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2014 - 2019

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*Committee on Agriculture and Rural Development*

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**2014/0014(COD)**

12.12.2014

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## **DRAFT REPORT**

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1308/2013 and Regulation (EU) No 1306/2013 as regards the aid scheme for the supply of fruit and vegetables, bananas and milk in the educational establishments  
(COM(2014)0032 – C7-0025/2014 – 2014/0014(COD))

Committee on Agriculture and Rural Development

Rapporteur: Marc Tarabella

### ***Symbols for procedures***

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

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

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the ¶ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 1308/2013 and Regulation (EU) No 1306/2013 as regards the aid scheme for the supply of fruit and vegetables, bananas and milk in the educational establishments (COM(2014)0032 – C7-0025/2014 – 2014/0014(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2014)0032),
  - having regard to Article 294(2) and Articles 42 and 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0025/2014),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 9 July 2014<sup>1</sup>,
  - having regard to the opinion of the Committee of the Regions of 7 October 2014<sup>2</sup>,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on Agriculture and Rural Development (A7-0000/2014),
1. Adopts its position at first reading hereinafter set out,
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### **Amendment 1**

#### **Proposal for a regulation**

#### **Recital 2**

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<sup>1</sup> Not yet published in the Official Journal.

<sup>2</sup> OJ C 415, 20.11.2014, p. 30-36..

*Text proposed by the Commission*

(2) The experience gained with the application of the current schemes, together with the conclusions of the external evaluations and subsequent analysis of different policy options, point to the conclusion that the ***rationale which led to the establishment*** of the two school schemes is ***still relevant***. In the current context of declining consumption of fruit and vegetables including bananas and milk products, ***exacerbated by amongst other things, the modern trend towards the consumption of*** highly processed foods which, additionally, are often high in added sugars, salt and fat, the Union aid to finance the supply to children in educational establishments of selected agricultural products should ***therefore continue to exist***.

*Amendment*

(2) The experience gained with the application of the current schemes, together with the conclusions of the external evaluations and subsequent analysis of different policy options, point to the conclusion that the ***continuation*** of the two school schemes is ***fully justified***. In the current context of declining consumption of fruit and vegetables, including bananas, and milk products, ***and of an increasing incidence of overweight among children as a result of*** consumption ***habits geared to*** highly processed foods which, additionally, are often high in added sugars, salt and fat, the Union aid to finance the supply to children in educational establishments of selected agricultural products should ***do more to promote healthy eating habits***.

Or. fr

**Amendment 2**

**Proposal for a regulation**

**Recital 4**

*Text proposed by the Commission*

(4) A trend of declining consumption in particular of fresh fruit and vegetables including bananas and drinking milk has been identified. It is therefore appropriate to focus the distribution under the school schemes on these products. This would in turn also help reduce the organisational burden for schools, increase the impact of the distribution within a limited budget and would be in line with the current practice, as these products are most frequently distributed.

*Amendment*

(4) A trend of declining consumption in particular of fresh fruit and vegetables including bananas and drinking milk has been identified. It is therefore appropriate to focus the distribution under the school schemes on these products ***as a priority***. This would in turn also help reduce the organisational burden for schools, increase the impact of the distribution within a limited budget and would be in line with the current practice, as these products are most frequently distributed. ***However, in order to follow nutritional recommendations on calcium absorption,***

*and given the increase in problems associated with intolerance of lactose in milk, provision should be made for a derogation so that certain other milk products, such as yoghurt and cheese, can also continue to be distributed under specific conditions.*

Or. fr

### *Justification*

*Amendment justifying the derogation introduced by the rapporteur in Article 23(2) and the new Annex Va.*

## **Amendment 3**

### **Proposal for a regulation**

#### **Recital 5**

#### *Text proposed by the Commission*

(5) Educational measures that support the distribution are necessary in order to make the scheme effective in reaching its short- and long-term objectives of increasing the consumption of selected agricultural products and shaping healthier diets. Considering their importance, these measures should support both the fruit and vegetables including bananas and milk distribution. They should be eligible for the Union aid. As supporting measures they represent a critical tool to reconnect children with agriculture and its different products and to meet the objectives that the scheme is pursuing, Member States should be allowed to include a wider variety of agricultural products *into their thematic measures*. However, so as to promote healthy eating habits, the national health authorities should be involved in this process and approve the list of these products, as well as the two groups of products eligible for the distribution, and decide on their nutritional aspects.

#### *Amendment*

(5) Educational measures that support the distribution are necessary in order to make the scheme effective in reaching its short- and long-term objectives of increasing the consumption of selected agricultural products and shaping healthier diets. Considering their importance, these measures should support both the fruit and vegetables including bananas and milk distribution. They should be eligible for the Union aid. As supporting measures they represent a critical tool to reconnect children with agriculture and its different products and to meet the objectives that the scheme is pursuing, Member States should be allowed to include *in their thematic measures* a wider variety of agricultural products, *such as products derived from fruit and vegetables processed without the addition of sugar, salt, fat or sweeteners, and other local, regional or national specialities like honey and olive oil*. However, so as to promote healthy eating habits, the national health authorities

should be involved in this process and approve the list of these products, as well as the two groups of products eligible for the distribution, and decide on their nutritional aspects.

Or. fr

#### Amendment 4

##### Proposal for a regulation

##### Recital 6

###### *Text proposed by the Commission*

(6) In order to ensure a sound budgetary management, a fixed ceiling of the Union aid towards the distribution of fruit and vegetables including bananas and milk, supporting educational measures and related costs should be provided for. This ceiling should reflect the current situation. In light of the experience gained and with a view to simplify the management, the financing models should be approximated and based on a single approach as regards the level of Union financial contribution. It is therefore appropriate to limit the level of Union aid towards the price of products through a maximum Union aid per **portion** both for fruit and vegetables including bananas and milk and abolish the principle of obligatory co-financing for fruit and vegetables including bananas. Considering the price volatility of products in question, the power to adopt certain acts should be delegated to the Commission in respect of measures setting the **levels of the Union aid towards the price of a portion of products and laying down the definition of a portion**.

###### *Amendment*

(6) In order to ensure a sound budgetary management, a fixed ceiling of the Union aid towards the distribution of fruit and vegetables including bananas and milk, supporting educational measures and related costs should be provided for. This ceiling should reflect the current situation. In light of the experience gained and with a view to simplify the management, the financing models should be approximated and based on a single approach as regards the level of Union financial contribution. It is therefore appropriate to limit the level of Union aid towards the price of products through a maximum Union aid per **child and per distribution operation** both for fruit and vegetables including bananas and **for** milk, and **to** abolish the principle of obligatory co-financing for fruit and vegetables including bananas. Considering the price volatility of **the** products in question, the power to adopt certain acts should be delegated to the Commission in respect of measures setting the **ceilings for** the Union aid.

Or. fr

### *Justification*

*It must be ensured that the Union aid is properly managed and simplified. In practice, an aid-per-portion system would be complicated because it would be hard to check that the quantities distributed actually corresponded to pre-determined portions. A system of EU aid per child and per distribution operation would be simpler and more effective. The existence of the ceiling would not prevent Member States that wished to do so from making a national contribution on top of the EU funding.*

### **Amendment 5**

#### **Proposal for a regulation**

#### **Recital 7**

##### *Text proposed by the Commission*

(7) In order to ensure the efficient and targeted use of Union funds, the power to adopt certain acts should be delegated to the Commission in respect of measures fixing the indicative allocations of the Union aid to each Member State and the methods for reallocating aid between Member States on the basis of aid requests received. The indicative allocations should be fixed separately for the fruit and vegetables including bananas and milk in line with the voluntary approach to distribution. The allocation key for fruit and vegetables including bananas should reflect the current allocations by Member States, based on the objective criteria of the number of children in the age group of six- to ten-year olds as a proportion of the population, taking into the account also the development status of regions concerned. In order to allow Member States to maintain the scale of their current programmes and with a view of encouraging others to take up the distribution of milk, it is appropriate to use the combination of two keys for the allocation of the funds for milk, namely the historical use of funds by Member States under the School Milk Scheme and the objective criteria of the number of children in the age group of six- to ten-year olds as

##### *Amendment*

(7) In order to ensure the efficient and targeted use of Union funds, the power to adopt certain acts should be delegated to the Commission in respect of measures fixing the indicative allocations of the Union aid to each Member State and the methods for reallocating aid between Member States on the basis of aid requests received. The indicative allocations should be fixed separately for the fruit and vegetables including bananas and milk in line with the voluntary approach to distribution. The allocation key for fruit and vegetables including bananas should reflect the current allocations by Member States, based on the objective criteria of the number of children in the age group of six- to ten-year olds as a proportion of the population, taking into the account also the development status of regions concerned. In order to allow Member States to maintain the scale of their current programmes and with a view of encouraging others to take up the distribution of milk, it is appropriate to use the combination of two keys for the allocation of the funds for milk, namely the historical use of funds by Member States under the School Milk Scheme – ***except in the case of Croatia, for which a specific fixed amount needs to be determined*** –

a proportion of the population used for the fruit and vegetables including bananas. In order to find the right proportion for these two keys, the power to adopt certain acts should be delegated to the Commission in respect of adopting additional rules concerning the balance between the two criteria. Furthermore, considering the recurrent changes in the demographic or development situation of regions in Member States, the power to adopt certain acts should be delegated to the Commission in respect of assessing every three years whether the Member States' allocations, based on those criteria, are still up to date.

and the objective criteria of the number of children in the age group of six- to ten-year olds as a proportion of the population used for the fruit and vegetables including bananas. In order to find the right proportion for these two keys, the power to adopt certain acts should be delegated to the Commission in respect of adopting additional rules concerning the balance between the two criteria, ***including setting a minimum level of spending of the Union aid per child and per year.*** Furthermore, considering the recurrent changes in the demographic or development situation of regions in Member States, the power to adopt certain acts should be delegated to the Commission in respect of assessing every three years whether the Member States' allocations, based on those criteria, are still up to date.

Or. fr

#### *Justification*

*Because the historical-use-of-funds criterion in the case of milk is inequitable, it needs to be weighted by a minimum level of spending of the Union aid per child and per year, given that some Member States are currently spending less than EUR 1 of Union aid per child. Moreover, this criterion cannot be applied to Croatia as it has not yet taken part in the programme, having joined the EU only recently, so, in the first instance, it should be allocated a set overall amount.*

#### **Amendment 6**

##### **Proposal for a regulation**

##### **Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

***(9a) To simplify the administrative and organisational procedures for the schools taking part in the two programmes, the power to adopt certain acts should be delegated to the Commission, in accordance with Article 290 of the Treaty on the Functioning of the European***

***Union, in respect of the introduction of single procedures for schools' applications to participate and for monitoring.***

Or. fr

*Justification*

*It is important to reduce red tape which deters schools from participating, especially so that schools seeking to participate in both programmes should not be obliged to fill out two separate sets of forms or be subject to a variety of monitoring procedures.*

**Amendment 7**

**Proposal for a regulation**

**Recital 10**

*Text proposed by the Commission*

(10) The national strategy should be considered as the condition for the Member State's participation in the scheme and as a strategic multiannual document, setting out targets to be achieved by Member States and their priorities. Member States should be allowed to update them regularly, in particular in light of the evaluations and reassessment of priorities or targets.

*Amendment*

(10) The national strategy should be considered as the condition for the Member State's participation in the scheme and as a strategic multiannual document, setting out targets to be achieved by Member States and their priorities. ***To simplify procedures and reduce the administrative burden on national authorities, the national strategies should be submitted every six years.*** Member States should be allowed to update them regularly, in particular in light of the evaluations and reassessment of priorities or targets.

Or. fr

**Amendment 8**

**Proposal for a regulation**

**Recital 11 a (new)**

*Text proposed by the Commission*

*Amendment*

***(11a) To raise the profile of the scheme among those who benefit from it***

*throughout the Union, it should be given a single identity and a Union logo, for compulsory use on posters relating to schools' participation and in information materials made available to pupils under the educational measures. The Commission should therefore be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union in order to establish specific criteria in respect of presentation, content, size and the display of the shared identity and Union logo.*

Or. fr

## **Amendment 9**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 3**

Regulation (EU) No 1308/2013

Article 23 – paragraph 2

#### *Text proposed by the Commission*

2. Member States wishing to participate in the aid scheme established in paragraph 1 ('the school scheme') may distribute either fruit and vegetables including bananas or milk falling within CN code 0401, or both.

#### *Amendment*

2. Member States wishing to participate in the aid scheme established in paragraph 1 ('the school scheme') may distribute either fruit and vegetables, including bananas, or milk falling within CN code 0401, or both.

***By way of derogation from the provisions of the first paragraph and in accordance with paragraph 7, Member States may also distribute other milk products covered by Annex Va.***

Or. fr

#### *Justification*

*See the rapporteur's amendment to Recital 4. It is important to provide for a derogation from the requirement to distribute only milk, so that substitute dairy products may be distributed to children who are lactose intolerant, and to enable Member States to follow the scientific recommendations on calcium absorption.*

## Amendment 10

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 3

Regulation (EU) No 1308/2013

Article 23 – paragraph 4

#### *Text proposed by the Commission*

4. Member States shall, in order to make the school scheme effective, also provide for the supporting educational measures, which may include measures and activities aimed at connecting children with agriculture and a wider variety of agricultural products, educating about related issues, such as healthy eating habits, combating food waste, local food chains or organic farming.

#### *Amendment*

4. Member States shall, in order to make the school scheme effective, also provide for the supporting educational measures, which may include measures and activities aimed at connecting children with agriculture and ***the distribution of*** a wider variety of agricultural products, ***and*** educating about related issues, such as healthy eating habits, combating food waste, local food chains or organic farming.

Or. fr

## Amendment 11

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 3

Regulation (EU) No 1308/2013

Article 23 – paragraph 5

#### *Text proposed by the Commission*

5. When drawing up their strategies, Member States shall determine a list of agricultural products, in addition to fruit and vegetables, bananas and milk that may occasionally be included under the supporting educational measures.

#### *Amendment*

5. When drawing up their strategies, Member States shall determine a list of agricultural products, in addition to fruit and vegetables, bananas and milk that may occasionally be included ***for distribution*** under the supporting educational measures. ***With regard to processed fruit, and vegetables, the products listed in Annex V may not be distributed. With regard to dairy products other than milk, the list of authorised products is drawn up in line with Annex Va.***

*Justification*

*Given that educational measures will facilitate the discovery of other agricultural products, the annex should specify those to be excluded (processed fruit and vegetables containing sugar, fats or added salt) or those dairy products that may be distributed.*

**Amendment 12**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 3**

Regulation (EU) No 1308/2013

Article 23 – paragraph 7

*Text proposed by the Commission*

7. Member States shall, in order to promote healthy eating habits, ensure that their competent health authorities endorse the list of all the products supplied under the school scheme and decide on their nutritional aspects.

*Amendment*

7. Member States shall, in order to promote healthy eating habits, ***to be followed also by children with lactose intolerance,*** ensure that their competent health authorities endorse the list of all the products supplied under the school scheme and decide on their nutritional aspects ***in line with Annexes V and Va.***

**Amendment 13**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 4**

Regulation (EU) No 1308/2013

Article 23 a – paragraph 1 – subparagraph 2

*Text proposed by the Commission*

***The Commission shall be empowered to adopt delegated acts in accordance with Article 227 determining the level of Union aid that may be paid towards the price of the portion of fruit and vegetables including bananas and milk distributed and laying down the definition of a portion. The Commission shall also be***

*Amendment*

***Deleted***

*empowered to adopt delegated acts in accordance with Article 227 fixing a minimum amount and a maximum amount for the financing of supporting educational measures from Member States' annual definitive allocations.*

Or. fr

*Justification*

*Powers set out in Article 24(1a) instead for the sake of consistency.*

**Amendment 14**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 4**

Regulation (EU) No 1308/2013

Article 23a – paragraph 2 – point b

*Text proposed by the Commission*

(b) for milk: the historical use of funds under previous schemes for the supply of milk and milk products to children and objective criteria based on their proportion of six- to ten-year old children.

*Amendment*

(b) for milk: ***with the exception of Croatia***, the historical use of funds under previous schemes for the supply of milk and milk products to children and objective criteria based on their proportion of six- to ten-year old children. ***For Croatia, the historical criterion shall be replaced by flat-rate payments. In order to guarantee a fair distribution of funds to each Member State and each child and ensure that Member States are able adequately to meet the objective of encouraging children to drink milk, it is necessary to establish a minimum annual amount of Union aid per child in the age group referred to above.***

Or. fr

*Justification*

*Given the inequitable nature of the historical criterion, a weighting must be applied in the form of a minimum amount per child, bearing in mind that, in certain Member States, the annual amount of Union aid per child is currently less than EUR 1. Furthermore, it is not*

*possible to apply the historical criterion to Croatia, since it is new to scheme, having only recently joined the Union, and should therefore receive an initial flat-rate payment.*

## **Amendment 15**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 4**

Regulation (EU) No 1308/2013

Article 23 a – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. Member States shall ensure that a minimum of 15 % of their annual allocation is earmarked for educational measures.***

Or. fr

#### *Justification*

*In its impact assessment, the Commission takes the view that 15 to 20 % of the amounts budgeted at national level should be earmarked for educational measures. A statutory minimum of 15 % in the basic act clearly reflects the importance attached such measures with regard to healthy eating.*

## **Amendment 16**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 4**

Regulation (EU) No 1308/2013

Article 23 a – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. Without exceeding the global ceiling of EUR 230 million resulting from the amounts referred to under points (a) and (b) of paragraph 1, Member States may transfer up to **15%** of their indicative allocations for fruit and vegetables including bananas or for milk to the other sector under the conditions to be specified by the Commission by means of delegated acts adopted in accordance with Article 227.

4. Without exceeding the global ceiling of EUR 230 million resulting from the amounts referred to under points (a) and (b) of paragraph 1, Member States may transfer up to **10%** of their indicative allocations for fruit and vegetables including bananas or for milk to the other sector under the conditions to be specified by the Commission by means of delegated acts adopted in accordance with Article 227.

Or. fr

## Amendment 17

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 4

Regulation (EU) No 1308/2013

Article 23 a – paragraph 8

#### *Text proposed by the Commission*

8. Member States participating in the school scheme shall publicise, at the places where the food is distributed, their involvement in the scheme and the fact that it is subsidised by the Union. Member States shall ensure the added value and the visibility of the Union school scheme in relation to the provision of other meals in educational establishments.

#### *Amendment*

8. Member States participating in the school scheme shall publicise, at the places where the food is distributed, their involvement in the scheme and the fact that it is subsidised by the Union, *for example, by putting up posters at school entrances. A common identifier and Union logo shall be used on all accompanying information material.* Member States shall ensure the added value and the visibility of the Union school scheme in relation to the provision of other meals in educational establishments.

Or. fr

#### *Justification*

*It is important to heighten the visibility of the scheme so as to increase its effectiveness and highlight the public benefit of Union initiatives. Provisions regarding the mandatory display of information must accordingly be contained not only in the implementing rules but also in the basic act itself.*

## Amendment 18

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 5

Regulation (EU) No 1308/2013

Article 24 – paragraph 2 – introductory part

#### *Text proposed by the Commission*

2. In order to ensure the efficient and targeted use of European funds, the Commission shall be empowered to adopt delegated acts in accordance with Article

#### *Amendment*

2. In order to ensure the efficient and targeted use of European funds, *ensure their fair distribution between the Member States and limit the administrative workload for schools*

227 concerning:

*taking part in the scheme and for Member States*, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 concerning:

Or. fr

*Justification*

*See justification for rapporteur's amendments to points (a) and (ca) below*

**Amendment 19**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5**

Regulation (EU) No 1308/2013

Article 24 – paragraph 2 – point –a (new)

*Text proposed by the Commission*

*Amendment*

***(-a) the maximum amount of Union aid per child and per distribution operation by way of contribution to the cost of the distributed fruit and vegetables, including bananas, and milk;***

Or. fr

*Justification*

*Delegated powers moved to Article 23a(1) for the sake of textual consistency. To ensure the sound management of funding for the scheme, it would be better to establish a maximum amount of aid per distribution operation rather than per portion, which would be somewhat difficult to monitor — see amendment to recital 6.*

**Amendment 20**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5**

Regulation (EU) No 1308/2013

Article 24 – paragraph 2 – point –a a (new)

*Text proposed by the Commission*

*Amendment*

***(-aa) the maximum percentage of total annual allocations to Member States to be earmarked for accompanying educational***

*measures.*

Or. fr

*Justification*

*Delegated powers set out in Article 23a(1) instead for the sake of textual consistency.  
Regarding educational measures, only the maximum percentage per delegated act should be established, given that the amendment to Article 23a(2a) stipulates the minimum percentage in the basic act.*

**Amendment 21**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5**

Regulation (EU) No 1308/2013

Article 24 – paragraph 2 – point a

*Text proposed by the Commission*

(a) the indicative allocation of aid between Member States for fruit and vegetables including bananas and milk and where appropriate its revision following the assessment referred to in the second subparagraph of Article 23a(2), the minimum amounts of Union aid for each Member State, the method for reallocating the aid allocation between Member States based on aid applications received, and the additional rules concerning how the criteria referred to in the first subparagraph of Article 23a(2) shall be taken into account for the allocation of the funds,

*Amendment*

(a) the indicative allocation of aid between Member States for fruit and vegetables including bananas and milk and where appropriate its revision following the assessment referred to in the second subparagraph of Article 23a(2), ***the minimum amount of annual Union aid spent per child referred to in Article 23a(2)(b)***, the minimum amounts of Union aid for each Member State, the method for reallocating the aid allocation between Member States based on aid applications received, and the additional rules concerning how the criteria referred to in the first subparagraph of Article 23a(2) shall be taken into account for the allocation of the funds,

Or. fr

*Justification*

*Delegated act relating to the minimum amount of annual Union aid per child introduced by the rapporteur under Article 23a(2)(b) so as to apply a weighting to the historical criterion in the milk sector.*

## Amendment 22

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 5

Regulation (EU) No 1308/2013

Article 24 – paragraph 2 – point c a (new)

*Text proposed by the Commission*

*Amendment*

***(ca) the introduction of single application procedures for educational establishments seeking to participate and single control procedures;***

Or. fr

### *Justification*

*In addition to the technical criteria set out in the implementing act under Article 25(c), it would be useful to establish for each delegated act single application procedures for educational establishments seeking to participate and single control procedures, so as to lighten the administrative burden currently deterring prospective participants, in particular schools wishing to participate in both schemes.*

## Amendment 23

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 5

Regulation (EU) No 1308/2013

Article 24 – paragraph 3 – introductory part

*Text proposed by the Commission*

*Amendment*

3. In order to promote awareness of the school scheme the Commission shall be empowered to adopt delegated acts in accordance with Article 227 ***requiring Member States with a school scheme to publicise the subsidising role of the Union aid.***

3. In order to promote awareness of the school scheme ***and heighten the visibility of Union aid***, the Commission shall be empowered to adopt delegated acts ***regarding:***

Or. fr

*Justification*

*See next two amendments*

**Amendment 24**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5**

Regulation (EU) No 1308/2013

Article 24 – paragraph 4 – point a (new)

*Text proposed by the Commission*

*Amendment*

***(a) the stipulation that Member States having introduced schemes for schools shall publicise the fact that they are receiving Union assistance;***

Or. fr

**Amendment 25**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 5**

Regulation (EU) No 1308/2013

Article 24 – paragraph 3 – point b (new)

*Text proposed by the Commission*

*Amendment*

***(b) the establishment of specific criteria regarding the presentation, composition, size and design of the common identifier and Union logo.***

Or. fr

*Justification*

*Delegated act in line with rapporteur's amendment to Article 23a(8).*

**Amendment 26**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 7**

Regulation (EU) No 1308/2013  
Article 217 – subparagraph 1

*Text proposed by the Commission*

Member States may, in addition to Union aid provided for in Article 23, make national payments for supplying the products to children in educational establishments or for the related costs referred to in Article 23(1)(c).

*Amendment*

Member States may, in addition to Union aid provided for in Article 23, make national payments for supplying the products to children, ***together with accompanying educational measures***, in educational establishments or for the related costs referred to in Article 23(1)(c).

Or. fr

## **Amendment 27**

### **Proposal for a regulation**

#### **Article 1 – paragraph 1 – point 7 a (new)**

Regulation (EU) No 1308/2013

Article 225 – point b bis (nouveau)

*Text proposed by the Commission*

*Amendment*

***(7a) In Article 225, the following point is inserted:  
'(ba) by 31 December 2018, on the possibility of reviewing the criteria for the allocation of funds to the Member States by way of aid for the distribution of agricultural products to educational establishments in line with more objective criteria, such as consumption statistics by product type and age bracket; the report shall be accompanied by any appropriate proposal.'***

Or. fr

### *Justification*

*Article 225 requires the Commission to submit reports regarding any legislative review. The rapporteur recommends that consideration be given to fairer distribution criteria, replacing the historical criterion for milk and concentrating more closely on children consuming the smallest quantities of fruit and vegetables and/or milk; this is currently an impossible task, given the lack of comparable statistics at European level for the under-fifteens.*

## Amendment 28

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 8

Regulation (EU) No 1308/2013

Annex V

*Text proposed by the Commission*

*Amendment*

8) Annex V is **deleted**.

8) Annex V is **amended as follows**:

**‘ANNEX V**

**LIST OF PRODUCTS EXCLUDED FROM THE  
DISTRIBUTION OF PROCESSED FRUIT AND  
VEGETABLES TO SCHOOLS IN CONNECTION WITH  
EDUCATIONAL MEASURES IN ACCORDANCE WITH  
ARTICLE 23(5)**

**Products containing any of the following:**

**- added sugar**

**- added fat,**

**- added salt**

**-added sweeteners’**

Or. fr

### *Justification*

*It is important to retain Annex V of Regulation 1308/2013 regarding fruit and vegetables, prohibiting the distribution of products containing added sugar, fat, salt or sweeteners, while processed fruit and vegetables may still be distributed occasionally for educational purposes. It is, however, necessary to change the title of the Annex in line with the changes made to the scheme under this legislative proposal.*

## Amendment 29

### Proposal for a regulation

#### Article 1 – paragraph 1 – point 8 a (new)

Regulation (EU) No 1308/2013

Annex V a (new)

***(8a) The following annex shall be inserted:***

***‘ANNEX Va  
LIST OF OTHER DAIRY PRODUCTS  
REFERRED TO IN ARTICLE 23 (1)***

- Buttermilk, curdled milk, yoghurt, kefir and other fermented or acidified milk and cream falling within CN code 0403, excluding those containing added flavouring or non-lactic materials falling within CN codes 0403 10 51 to 99 and 0403 90 71 to 99;***
- cheese and curd falling under CN code 0406;***
- lactose-free milk consisting of natural milk whose composition has been changed with respect to its lactose content and not containing other non-lactic matter falling under CN code 0404 90.’***

Or. fr

*Justification*

*In line with dietary recommendations regarding calcium intake and in view of increasing problems associated with intolerance to lactose in milk, Member States should be allowed to distribute dairy products other than milk, such as yogurt and cheese, provided that they are agricultural products within the meaning of Annex I of the Treaty (and the CMO).*

## **EXPLANATORY MEMORANDUM**

### **Background**

On 30 January 2014, the European Commission published a proposal bringing together in a common framework two currently separate schemes for the distribution of school fruit and school milk respectively.

The rapporteur endorses this idea and believes that a new joint legal and financial framework will streamline and simplify administrative requirements under the two existing schemes, reduce disparities between their shared objectives (sustainable improvement in children's eating habits), iron out problems arising in the implementation thereof and, finally, help improve coordination and consistency between them.

The rapporteur endorses the Commission's view that Member State participation in the programme should be optional, as for earlier programmes.

### **Philosophy behind the report**

The philosophy behind the report reflects the alarming nature of the statistics. Consumption of fruit, vegetables and milk is continuing to decline across Europe. 22 million children are overweight and adolescents are on average consuming only 30 to 50 % of the recommended daily intake of fruit and vegetables.

The rapporteur believes it is essential to promote healthy and balanced diets at an early age, while reacquainting young people with food, its source, taste and texture and bring young consumers into contact with local producers. The rapporteur believes that a balanced and healthy diet is essential, together with physical activity and drinking plenty of water as recommended by paediatricians.

Compulsory educational measures proposed by the Commission, alongside the distribution of fruit, vegetables and milk in schools are therefore to be welcomed. The rapporteur considers that the new scheme should provide both the right food and a nutritional education from an early age.

### **Key elements of the report**

#### **Legal basis**

The rapporteur approves the Commission's choice of Article 43(2) TFEU as the legal basis for the new proposal, providing for adoption of the ordinary legislative procedure by Parliament and Council. This is in line with the stance adopted by the Parliament since the entry into force of the Treaty of Lisbon, under which codecision applies generally to all CAP legislation, while exemptions under Article 43 (3) TFEU do not affect any key aspects thereof. This is also in line with the declaration signed by the three institutions in connection with CAP reform to the effect that the compromise reached is without prejudice to their position regarding the scope of Article 43 (3) or any future body of case law established by the European Court of Justice in this connection.

### **List of products**

In its proposal, the European Commission proposes that distribution to schools be based on two 'core products': fresh fruit and vegetables' and 'milk'.

The rapporteur agrees with the Commission that priority should, as far as possible, be given to products originating in the Union, particularly local and seasonal, organic, short supply chain or environmentally-friendly products.

He also shares the Commission's view regarding the importance of ensuring that children eat more fruit and vegetables, giving priority to fresh products, since children need far less encouragement to consume compote or fruit juice than to eat fresh fruit. Furthermore children will more readily take to fruit and vegetables at school, where they see their peers doing the same. By concentrating on the distribution of fresh fruit and vegetables, the new proposal is in line with efforts by schools to reconnect their pupils with agriculture and support local and European producers.

Observation of the eating habits of European schoolchildren reveals that their intake of calcium, essential for bone mineralisation for example, is frequently inadequate. In order to standardise calcium intake among school children and provide milk substitutes for those with lactose intolerance, Member States should, under certain circumstances, be allowed to distribute cheese and yoghurt, whose ferments digest lactose, thereby offering a satisfactory alternative for those who do not like the taste of milk, reject it or have difficulty digesting it.

### **Target group of children eligible for European aid**

A distinction should be made between the objective criterion of the number of children between the ages of six and ten within the population used to calculate the amount of aid granted for each Member State and set out in Article 23a(2) ('Financial provisions') and the target group as defined in Article 22 of Regulation 1308/2013, which was left unamended by the Commission proposal. The rapporteur agrees with the Commission and considers that recipients may be children attending kindergartens or other pre-school establishments, primary schools and secondary schools administered or recognised by the Member State authorities.

### **Criteria for aid allocation to Member States**

The rapporteur endorses the Commission's criteria for allocating aid to Member States participating in the school fruit and vegetable distribution scheme.

With regard to the milk scheme, however, he considers that the historical criterion cannot apply to Croatia, since it has only recently joined the Union and that a minimum annual amount per child should be paid so as to offset any inequities arising from this criterion. In a number of Member States, the annual amount spent per child under the milk scheme is less than EUR 1.

More generally, the rapporteur calls on the Commission to consider the introduction of more objective criteria in future, based on the consumption figures for each product type and age bracket.

**Educational measures**

The rapporteur stresses the fundamental importance of educational measures under the new scheme.

He considers that the purpose of the scheme, educating children in healthy eating, must be clearly heralded and accordingly recommends that at least 15% of the budgeted amounts be earmarked for educational measures. He agrees with the Commission that it would also be possible to finance the distribution of other products, such as processed fruit and vegetables, olive oil and honey for educational purposes.

**Reducing administrative burdens and sound financial management**

Special report No 10 of 2011 of the European Court of Auditors entitled '*Are the School Milk and School Fruit Schemes effective?*', the impact study published by the European Commission and various encounters with local stakeholders (schools, suppliers, producers) have highlighted the major administrative and organisational burdens shouldered by schools seeking to participate in the programme.

The restriction of the list of products to be distributed, proposed by the Commission and supported by the rapporteur, will also make it possible to reduce the organisational burden.

In order to diminish the administrative workload for schools participating in both schemes, the rapporteur calls for a single application procedure and single control procedure to apply to them.

Moreover, in order to ensure the effective management of the scheme, it is preferable to replace aid per portion proposed by the Commission with aid per child and per distribution operation, owing to the difficulty of verifying whether the quantities distributed in fact correspond to the agreed portions.

**Visibility of the programme and European identifier**

Taking into account the added value of the scheme at European level, the rapporteur considers that additional measures should be adopted to heighten its visibility and public awareness thereof and of EU subsidies in general.

In addition to the mandatory information displayed in each school participating in the scheme, the rapporteur recommends the introduction of a logo and a common European identifier in this connection.