Council Regulation (EU) 2016/795 of 11 April 2016 amending Regulation (EU) No 1370/2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products

COUNCIL REGULATION (EU) 2016/795

of 11 April 2016

amending Regulation (EU) No 1370/2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products

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) Article 43(3) of the Treaty provides that the Council, on a proposal from the Commission, is to adopt measures on fixing aid.

(2) Articles 5 and 6 of Council Regulation (EU) No 1370/2013[(1)] fix the amount of Union aid under the school fruit and vegetables scheme and the school milk scheme, as provided for by Regulation (EU) No 1308/2013 of the European Parliament and of the Council[(2)], set out certain rules on the extent of the aid and its allocation to Member States in the case of the school fruit and vegetables scheme and fix the maximum quantity of products eligible for aid in the case of the school milk scheme.

(3) Section 1 of Chapter II of Title I of Part II of Regulation (EU) No 1308/2013, as amended by Regulation (EU) 2016/791 of the European Parliament and of the Council[(3)], provides for a new common framework for the Union aid for the supply of fruit and vegetables, processed fruit and vegetables and fresh products of the banana sector ('school fruit and vegetables') and of milk and milk products ('school milk') to children in educational establishments ('the school scheme').

(4) Regulation (EU) No 1308/2013 provides for Union aid for accompanying educational measures that support the supply and distribution of school fruit and vegetables and school milk, as well as for Union aid covering certain costs related to such supply and distribution. In order to ensure sound budgetary management, a maximum level of Union aid for the financing of those accompanying educational measures and of those related costs should be fixed.

(5) Regulation (EU) No 1308/2013 provides for Union aid for the supply and distribution of drinking milk and lactose-free versions thereof to children in educational establishments and allows Member States to provide for the distribution of certain milk products other than such drinking milk, as well as of products listed in Annex V to that Regulation. While Regulation (EU) No 1308/2013 does not provide for maximum amounts of

Changes to legislation: *There are currently no known outstanding effects for the Council Regulation (EU) 2016/795. (See end of Document for details)*

Union aid for agricultural products, it limits Union aid to the milk component of non-agricultural products listed in Annex V to that Regulation. To ensure the proper functioning of that aid and to ensure flexibility in the administration of the school scheme, the maximum amount of Union aid for that milk component should be fixed.

(6) Regulation (EU) No 1308/2013 lays down the overall annual amount of Union aid for the Union as a whole and objective criteria for the allocation of that overall amount among Member States. Annual indicative allocations should therefore be fixed for each Member State. In order to allow Member States with a limited demographic size to implement a cost-effective scheme, a minimum amount of Union aid to which Member States are entitled should be fixed. Given that Croatia joined the Union on 1 July 2013, the criterion of the historical use of Union aid for the supply of milk and milk products to children should not apply to it until 1 August 2023.

(7) In order to ensure the efficient and targeted use of Union funds, provision should be made for the reallocation, within the limits set out in Regulation (EU) No 1308/2013, of indicative allocations that have not been applied for by Member States, either in whole or in part, to other Member States, without exceeding the overall annual limit for Union aid provided for in Regulation (EU) No 1308/2013.

(8) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission relating to: the fixing of the maximum level of Union aid per category of related costs; the fixing, after a 6-year transitional period, of indicative allocations of Union aid to each Member State; the fixing, where necessary and upon assessment, of new indicative allocations; the measures necessary for the reallocation of indicative allocations among Member States; and the fixing of definitive allocations for each Member State. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[(4)].

(9) Regulation (EU) No 1370/2013 should therefore be amended accordingly. To take into account the periodicity of the school year, the new rules should become applicable as from 1 August 2017,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) No 1370/2013

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

(1) Articles 5 and 6 are replaced by the following:

***Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EU) 2016/795. (See end of Document for details)*

Article 5

Aid for the supply of school fruit and vegetables and of school milk, accompanying educational measures and related costs

1 Union aid for the financing of accompanying educational measures as referred to in point (b) of Article 23(1) of Regulation (EU) No 1308/2013 shall not exceed 15 % of Member States' annual definitive allocations as referred to in paragraph 6 of this Article.

2 Union aid for related costs as referred to in point (c) of Article 23(1) of Regulation (EU) No 1308/2013 shall in total not exceed 10 % of Member States' annual definitive allocations as referred to in paragraph 6 of this Article.

The Commission shall adopt implementing acts fixing the maximum level of Union aid per category of such costs as a percentage of Member States' annual definitive allocations or as a percentage of the costs of the products concerned.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2) of this Regulation.

3 The amount of Union aid for the milk component of the products referred to in Article 23(5) of Regulation (EU) No 1308/2013 shall not exceed EUR 27/100 kg.

4 The aid referred to in Article 23(1) of Regulation (EU) No 1308/2013 shall be allocated to each Member State in accordance with this paragraph and taking into account the criteria laid down in the first subparagraph of Article 23a(2) of Regulation (EU) No 1308/2013.

From 1 August 2017 until 31 July 2023, the indicative allocations of the aid referred to in points (a) and (b) of the second subparagraph of Article 23a(1) of Regulation (EU) No 1308/2013 for each Member State shall be as set out in Annex I. During that period, point (c) of the first subparagraph of Article 23a(2) of Regulation (EU) No 1308/2013 shall not apply to Croatia.

From 1 August 2023, the Commission shall adopt implementing acts fixing, on the basis of the criteria referred to in the first subparagraph of Article 23a(2) of Regulation (EU) No 1308/2013, the indicative allocations to each Member State of the aid referred to in points (a) and (b) of the second subparagraph of Article 23a(1) of that Regulation. However, Member States shall each receive at least EUR 290 000 of Union aid for the distribution of school fruit and vegetables and at least EUR 193 000 of Union aid for the distribution of school milk, as defined in Article 23(2) of Regulation (EU) No 1308/2013.

The Commission shall subsequently assess at least every 3 years whether those indicative allocations remain consistent with the criteria laid down in Article 23a(2) of Regulation (EU) No 1308/2013. Where necessary, the Commission shall adopt implementing acts fixing new indicative allocations.

The implementing acts referred to in this paragraph shall be adopted in accordance with the examination procedure referred to in Article 15(2) of this Regulation.

5 Where, for a given year, a Member State has not submitted a request for Union aid in accordance with Article 23a(3) of Regulation (EU) No 1308/2013 or has requested only part of its indicative allocation as referred to in paragraph 4 of this