Background note
for Copa ART.4.B/PRIVACY and
Cogeca ART.4.B/PRIVACY

video-meeting with Commissioner Wojciechowski

on 16th February 2021 at 4 o’clock p.m.

Original anglais, la version française suit!

https://live.kudoway.eu/ad/220218303835

**Key general messages**

- Copa and Cogeca fully support Commissioner Wojciechowski in his role as Commissioner for Agriculture and Rural development.
- We expect the Commissioner and his services to be an honest broker during the trilogue process of the CAP reform that is currently underway.
- We support a rapid political agreement on the CAP reform process so that the implementation phase can be carried out in a timely manner. This must be done in a way that provides farmers and their agri-cooperatives the necessary time for the planning and adaptation of their practices in their farms and cooperatives.

**General**

- European farmers, forest owners and their cooperatives are the first to face the impact of climate change in their daily work. This is why we are committed to implementing the Paris Agreement and supporting it as an essential part of the European and global political agenda. Agriculture and forestry are indispensable partners to achieving the Paris Agreement’s goal and have a special role to play.

- The importance to act on climate change and the links with agriculture and forestry are clearly addressed in the legally binding scope of the Paris Agreement. It is fundamental to recognise that farmers are the first producers of food and provide food security. Their role here must therefore be considered in a comprehensive manner alongside their contribution to reducing emissions, increasing absorptions and adapting to climate change. This central role must be better communicated to consumers and the burden must be shared throughout the value chain.

- Working with nature involves processes and emissions that we cannot completely control or substitute. Farmers, forest owners and their cooperatives have always improved their efficiency while strengthening the link between mitigation and adaptation – having done this well before the concept of the circular economy was first introduced. Adaptation is becoming even more important for agriculture and forestry due to the more frequent occurrence of extreme weather events. Isolated responses to extreme weather events are vital but insufficient. A long-term strategy is therefore necessary.

- To grasp the full potential of our sectors, decision-makers must take a more comprehensive approach of the full carbon cycle. We must consider synergies between sectors and farming systems, rather than looking at their individual contribution. Any policy measure must recognise the wider services that farmers and forest owners provide to society as active land
managers, such as carbon sequestration in soil and vegetation, water management, including water storage and irrigation, sustainable energy production, biomass, bio-based materials, etc.

- We support a type of European agriculture that is both productive and sustainable. The current CAP reform legislative process whilst moving towards a more sustainable agriculture in the EU must not undermine the competitiveness of the sector nor farmers’ income that is already at a low level. Disregarding this would clearly impact on the economic and social pillars of sustainability and, in practical terms would not deliver on generation renewal.

- The CAP and the Green Deal must set a production objective for the European Union to guarantee food for everyone, for all markets, all budgets by being faultless in terms of traceability and health requirements. Europe must protect the act of producing and not commit the agricultural sector solely to pursuing a path of reduction.

- The EU farming model is among the most efficient farming system in the world. Over the past few decades, European agriculture has decoupled environmental impact from production growth, a trend which should continue. We need to pursue a path in step with science and progress to facilitate a transition towards even more competitive, low-carbon agricultural systems that meet the challenges of climate change and that firmly follow a logic of sustainable growth taking into account environmental and social issues.

- Farmers, forest owners and their cooperatives have to adapt to severe weather conditions (e.g. droughts, floods and landslides, damage caused by bad weather and excessive heat), to volatile growth periods and to new diseases or diseases that spread to new regions. Climate change is also already impacting nature from the level of ecosystems to that of genetics, with its impacts expected to increase over the coming decades.

- The EU Green Deal’s vast horizontal scope covers farming and forests from several angles. Agriculture and forestry should be seen as part of the solution when it comes to combatting climate change. As one of the most prone sectors to the impacts of shifting weather patterns, European agriculture and forests needs constant innovation to increase productivity and farming incomes with optimized use of natural resources.

- Let’s me stress that European farming already decreased significantly its greenhouse-gas emissions in the last three decades. While agricultural biogenic non-CO2 emissions cannot be fully eliminated, agriculture is doing its fair share in the cross-sectorial endeavours to achieve the EU climate policy goals as set in the ambitious EU Climate Law which has to work with farmers, alongside farmers and for farmers.

- Alongside forestry, agriculture is the sector with the natural capability to sequester carbon from the atmosphere and therefore is central in climate change adaptation and mitigation. A huge potential still to be further enhanced.

- This is why imposing some of the requirements at any cost is simply not acceptable for the farming community. We are still waiting for an impact assessment on the European Green Deal (EGD) strategies with regard to agriculture.

- Indeed, this should have already been done before putting forward those ambitious targets! It is surprising to see that the first public impact assessment on this was conducted by a non-EU governmental agency!

**More specifically on the CAP post 2020**

- European farmers and agri-cooperatives hope that a frank, democratic, constructive dialogue will continue throughout the trilogues to achieve a good outcome during the first semester of 2021.

- Copa and Cogeca consider that the current objectives of the CAP as established under Article 39 of the Treaty on the Functioning of the European Union (TFEU) remain valid and very relevant. Copa and Cogeca also support the nine specific objectives established for the CAP as
they attempt to strike a balance between all three pillars of sustainability – economic, environmental and social. This balance should be safeguarded during the trilogue negotiations. Ensuring the competitiveness and growth of the sector will also foster sustainable development and a more efficient management of natural resources.

- We need a workable, efficient and simple CAP as well as certainty, predictability and a vision for the future, given the challenges ahead.

- The CAP remains a success story and a strategic policy, in terms of high-quality sufficient food and the delivery of public goods. We would expect the European Commission to highlight the steps already taken by farmers in terms of environment, biodiversity, climate change mitigation and animal welfare and recognize these efforts.

- We expect the European Institutions and, in particular, the European Commission to defend a competitive agricultural sector. For Copa and Cogeca sustainability in a balanced approach (between the economic, environmental and social pillars) is a key priority. Higher than this we only rank simplification since we consider that the CAP has become over the years, too complex for farmers and administrations (both European and national).

- The CAP has still to provide for the livelihood of farmers and deliver both on sustainability and competitiveness. It is surprising to see the European Commission claims regarding the budget for the CAP and to meet the challenges of the Green Deal and economic recovery when one knows that farmers are expected to do more with less support as it represents a reduction compared to the current level of support.

- Copa and Cogeca are also concerned about the European Commission’s “wish list” for the Member States in the recommendations on how to align the CAP Strategic Plans with the EGD objectives. Member States need flexibility to match the local reality and we strongly hope that the European Commission will defend this principle.

- European farmers and agri-cooperatives would expect the European institutions and, in particular, the European Commission, to defend a competitive agricultural sector. For Copa and Cogeca sustainability, in a balanced approach (between the economic, environmental and social pillars), is a key priority. For us, the only thing ranking higher than this is simplification, since we consider that the CAP has, over the years, become too complex for farmers and administrations (both European and national).

More particularly regarding the specific trilogues

**Strategic Plans Regulation**

- Copa and Cogeca has stated in multiple occasions the support to the new delivery model and the result-based system provided that they deliver simplification for beneficiaries and do not endanger the communality of the policy. As such, the basic outlines of the result-based system must be retained and remain fully functional. It is now that the EU Institutions, in the framework of the trilogue negotiations, must deliver on the simplification by reducing the “bureaucracy of CAP support schemes”. Given that the new delivery model is expected to put more emphasis on performance and the impact of CAP, its implementation must deliver simpler requirements, simpler, more practical and realistic measures and guarantee timely payments to farmers. Simplification must be the key reference yardstick when assessing any new measures.

- We also support the approach of establishing a single CAP plan per MS. However, we are concerned about how such plans will be developed and implemented in practice in countries with strong regional autonomy. Indeed, this may result in distortions and inequalities both between Member States and between regions within a Member State. In such cases, a comprehensive approach integrating regional differences must be ensured.
• Both the EU, Member States and regions must now organise and prepare the new delivery model and the National CAP Strategic Plans. This must be done in such a way that ensures a smooth functioning of these CAP ambitious goals and instruments from 2023 onwards. In this regard, we must ensure coherence between the CAP Strategic Plans regulation and the Horizontal regulation on this performance framework. We must also clearly understand what the Commission and the Member States respective responsibilities are in the framework of the new results-based system in order to make sure that simplification and administrative burden reduction is achieved.

• With a shift from compliance to performance, the indicators will play a pivotal role in linking expenditure to output, measuring progress to targets, and assessing the impact of the policy. Indicators must therefore reflect the EU specific objectives and should be developed under the EU legislation. Indicators should also take into account all three pillars of sustainability – economic, environmental, and social – which are fundamental to farmers’ competitiveness. That is why, Copa and Cogeca welcomed the reduction of indicators put forward by the European Commission and rejected any addition of further indicators. For each indicator, there should also be a common methodology applied consistently and coherently in all Member States. The indicator should be fully operational and proportionate to the level of ambition and funding of specific goals and intervention types under the CAP post-2020. The implementation of such a system should take into consideration the Member State’s operational capability to monitor these indicators with the current resources. In line with the primary objective of simplification, any administrative expenses arising from the measurement of the indicators must be kept as low as possible.

• Moreover, no additional reporting or control requirements that would represent more red-tape and administrative burden for farmers and/or EU or Member State administrations should be introduced.

• Copa and Cogeca strongly believe that consistent application and implementation of express proportionate and appropriate control and sanction requirements, tolerances and bagatelles, automated application procedures and further flexibility through digitalisation can help to quickly pay out CAP premiums for additional services by farmers.

• On the definition of active/genuine farmer:

  In the context of subsidiarity, the proposals for the future CAP allow MS to establish the main definitions and eligibility criteria, provided they remain within the common EU framework. While we underline the need to safeguard the communality of the policy, we recognise that a degree of flexibility needs to be given to MS. This, however, must not lead to distortion of competition across MS nor must it create divergent approaches in the EU.

  We must strive for a clear definition of genuine farmer across the EU, which is based on real and effective agricultural activity. CAP support must target active farmers, that is, those producing food, feed, fibre and renewable energy, who contribute to a sustainable sector and provide public goods and growth. This should not preclude or exclude the eligibility of those farmers who have established additional sources of income to secure their livelihood (e.g. part-time farmers and agri-tourism). In line with past legislative changes, MS could maintain the flexibility to better target the support (in terms of eligibility). Thus, it should be possible to design a common framework whilst also allowing for the definition to be adapted to the real needs and conditions of MS.

  Eligibility criteria such as the minimum area threshold should also aim to better target support at active farmers and limit support where there is no clear EU added value, taking into consideration the different farm structures in the European Union. Eligibility criteria – falling under the responsibility of MS – must not, under any circumstances, lead to the weakening of common rules and of the Union’s single market.
• Eco-schemes should be mandatory for Member States but voluntary for farmers. More clarity is needed regarding the type of agricultural practices that benefit the climate and environment that could be included under the eco-schemes, provided their voluntary nature for farmers is safeguarded. These should be simple, unbureaucratic, practical and economically sound. EU requirements must be clear and understandable and fit in the agricultural production on-farm. In addition, they must not compromise the agri-environmental measures under pillar II that have proven to work. Copa and Cogeca believe that any efforts in achieving simpler measures, controls and administrative requirements are fundamental also in respect to eco-schemes built on conditionality requirements. On the other hand, a clear distinction between eco-schemes built on conditionality and conditionality per se should be made in order to avoid confusion on their implementation –conditionality functions on the basis of controls and sanctions while eco-schemes must be incentive-based schemes. Controls must be proportionate and earmarked and not represent additional bureaucracy. Doubling of controls must also be avoided. The new CAP facilitates automated controls, which could further contribute to reducing on-the-spot checks.

• While we understand the request on social conditionality, we do not consider the CAP, and its conditionality, to be the best instrument to regulate employment in the agriculture sector. Labour rights are already established nationally through statutory law or collective bargaining. So there is no need to impose additional burdens on employers at EU level through the conditionality mechanism under the CAP. This would also be contrary to the simplification principle. Moreover, including new criteria through the CAP could undermine the autonomy of social partners nationally, and those are the best suited organisations to adjust legislative frameworks into the specificities of each subsector in agriculture. From our point of view, to support farmers the best EU framework is the agricultural social dialogue and the best legislative instruments are guidelines or directives for certain topics. Conditionality has a complex framework of controls and there are many question marks on how these can be implemented.

• On the enhanced conditionality specific points, we would like to share with you our more detailed views:
  o **GAEC 1:** It remains important that grassland is managed at national/regional level as it is today and not go at holding/farmer level. Any provisions regarding grasslands can only be accepted provided that they are simple and that they do not disrupt day-to-day farming practices.
  o **GAEC 2:** Appropriate wetland and peatland protection will prove to be an issue in the countries that have a large share of this land under agriculture use. Additionally, this must not result in a new documentation of area having to be recorded or new, additional bureaucratic processes being triggered. But enable simple, practical, implementation which does not call into question good agricultural practices. We very much regret the non-inclusion of “sensitive areas” under this obligation.
  o **GAEC 4:** The provisions for buffer strips should be left at MS latitude because of different farm structures and size of parcels which exist at MS level.
  o **GAEC 5:** We support the deletion of Farm Sustainability Tool for Nutrients from conditionality, as this would better fit as an eco-scheme.
  o **GAEC 7:** No bare soil in most sensitive periods will be difficult to achieve in Baltic and Nordic countries and risks threatening food production. The concentration of carbon-rich soils in some Member States, and even specific areas, also underlines the need for flexibility for Member States to address this issue, as well as the economic importance of agricultural activity for those rural areas. Consequently, Copa and Cogeca supports that specific practices, such as low, or no tillage, the use of adequate machinery, water table/nutrient/soil management, etc., are used to protect carbon-rich soils, as long as the economic agricultural activity continues. Any requirement
would need to make sense from an agricultural perspective. Sensitive periods should allow for good agricultural practices.

- **GAEC 8**: the obligation for crop rotation could be accepted provided that a reasonable area threshold is established and that certified equivalent measures and joint action (enabling the involvement of multiple farmers to deliver crop rotation) is allowed. Flexibility in farmers’ choices for rotation must be maintained, therefore the introduction of leguminous crops should remain a choice and not become an obligation. Copa and Cogeca support the inclusion of crop diversification as alternative practice and the exemption for crops under water, but we regret that permanent crops are not being exempted. Also, this should not create an additional burden from an administrative and bureaucratic point of view.

- **GAEC 9**: Regarding the minimum share of agricultural area devoted to non-productive features or areas, Copa-Cogeca support the same percentage as the EFA under greening which we have today, meaning 5%. Further demanding requirements should be possible via eco-schemes. The 10% objective is still a European Commission approach not based on any impact assessment. It has been several times stated that the European Commission will make legally non-binding recommendations in view of this. In reaching this target, we disagree with the COM approach that only non-productive features should be counted for. Productive features need to be equally included as they can have higher environmental benefits than simple set-aside and are also crucially important for providing feed for animals in critical situation, such as during a heatwave. The link between the coproduction of protein in the EU and biofuels must be strengthened.

- **SMR 7-11**: Although the EU Commission has tried in recent years to ease the implementation through simplification initiatives for the control and sanction system (e.g. ‘yellow-card-system’), these have failed and even led to more complexity and bureaucracy. A real simplification is needed in this respect.

  - In general terms, a particular attention should be given to farmers who participate in small farmer schemes who should be exempted from new conditionality requirements while Copa and Cogeca support an immediate and “de facto” recognition of organic farmers as well as other environmentally-friendly production systems that are duly certified as compliant with all or part of the new, enhanced conditionality rules.

**Horizontal Regulation**

- Copa and Cogeca consider that no additional reporting or control requirements that would represent more red-tape and administrative burden for farmers and/or EU or Member State administrations should be introduced. We call on the institutions to guarantee a real reduction and simplification of controls at farm level. Copa and Cogeca welcome the move to reduce the number of on-the-spot checks and increase the use of satellite and related technologies to carry out these controls. Given the reduced number of on-the-spot checks, the control sample should be based on a risk assessment and not be set at a specific and fixed percentage. With regard to the increased use of remote sensing, the responsible authorities for monitoring must correctly identify the eligible area.

- The system of penalties needs to be simpler and more proportional with some reductions in penalties. It is very important that we move from a system of controls and sanctions to one of guidance and correction. This approach should also be followed when addressing the identification and registration of animals, seeing as the penalties are currently quite severe despite the application of the yellow card system. Copa and Cogeca believe that the early warning system should offer more guidance and more possibilities to correct unintended errors in advance. An upper limit for penalties imposed on farmers should
also be established. The early warning system should indicate a time period during which farmers can voluntarily correct possible errors in their aid application. The sums to be recovered in case of non-compliance should be calculated in a straightforward and proportionate manner that does not add complexity to the already burdensome administrative procedures.

- Copa and Cogeca strongly believe that consistent application and implementation of expressly proportionate and appropriate control and sanction requirements, tolerances and bagatelles, automated application procedures and further flexibility through digitalisation can help to quickly pay out CAP premia for additional services by farmers.

- Copa and Cogeca would also like to restate our views on the crisis reserve. This should be a functioning flexible tool, a mechanism that would enable the Union to better respond to any EU-wide crisis impacting any of the agricultural sectors, especially in economic terms. The current crisis reserve failed to provide sufficient assistance with its allocated funding of only 400 million EUR in the scope of the CAP budget. The crisis reserve should respond better to any crisis that has EU-wide consequences on any of the agricultural sectors and should alleviate beneficiaries from the predicaments they are facing. For this to happen, the reserve should work outside of the scope of the MPF with a substantially larger financial envelope and a clear activation mechanism.

**sCMO Regulation**

- The CMO regulation has evolved over time, to also include necessary provisions allowing farmers to work and negotiate their contracts collectively to improve their bargaining power. Recognising the specificities of the agricultural sector and allowing farmers to work collectively (to pursue their economic objectives) are two essential prerequisites for strengthening the position of farmers in the food supply chain and thus improving their bargaining power. Legal certainty for these collective actions is key for their success. This certainty is necessary when it comes to the agricultural derogations to European competition law.

- In this regard, Copa and Cogeca would like to make the following specific comments:
  - **Article 61 – Duration**: We welcome the extension of the duration of the vine planting authorization system. We believe that the current system, which proved to be efficient, should be prolonged until 2050, also with a view to ensure a higher level of stability. We also believe that the obligation to evaluate the system and make proposals to improve if necessary, should be maintained. We support a review of the system every 10 years with the first one in 2023.
  
  - **Article 62 – Authorisations**: We support the extension of the replanting authorisations validity from the original 3 years. In our view, the validity should be extended to 8 years (as was already foreseen in the previous regulation for planting rights) because a longer resting time would allow for a better regeneration of the soil. We do not support the exclusion from the authorisation system of the surfaces under vine for juice productions, which would be difficult to control and may lead to confusion in the authorization system.
  
  - **Article 64 - Granting of authorisations for new plantings**: We support the possibility, given to Member States, to have eligibility criteria applied at regional level also and not only at national level. This would allow for a more flexibility and to adapt the approach on the local reality. We also believe that such eligibility criteria should be diligently evaluated.

Following the recent discussion on the trilogue of the sCMO regulation Copa-Cogeca would like to express its serious concerns regarding a recent proposal of the European Commission on the future of the vine planting authorisation system to increase the annual growth rate percentage for new plantings authorisations from 1% of the total national area planted, to 2%, by 2031. So far, the discussions around the
vine planting authorisation focused on the extension of the current system beyond 2030. As such, in the final texts endorsed by the European Parliament and the Council ahead of the trilogues, the 1% rate was not touched.

The European wine growers are satisfied with the current vine planting authorisation system, which proved to be efficient and advantageous, and we believe that it should be prolonged as it is, as also proposed by the EP and the Council. This would also ensure a higher level of stability to the sector. We must also maintain the obligation to evaluate the system and make proposals to improve it, if necessary, in the future.

On the other hand, we strongly oppose any increase of the percentage rate for new plantings authorisations by 2031. The current system allows a growth in line with the market evolution, ensuring a dynamic, progressive, and regular development of the vineyard. The existing system of authorizations contributes to prevent sudden increases, structural overproduction, and subsequent decreases in quality. It also helps to maintain the diversity of vineyards in difficult areas.

Increasing the annual growth rate to 2% by 2031, would represent a severe challenge for the wine sector, which is already undergoing serious stress. The accumulation of difficult circumstances such as the imposition by the United States of tariffs on the imports of Union wines in October 2019 and the on-going restrictive measures due to the worldwide COVID-19 pandemic, along with other trade difficulties, has led to an unbearable market situation.

- **Article 68 - Transitional provisions:** We are supportive of the prolongation of the reallocation of unused planting rights until 2025, with their consequent expiration by 2028. This would give operators more time to manage these authorisations, which is particularly needed, given the impact of the covid 19 pandemic on the sector.

- **Article 81 – Wine grape varieties:** We welcome the decision to keep the status quo regarding the wine grape varieties allowed in the EU, not including the forbidden varieties Noah, Othello, Isabelle, Jacquez, Clinton and Herbemont and varieties of the species Vitis labrusca, in order to protect the reputation and the quality of the EU wine production.

- **Article 116a – Checks:** We welcome that annual verifications on GIs may be made also through documentary check and not only through physical inspection, which is often burdensome for Member States and usually superfluous – particularly for PGIs.

- **Article 119 – Compulsory particular (labelling):** We welcome the mandatory labelling of the nutritional declaration (energy value only) and the lists of ingredients. The mandatory indication of the word ‘energy’ on the bottle should appear in the form of an ‘E’, to make it easier for winemakers and cut labelling cost. We also strongly welcome the possibility to provide the ingredients list off label, provided that a direct link is identified on the label. We also support that such link should not be displayed together with other information intended for sales or marketing purposes.

- **Article 122 – Delegated powers (labelling):** We welcome that the Commission will be empowered to adopt delegated acts on the provisions relating to the nutritional declaration and the list of ingredients. When drafting the secondary legislation on the definition and presentation of the list of ingredients, the Commission should make sure not to put an excessive and unjustified administrative burden on producers. When communicating the list of ingredients of a specific product, some additives might vary from one batch to another: it should be made possible not to communicate on the basis of the batch, but rather on the basis of the product itself.

- **Article 6 of the proposal for regulation – Transitional Measures for existing wine stocks:** We welcome the transitional measures for wine stocks, according to which, the marketing of existing stocks of wine should be allowed to
continue after the dates of application of the new labelling requirements, until those stocks are exhausted, even if not compliant with the new provisions on labelling. This would ensure continuity and would allow producers to use the label that have been purchased before the publication and entry into force of the new rules on labelling.

- **Article 7 of the proposal for regulation - Entry into force and application (labelling):** We welcome the delayed entry into force of the provisions concerning the nutritional declaration and the list of ingredients of at the least two years after the entry into force of the Single CMO regulation. We support the application of the provisions concerning the list of ingredients only after the second full marketing year after the date intro force of the delegated act to be adopted by the Commission. This would avoid diverging application among different Member States. Moreover, this additional time is necessary in order to find the relevant technological solutions for the off label system and make sure all producers are able to comply to the new requirements.

- **Article 149 - Contractual negotiations in the milk and milk products sector** – we support the increase in the % of volume of raw milk at Union level covered by contractual negotiations as this may lead to an increase in the bargaining power of milk producers.

- **Article 152 - Producer organisations** – We welcome the extension of mutual funds to other sectors besides fruits and vegetables.

- **Article 153 – Statutes of producer organisations** - This provision should not undermine the stable membership base and supply of cooperatives and POs as this would prevent them from achieving their objectives and nature. It is imperative that if this possibility is made available, it is included in the statutes of producer organisations and democratically approved by its members.

- **Article 154 – Recognition of producer organisations** – It may be positive to introduce this provision so that the minimum number does not prevent marginal productions to set up POs.

- **Article 157 – Interbranch organisations** – We consider that enlarging the list of inter-branch organisations objectives (publication of data on margins) can help with transparency provided it is done for all stages of the supply chain.

- **Article 158 – Recognition of interbranch organisations** – We support the recognition of IBOs conditional on a balanced representation of the stages of the supply.

- **Article 166 a new - Regulation of supply of agricultural products with a protected designation of origin or protected geographical indication other than cheese, wine and ham** – We support the proposal to include a voluntary extension (at the request of PO or IPO) of regulation of supply for products with PGIs and PDIs to other products than cheese, wine and ham (therefore similar to existing articles 150, 167, 172). This offers a good tool for GIs to ensure a better economic return.

- Geographical indications (GIs) help to preserve and boost rural communities through their tradition, history and taste. They are also an important tool when exporting high-quality products to third countries. To promote the European GI system and further encourage possible new applicants, it is important to provide certainty so that businesses can plan ahead. Therefore, Copa and Cogeca welcome simplification provided that it benefits producers, in particular when it comes to administrative procedures. For instance, we welcome the harmonisation of the scrutiny procedure (six months deadline) remaining consistent. We believe that applying the same system to all products could speed up the process. The same is true for the opposition procedure. We are of the opinion that the same deadline should apply to all agricultural products. In general, Copa and Cogeca believe that all these administrative procedures could be revised both at EU and national level to analyse the possibility of establishing a more efficient registration procedure at EU level. Furthermore, we welcome the proposal to allow the Commission to express its tacit consent to the amendment of specifications.
Providing that these specifications do not call into question the founding principles of the designation itself, it must be possible for them to come into force straight away, under the remit of the national authorities in charge of interpreting and implementing EU law. If there is no opposition at EU level, the specifications should be considered valid unless the Commission proves that they do not comply with EU law, whether there has been a complaint lodged or not. On the other hand, it is vital to preserve the specific characteristics of each sector. Rules on the origin of agricultural products and their quality characteristics, which are currently defined according to each sector’s specificities and specifications, are of the utmost importance. It is also essential to prevent the misuse of names. It is therefore of the utmost importance to increase the current level of protection for registered names against false or misleading practices, as well as any misuse, imitation or evocation. In this respect, and in light of recent trends in the sale of goods, including the growing importance of e-commerce, we welcome the extension of the protection to goods in transit and goods sold through means of electronic commerce. Furthermore, considering that European farmers and agri-cooperatives nowadays operate in globalised markets, we believe that international protection must be improved by ensuring that all GIs are recognised by third countries, taking into consideration the evolution of market and trade-related aspects.

- In this regard, Copa and Cogeca would like to make the following specific comments on GIs:
  
  - **Article 93 – Designation of origin and geographical indications**: definitions: We support the amendment to article 93 to change in point (i) of point “a,” “quality and characteristics” to “quality or characteristics”. This change is necessary because if the requirement of the definition request for both the quality and its characteristics of the product to be linked to a particular geographical environment, it is a real issue as it is very complicated to link a subjective factor like quality to a geographical environment. We are not against the amendments of the Council, but we do not support them especially either. We do not support the amendment to introduce "A name traditionally used in a specific place” in the definition of designation of origin because it is too restrictive.

  - **Article 94 – Application for protection** - We can support the different versions proposed.

  - **Articles 96-99 - Preliminary national procedure, Commission scrutiny, Objection Procedure, Decision on protection** - We support these articles as it clarifies and simplifies the procedure.

  - **Articles 102 on Relationships with trademarks**: We support the proposal to introduce the fact that the name of a trademark is refused if it is already used by a GI. This offers greater protection against trademarks using GI names.

  - **Article 103 on Protection**: We support the proposal to strengthen the protection against misuse for PDIIs and PGIs, including when they are used as an ingredient. This provides greater protection for GIs.

  - **Article 105 on Amendments to product specifications**: We support the proposal to introduce a classification between two categories of amendments to products specifications: amendments requiring an objection procedure at Union level (‘Union amendments’) and amendments to be dealt with at Member State or third country level (‘standard amendments’). This allows for some simplification regarding the possibility to adapt GI specifications.

  - **Article 106 - Cancellation** - We support the Commission’s proposal as it simplifies the management of GIs.

  - **Article 116a - checks related to PDO, PGI and TSG** - We support the Commission amendment as it improves and clarifies GIs protection.
- When it comes to the wine sector, Copa and Cogeca do not have other additional comments than the ones we have expressed in our letter sent in view of the first trilogue meeting on the CMO, which we attach again, for your convenience (CC(20)9120).