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By email: [EOPublicConsult@ombudsman.europa.eu](mailto:EOPublicConsult@ombudsman.europa.eu)

**Subject: Contribution to Public consultation - Transparency and participation in EU decision making related to the environment (SI/5/2022/KR)**

Brussels, 15.12.22

Dear Ombudsman O'Reilly,

We are writing to you to submit our contribution on two questions (8 and 9) of the public consultation - transparency and participation in EU decision making related to the environment. We will limit our contribution to our concerns about the involvement of civil society in the preparation and implementation of the review of the [EU's school fruit, vegetables and milk scheme](#).

## **I. The EU School Scheme conference**

The European Commission is currently reviewing the EU School Scheme as part of the Farm to Fork Strategy. In its impact assessment, the European Commission mentioned the possibility of enhancing the scope of eligible products to plant-based drinks. Therefore, we are currently advocating for this option towards the Commission.

On 24 November 2022, the Commission organised a conference on the EU School Scheme to present the preliminary findings from the ongoing public consultation and to gather views from stakeholders on preliminary proposals under the impact assessment.

Unfortunately, we believe that the way this conference was organized was not in accordance with the principles of good and transparent administration.

As civil society organisations, we asked the Commission for access to the conference on 11 October 2022. On 20 October 2022, we were informed by DG AGRI as follows: "*Consumers representatives and also plant-based food manufacturers are represented in the civil dialogue groups. You are kindly invited to contact them in case you want them to convey your position during the event.*"

However, Compassion in World Farming is part of several agri-related CDGs, but did not receive an invitation to attend the conference either.

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On 21 October 2022, we responded DG AGRI as follows:

“We would like to flag that the main players of the plant-based sector are currently not represented in the Civil Dialogue Group on Milk and the Expert Group Fruit and Vegetables. FoodDrinkEurope is part of the discussions, but they represent a wide range of food/drink companies, and cannot be seen as representing the plant-based sector.

The composition of the Civil Dialogue Groups / Expert Groups is no longer reflecting the current *zeitgeist*. The CAP Eurobarometer showed that 1/4 of EU consumers (aged 15-24 years) wants plant-based drinks to be included in the scheme. That is why we reached out to be able to represent the voice of (young) consumers wanting to shift to a more plant-based diet at this event, especially during the session “*EU school scheme on a greener path - A scheme turned towards the future*” in which there will be a presentation on “*What does the youth want?*”. The inception impact assessment also referred to the inclusion of plant-based drinks. That is why we believe that EVU - representing the interests of the plant-based consumers - should be represented at this conference. Happy to hear your views on this.”

We did not receive an answer to this email, but on 8 November 2022, it looked like the Commission had opened the conference for a wider audience, given the possibility of registering. The event registration page seemed to indicate it was open to everyone and did not state that physical attendance was still reserved for members of the CDGs. Upon registration, we had to provide information that you would normally provide for in-person meetings (ID number, nationality, etc.) plus the page mentioned limited spaces were available. Also other stakeholders informed us that “registrations for the School Scheme conference on 24 November are now open for in-person attendance”.

When reaching out to the Commission for clarification on 23 November 2022, we were informed that the physical conference was still only open for members of the CDGs.

We had to follow the public web stream of the conference, believing that we would at least be able to ask questions through the “Slido” programme. However, after there had already been some questions asked on plant-based drinks, the moderator clarified that they would only take questions from the physical audience, not from the online audience.

## II. Answers on questions 8 and 9

Question 8: *What could the Commission improve regarding the involvement of civil society in the preparation and implementation of the policies with an impact on the environment, for example in ‘Civil Dialogue Groups’ in the context of the EU’s Common Agricultural Policy, or ‘Domestic Advisory Groups’ in the context of the implementation of Free Trade Agreements?*

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As we explained towards DG AGRI, the CDG membership has remained unchanged for the last 9 years (since Commission Decision 2013/767). These CDGs do not reflect any societal evolution (e.g. the growing consumer demand for plant-based alternatives to milk<sup>1</sup> or the growing market share of plant-based alternatives to milk<sup>2</sup>) since then and are therefore no longer aligned with the current *zeitgeist*.

Recently, we have applied for CDG membership. However, we are confronted with the fact that umbrella organisations are favoured in this selection process<sup>3</sup>. The European Alliance for Plant-based Foods (EAPF) - which is an umbrella organisation that brings together like-minded organisations in the plant-based value chain - also applied for some membership for some of the same CDGs. EAPF is a multi-stakeholder alliance, representing various interests (including industry, NGOs and trade organisations). It goes without saying that umbrella organisations do not necessarily represent the interests of all their members. We understand that umbrella organisations are favoured for reasons of administrative simplicity, but we believe that this criterion undercuts a fair balancing of represented interests within the CDGs.

We recommend that the Commission (DG AGRI) updates its [Decision 2013/767](#) on the selection of member organisations and the allocation of expert seats in Civil Dialogue Groups, and:

- provides more concrete guidance on the balance that has to be struck between the economic sector and the non-economic sector. In art. 4.3 of the current Decision 2013/767 and in the internal guidelines, reference is made to “ensuring a balance” and avoiding “an overall imbalance between the economic and non-economic sector”, without using clear figures; and
- takes into account science-based societal trends and goes beyond the *status quo* on the (agricultural) markets when assessing these requests. Not only should the voices of the established stakeholders be heard, but also stakeholders challenging the *status quo* should have their place in Civil Dialogue Groups.

More in general, we believe that the current composition of the selection panels (in this case exclusively people from DG AGRI units) has a direct impact on the selection of the CDGs’ members. We believe it might be more balanced and democratic if these selection panels would also include a certain number of people working at other - closely related - Directorate Generals (in this case for example DG ENV, DG CLIMA or DG SANTE). In this respect, it

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<sup>1</sup> The [Smart Protein Project](#) found that Europeans frequently consume plant milk, with 28% of respondents stating that they do so at least once a week. Also, the [CAP Barometer survey](#) also demonstrated that:

1 in 4 consumers (one quarter of the population) wants to have plant-based drinks included in the EU School Scheme. The Commission should cater to this quarter of the population, which is a substantial amount.

<sup>2</sup> The [global plant-based dairy market](#), which is expected to reach \$44.8 billion by 2027, growing at a compound annual growth rate (CAGR) of 10.4%, with plant milk comprising the leading segment.

<sup>3</sup> See qualification criteria in the [CDG Internal Guidelines](#)

could also be considered not to leave the ultimate decision on the CDGs' membership to one Directorate General, but to make it a joint decision of more Directorate Generals.

**Question 9:** *Under the EU Aarhus Regulation, EU institutions are required to provide early and effective opportunities for the public to participate during the preparation, modification or review of plans or programmes relating to the environment and to take the outcome of the public participation into account. [6] Are you aware of issues in this regard, such as instances where EU institutions did not adequately adhere to this obligation? If so, please provide relevant examples.*

As outlined above, none of us, nor any other stakeholder with knowledge on plant-based drinks and the respective sector, could raise questions or participate in the debate during the EU School Scheme conference. Therefore, the representation of stakeholders during the conference was absolutely inadequate. Consequently, we believe that the Commission did not comply with its obligation to “provide early and effective opportunities for the public to participate during the preparation, modification or review of plans or programmes relating to the environment and to take the outcome of the public participation into account” under the EU Aarhus Regulation.

We therefore recommend the following measures:

- If preference is given to members of CDGs, it could be envisaged to organize two rounds of registration. In a first round members of CDGs can register for such an event and if the event is not fully booked, a second round of registration could be organized for all other parties (if need be with a draw system).
- If during a conference, questions can be raised, both the physical and the online attendants should have the possibility to raise such questions (again, if need be, working with a draw system).

We remain at your disposal for further questions.

Elias Van Marcke / Ronja Berthold  
Policy Managers - European Vegetarian Union

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