

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

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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

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:

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

- (1) 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 ([OJ L 346, 20.12.2013, p. 12](#)).
- (2) Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ([OJ L 347, 20.12.2013, p. 671](#)).
- (3) 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 (see page 1 of this Official Journal).
- (4) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers ([OJ L 55, 28.2.2011, p. 13](#)).

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