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from: Ms Anne-Marie Meldgaard Chair of the European Affairs Committee of the Danish Parliament

date of receipt: 16 November 2010

to: Yves Leterme, President of the Council of the European Union

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Subject: Amended proposal for 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  
[doc. 13435/10 AGRI 312 AGRIORG 25 CODEC 798- COM (2010) 486 final]  
- Opinion<sup>1</sup> on the application of the Principles of Subsidiarity and Proportionality

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Delegations will find attached a copy of the above letter.

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<sup>1</sup> This opinion is available in English on the Interparliamentary EU information exchange Internet site (IPEX) at the following address: <http://www.ipex.eu/ipex/cms/home/Documents/pid/10>

FOLKETINGET



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**Begrundet udtalelse vedr. Kommissionens forslag til forordning om ændring af forordning 1290/2005 og 1234/2007 for så vidt angår uddeling af fødevarer til de socialt dårligst stillede personer i Unionen – KOM(2010) 486**

15. november 2010

Kære Hr. Leterme

Kommissionen fremsatte den 19. september 2010 et ændret forslag til Europa-Parlamentets og Rådets forordning om ændring af Rådets forordning (EF) nr. 1290/2005 og (EF) nr. 1234/2007 for så vidt angår uddeling af fødevarer til de socialt dårligst stillede personer i Unionen - KOM (2010) 486.

Ref. 09-000927-43

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Folketinget finder, at forslaget er i strid med nærhedsprincippet.

Folketinget finder, at ordningen med fødevarerhjælp er gået fra at være en metode, hvorefter man bedst kunne anvende produkter fra interventionslagrene, til at være en ordning med levering af ernæringsmæssige korrekte fødevarer til socialt dårligt stillede personer i EU. Dermed er ordningen gået fra at være landbrugspolitik til at være socialpolitik. Ifølge Folketinget opfylder forslaget imidlertid ikke den fælles landbrugspolitik formål. Derfor har Kommissionen valgt et forkert retsgrundlag for forslaget (artikel 43, stk. 2 TEUF om den fælles landbrugspolitik).

Desuden finder Folketinget, at forslaget som udgangspunkt kunne have været fremsat med hjemmel i artikel 352 TEUF (foranstaltninger uden særlig hjemmel). I den forbindelse finder Folketinget dog, at forslaget ikke på nogen måde er nødvendigt for at opfylde nogen af traktatens mål. Tværtimod vurderes forslaget at være i strid med nærhedsprincippet, fordi formålene med ordningen bedre kan opfyldes af medlemsstaterne på centralt, regionalt eller lokalt niveau.

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Kommissionen har hverken i sit oprindelige forslag fra 19. september 2008 (KOM (2008) 563) eller i det ændrede forslag fra 19. september 2010 (KOM (2010) 486) redegjort for forslagens overholdelse af nærhedsprincippet.

Med venlig hilsen



Anne-Marie Melgaard  
Formand for Europaudvalget



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**Reasonned opinion as regards Commission proposal for a regulation  
amending Regulations (EC) No 1290/2005 and (EC) No 1234/2007 as regards  
food distribution to the most deprived persons in the Union – COM(2010) 486**

15 November 2010

Dear M. Leterme

On 19 September 2010 the Commission presented its amended proposal for 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 – COM (2010) 486.

Ref. 09-000927-43

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The Danish Parliament finds that the proposal is in conflict with the subsidiarity principle.

The Danish Parliament finds that the scheme has changed from having been a means of making use of intervention stocks to a scheme for the supply of nutritious food products for the most deprived persons in the Union. The measures have thus shifted from having been agricultural policy measures to social policy measures. The Danish Parliament considers that the proposal does not fulfil the objectives of the common agricultural policy. This means that the legal basis cited by the Commission in the proposal is incorrect (Article 43(2) TFEU).

Furthermore, The Danish Parliament finds that the proposal could, in principle, have been based on Article 352 TFEU. However, the Danish Parliament finds that the proposed measures cannot in any way be considered necessary for achieving any of the Treaty's goals. On the contrary, the proposal conflicts with the subsidiarity principle since the goals of the scheme can be better achieved by the Member States, at the central, regional or local levels.

The Commission has neither in its proposal from 19 September 2008 (COM (2008) 563) nor in its proposal from 19 September 2010 (COM (2010) 486) stated the reasons for the proposals' compliance with the subsidiarity principle.

Best regards

Anne-Marie Meldgaard  
Chair of the European Affairs Committee