Commission Implementing Regulation (EU) 2020/2043 of 11 December 2020 derogating from Implementing Regulation (EU) 2017/39 in respect of school years 2019/2020 and 2020/2021 as regards on-the-spot checks on the premises of aid applicants or educational establishments for the purposes of the school scheme

COMMISSION IMPLEMENTING REGULATION (EU) 2020/2043

of 11 December 2020

derogating from Implementing Regulation (EU) 2017/39 in respect of school years 2019/2020 and 2020/2021 as regards on-the-spot checks on the premises of aid applicants or educational establishments for the purposes of the school scheme

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008[(1)], and in particular points (a), (b) and (c) of the first subparagraph of Article 62(2) thereof,

Whereas:

(1) Article 10(3) of Commission Implementing Regulation (EU) 2017/39[(2)] lays down the minimum percentage of the on-the-spot checks to be carried out on the premises of aid applicants dealing with the supply and distribution of products and with accompanying educational measures in the framework of the scheme referred to in Article 23 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council[(3)] (the 'school scheme'). The fourth subparagraph of Article 10(3) of Implementing Regulation (EU) 2017/39 provides that, where the aid applicant is not an educational establishment, the on-the-spot check carried out on the premises of the applicant is to be supplemented by on-the-spot checks on the premises of at least two educational establishments or at least 1 % of the educational establishments recorded by the applicant in accordance with Article 6 of Commission Delegated Regulation (EU) 2017/40[(4)], whichever is the greater.

(2) Due to the measures put in place to address the COVID-19 pandemic, Member States may encounter difficulties with the planning and execution of timely on-the-spot checks on the premises of aid applicants or educational establishments in school years 2019/2020 and 2020/2021. Therefore, it is appropriate to provide that where Member States are not in a position to carry out those on-the-spot checks as required by Article 10(3) of Implementing Regulation (EU) 2017/39, they may decide to carry such on-the-spot checks remotely, for instance via videoconferences.

(3) Article 10(6) of Implementing Regulation (EU) 2017/39 lays down the rules and methods applicable to the reporting of the checks and their results. In order to ensure transparency, Member States should justify the need for the derogation provided for in

this Regulation and report on its use in the control report to be drawn up for each on-the-spot check carried out remotely.

(4) It is therefore appropriate to derogate from certain provisions of Implementing Regulation (EU) 2017/39 in respect of school years 2019/2020 and 2020/2021.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

1 By way of derogation from the second to the fifth subparagraphs of Article 10(3) of Implementing Regulation (EU) 2017/39, where due to the measures put in place to address the COVID-19 pandemic Member States are not in a position to carry out on-the-spot checks on the premises of aid applicants or educational establishments in respect of school years 2019/2020 and 2020/2021, those checks may be carried out remotely.

2 By way of derogation from Article 10(6) of Implementing Regulation (EU) 2017/39, where the on-the-spot checks are carried out remotely in accordance with paragraph 1 of this Article, the competent control authority shall also include a justification on the need for such derogation and report on its use in the control report.

Article 2

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

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

Done at Brussels, 11 December 2020.

For the Commission

The President

Ursula VON DER LEYEN