational programme ***or during the three years following the date on which those young farmers or new farmers joined the producer organisation***.▌';

(c) the following paragraph is added:

'7. ▌ The 50 % limit provided for in paragraph 1 shall be increased to 70 % of the actual expenditure incurred in a given year for operational programmes implemented by producer organisations or associations of producer organisations and affected in that year by adverse climatic events, natural disasters, plant diseases or pest infestations to be identified by the Member States***, on condition that the increase is granted only when losses exceed a threshold of at least 30 % of the average annual production of the producer organisation or the association of producer organisations in the preceding three-year period or a three-year average based on the preceding five-year period, excluding the highest and the lowest entry***.▌';

(2) in Article 62, the following paragraph is added:

'4. The 50 % limit provided for in paragraph 2 shall be increased to 70 % of the actual expenditure incurred in a given year for operational programmes implemented by producer organisations or associations of producer organisations and affected in that year by adverse climatic events, natural disasters, plant diseases or pest infestations, to be identified by the Member States, on condition that the increase is granted only when losses exceed a threshold of at least 30 % of the average annual production of the producer organisation or the association of producer organisations in the preceding three-year period or a three-year average based on the preceding five-year period, excluding the highest and the lowest entry.';

(3) in Article 65(1), the following point is added:

'(e) 70 % of the actual expenditure incurred in a given year for operational programmes implemented by producer organisations or associations of producer organisations and affected in that year by adverse climatic events, natural disasters, plant diseases or pest infestations to be identified by the Member States, on condition that the increase is granted only when losses exceed a threshold of at least 30 % of the average annual production of the producer organisation or the association of producer organisations in the preceding three-year period or a three-year average based on the preceding five-year period, excluding the highest and the lowest entry.';

(4) in Article 68, the following paragraph is inserted:

‘2a. Article 52(3), points (a) to (d), (f), (g) and (h) and Article 52(5a) ***and (7)*** shall apply *mutatis mutandis*.;’

(5) in Article 88, paragraph 7 is replaced by the following:

‘7. From 1 January 2025, Member States may review their decisions referred to in paragraph 6 of this Article as part of a request to amend their CAP Strategic Plans made in accordance with Article 119 and may decide to use up to 6 % of their allocations for direct payments set out in Annex V, where relevant, after deduction of the allocations for cotton set in Annex VIII, for types of intervention in other sectors referred to in Title III, Chapter III, Section 7.

The amount corresponding to the percentage of Member States’ allocations for direct payments referred to in the first subparagraph of this paragraph and used for types of intervention in other sectors for a certain financial year shall be considered to be Member States’ allocations per financial year for types of intervention in other sectors.’.

Article 3

Amendment of Regulation (EU) 2021/2116

In Article 16(1), second subparagraph, of Regulation (EU) 2021/2116, point (b) is replaced by the following:

‘(b) exceptional measures under Articles 219, 220, 221 and 222 of Regulation (EU) No 1308/2013.’.

Article 4

Transitional measures

Products that do not conform to the designations listed in Part Ia of Annex VII to Regulation (EU) No 1308/2013, and that have been produced in or imported into the Union before the date of application of the designation rules set out therein, may continue to be placed on the market until stocks of those products are exhausted or until … [6 years from the date of entry into force of this amending Regulation], whichever is the earlier.

Article 5

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 (3), (4), (7)(d), (9) and (14)*** shall apply ▌ from [two years ***from the date of entry into force of this amending Regulation]***.

Article 1, point (13) shall apply from [three years from the date of entry into force of this amending Regulation].

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

Done at …,

For the European Parliament	*For the Council*
The President	*The President*

Or. en