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*****II**

RECOMMENDATION FOR SECOND READING

on the Council position at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council amending Council Regulations (EC) No 1290/2005 and (EC) No 1234/2007 as regards distribution of food products to the most deprived persons in the Union (18733/1/2011 – C7-0022/2012 – 2008/0183(COD))

Committee on Agriculture and Rural Development

Rapporteur: Czesław Adam Siekierski

Symbols for procedures

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

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

Amendments to a draft act

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

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

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the Council position at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council amending Council Regulations (EC) No 1290/2005 and (EC) No 1234/2007 as regards distribution of food products to the most deprived persons in the Union
(18733/1/2011 – C7-0022/2012 – 2008/0183(COD))**

(Ordinary legislative procedure: second reading)

The European Parliament,

- having regard to the Council position at first reading (18733/1/2011 – C7-0022/2012),
 - having regard to the reasoned opinions submitted, within the framework of the Protocol (No 2) on the application of the principles of subsidiarity and proportionality, by the Danish Parliament, Swedish Parliament and the United Kingdom House of Lords, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinions of the European Economic and Social Committee of 20 January 2011¹ and 8 December 2011²,
 - having regard to the opinion of the Committee of the Regions of 27 January 2011³,
 - having regard to its position of 26 March 2009⁴,
 - having regard to its resolution of 5 May 2010 on the consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures (COM(2009)0665) – 'omnibus'⁵,
 - having regard to the amended Commission proposals (COM(2010)0486) and COM(2011)0634),
 - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 72 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on Agriculture and Rural Development (A7-0032/2012),
1. Approves the Council position at first reading;
 2. Notes that the act is adopted in accordance with the Council position;

¹ OJ C 84, 17.3.2011, p.49

² Not yet published in the Official Journal.

³ OJ C 104, 2.4.2011, p.44.

⁴ OJ C 117 E, 6.5.2010, p.258.

⁵ OJ C 81 E, 15.3.2011, p.1.

3. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

EXPLANATORY STATEMENT

Your rapporteur suggests that the Parliament should accept without amendments the Council position at first reading adopted on 23 January 2012. Given the urgent situation created by the blocking of the proposal at the Council for two years, your rapporteur considers that any delay linked to the tabling of amendments and, as a consequence, a possible lengthy second reading procedure would only cause longer suffering to the most deprived EU citizens who could benefit from the food distribution programme.

Moreover, it has to be taken into account that the amended Commission proposal of 3 October 2011 and the Council position under consideration have taken over all substantial EP amendments at first reading. In particular:

- full Union's funding for the programme is maintained. The current rate of 100% EU funding is retained for the future but, in order to ensure its budgetary stability, an annual ceiling of € 500 million for the Union's financial contribution is foreseen;
- other substantial changes suggested by EP amendments have been accepted in their essence, namely: the notion of the Union origin of the foods; the obligation for distribution points to clearly display the participation of the Union in the plan; purchase of food products to be made on the basis of competitive procedures; reimbursement of storage costs incurred by charitable organisations.

Short background information

The original Commission proposal was adopted on 17 September 2008. Parliament adopted its first reading on 26 March 2009 (under the consultation procedure applying at that time) on the basis of the report by Mr. Siekierski containing 20 amendments. The Commission has subsequently taken over, in a first amended proposal, important EP amendments, such as the full financing by the EU.

However, the proposal has remained blocked at the Council for two years, due to a blocking minority. For that reason, the Commission adopted on 3 October 2011, under the ordinary legislative procedure, its second amended proposal which is now under consideration.

Council position at first reading

On 14 November 2011, the Council discussed the matter again and noted the absence of a blocking minority. In the Special Committee for Agriculture (SCA) of 12 December 2011, the Council agreed on a compromise position whose main elements were:

- the current scheme should be continued only in 2012 and 2013 and should be phased out after the completion of the 2013 annual plan;
- retroactivity: the Regulation should apply already since 1 January 2012 until the completion of the 2013 annual plan;
- exceptionally, there should be no Lisbon alignment (i.e. non application of Articles 290, 291 TFEU on delegated and implementing acts);
- the additional legal base on social cohesion (Article 175 (3) TFEU), which had been inserted by the Commission in its amended proposal, should be deleted.

This compromise was confirmed by the formal adoption by the Council of its position at first reading on 23 January 2012. The adopted Council position fully reflects the above-stated Council compromise agreed on 12 December 2011.

Final suggestions

The rapporteur would like to underline that Parliament has no real margin for an extensive negotiation in order to amend the Council position, given the particularly urgent situation created by the blocking of the proposal at the Council for two years. It should also be reminded that Parliament, in its resolution of 7 July 2011, had called on the Commission and the Council to "develop a transitional solution for the remaining years of the current MFF so as to avoid a sharp cutback in food aid as a result of the reduction in funding from € 500 million to € 113 million and ensure that people dependent on food aid do not suffer from food poverty".

At a trilogue organised on 6 December 2011, the EP negotiating team recognised, in its majority, that in view of the explanations given by the Presidency and Commission representatives on the absence of a better solution in this particularly difficult situation, it saw itself obliged to agree to the Council compromise as the only means for achieving a transitional solution for the remaining years of the current MFF.

In view of those arguments, also shared by the majority of Members at the AGRI special meeting of 12 December 2011, your rapporteur suggests that the Council position should be accepted without amendments, so that it can finally be adopted in its current form at the EP Plenary (as a so-called early second reading).

PROCEDURE

Title	Food distribution to the most deprived persons in the Community (amendment of the Single CMO Regulation)
References	18733/1/2011 – C7-0022/2012 – 2008/0183(COD)
Date of Parliament's first reading – P number	26.3.2009 T6-0188/2009
Commission proposal	COM(2008)0563 - C6-0353/2008
Amended Commission proposal	COM(2010)0486
Receipt of Council position at first reading announced in plenary	2.2.2012
Committee responsible Date announced in plenary	AGRI 2.2.2012
Date adopted	6.2.2012
Result of final vote	+: 24 -: 2 0: 0
Members present for the final vote	Liam Aylward, Luis Manuel Capoulas Santos, Vasilica Viorica Dăncilă, Paolo De Castro, Albert Deß, Herbert Dorfmann, Hynek Fajmon, Martin Häusling, Esther Herranz García, Elisabeth Jeggle, Jarosław Kalinowski, Elisabeth Köstinger, Stéphane Le Foll, George Lyon, Gabriel Mato Adrover, Mariya Nedelcheva, Wojciech Michał Olejniczak, Georgios Papastamkos, Marit Paulsen, Britta Reimers, Ulrike Rodust, Giancarlo Scottà, Czesław Adam Siekierski, Marc Tarabella, Janusz Wojciechowski
Substitute(s) present for the final vote	Salvatore Caronna, Sandra Kalniete, Milan Zver
Substitute(s) under Rule 187(2) present for the final vote	Emilio Menéndez del Valle
Date tabled	8.2.2012