



EUROPEAN COMMISSION

Brussels, 17.7.2012  
C(2012) 4837 final

Dear Lord Boswell,

*I would like to thank you for the reasoned Opinion of the House of Lords 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(2011) 634 final}. Let me apologise for the delay in replying to the House of Lords.*

*Since the Commission received your opinion, the Polish Presidency presented a compromise document in the margin of the Special Committee on Agriculture on 5 December 2011 (Council Document 17975/11), based upon which the Council (AGRIFISH) announced on 15 December 2011 that a political agreement was found for the continuation of the Most Deprived Programme. The position of the Council at the first reading was adopted on 23 January 2012. The Committee on Agriculture & Rural Development (COMAGRI) gave their support on 6 February 2012 and the plenary of the European Parliament confirmed its opinion on 16 February 2012.*

*However the compromise document of the Council (Council Document 17975/11) is largely based upon the Commission's proposal, it also incorporates the key elements of the compromise between France and Germany to which a qualified majority of Member States adhered as regards the future of the Programme:*

- It allows the scheme to be sourced from the open market in case intervention stocks are not available.*
- Member States may choose the food products on the basis of objective criteria including nutritional values and suitability for distribution.*
- Member States may give preference to food products of Union origin.*
- It retains the current annual programmes with 100% EU funding for the eligible costs and with an annual ceiling of EUR 500 million per budget year.*
- It considers appropriate to end the current scheme following a phasing-out period, which would terminate with the completion of the 2013 annual plan.*
- The legal base of the scheme would remain unchanged for the duration of the phasing-out period.*

*Those characteristics of the scheme which are analyzed in the subsidiarity assessment of the House of Lords are unchanged in the compromise document (Council Document 17975/11) compared to the former Commission proposal (COM(2010)486 final, Council Document 13435/10). Since the House of Lords reacted with a first reasoned Opinion (sent on 3*

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November 2010) to the aforementioned Commission proposal, I would like to recall the main conclusions of the first Commission reply (sent on 22 February 2011).

During the preparation of the proposal, the Commission carried out an impact assessment in 2008<sup>1</sup>, in which it analysed subsidiarity in terms of added value and the necessity for intervention by the EU in this field.

The impact assessment noted the scale of the food insecurity problem within the European Union. It emphasised that the food aid programme did not seek to replace or substitute private or national actions, but rather to complement and underpin them. It is our experience in many 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 by the internet-based public consultation referred to in your Opinion and the NGO community across participating Member States.


The Commission would like to highlight the extent to which responsibility for implementing the Programme is delegated to the participating Member States, in recognition of the principle of subsidiarity.

The Commission recalls that it is entirely the responsibility of the Member State concerned to identify the target population to which it wishes to direct the food aid. This is usually done in consultation with charities or public authorities with the appropriate local knowledge.

Finally, it is true that social structures and support mechanisms for the most needy are widely divergent among the Member States. Some, like the United Kingdom, have well-developed networks, with a tradition of providing food to those in need. In many others, no such structures exist. In these cases, the Programme has been instrumental in enabling appropriate support structures to be established. For the Commission, this programme is a good example of the practical demonstration of solidarity between Member States in addressing a common problem.

I hope that the clarifications provided above address the main concerns expressed in your reasoned opinion and look forward to further developing our political dialogue.

Yours sincerely,



Maroš Šefčovič  
Vice-President

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<sup>1</sup> [http://ec.europa.eu/agriculture/markets/freefood/fullimpact\\_en.pdf](http://ec.europa.eu/agriculture/markets/freefood/fullimpact_en.pdf)