Commission Implementing Regulation (EU) 2019/1983 of 28 November 2019 amending Implementing Regulation (EU) 2017/39 as regards the reallocation of Union aid

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1983

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amending Implementing Regulation (EU) 2017/39 as regards the reallocation of Union aid

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EU) No 1370/2013 of 16 December 2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products[(1)], and in particular Article 5(5) thereof,

Whereas:

(1) Commission Implementing Regulation (EU) 2017/39[(2)] sets out the rules, inter alia, for the reallocation of unrequested Union aid between the Member States participating in the school scheme that have notified their willingness to use more than their indicative allocation. The amount of indicative allocation that may be reallocated to another Member State is to be based on the level of use of the definitive allocation of Union aid in the previous school year by that Member State. In the light of experience gained under the school scheme, the rules for the calculation of the amounts of indicative allocation to be reallocated should be further clarified. In order to provide the most updated basis for the reallocation of Union aid, the Member States' declarations of expenditure effected up to 31 December should be taken into account for the calculation.

(2) Implementing Regulation (EU) 2017/39 should therefore be amended accordingly.

(3) 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

In Article 7 of Implementing Regulation (EU) 2017/39, paragraph 3 is replaced by the following:

3. The amount of indicative allocation that may be reallocated to another Member State pursuant to paragraph 1 shall be based on the level of use of the definitive allocation of Union aid in the previous school year for school fruit and vegetables and for school milk respectively by that Member State. Taking into account the declarations of expenditure sent to the Commission concerning expenditure effected up to 31 December of the year prior to the submission of the request for Union aid in accordance with Article 10 of Commission Implementing Regulation (EU) No 908/2014[(3)], the amount of the definitive allocation shall be calculated as follows:

a when the use of the definitive allocation is below or equal to 50 %, no additional allocation shall be granted;

b when the use of the definitive allocation is higher than 50 % but lower or equal to 75 %, the maximum additional allocation shall be capped at 50 % of the indicative allocation;

c when the use of the definitive allocation is higher than 75 %, the maximum additional allocation shall not be capped.

The calculation described in the first subparagraph shall not apply for Member States newly applying the school scheme or one of its components during the first two years of implementation.

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, 28 November 2019.

For the Commission

The President

Jean-Claude JUNCKER