

Brussels, 10 MAI 2011
C/2011/ 3132

Mrs. Gerdi VERBEET
President of the House
of Representatives
Postbus 20018
NL-2500 EA DEN HAAG

Dear President,

The Commission would like to thank you for forwarding the opinion of the Chambers of the Dutch Parliament 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 final). The Commission has carefully examined your opinion and would like to reply to it, in the context of political dialogue, by drawing your attention to the following elements:

First, the Commission would like to assure the Dutch Parliament that it takes very seriously the Treaty obligation to motivate its proposal in light of the subsidiarity and proportionality principles. The Commission draws the attention of the two chambers of the Dutch Parliament to the fact that in its preparatory work it carried out an impact assessment in 2008¹, in which it analysed subsidiarity terms of value added and the necessity for the intervention by the EU in this field. In the future, the Commission will endeavour to better reflect in the respective explanatory memoranda of its proposals the justifications relating to subsidiarity, which are included in its impact assessments.

The impact assessment noted the huge size 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 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 the NGO community across participating Member States.

The Commission would like to draw the Dutch Parliament's particular attention to the extent to which responsibility for implementing the Programme is delegated to the participating Member States, in recognition of the subsidiarity principle. First, 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 they usually do in consultation with charities or public authorities with the appropriate local knowledge. Second, the Commission would emphasise

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

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

The opinion of the Dutch Parliament emphasises the social dimension of this scheme, claiming that it falls within the remit of Member States. It states that there is no compelling argument to suggest that the European Union is better placed than Member States to ensure a food supply to its most deprived citizens and, building on this, concludes that the proposed Regulation does not comply with the principle of subsidiarity.

The purpose of the European Programme of Food Aid for the Most Deprived Persons is two-fold. While it certainly seeks to fulfil the CAP's Treaty objective of ensuring that food reaches consumers at reasonable prices (in this case, at no charge) it also has a primary role in the disposal of public intervention stocks of agricultural products.

To provide the Dutch Parliament with the most recent information, 87% of the resources devoted to food procurement in the programme's 2010 plan were sourced through intervention stocks. In the recently adopted plan for 2011, the share will rise to 97%.²

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 the responsibility of the European Commission. Under the aegis of the Common Agricultural Policy, the food aid programme for the most deprived offers the perfect foil for this mechanism and remains the single largest outlet for intervention stocks.

The Commission therefore believes 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.

For the Commission, this programme is a good example of the practical demonstration of solidarity between Member States in addressing a common problem.

The Commission would like to thank both Chambers of the Dutch Parliament once again for having examined the above – mentioned Commission proposal and hopes that this reply addresses the comments raised therein.

I look forward to continuing our policy dialogue in future on this and other subjects.

Yours faithfully,

² Commission Regulation (EU) No 945/2010

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Mr René VAN DER LINDEN
President of the Senate
of the Dutch Parliament
Postbus 20017
NL-2500 EA DEN HAAG

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