



EUROPEAN COMMISSION

Brussels, 27.6.2014  
C(2014) 4249 final

*Dear President,*

*The Commission would like to thank the Lithuanian Seimas for its Opinion on the Commissions' 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 educational establishments {COM(2014) 32 final}.*

*The Commission takes due note of the Seimas' observation concerning the inclusion of other milk products in the regular distribution under the proposed scheme for the purposes of meeting requirements for a healthy diet. In this context, the Impact Assessment that accompanies the proposal establishes that the consumption of drinking milk is declining in the medium term, while the consumption of other milk products is stable or increasing. The proposal therefore focuses the distribution under the new scheme on drinking milk in order to help reverse the declining trend in its consumption. However, Member States would still have the possibility to include other milk products that fall under Annex I to the TFEU in the framework of thematic educational and awareness-raising measures. Additionally, the Union funding for the school schemes is without prejudice to any national schemes that distribute agricultural products. Therefore, Member States may also use their own national schemes to increase the scope of products that are distributed in schools.*

*As regards the Seimas' observation on the financing provisions for the new scheme, the Commission proposes to abolish the co-financing principle that applies for the current school fruit and vegetables scheme in order to align the financing models for fruit and vegetables and milk. In light of the experience gained with the financing under the current school schemes, the level of EU aid will be limited through a maximum EU contribution towards the price of products rather than through obligatory co-financing, subject to an overall budget of EUR 230 million. The purpose of this single approach to financing is to bring benefits in terms of simplification and management efficiency.*

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*Finally, as regards the Seimas' observation on the legal base of the proposal, the Commission would like to draw the Committee's attention to the fact that the proposal is consistent with the Treaty provisions and with the Commission's CAP reform proposals, including as regards Articles 43(2) and 43(3) TFEU. The Commission is of the view that Article 43(2) TFEU is the correct legal basis. The proposal contains the core elements of the scheme, like the overall EU financial support (budget ceiling), which should be set out in the basic act. This approach has also been used in other programmes such as the olive oil and wine programmes.*

*Additionally, as the new school scheme will contain several elements that require flexibility in their management; the Commission proposed a set of delegated and implementing powers to make the scheme work in a more efficient way. The Commission would like to underline that the delegations of powers to the Commission in the proposal are delimited by the powers given to the European Parliament and to the Council by the Treaty. In particular, the legislator may oppose a delegated act adopted by the Commission or even to revoke the delegation of powers to the Commission.*

*The points made above are based on the initial proposal presented by the Commission which is currently in the legislative process involving both the European Parliament and the Council at which your government is represented.*

*The Commission hopes that these clarifications address the issues raised by the Seimas and looks forward to continuing our political dialogue in the future.*

*Yours faithfully,*

*Maroš Šefčovič  
Vice-President*