Regulation (EU) 2016/791 of the European Parliament and of the Council of 11 May 2016 amending Regulations (EU) No 1308/2013 and (EU) No 1306/2013 as regards the aid scheme for the supply of fruit and vegetables, bananas and milk in educational establishments

REGULATION (EU) 2016/791 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 11 May 2016

amending Regulations (EU) No 1308/2013 and (EU) No 1306/2013 as regards the aid scheme for the supply of fruit and vegetables, bananas and milk in 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 Article 42 and Article 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 Committee[(1)],

Having regard to the opinion of the Committee of the Regions[(2)],

Acting in accordance with the ordinary legislative procedure[(3)],

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 Council[(4)] provides for a school fruit and vegetables scheme and a school milk scheme.

(2) The experience gained with the application of the current school schemes, together with the conclusions of the external evaluations and subsequent analysis of different policy options and of the social difficulties faced by Member States, point to the conclusion that the continuation and strengthening of the two school schemes is of the utmost importance. In the current context of declining consumption of fresh fruit and vegetables and milk products, especially among children, and of an increasing incidence of child obesity as a result of consumption habits geared to highly processed foods which, in addition, are often high in added sugars, salt, fat or additives, the Union aid to finance the supply to children in educational establishments of selected agricultural products should do more to promote healthy eating habits and the consumption of local products.

(3) The analysis of different policy options indicates that a unified approach under a common legal and financial framework is the most appropriate and effective way of meeting the specific objectives that the common agricultural policy is pursuing through

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school schemes. Such an approach would allow Member States to maximise the impact of distribution within a fixed budget and increase management efficiency. However, in order to take into account the differences between fruit and vegetables, including bananas, and milk and milk products, i.e. 'school fruit and vegetables' and 'school milk' as defined in this Regulation, and their supply chains, certain elements, such as the respective budgetary envelopes, should remain separate. In the light of the experience with the current schemes, participation in the school scheme should continue to be voluntary for Member States. Taking into account the different consumption patterns across Member States, it should be possible for participating Member States and regions to choose, in the context of their strategies, which of the products eligible for supply to children in educational establishments they wish to distribute. Member States could also consider introducing targeted measures in order to address declining milk consumption in the target group.

(4) A trend of declining consumption of, in particular, fresh fruit and vegetables and drinking milk has been identified. It is therefore appropriate to focus distribution under the school scheme on those products as a priority. This would also help to reduce the organisational burden on schools and to increase the impact of the distribution within a limited budget and would be in line with the current practice, as those products are the ones most frequently distributed. However, in order to follow nutritional recommendations on calcium absorption and to promote the consumption of specific products or to respond to particular nutritional needs of children in their territory, and given the increase in problems associated with intolerance to lactose in milk, Member States should be allowed, provided that they already distribute drinking milk or lactose-free versions thereof, to distribute other milk products without added flavouring, fruit, nuts or cocoa, such as yoghurt and cheese, which have beneficial effects on children's health. Member States should also be allowed to distribute processed fruit and vegetable products, provided that they already distribute fresh fruit and vegetables. Furthermore, efforts should be made to ensure the distribution of local and regional products. In cases where Member States consider it necessary for the attainment of the objectives of the school scheme and the goals stated in their strategies, they should be allowed to supplement the distribution of the abovementioned products with certain other milk products and milk-based drinks. All those products should be fully eligible for Union aid. However, in the case of non-agricultural products, only the milk component should be eligible. In order to take into account scientific developments and to ensure that distributed products meet the objectives of the school scheme, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) should be delegated to the Commission in respect of supplementing the list of excluded flavour enhancers set out in this Regulation and defining the maximum levels for added sugar, added salt and added fat in processed products.

(5) Accompanying educational measures that support distribution are necessary in order to make the school scheme effective in reaching its short- and long-term objectives of increasing the consumption of selected agricultural products and shaping healthier diets. Given their importance, such measures should support the distribution of school fruit and vegetables and school milk. As accompanying educational measures, they

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represent a critical tool for reconnecting children with agriculture and the variety of Union agricultural products, particularly those produced in their region, with the help, for example, of nutrition experts and farmers. In order to meet the objectives that the school scheme is pursuing, Member States should be allowed to include in their measures a wider variety of agricultural products as well as other local, regional or national specialities, such as honey, table olives and olive oil.

(6) So as to promote healthy eating habits, Member States should ensure the appropriate involvement of their national authorities responsible for health and nutrition in the drawing up of a list of the products to be supplied, or the appropriate authorisation by those authorities of that list, in accordance with national procedures.

(7) In order to ensure the efficient and targeted use of Union funds and to facilitate the implementation of the school scheme, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the identification of costs and measures that are eligible for Union aid.

(8) The Union aid should be allocated separately for school fruit and vegetables and school milk in line with the voluntary approach to distribution. That aid should be allocated to each Member State taking into account the number of six- to ten-year-old children in that Member State and the degree of development of the regions within that Member State, so as to ensure that higher aid is allocated to less developed regions, to the smaller Aegean Islands and to the outermost regions in view of their limited agricultural diversification and the frequent impossibility of finding certain products in the region concerned, which results in higher transport and storage costs. Moreover, in order to allow Member States to maintain the scale of their current schemes for school milk and with a view to encouraging other Member States to take up the distribution of milk, it is appropriate to combine those criteria with the historical use of the Union aid for the supply of milk and milk products to children, with the exception of Croatia, for which a specific amount is to be determined.

(9) In the interest of sound administration and budget management, Member States wishing to participate in the distribution of the eligible products should submit every year requests for Union aid.

(10) A national or regional strategy should be a condition for a Member State's participation in the school scheme. Any Member State wishing to participate should present a strategy in the form of a document covering a period of six years and setting out its priorities. Member States should be allowed to update their strategies regularly, in particular in the light of evaluations and reassessments of priorities or targets and of the success of their schemes. Furthermore, strategies may contain specific elements related to the implementation of the school scheme which will enable Member States to achieve efficiencies in the management, inter alia, of aid applications.

(11) In order to promote awareness of the school scheme and to increase the visibility of Union aid, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the obligation by Member States to clearly publicise the Union support for implementing the scheme, including in relation to publicity tools and, if appropriate, the common identifier or graphic elements.

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(12) In order to ensure the visibility of the school scheme, Member States should explain in their strategy how they will ensure the added value of their schemes, 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 acts in accordance with Article 290 TFEU 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.

(13) In order to verify the effectiveness of the school scheme in the Member States, financing should be provided by the Union for initiatives to monitor and evaluate the results achieved, with particular attention being paid to medium-term changes in consumption.

(14) The co-financing principle for the distribution of school fruit and vegetables should be abolished.

(15) This Regulation should not affect the division of regional or local competences within Member States.

(16) Regulation (EU) No 1308/2013 and Regulation (EU) No 1306/2013 of the European Parliament and of the Council[(5)] should therefore be amended accordingly. In order to take into account the periodicity of the school year, the new rules should become applicable as from 1 August 2017,

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) No 1308/2013

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

(1) Section 1 of Chapter II of Title I of Part II is replaced by the following:

Section 1

Aid for the supply of fruit and vegetables and of milk and milk products in educational establishments

Article 22

Target group

The aid scheme intended to improve the distribution of agricultural products and improving children's eating habits is aimed at children who regularly attend nurseries, pre-schools or primary or secondary-level educational establishments which are administered or recognised by the competent authorities of Member States.

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Article 23

Aid for the supply of school fruit and vegetables and of school milk, accompanying educational measures and related costs

1 Union aid shall be granted in respect of children in the educational establishments referred to in Article 22:

a for the supply and distribution of eligible products referred to in paragraphs 3, 4 and 5 of this Article;

b for accompanying educational measures; and

c to cover certain related costs linked to equipment, publicity, monitoring and evaluation, and, insofar as those costs are not covered by point (a) of this subparagraph, logistics and distribution.

The Council shall, in accordance with Article 43(3) TFEU, lay down limits for the proportion of Union aid covering measures and costs referred to in points (b) and (c) of the first subparagraph of this paragraph.

2 For the purposes of this Section:

a "school fruit and vegetables" means the products referred to in point (a) of paragraph 3 and point (a) of paragraph 4;

b "school milk" means the products referred to in point (b) of paragraph 3 and point (b) of paragraph 4, as well as the products referred to in Annex V.

3 Member States wishing to participate in the aid scheme established pursuant to paragraph 1 ("the school scheme") and requesting the corresponding Union aid shall, taking into account national circumstances, prioritise the distribution of products of either or both of the following groups:

a fruit and vegetables and fresh products of the banana sector;

b drinking milk and lactose-free versions thereof.

4 Notwithstanding paragraph 3, in order to promote the consumption of specific products and/or to respond to particular nutritional needs of children in their territory, Member States may provide for the distribution of products of either or both of the following groups:

a processed fruit and vegetable products, in addition to the products referred to in point (a) of paragraph 3;

b cheese, curd, yoghurt and other fermented or acidified milk products without added flavouring, fruit, nuts or cocoa, in addition to the products referred to in point (b) of paragraph 3.

5 In cases where Member States consider it necessary for the attainment of the objectives of the school scheme and the goals stated in the strategies referred to in paragraph 8, they may supplement the distribution of products referred to in paragraphs 3 and 4 with products listed in Annex V.

In such cases, the Union aid shall be paid only for the milk component of the distributed product. That milk component shall not be lower than 90 % by weight for products of Category I of Annex V and 75 % by weight for products of Category II of Annex V.