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Proposal for a

COUNCIL REGULATION

**amending Regulation (EU) No 1370/2013 as regards the aid scheme for the supply of
fruit and vegetables, bananas and milk in educational establishments
(‘EU school scheme’)**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The Commission's Communication of 19 February 2025 'A Vision for Agriculture and Food'¹ highlights the importance of reconnecting EU consumers - especially vulnerable groups such as children - with food and local territories. This would enhance both the competitiveness of the agricultural sector and thus contribute to the fulfilment of the CAP policy objectives, as well as encouraging healthier eating habits among the general public.

In this respect, the aid for the supply of fruit and vegetables and of milk and milk products in educational establishments ('EU school scheme') laid down in Regulation (EU) No 1308/2013 of the European Parliament and of the Council² has proven to be effective in increasing the consumption of selected agricultural products. At the same time, the multiannual financial framework ('MFF') for the years 2028 to 2034 is an opportunity to make such a scheme more effective, simpler and impactful when it comes to funding in line with the general principles outlined in the Commission's Communication on 'The road to the next multiannual financial framework'³ published on 11 February 2025. The communication highlights particularly the need to address *'the complexities, weaknesses and rigidities that are currently present and maximise the impact of every euro it spends'* while guaranteeing the budget's ability to respond to a changing reality. This is why the Commission has introduced relevant changes to the EU school scheme through Regulation (EU) .../... of the European Parliament and the Council [CMO amendment Regulation]⁴ that will provide all basic elements of the common organisation of the markets in agricultural products, including specific provisions for the EU School Scheme.

At the same time, taking into account the new MFF architecture, Member States would be able to fund the implementation of the EU School Scheme via the National and Regional Partnership Plans (the 'NRP Plans'). This means that the relevant provisions of the Council Regulation (EU) No 1370/2013⁵ fixing the amount of Union aid under the EU School Scheme are no longer needed and should be deleted.

¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'A Vision for Agriculture and Food – Shaping together an attractive farming and agri-food sector for future generations' 19.2.2025, COM(2025)75 final.

² 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, ELI: <http://data.europa.eu/eli/reg/2013/1308/oj>).

³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'The road to the next multiannual financial framework' 11.2.2025, COM(2025)46 final.

⁴ Regulation (EU) .../... of the European Parliament and of the Council amending Regulation (EU) No 1308/2013 as regards European Union school fruit, vegetables and milk scheme ('EU school scheme'), sectoral interventions, the creation of a protein sector, requirements for hemp, the possibility for marketing standards for cheese, protein crops and meat, application of additional import duties, rules on the availability of supplies in time of emergencies and severe crisis and securities (OJ L ..., ELI:...).

⁵ 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, ELI: <http://data.europa.eu/eli/reg/2013/1370/oj>).

- **Consistency with existing policy provisions in the policy area**

The deletion of the provisions is consistent with the proposals for Regulation (EU) .../... [NRPF Regulation] and for Regulation (EU) .../... of the European Parliament and of the Council [CMO amendment]. Following the inclusion of the School Scheme as a type of intervention financed by the Fund, the existing EU School Scheme provisions laid down under the Council Regulation (EU) No 1370/2023 are no longer needed.

- **Consistency with other EU policies**

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

Article 43(3) of the Treaty on the Functioning of the European Union (TFEU) is the basis for the proposal for regulation amending Regulation (EU) No 1370/2013 to delete the existing provisions on the EU school scheme. Regulation (EU) No 1370/2013 was adopted on the basis of Article 43 (3) TFEU and therefore needs to be amended on the basis of the same legal basis.

- **Subsidiarity (for non-exclusive competence)**

The deletion cannot be achieved by national legislation.

- **Proportionality**

NA

- **Choice of the instrument**

Given the objectives and content of the proposal, an amendment to the existing regulation is the most appropriate instrument.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

The proposal is a consequence of the new MFF architecture and more particularly the Regulation (EU) .../... [NRPF Regulation] for which an overall impact assessment and stakeholder consultations have been carried out.

- **Fundamental rights**

The revision respects the rights and observes the principles enshrined in the Charter of Fundamental Rights of the European Union as laid down in the Commission proposal for NRPF Regulation. The provisions of that proposed Regulation concerning respect of fundamental rights and the rule of law will apply also to EU school scheme.

4. BUDGETARY IMPLICATIONS

The existing EU school scheme laid down in Regulation (EU) No 1308/2013 is to be discontinued. The new EU School Scheme will be financed by the Fund. The financial allocations to Member States are proposed to be regulated in Regulation (EU) .../... [NRPF Regulation] and the requirements for the school scheme are proposed to be regulated in Regulation (EU) No 1308/2013.

5. OTHER ELEMENTS

- **Detailed explanation of the specific provisions of the proposal**

Article 5 of Regulation (EU) No 1370/2013 lays down rules on the fixing of indicative and definitive allocations and on reallocation of Union aid, on the maximum levels of Union aid for the financing of accompanying educational measures and related costs as well as on the maximum amount of Union aid for the milk component.

Annex V to Regulation (EU) No 1370/2013 lays down the indicative allocations of Union aid to each Member State from 1 August 2017 to 31 July 2023.

In order to increase the effectiveness and to ensure coherence with other CAP instruments, the EU School Scheme should be implemented as a type of intervention supported by the Fund. As the current EU School Scheme laid down in Regulation (EU) No 1308/2013 should be deleted, the provisions concerning the EU School Scheme laid down in Regulation (EU) 1370/2013 should also be deleted.

Proposal for a

COUNCIL REGULATION

amending Regulation (EU) No 1370/2013 as regards the aid scheme for the supply of fruit and vegetables, bananas and milk in educational establishments ('EU school scheme')

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The multiannual financial framework package for the years 2028 to 2034 includes Regulation (EU) .../... of the European Parliament and of the Council [NRPF Regulation]¹ establishing the National and Regional Partnership Fund (the 'Fund') for the period 2028 to 2034, grouping the nationally pre-allocated funds under the Fund, including the European Agriculture Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD). The Fund is to be implemented through National and Regional Partnership Plans (the 'NRP Plans') and the Union Facility (the 'Facility'), which aim at increasing flexibility and cater for crises and interventions that require steering or coordination at Union level.
- (2) The aid for the supply of fruit and vegetables and of milk and milk products in educational establishments provided for in Part II, Title I, Chapter II of Regulation (EU) No 1308/2013 of the European Parliament and of the Council² (the 'EU school scheme') has proven to be effective in increasing the consumption of selected agricultural products. In order to contribute to achieving the objectives of the Common Agricultural Policy (CAP), the EU School Scheme should be continued. However, in order to increase its effectiveness and to ensure coherence with other CAP instruments, the EU school scheme should be based on delivery of performance and should be implemented as a type of intervention supported by the Fund, subject to the rules laid down in Regulation (EU) .../... [NRPF Regulation] and Regulation (EU) .../... of the European Parliament and of the Council [Performance Regulation]³. Therefore, the existing provisions on the EU school scheme in Regulation (EU) No 1308/2013 are to be deleted.

¹ Regulation (EU) .../... of the European Parliament and the Council [NRPF Regulation] (OJ L ..., ELI:...).

² 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, ELI: <http://data.europa.eu/eli/reg/2013/1308/oj>).

³ Regulation (EU) .../... of the European Parliament and the Council [Performance Regulation] (OJ L ..., ELI:...).

- (3) Council Regulation (EU) No 1370/2013⁴ fixes the amount of Union aid under the EU school scheme. In view of the deletion of the provisions relating to the EU school scheme laid down in Regulation (EU) No 1308/2013, the provisions relating to the EU school scheme in Regulation (EU) No 1370/2013 should also be deleted.
- (4) Regulation (EU) No 1370/2013 should therefore be amended accordingly.
- (5) In order to ensure a smooth transition to the new legal framework under the Fund, the amendments to Regulations (EU) No 1370/2013 and (EU) No 1308/2013 deleting the provisions relating to the EU school scheme should apply from the same date. However, in order to finalise the payments of the measures after the 31 December 2027 those provisions should continue to apply in respect of measures implemented until 31 December 2027,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 1370/2013 is amended as follows:

- (1) Article 5 is deleted;
- (2) Annex I is deleted.

Article 2

Article 5 of Regulation (EU) No 1370/2013 shall continue to apply after 31 December 2027 for measures implemented until 31 December 2027.

Article 3

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

It shall apply from 1 January 2028 [date dependant on the date of application of Regulation (EU) [...] establishing the National and Regional Partnership Fund for the period 2028-2034 and Regulation amending Regulation (EU) No 1308/2013 as regards the school fruit, vegetables and milk scheme ('EU school scheme')].

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

Done at Brussels,

*For the Council
The President*

⁴ 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, ELI: <http://data.europa.eu/eli/reg/2013/1370/oj>).