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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**

{SWD(2014) 28 final}
{SWD(2014) 29 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

General context

The Regulation (EU) No 1308/2013 of the European Parliament and of the Council (single Common Market Organisation Regulation)¹ provides for a legal and financial framework governing the distribution of selected agricultural products to children in schools through the School Milk Scheme and the School Fruit Scheme.

The two schemes have developed independently and in different time periods. The School Milk Scheme dates back to the creation of the Common Market Organisation for milk in 1968 and has been actually implemented since 1977. The School Fruit Scheme is a more recent programme that came out as a political commitment in the context of the 2007 reform of the Common Market Organisation for fruit and vegetables. The current schemes operate within different legal and financial frameworks, and have some important differences in their design and functioning.

Both school schemes were established in order to promote the consumption of fruit and vegetable and milk products, which are important sectors for the European agriculture, each representing approximately 15% of the value of European Union (EU) agricultural output. Besides their economic importance, they are beneficial in the public health context and are suitable for the distribution to school children.

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 and milk products. Despite different health and agricultural promotion efforts both at the national and EU level to increase the consumption, the declining trends have not been reversed, particularly for fresh fruit and vegetables and drinking milk. This situation is exacerbated amongst others by the modern consumption trends towards highly processed foods which are often high in added sugars, salt and fat, and will be boosted by younger age groups.

Despite the positive embedding of the current schemes in schools and the acknowledgement of their relevance, conclusions drawn from different reports and external evaluations highlight certain weaknesses in their design and inefficiencies in their functioning.

The CAP 2020 already contains important elements that are expected to solve some of the identified problems, in particular through significant changes to the financing of the School Fruit Scheme and strengthening of its educational dimension. The new requirement under the Scholl Milk Scheme that participating Member States should draw up a strategy will help focus the implementation of the scheme, as it is already the case for School Fruit Scheme. However, the Commission CAP 2020 proposal was adopted before the external evaluations of the current schemes were finalised and it preceded also the European Court of Auditors (hereinafter ECA) report.

Objectives of the proposal

The proposal aims not only to address the endogenous problems inherent to the functioning of the schemes in order to increase their efficiency and effectiveness, but it also aims at providing a more unified policy response to ensure that they are capable of meeting the long-

¹ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p.671).

term objectives and effectively respond to the external challenges. This is in line with the ECA recommendation that *"there should be greater coordination and synergy between the two schemes in order to ensure a globally consistent approach to nutrition and that the programmes are managed efficiently"*. With this proposal, the Commission also responds to the reporting obligation stemming from Article 225(c) of the Regulation concerning the possibility of extending the scope of the school schemes to include olive oil and table olives.

Firstly, the proposal aims to refocus the current set-up towards the long-term objectives, with a view of strengthening the educational dimensions of both schemes, and to contribute to reconnecting young citizens with food and its source, thus enhancing perceptions of agriculture and its products, the CAP and the EU. Currently, there is a gap between the design of the schemes and these objectives, as the latter are addressed differently in the two schemes. The educational dimension was built into the School Fruit Scheme from the beginning, while the School Milk Scheme does not oblige Member States to use specific educational measures, making the link between the products distributed and the scheme low. Furthermore, the evaluation and monitoring system of the School Milk Scheme is weak, while the system of the School Fruit Scheme needs improvements, which is important for measuring their medium- or long-term effectiveness.

Secondly, the goal is to unify and consolidate the current separate legal and financial frameworks and increase the visibility of the EU intervention, in order to ensure a globally consistent CAP approach to school distribution and maximise the management efficiency. As the current schemes have developed independently and in different time periods, there is a lack of coordination and consistency between them, even though they pursue similar objectives and target groups. The current fragmented system entails a multitude of different approaches and messages, which could negatively impact the effectiveness of the regime as a whole. This problem stems from the different legal and financial frameworks, market differences between the products involved and decisions at Member State level on how to implement the two schemes.

Last but not the least, there is a need to increase the efficiency of the spending dedicated to the promotion of the consumption of agricultural products in schools, where the financial potential of the schemes would be better targeted to maximise their impact and the cost-effectiveness of distribution would be increased. Some of the current deficiencies are common (such as a high administrative and organisational burden), while others are specific either for the School Fruit Scheme (most notably the under-execution of around 30% of its potential as well as huge disparities in the costs for products involved in the distribution) or for the School Milk Scheme (potential deadweight effect, low cost-benefit ratio).

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

The review of school schemes started in October 2012.

During the Impact Assessment process, a public consultation was conducted, inviting interested parties to contribute to the review. The public consultation process was based on a consultation document that was structured around 9 open-ended questions. The consultation ran for 12 weeks and was conducted on the basis of an online questionnaire. In addition, separate meetings and hearings were organised in the course of the process, including stakeholders meeting on 15 March 2013.

The three scenarios elaborated in the Impact Assessment are 1) "status quo" option that maintains the separate frameworks for the school distribution but integrates the improvements made to the school schemes by CAP 2020; 2) an "adjustment" scenario that explores whether

the objectives of the review could be achieved within the current separate setting but through the measures/changes aimed at bridging the gap in the educational dimensions of the current schemes, increasing the synergies between the two schemes, further simplification and improvements to the programmes beyond CAP 2020; and 3) a "new framework" scenario that entails a considerable policy change in the form of common legal and financing framework for the distribution of a restricted number of products, complemented by the orientation towards the long-term objectives through the strengthened educational dimension of the scheme.

On the basis of the evaluations of the current policy frameworks and the analysis of future challenges and needs, the impact assessment evaluates and compares the impacts of these three alternative policy scenarios against their potential to achieve the objectives, and in terms of effectiveness, efficiency and coherence with over-arching objectives:

- The status quo scenario, with a strengthened School Fruit Scheme, would further exacerbate the existing gaps in the educational dimension between the School Fruit Scheme and the School Milk Scheme and not bring much in terms of management efficiency. It also brings a limited contribution in providing a uniform and visible EU intervention. Whilst budgetary neutral, it contains certain budgetary uncertainty with no limitation on the School Milk Scheme funding. It keeps the high level of administrative burden compared to the benefits (low cost-benefit), strong variations in efficiency due to high disparities in costs of products for the School Fruit Scheme and continued potential deadweight effect in the School Milk Scheme. There are doubts whether this option could provide a suitable response to some of the emerging challenges related to the consumption patterns and demand for fresh agricultural products. It has been seen as having a limited contribution to horizontal objectives of better regulation and simplification, while it scores better with its potential in contributing to public health objectives of reducing health inequalities through national strategies and targeting.
- On the other hand, the main impacts arising from the adjustment option are expected to come through the strengthening of School Milk Scheme educational dimension and synergies in the implementation of both schemes, whilst keeping the current separate setting. This would provide better contribution to the long-term objectives of sustainably increasing the demand these agricultural products and shaping healthier eating habits. It is positive as regards the increased synergies but these are limited due to different financial arrangements between the schemes. Lower administrative burden brings more benefits, lower complexity through synergies and common procedures.
- New framework option shifts the focus of the current school regime towards a set-up with measures that better fulfil the long-term objectives of the schemes and it bridges the gaps in the design that currently exist between the two schemes. It furthermore gives greater flexibility to Member States to manage the school programme and focus their actions based on priority needs, with a necessary budgetary flexibility to operate between different financial entitlements and respond to changing situations. Additionally, it is designed to give the greatest impact of school intervention within a fixed budget. It eliminates the uncertainties linked to the EU budget, as it sets a fixed annual limit for the school intervention, which reflects the current (CAP 2020) absorption potential. With improved financing arrangements and conditions for participation, the existing potential could be used with greater efficiency.

On this basis, the Impact Assessment concludes that the "new framework" scenario is the most balanced in progressively refocusing the school schemes regime towards the long-term goals, enabling them to better respond to the overarching problems of declining fruit and vegetable and milk consumption and rising obesity, and establishing a critical link with agriculture a variety of its products.

Simplification has been an important consideration throughout the process and should be enhanced in several ways, most of which will come notably through the simplification on the basis of Commission acts where certain requirements will be merged or removed.

3. LEGAL ELEMENTS OF THE PROPOSAL

It is proposed to establish a common legal and financial framework for the distribution of fruit and vegetables and milk to children in schools, supported by strengthened educational measures to reaffirm the link with agriculture and a variety of its products, as well as wider issues such as public health and environmental matters. The new framework would be budget neutral and would operate within the budget foreseen for the schools schemes under CAP 2020. The structure of the new scheme is built largely on the existing elements of the two schemes which are considered as well-functioning and efficient.

The proposal is based on Articles 42 and 43(2) of the Treaty. It complies with the principles of subsidiarity and proportionality whereby the framework for action and the basic principles are set at the EU level, whilst Member States still have the leeway to tailor the scheme based on their priorities and in line with national/regional specificities, and to set their targets and implementation modalities.

The key elements of the new proposal are the following:

- Refocus the distribution: it is proposed to focus the distribution of products in schools to two "core products": fresh fruit and vegetables (including bananas) and drinking milk only, with the fat content of drinking milk to be decided upon by national health authorities. This focus would be beneficial for several reasons, especially since the distribution would take place within a fixed budget, it would reduce organisational burden for schools, and is in line with the need to help reverse the declining consumption trends for these two groups of products. Additionally, this would be in line with the overall practice, as fresh fruit and vegetables and drinking milk are the most distributed products under the current schemes. However, Member States could include also a wider variety of agricultural products in the framework of the thematic educational measures.
- Unify the financial provisions and improve financing conditions in order to increase the efficiency of spending:
 - Considering the differences between the products and their supply chains, as well as the different consumption situation across the Member States, separate "envelopes" would be allocated to Member States for fruit and vegetables (including bananas) and milk. An envelope for the fruit and vegetables in line with the CAP 2020 budget (EUR 150 million) and an envelope for milk corresponding to the expected use of funds (EUR 80 million). Certain flexibility would be provided for, where Member States could transfer limited shares of their allocations between the envelopes based on their needs (prioritising of intervention through strategies). Within those envelopes, thresholds would be established for supporting measures and other eligible measures, such as evaluation, monitoring and communication.

- Based on the experience so far, the level of EU contribution towards the price of products would be limited through a maximum EU aid per portion for fruit and vegetables and for milk, and not through the EU co-financing levels as was so far the case for the School Fruit Scheme. This would be a new element for fruit and vegetables, which would help alleviate the huge disparities in the price for products distributed and would imply a simplification in terms of a management. The level of EU subsidy for the milk would be increased in order to reduce the deadweight effect (by enabling the distribution free of charge or close to it) and increase the cost-benefit of distribution. These elements of the proposal respond to the commitment undertaken by the Commission² in the context of the adoption of the Council Regulation (EU) No 1370/2013³ to review the financing arrangements of the current schemes, namely the aid for the distribution of milk as well as the co-financing of the school fruit scheme costs. Member States will be allowed to continue providing national top-ups or attract private funding in order to enlarge the scope and/or the intensity of their intervention of the school schemes.
- Reinforce the educational dimension: supporting educational measures would become a requirement also for the milk distribution, thus bridging the gap between the current schemes. These measures would have a strong educational dimension, with a focus on agricultural issues, nutrition/health (balanced diets) and environment matters. In addition, they would provide a critical instrument to (re)connect the children with food, agricultural production and farmers. Educational measures should target the school population and if possible involve the family and community as well and address the wider issue of the existing offer of healthy options of food and beverages at schools. They are useful as evidence shows that many children grow up not knowing where their food comes from – where and how it is produced and what are products of certain seasons. Member States could therefore choose thematic educational measures that could occasionally include also agricultural products, other than the two core products, such as for example yoghurts, processed fruit and vegetables, honey, olive oil, and similar. The list of all products supplied under the scheme and their nutritional aspects have to be approved by national health authorities. Supporting educational measures would have to be directly linked to the agricultural objectives of the scheme and be in line with the objective of promoting healthy diets.

4. BUDGETARY IMPLICATION

The impact of the proposal is budgetary neutral compared to the status quo. For fruit and vegetables, the budgetary ceiling currently set in the Regulation No 1308/2013 (EUR 150 million per school year) is maintained in this proposal. For milk, the proposal includes an envelope of EUR 80 million per school year, corresponding to the expected budget execution and in line with the overall amounts for market-related expenditure and direct aids taken into account in the Multiannual Financial Framework 2014-2020.

As regards the distribution of expenditure, the highest support will be given to the distribution and supporting educational measures. Other costs, such as evaluation, monitoring and communication, will also be eligible to a more limited extent. The ceilings for the costs of

² Special Committee on Agriculture, 11 November 2013.

³ Council Regulation (EU) No 1370/2013 of 16 December 2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products (OJ L 346, 20.12.2013, p.12).

supporting educational measures and for other related costs will be set by the Commission in light of the experience with the current programmes.

Details on the budgetary and financial implications are provided in the legislative financial statement accompanying the proposal.

Proposal for a

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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 EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 42 and 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee⁴,

Having regard to the opinion of the Committee of the Regions⁵,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Section 1 of Chapter II of Title I of Part II of Regulation (EU) No 1308/2013 of the European Parliament and of the Council⁶ provides for a school fruit and vegetables scheme including bananas and a school milk scheme.
- (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.
- (3) The analysis of different policy options points out that a unified approach under a common legal and financial framework is more appropriate and effective in meeting the specific objectives that the Common Agricultural Policy is pursuing through school schemes. This would allow Member States to maximise the impact of distribution within a constant budget and increase the management efficiency. However, in order to take into account the differences between the fruit and vegetables including bananas and milk products and their supply chains, certain elements should

⁴ OJ C , , p. .

⁵ OJ C , , p. .

⁶ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671)

remain separate, such as the respective budgetary envelopes. In light of the experience with the current schemes, the participation in the scheme should continue to be voluntary for Member States. Taking into account the different consumption situations across Member States, the possibility should be given to participating Member States to choose whether they want to distribute all or just one of the products eligible for the supply to children in educational establishments.

- (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.
- (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.
- (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.
- (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 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 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.

- (8) In order to allow the Member States with a limited demographic size to implement a cost effective scheme, the power to adopt certain acts should be delegated to the Commission in respect of setting the minimum amount of the Union aid that Member States are entitled to receive for fruit and vegetables including bananas and milk.
- (9) In the interest of sound administration and budget management, Member States wishing to participate in the distribution of fruit and vegetables including bananas and/or milk should apply every year for the Union aid. With a view of simplifying the procedures and management, this application should be done on the basis of separate aid requests. Following the requests of the Member States, the Commission should decide on the definitive allocations for fruit and vegetables including bananas and milk within the appropriations available in the budget and after taking into account limited transfers between their allocations, which encourage prioritising of distribution based on the nutritional needs. The power to adopt certain acts should be delegated to the Commission in respect of the measures setting the conditions and the limits concerning these transfers.
- (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.
- (11) In order to ensure the visibility of the scheme, Member States should explain in their strategy how they will guarantee the added value of their scheme, especially where products financed under the Union scheme are consumed at the same time as other meals provided to children in an educational establishment. In order to ensure that the educational purpose of the Union scheme is attained and effective, the power to adopt certain acts should be delegated to the Commission in respect of the rules concerning the distribution of the products financed under the Union scheme in relation to the provision of other meals in educational establishments and their preparation.
- (12) In order to ensure that the price of products provided to children under the scheme fully reflects the amount of the aid provided and that subsidised products are not deflected from their intended use, the power to adopt certain acts should be delegated to the Commission in respect of establishment of price monitoring under the scheme.
- (13) Considering that the co-financing principle is abolished for the fruit and vegetable distribution, it is necessary to amend the appropriate provisions of Regulation (EU) No 1306/2013⁷.

⁷

Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council

- (14) Regulations (EU) No 1308/2013 and (EU) No 1306/2013 should be amended accordingly. To take into account the periodicity of the school year, the new rules should therefore become applicable as from 1 August 20XX,

HAVE ADOPTED THIS REGULATION:

Article 1

Amendment to Regulation (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products

Regulation (EU) No 1308/2013 is amended as follows:

- (1) The title of Section 1 of Chapter II of Title I of Part II is replaced by the following:
'AID FOR THE SUPPLY OF AGRICULTURAL PRODUCTS IN EDUCATIONAL ESTABLISHMENTS'
- (2) the heading "Subsection 1" and the title " School fruit and vegetables schemes" are deleted;
- (3) Article 23 is replaced by the following:

"Article 23

Aid for the supply of fruit and vegetables, bananas and milk, supporting educational measures and related costs

1. The Union aid shall be granted in respect of children in the educational establishments referred to in Article 22:
 - (a) for the supply of fruit and vegetables, bananas, and milk;
 - (b) for supporting educational measures; and
 - (c) to cover certain related costs linked to logistics and distribution, equipment, publicity, monitoring and evaluation.
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.
3. As a condition for their participation in the school scheme Member States shall draw up, prior to their participation in the school scheme, and subsequently every 6 years, at national or regional level, a strategy for the implementation of the scheme. The strategy may be amended by a Member State, in particular in the light of monitoring and evaluation. The strategy shall at least identify the needs to be met, the ranking of the needs in terms of priorities, the target population, the results expected and the quantified targets to be attained in relation to the initial situation, and lay down the most appropriate instruments and actions for attaining those objectives.
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

Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549).

of agricultural products, educating about related issues, such as healthy eating habits, combating food waste, local food chains or organic farming.

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.
6. Member States shall choose the products to be featured in the distribution or to be included in supporting educational measures on the basis of objective criteria which may include the health and environmental considerations, seasonality, variety, or availability of local produce, giving priority to the extent practicable to products originating in the Union, particularly to local purchasing, organic products, short supply chains or environmental benefits.
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."

(4) Article 23a is inserted:

"Article 23a

Financing provisions

1. The aid under the school scheme allocated for the distribution of products, the supporting educational measures and the related costs referred to in Article 23(1), and without prejudice to the provisions in paragraph 4, shall not exceed:
 - (a) for fruit and vegetables and bananas: EUR 150 million per school year;
 - (b) for milk: EUR 80 million per school year.

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 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.

2. The aid referred to in paragraph 1 shall be allocated to each Member State taking into account of the following:
 - (a) for fruit and vegetables including bananas: the objective criteria based on:
 - (i) the number of six- to ten-year old children as a proportion of the population,
 - (ii) the degree of development of the regions within a Member State so to ensure higher aid to less developed regions within the meaning of Article 3(5) of this Regulation, the outermost regions listed in Article 349 of the Treaty or and the smaller Aegean Islands within the meaning Article 1(2) of Regulation (EU) No 229/2013, and

- (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.

The Commission shall assess at least every three years whether the indicative allocations for fruit and vegetables including bananas and for milk remain consistent with objective criteria referred to in this paragraph.

- 3. Member States shall apply every year for the participation in the school scheme by submitting their request for the Union aid for each product they wish to distribute as referred to in Article 23(1)(a).
- 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.
- 5. The school scheme shall be without prejudice to any separate national school schemes which are compatible with Union law.
- 6. Member States may, in addition to Union aid, grant national aid in accordance with Article 217.
- 7. The Union may also finance, pursuant to Article 6 of Regulation (EU) No 1306/2013, information, monitoring and evaluation measures relating to the school scheme, including raising public awareness of it, and related networking measures.
- 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."

- (5) Articles 24 and 25 are replaced by the following:

"Article 24

Delegated powers

- 1. In order to promote the healthy eating habits of children and to ensure that the aid under the school scheme is aimed at children in the target group referred to in Article 22, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 concerning rules on:
 - (a) the additional criteria related to the targeting of aid by Member States;
 - (b) the approval and selection of aid applicants by Member States;
 - (c) the drawing-up of the national or regional strategies and on the supporting educational measures.
- 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 227 concerning:

- (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,
 - (b) the conditions concerning the transfers between the allocations for fruit and vegetables including bananas and milk;
 - (c) the costs and/or measures that are eligible for Union aid and the possibility of fixing minimum amounts and maximum amounts for specific costs;
 - (d) the obligation for Member States to monitor and evaluate the effectiveness of their school scheme.
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.
 4. In order to ensure the added value and the visibility of the Union scheme, the Commission shall be empowered to adopt delegated acts in accordance with Article 227 in respect of the rules concerning the distribution of products in relation to the provision of other meals in educational establishments.
 5. Taking into account the need to ensure the aid is reflected in the price at which the products are available under the school scheme, the Commission may, by means of delegated acts in accordance with Article 227, adopt rules on the establishment of price monitoring under the scheme.

Article 25

Implementing powers in accordance with the examination procedure

The Commission may, by means of implementing acts, adopt the measures necessary for the application of this Section including:

- (a) the definitive allocation of aid for fruit and vegetables including bananas and/or milk between participating Member States within the limits set out in Article 23a(1), taking account of the transfers referred to in Article 23a(4);
 - (b) the information to be contained in Member States' strategies;
 - (c) the aid applications and payments;
 - (d) the methods of publicising, and networking measures in respect of, the school scheme;
 - (e) the submission, format and content of monitoring and evaluation reports by Member States participating in the school scheme;
 - (f) the management of price monitoring."
- (6) Subsection 2 is deleted.

- (7) Article 217 is replaced by the following:

"Article 217

National payments for distribution of products to children

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).

Member States may finance those payments by means of a levy on the sector concerned or by any other contribution from the private sector.

Member States may, in addition to Union aid provided for in Article 23, make national payments for financing supporting educational measures, as referred to in Article 23(4)."

- (8) Annex V is deleted.

Article 2

Amendment to Regulation (EU) No 1306/2013

In Article 4(1) of Regulation (EU) No 1306/2013 , point (d) is replaced by the following:

"(d) The Union's financial contribution to the measures related to animal diseases and loss of consumer confidence as referred to in Article 220 of Regulation (EU) No 1308/2013."

Article 3

Entry into force and application

This Regulation shall enter into force on the [...] day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 August X year

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

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LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

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

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

1.2. Policy area(s) concerned in the ABM/ABB structure⁸

1.3. Nature of the proposal/initiative

☐ The proposal/initiative relates to **a new action**

☐ The proposal/initiative relates to **a new action following a pilot project/preparatory action**⁹

☐ The proposal/initiative relates to **the extension of an existing action**

☒ The proposal/initiative relates to **an action redirected towards a new action**

1.4. Objective(s)

1.4.1. *The Commission's multiannual strategic objective(s) targeted by the proposal/initiative*

The proposal aims to sustainably increase the share of fruit & vegetables (F&V) and milk products in the diets of children, thus contributing to the objectives of the common agricultural policy (CAP) of stabilising the markets and ensuring the demand in the long run. It also aims to contribute to the wider public health objectives of reducing overweight and obesity, and diet-related diseases by shaping the sustainable healthy eating habits.

1.4.2. *Specific objective(s) and ABM/ABB activity(ies) concerned*

Specific objective: To improve access to food for sensitive social groups

ABM/ABB activity(ies) concerned: 05 02 "Interventions in agricultural markets"

1.4.3. *Expected result(s) and impact*

The proposal is expected to change the knowledge, attitudes and preferences of young citizens towards food and its source, and their perceptions of agriculture and its products.

It is also expected to increase the cost-effectiveness of the distribution of products by better targeting the EU aid.

Moreover it would increase the part of the budget spent on accompanying measures thus improving their impact on the target group consumption and bridging the gap between the educational dimensions of the School Fruit Scheme (SFS) and School Milk Scheme (SMS).

⁸ ABM: activity-based management – ABB: activity-based budgeting.

⁹ As referred to in Article 54(2)(a) or (b) of the Financial Regulation.

Finally it would also lead to a common framework per Member State and to increase the visibility of the EU intervention.

1.4.4. *Indicators of results and impact*

Three levels of indicators have been set regarding the objectives:

Impact indicators:

- Change in direct and indirect consumption of fresh F&V by children after 5 years of intervention
- Change direct and indirect consumption of drinking milk by children after 5 years of intervention
- Improvement in overall dietary quality

Main results indicators:

- % of the budget available spent on accompanying measures
- % of supporting measures implemented related to agriculture and agricultural products
- Efficiency level of spending for the promotion of consumption of agricultural products in schools

Main output indicators:

- Number of accompanying measures implemented in Member States (MS)
- Number of children involved in accompanying measures and share of total participating
- MS Number of agri-related accompanying measures
- Cost per portion
- Number of participating MS, schools and children
- Volumes of products distributed at school (number of portions of F&V and milk)

1.5. **Grounds for the proposal/initiative**

1.5.1. *Requirement(s) to be met in the short or long term*

The needs underpinning the proposal are the need to sustainably increase the consumption of fruit and vegetables and milk in children and the need to shape their healthy eating habits.

CAP school schemes as currently implemented have certain weaknesses in their design and deficiencies in their functioning that need to be addressed, which limit their potential in achieving the objectives of promoting the consumption of agricultural products (market objective) and healthy diets with school children (health objective).

The problems identified concern the gap between the design of the schemes and their objectives (different educational tools under the two schemes), the lack of coordination and consistency between the two schemes and the deficiencies limiting the immediate impact of spending (high administrative and organizational burden on both schemes, budgetary under-execution of 30% in SFS, potential deadweight effect and low cost-benefit ratio in SMS).

The drivers are mainly linked to the regulatory failures, different financial framework, different implementation in Member States and to some external factors.

1.5.2. *Added value of EU involvement*

The action at EU level provides the funding necessary for initiatives across EU and additional sources of financing which permit Member States to expand the scope of their actions and increase their effectiveness. If Member States would have to rely exclusively on their own financial resources, most of them would not be in a position to implement ambitious initiatives. It also contributes to greater credibility of the schemes in Member States and improvement of the EU image and awareness. An EU framework has an added value in facilitating continuous knowledge, transparency, experience transfer and exchange.

1.5.3. *Lessons learned from similar experiences in the past*

There are currently two EU-funded school distribution programmes under the remit of the EU's Common Agricultural Policy (CAP) that specifically target children in school settings, namely the School Milk Scheme (SMS) and the School Fruit Scheme (SFS). Both schemes share a mutual aim to increase, on a lasting basis, the share of these products in children's diets at an early stage when their eating habits are being formed, thus contributing to the CAP objectives, in particular stabilising markets and ensuring the demand in the long run. Additionally, the schemes are in line with the wider public health objectives as they contribute in shaping the sustainable healthy eating habits.

However, despite this positive embedding in schools and recognition of their potential, conclusions drawn from different reports - in particular the external evaluations of the SFS and the SMS, initiated by the Commission, and the special report No 10/2011 of the European Court of Auditors - and experience after years of implementation, have identified the need to make further improvements to both schemes to increase their management efficiency and effectiveness. The recent agreement on the reform of the CAP already addressed also some of the problems identified.

1.5.4. *Compatibility and possible synergy with other appropriate instruments*

Taking into due account sectorial specificities the proposal is compatible with the promotion of agricultural products. It is also in line with public health objectives (weight management, health inequalities), simplification and with principles and targets as formulated in the Europe 2020 Strategy.

1.6. Duration and financial impact

☐ Proposal/initiative of **limited duration**

- ☐ Proposal/initiative in effect from [DD/MM]YYYY to [DD/MM]YYYY
- ☐ Financial impact from YYYY to YYYY

☒ Proposal/initiative of **unlimited duration**

- Implementation with a start-up period from YYYY to YYYY,
- followed by full-scale operation.

1.7. Management mode(s) planned¹⁰

☐ **Direct management** by the Commission

- ☐ by its departments, including by its staff in the Union delegations;
- ☐ by the executive agencies;

☒ **Shared management** with the Member States

☐ **Indirect management** by delegating implementation tasks to:

- ☐ third countries or the bodies they have designated;
- ☐ international organisations and their agencies (to be specified);
- ☐ the EIB and the European Investment Fund;
- ☐ bodies referred to in Articles 208 and 209 of the Financial Regulation;
- ☐ public law bodies;
- ☐ bodies governed by private law with a public service mission to the extent that they provide adequate financial guarantees;
- ☐ bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that provide adequate financial guarantees;
- ☐ persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.

¹⁰

Details of management modes and references to the Financial Regulation may be found on the BudgWeb site: http://www.cc.cec/budg/man/budgmanag/budgmanag_en.html

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

In the new scheme monitoring and evaluation are included in the costs eligible for the EU aid due to their importance for sound management and assessment of its effectiveness/efficiency towards the objectives identified. The link with a multiannual (6 years) national/regional strategy is also established.

The monitoring will be carried out on the basis of the annual MS reports containing information on the budget used, the number of school/children participating and the share of the total number of school/children of the target group, the distribution frequency, duration, time and system, the average weight and price per portion, the average consumption per child and the total quantities distributed. Furthermore, the accompanying measures will be also monitored as concerns the methods used and their cost, frequency, participating school/children, involvement of stakeholders, products distributed.

The evaluation process will consist of MS evaluation reports after 5 years of implementation of the scheme to measure medium-term impacts, followed by an external EU wide evaluation one year after the MS evaluations, to assess the implementation of the scheme at MS and EU level and assess overall effectiveness, efficiency, coherence and relevance in accordance with Commission evaluation standards and guidelines. Moreover, an external study on long-term impact indicators could be envisaged.

The external evaluations of the SFS and SMS and the Court of Auditors Special report No 10/2011 on these schemes have been clearly taken into due consideration for the design of the monitoring and evaluation processes relating to the new scheme.

2.2. Management and control system

2.2.1. Risk(s) identified

The general risk that can be identified relates to the effectiveness of the scheme, i.e. that the EU aid reaches the final beneficiaries of the scheme and effectively contribute towards reaching the scheme's objectives.

Based on the current experience from the SFS, particular attention should be given to the selection of aid applicants and to procurement procedures used for awarding contracts for distribution, publicity, monitoring and evaluation. Control provisions shall also cover the implementation of the said contracts. Public procurement is a potential issue for the School Scheme.

For other risks, as the possible deadweight effect and excessive cost of products distributed or margin for suppliers, provisions can be foreseen (e.g. on the level of EU-aid per portion).

As concerns the accompanying measures, there could be a risk of overlapping with educational measures provided in schools and with promotion of agricultural products. To avoid this, the definition of these measures will involve an EU scientific expert group and their link with the objectives of the new scheme will be clearly stated. Control provisions related to accompanying measures shall address the genuineness of expenditure in general, providing assurance also where those measures are outsourced.

2.2.2. *Information concerning the internal control system set up*

Paying agencies and delegated control bodies at Member State level form the control system.

MS annual reports on controls and checks, based on those already in use for the current SFS and SMS, will be necessary, to provide details on the administrative management and on-the-spot checks implemented.

Moreover, the internal management and control system will make use of the monitoring and evaluation reports from Member States and of the EU-wide evaluation. Finally, an EU scientific expert group will provide MS and the Commission with advice on implementation, monitoring and evaluation.

2.2.3. *Estimate of the costs and benefits of the controls and assessment of the expected level of risk of error*

The school scheme will be covered by the existing system of management and control for EAGF expenditure.

It is considered that the proposal will not lead to an increase in the error rate for the EAGF.

2.3. **Measures to prevent fraud and irregularities**

Regulation (EU) No 1306/2013 on the financing, management, and monitoring of the CAP will apply.

In general, control systems provide for exhaustive administrative controls of 100% of aid requests, cross-checks with other databases where this is considered appropriate, as well as on-the-spot checks before payment for a minimum number of transactions, depending on the risk associated to the regime in question. If these checks reveal a high number of irregularities, additional checks must be carried out.

The legislative package to reform the CAP further provides that Member States shall prevent, detect and correct irregularities and fraud, impose effective, proportionate and dissuasive penalties, in accordance with Union legislation or national law and recover any irregular payments plus interests. It includes an automatic clearance mechanism for irregularity cases, which provides that where the recovery has not taken place within four years from the date of the recovery request, or within eight years if legal proceedings are initiated, the amounts not recovered shall be borne by the Member State concerned. This mechanism strongly encourages Member States to recover irregular payments as quickly as possible.

At the initial stage of the new scheme and although a formal EU approval is not foreseen for the MS strategies, provisions on their content (and possibly a template) will allow for possible early fraud risk identification and prevention.

During the implementation, requests for legal interpretation or advice from the Commission and/or the EU scientific expert group will also help MS to avoid fraud.

In addition, ex post checks and a robust follow-up of any allegations of fraudulent abuse of the scheme will be performed.

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
		Diff./non-diff. ⁽¹¹⁾	from EFTA countries ¹²	from candidate countries ¹³	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
2	05 02 08 12 – School Fruit Scheme	non-diff.	NO	NO	NO	NO
2	05 02 12 08 – School Milk	non-diff.	NO	NO	NO	NO

- New budget lines requested

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
		Diff./non-diff.	from EFTA countries	from candidate countries	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
	NA		NO	NO	NO	NO

¹¹ Diff. = Differentiated appropriations / Non-Diff. = Non-differentiated appropriations.

¹² EFTA: European Free Trade Association.

¹³ Candidate countries and, where applicable, potential candidate countries from the Western Balkans.

3.2. Estimated impact on expenditure

3.2.1. Summary of estimated impact on expenditure

Heading of multiannual financial framework	2	Sustainable growth: natural resources
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DG: AGRI			2014 ¹⁴	2016 ¹⁵	2017	2018	2019	2020	TOTAL
• Operational appropriations									
05 02 08 12- School Fruit Scheme	Commitments	(1)	122	0	0	0	0	0	0
	Payments	(2)	122	0	0	0	0	0	0
05 02 12 08 – School Milk ¹⁶	Commitments	(1a)	75	0	0	0	0	0	0
	Payments	(2a)	75	0	0	0	0	0	0
TOTAL appropriations	Commitments	=1+1a	197	0	0	0	0	0	0
	Payments	=2+2a	197	0	0	0	0	0	0
• TOTAL operational appropriations	Commitments	(4)	197	0	0	0	0	0	0
	Payments	(5)	197	0	0	0	0	0	0
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)	0	0	0	0	0	0	0
TOTAL appropriations for HEADING 2 of the multiannual financial framework	Commitments	=4+ 6	197	0	0	0	0	0	0
	Payments	=5+ 6	197	0	0	0	0	0	0

¹⁴ The Budget 2014 amounts are given for information only.

¹⁵ For comparison reasons, the implementation is assumed to start in 2016. Moreover, the increase in the envelope for school fruit agreed in the CAP reform (Council Regulation (EU) No 1370/2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products) will be implemented as from school year 2014/2015 and the amount is assumed to be used in full.

¹⁶ For the milk scheme, the proposal foresees to fix an envelope of EUR 80 million per school year. This corresponds to the expected level of budget execution and is in line with the overall amounts for market-related expenditure and direct aids taken into account in the Multiannual Financial Framework 2014-2020.

Heading of multiannual financial framework	5	" Administrative expenditure "
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EUR million

				2016	2017	2018	2019	2020	TOTAL
DG: AGRI									
• Human resources				0	0	0	0	0	0
• Other administrative expenditure				0	0	0	0	0	0
TOTAL DG AGRI	Appropriations			0	0	0	0	0	0

TOTAL appropriations for HEADING 5 of the multiannual financial framework	(Total commitments = Total payments)	0	0	0	0	0	0
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EUR million

		2016	2017	2018	2019	2020	TOTAL
TOTAL appropriations under HEADINGS 1 to 5 of the multiannual financial framework	Commitments	0	0	0	0	0	0
	Payments	0	0	0	0	0	0

3.2.2. Estimated impact on operational appropriations

- ☒ The proposal/initiative does not require the use of operational appropriations
- ☐ The proposal/initiative requires the use of operational appropriations, as explained below:

Commitment appropriations in EUR million

Indicate objectives and outputs			2016		2017		2018		2019		2020		TOTAL	
	REALISATIONS (outputs)													
	Type ¹⁷	Average cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost
SPECIFIC OBJECTIVE			To improve access to food for sensitive social groups											
Output	N° of accompanying measures													
Output	N° of children in accompanying measures													
Output	N° of agri-related accompanying measures													
TOTAL COST														

¹⁷ Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).

3.2.3. Estimated impact on appropriations of an administrative nature

3.2.3.1. Summary

- ☐ The proposal/initiative does not require the use of appropriations of an administrative nature
- ☒ The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million

	2016	2017	2018	2019	2020	TOTAL
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HEADING 5 of the multiannual financial framework						
Human resources	0	0	0	0	0	0
Other administrative expenditure	0	0	0	0	0	0
Subtotal HEADING 5 of the multiannual financial framework	0	0	0	0	0	0

TOTAL	0	0	0	0	0	0
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The human resources appropriations required will be met by appropriations from the DG that are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

3.2.3.2. Estimated requirements of human resources

- ☐ The proposal/initiative does not require the use of human resources.
- ☒ The proposal/initiative requires the use of human resources, as explained below:

Estimate to be expressed in full time equivalent units

		2016	2017	2018	2019	2020
XX 01 01 01 (headquarters and Commission's representatives)		4	4	4	4	4
XX 01 01 02 (Delegations)						
XX 01 05 01 (Indirect research)						
10 01 05 01 (Direct research)						
XX 01 02 01 (CA, SNE, INT from the "global envelope")						
XX 01 02 02 (CA, LA, SNE, INT and JED in the delegations)						
XX 01 04 yy	- at headquarters					
	- delegations					
XX 01 05 02 (CA, SNE, INT – indirect research)						
10 01 05 02 (CA, SNE, INT – direct research)						
Other budget lines (specify)						
TOTAL (*)		4	4	4	4	4

XX is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary staff	Managing legislation, policy making, economic analysis and advice, inter-service coordination and consultation, internal communication and public information, institution representation and negotiation, statistical data handling,
External staff	

3.2.4. *Compatibility with the current multiannual financial framework*

- ☒ Proposal/initiative is compatible with the current multiannual financial framework.
- ☐ Proposal/initiative will entail reprogramming of the relevant heading in the multiannual financial framework.
- ☐ Proposal/initiative requires application of the flexibility instrument or revision of the multiannual financial framework.

3.2.5. *Third-party contributions*

- The proposal/initiative does not provide for co-financing by third parties.
- ☒ The proposal/initiative provides for the co-financing estimated below:

The Union financial contribution for this scheme is indicated in point 3 of Article 1 of the draft regulation. In addition, the level of Union aid (flat rate) towards the cost of the portion for fruit and vegetable and milk will be decided by delegated acts.

The level of the EU contribution towards the cost of products will be limited through a maximum EU aid per portion for products of both fruit & vegetables and milk. Member States will have the option to provide national top-ups or to attract private funding in order to enlarge the scope and/or intensity of their intervention of the school schemes. At this stage it is not possible to quantify the total amount of third parties' contribution, in view of the diversity of third parties (public and/or private) and in the absence of the relevant information at present.

3.3. **Estimated impact on revenue**

- ☒ Proposal/initiative has no financial impact on revenue.
- ☐ Proposal/initiative has the following financial impact:
 - ☐ on own resources
 - ☐ on miscellaneous revenue