

---

STATUTORY INSTRUMENTS

---

**2019 No. 1422**

The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (No. 2) Regulations 2019

**PART 2**

Amendment of retained direct EU legislation

CHAPTER 3

Payment Schemes Amendments

*SECTION 2*

*Educational establishments*

**Amendment of Commission Delegated Regulation (EU) 2017/40**

**12.**—(1) Commission Delegated Regulation (EU) 2017/40 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to Union aid for the supply of fruit and vegetables, bananas and milk in educational establishments and amending Commission Delegated Regulation (EU) No 907/2014 is amended as follows.

(2) In Article 1—

- (a) in paragraph 1, omit “Union”;
- (b) after paragraph 2, insert—

“**3.** In this Regulation—

- (a) ‘constituent nation’ means England, Wales, Scotland or Northern Ireland, as the case may be;
- (b) ‘relevant authority’ means:
  - (i) in relation to England, the Secretary of State;
  - (ii) in relation to Wales, the Welsh Ministers;
  - (iii) in relation to Scotland, the Scottish Ministers;
  - (iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
- (c) ‘school scheme aid’ means aid granted under Article 23(1) of Regulation 1308/2013.”.

(3) In Article 2—

- (a) in the heading, for “Member States” substitute “School scheme”;

- (b) omit paragraph 1;
- (c) in paragraph 2—
  - (i) for “a Member State” substitute “ the relevant authority ”;
  - (ii) after “its strategy” insert “ (as referred to in Article 23(8) of Regulation (EU) No 1308/2013) ”;
  - (iii) for “Union aid under the school scheme” substitute “ school scheme aid ”;
- (d) for paragraph 3 substitute—
 

“3. The relevant authority must publish its strategy online by 30 April preceding the first school year covered by the strategy, or as soon as reasonably practicable thereafter.”;
- (e) omit paragraph 4.
- (4) In Article 4—
  - (a) in paragraph 1—
    - (i) in the words before point (a), for “Union” substitute “ school scheme ”;
    - (ii) in point (a), omit “of the Member State”;
    - (iii) in point (e)—
      - (aa) for “Member States” substitute “ the relevant authority ”;
      - (bb) for “their” substitute “ its ”;
  - (b) omit paragraph 2;
  - (c) in paragraph 3, for “Union” substitute “ school scheme ”;
  - (d) omit paragraph 4.
- (5) In Article 5—
  - (a) in paragraph 1—
    - (i) for “Aid granted to a Member State under the school scheme” substitute “ School scheme aid ”;
    - (ii) omit “for aid”;
    - (iii) for “competent authority of the Member State” substitute “ relevant authority ”;
  - (b) in paragraph 2, for “Member States” substitute “ The relevant authority ”.
- (6) In Article 6—
  - (a) in paragraph 1—
    - (i) in the first subparagraph—
      - (aa) in the words before point (a), for “competent authority of the Member State” substitute “ relevant authority ”;
      - (bb) in point (a), for “the Union under the school scheme” substitute “ school scheme aid ”;
      - (cc) in point (c), for “Union” substitute “ school scheme ”;
      - (dd) in points (e) and (f), for “competent” substitute “ relevant ”;
    - (ii) in the second subparagraph, for “Member States” substitute “ the relevant authority ”;
  - (b) in paragraph 3, for “Competent authorities” substitute “ The relevant authority ”;
  - (c) omit paragraph 5.

- (7) In Article 7(1) and (3), for “competent” substitute “ relevant ”;
- (8) In Article 9—
  - (a) in paragraphs 1 and 2, for “Member States” substitute “ The relevant authority ”;
  - (b) in paragraphs 3 and 4, for “Member States” substitute “ the relevant authority ”;
  - (c) omit paragraph 5.
- (9) In Article 10(1) and (2), for “Member States” substitute “ the relevant authority ”.
- (10) In Article 11—
  - (a) in the first subparagraph—
    - (i) for “Member States consider” substitute “ the relevant authority considers ”;
    - (ii) for “they” substitute “ it ”;
    - (iii) for “Union aid under the school scheme” substitute “ school scheme aid ”;
  - (b) in the second subparagraph, for “Member States” substitute “ the relevant authority ”.
- (11) In Article 12, for “Member States” substitute “ the relevant authority ”;
- (12) In Article 14, omit the second sentence.
- (13) After Article 15, omit the words from “This Regulation” to “Member States.”.
- (14) In the Annex—
  - (a) for “European Union ‘School Scheme’”, in both places it occurs, substitute “England/ Scotland/ Wales/ Northern Ireland [delete as appropriate] ‘School Scheme’”;
  - (b) for “European Union”, in the third place it occurs, substitute “ Department for the Environment, Food and Rural Affairs/ Scottish Government/ Welsh Government/ Department of Agriculture, Environment and Rural Affairs [delete as appropriate] ”;
  - (c) omit “The poster shall bear the emblem of the Union”.

---

**Commencement Information**

- II** Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

**Changes to legislation:**

There are currently no known outstanding effects for the The Common Organisation of the Markets in Agricultural Products and Common Agricultural Policy (Miscellaneous Amendments etc.) (EU Exit) (No. 2) Regulations 2019, Section 12.