



Council of the  
European Union

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**NOTE**

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From: Presidency

To: Delegations

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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

- State of play

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1. The School Fruit and Vegetables Scheme and the School Milk Scheme are currently separate programmes under which EU aid is allocated to Member States for the supply of fruit, vegetables, milk and milk products in educational establishments. On 30 January 2014, the Commission adopted two proposals merging the schemes and amending the newly adopted Single Common Market Organisation Regulation (doc. 5958/14) with art. 42 and 43(2) TFEU as legal basis, and the Fixing Regulation (doc. 6054/14) with art. 43(3) TFEU as legal basis.
2. The proposals were examined under the Hellenic and the Italian Presidency (see doc. 16700/14 for the latest progress report).

3. As part of its Work Programme for 2015, the Commission decided on 16 December 2014 to evaluate the existing schemes for subsidiarity, proportionality and better regulation reasons as part of the CAP simplification. Pending this, the Commission recommended to the co-legislators to put on hold the work on the amending proposals.
4. The Council had already suspended its work after sending a letter to the Commission on 7 November 2014 (see Annex to doc. 14533/14).
5. The European Parliament did not follow the Commission's recommendation to put the file on hold and adopted its position at first reading on 28 May 2015. The negotiating mandate (doc. 10312/15) contains 48 amendments to the proposal for a Regulation of the EP and of the Council. The Rapporteur is Mr Tarabella (S&D, BE).
6. The Commission evaluation aimed at verifying:
  - 1) whether EU action in this area could demonstrate clear EU added value (principle of subsidiarity),
  - 2) whether the content and the form of EU action did not exceed what is necessary to achieve the objectives pursued (principle of proportionality), and
  - 3) whether EU action was efficient, effective, relevant and coherent, pursuing its objectives with the least burdens and costs to citizens, businesses and administrations in line with the Commission's Better Regulation policy.

The Commission draft evaluation report was published on 12 May 2015 and submitted to stakeholders for consultation. The Commission is expected to conclude the process of evaluation shortly.
7. In view of the above, the Commission is invited to present to the Council the outcome of the evaluation process and its appreciation of the state of play of the file.