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Mr Per Westerberg
President
Swedish Riksdag
SE -100 12 Stockholm

Dear President,

I would like to thank you for the Opinion of the Swedish Riksdag on the Commission proposal for a Regulation of the European Parliament and of the Council establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) {COM (2010) 799}. The Commission takes note that this Opinion refers exclusively to the provisions in the proposal regarding the distribution of food products to the most deprived persons in the Union that forms part of the Single CMO Regulation.

The Opinion of the Riksdag is very similar to its earlier opinion on the Commission proposal for a Regulation of the European Parliament and of the Council amending Council Regulations (EC) No 1290/2005 and (EC) No 1234/2007, as regards the distribution of food products to the most deprived persons in the Union {COM (2010) 486}, to which the Commission replied on 4 April 2011 by means of letter ref.: C/2011/232.

The Commission would like to highlight that the purpose of {COM (2010) 799} is to align the Single CMO Regulation to the provisions of the Lisbon Treaty and, as far as the provisions relating to the distribution of food products to the most deprived persons in the Union are concerned, it simply incorporates the wording proposed under {COM (2010) 486} for this very scheme which explains the similarity of the current Opinion with the one of last year.

As in our reply of 4 April, I would like to recall the following elements:

First, the Commission would like to assure you that it takes very seriously the Treaty obligation (article 5 of Protocol 2) to motivate its proposals in light of the subsidiarity and proportionality principles. In the preparation of this proposal the Commission carried out an impact assessment in 2008, in which it analysed subsidiarity in terms of value added and the necessity for intervention by the EU in this field. This assessment is publicly available.¹

¹ http://ec.europa.eu/agriculture/markets/freefood/fullimpact_en.pdf

The purpose of the European Programme of Food Aid for the Most Deprived Persons is two-fold. It seeks to fulfil the CAP's Treaty objective of ensuring that food reaches consumers, and also allows for the disposal of public intervention stocks of agricultural products.

Indeed, 87% of the resources devoted to food procurement in the programme's 2010 plan were sourced through intervention stocks, while for 2011 the share rose up to 97%. The recently adopted 2012 plan² is exclusively sourced from intervention stocks.

Even if the situation in the markets has improved, intervention remains an important market stabilisation tool, offering a safety net against price volatility. The management of intervention at EU level is entirely the responsibility of the European Commission. Within the Common Agricultural Policy, the food aid programme for the most deprived remains an important outlet for intervention stocks.

It is therefore the Commission's view that the proposal's merits lie in its dual contribution to two of the objectives of the Common Agricultural Policy as enshrined in the Treaty, namely, market stabilisation and ensuring that supplies reach consumers at reasonable prices. In this scheme, both goals go hand in hand and cannot be considered separately.

The 2008 impact assessment considered various options for the programme's future, ranging from the maintenance of the status quo to the termination of the programme. It elaborated as well on the subsidiarity issue, as mentioned above.

The impact assessment emphasised that the food aid scheme did not seek to replace or substitute private or national actions, but rather to complement and underpin them. It is the Commission's experience in many of the 20 participating Member States, in particular those where no food distribution previously existed, that the initiation of the EU programme has had what could be described as a snowball effect, enabling the development of various types of locally-based social aid programmes.

This view was largely supported in an internet-based public consultation and by the NGO community across participating Member States.

A final argument as regards compliance of the programme with the subsidiarity principle is the extent to which responsibility for implementing the Programme is delegated to the participating Member States.

² Commission Regulation (EU) No 945/2010

- It is the responsibility of each Member State to identify the target population to which it wishes to direct the food aid. They usually do this in consultation with charities or public authorities with the appropriate local knowledge.

- The Union has no role in purchasing products from the market; this is entirely the responsibility of the Member States.

The Commission hopes that these clarifications address the questions and concerns raised in the opinion of the Swedish Riksdag, and I look forward to continuing our policy dialogue.

Yours faithfully,

*Maroš Šefčovič
Vice-President*