

COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT
THE CHAIR

D 310265 30.07.2019

Mr George Gill
Chief Executive Officer
The Vegan Society
Donald Watson House
34-35 Ludgate Hill
Birmingham B3 1EH
United-Kingdom

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Subject: European School Milk Scheme and the rights of vegans

Dear Mr Gill,

Thank you for your letter regarding the "European School Milk Scheme" and the rights of vegans.

First established in 1977, this European Union wide scheme provided schoolchildren with drinking milk and other milk products to encourage the consumption of healthy dairy products containing important vitamins and minerals. The scheme was operational until 31 July 2017. A new school fruit, vegetables and milk scheme, applicable since 1 August 2017 merges the two previous schemes (the school fruit and vegetables scheme and the school milk scheme) under a single legal framework. This single legal framework contributes to greater efficiency, a more focused support and an enhanced educational dimension.

The European Commission tabled its legislative proposal on 30 January 2014 (COM (2014) 0032 - 2014/0014 (COD)). Following this proposal, the EP Committee on Agriculture and Rural Development (AGRI Committee) adopted, in April 2015, its report and its negotiating position. An agreement was found in December 2015 with the Council. The final text, as agreed between the European Parliament and the Council, was endorsed in plenary on 8 March 2016, by 584 votes to 94, with 32 abstentions.

The inclusion of plant milk was not foreseen in the Commission legislative proposal and no amendments in that sense were retained during the legislative process. Plant milk is therefore not currently included in the scope of the final legislative act - Regulation (EU) 2016/791 of the European Parliament and of the Council of 11 May 2016 amending Regulations (EU) No 1308/2013 and (EU) No 1306/2013 as regards the aid scheme for the supply of fruit and vegetables, bananas and milk in educational establishments.

On 14 June 2017, the European Court of Justice delivered its final ruling in Case C-422/ 16 ("TofuTown") and confirmed the restrictive interpretation of the relevant provisions of Regulation No 1308/2013 (CMO Regulation). Dairy terms may be used in the Union only for marketing milk products where the definition of milk complies with the requirements laid down in point 1 of part III of Annex VII to the CMO Regulation. It states, inter alia, that "milk" means exclusively the normal mammary secretion obtained from one or more milkings. The underlying principle is that dairy designations are reserved exclusively for animal products and may not be used for any other product, even if those terms are expanded upon by clarifying or the use of descriptive terms indicating the plant origin of the product at issue, unless that product is listed in the relevant language in Annex 1 to Commission Decision 2010/791/EU. The Court also concluded that such interpretation of the relevant legislation does not conflict with the principle of proportionality or the principle of equal treatment.

Unlike many national parliaments, the European Parliament does not have a full right of initiative: with the exception of a handful of cases provided for in the EU Treaties, it cannot independently propose new laws but needs to rely on the European Commission to do so. In this context, the AGRI Committee will certainly take into account the concerns expressed by the Vegan Society, as well as those raised by any other relevant stakeholders, when considering possible upcoming legislative proposals, if any, extending the scope of the current legislation, in particular regarding the eligible products.

Yours sincerely,

A handwritten signature in black ink that reads "Norbert Lins". The signature is written in a cursive style with a large initial 'N' and a long, sweeping underline.

Norbert LINS