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"A" ITEM NOTE

From: General Secretariat of the Council
To: Council

No. prev. doc.: 5958/14, 6054/14

Subject: 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
Proposal for a COUNCIL REGULATION amending Regulation (EU) No 1370/2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products
- Approval of a letter to the European Commission

1. On 30 January 2014 the Commission submitted to the Council the above proposals, based respectively on Article 43(2) and Article 43(3) TFEU¹. The first (the "CMO proposal") aims at 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. The second (the "Fixing Regulation proposal") amends Regulation (EU) No 1370/2013.

¹ Docs 5958/14 and 6054/14.

2. After examination of these two proposals, on 16 June 2014 the Presidency presented to the Council a progress report² in which it was underlined that delegations unanimously supported the Council Legal Service's view according to which the provisions of the "CMO proposal" fixing the level of aid should be based on Article 43(3) TFEU. In the same vein, delegations had reservations about the deletion of the fixing of aid provisions from the Council Regulation (EU) No 1370/2013 (Articles 5 and 6) proposed by the Commission.
3. On 12 September 2014 delegations reiterated in the Special Committee on Agriculture their unanimous support to the Council Legal Service's opinion as referred above.
4. On this basis, on 20 October 2014 the Special Committee on Agriculture approved the letter set out in Annex and addressed to the Commission, asking it to amend its proposals so as to fully respect the Council's prerogatives under the TFEU.
5. In light of the above, the Special Committee on Agriculture invites the Council to approve the letter set out in Annex, as an "A" item at one of its next sessions.

² Doc. 10456/14.

DRAFT LETTER

from : President of the Council
to : President of the Commission
copy : President of the European Parliament

Sir,

Following the presentation of the Commission proposals reviewing the existing aid schemes for the supply of fruit and vegetables, bananas and milk in educational institutes, as you know, the Council has started the examination and the discussion of the proposal. The Council takes note of the objectives of these proposals to unify and consolidate the current separate legal and financial framework of the schemes, to increase their efficiency and effectiveness, and to refocus the current set-up towards long-term policy objectives such as improving dietary habits of children and promote the consumption of fruit, vegetables and milk.

Further to the technical examination carried out, the Council remains fully committed to work towards an even more effective functioning of the schemes. Nevertheless, the Council is of the unanimous view that Article 43(3) TFEU is the correct legal basis for fixing the level of aid in the schemes in line with the current Fixing Regulation. This position is also in line with earlier Council positions and with the outcome of the CAP reform.

Therefore, in order to facilitate the continuation of the work on this file, the Council would like to invite the Commission to amend its proposals in full respect of the Council's prerogatives. The Council would then be in the position to make progresses on the file and bring it to a successful completion as quickly as possible.

(Complimentary close).