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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2016/247

of 17 December 2015

supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to Union aid for the supply and distribution of fruit and vegetables, processed fruit and vegetables and banana products within the framework of the school fruit and vegetables scheme

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular Article 24 thereof,

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 ⁽²⁾, and in particular Article 64(6)(a) thereof,

Whereas:

- (1) Regulation (EU) No 1308/2013 replaced Council Regulation (EC) No 1234/2007 ⁽³⁾ and lays down new rules regarding the school fruit and vegetables scheme ('the Scheme'). It also empowers the Commission to adopt delegated and implementing acts in that respect. In order to ensure the smooth functioning of the Scheme in the new legal framework, certain rules have to be adopted by means of such acts. Those acts should replace Commission Regulation (EC) No 288/2009 ⁽⁴⁾, which should therefore be repealed.
- (2) The objective of the Scheme is to increase short and long-term fruit and vegetables consumption and to promote healthy eating habits.
- (3) In accordance with Article 23(2) of Regulation (EU) No 1308/2013, Member States wishing to participate in the Scheme, at national or regional level, are to draw up a prior strategy for its implementation and provide for the necessary accompanying measures. Where Member States decide to implement the Scheme at regional level, they should draw up a strategy for each region.
- (4) Pursuant to Article 5(2) of Council Regulation (EU) No 1370/2013 ⁽⁵⁾, the Commission is to fix the indicative allocation of Union aid for the supply of fruit and vegetables, processed fruit and vegetables and banana products covered by the Scheme ('the products'). In order to maximise the full potential of available funds, it is appropriate

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 347, 20.12.2013, p. 549.

⁽³⁾ Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ L 299, 16.11.2007, p. 1).

⁽⁴⁾ Commission Regulation (EC) No 288/2009 of 7 April 2009 laying down detailed rules for applying Council Regulation (EC) No 1234/2007 as regards Community aid for supplying fruit and vegetables, processed fruit and vegetables and banana products to children in educational establishments, in the framework of a School Fruit Scheme (OJ L 94, 8.4.2009, p. 38).

⁽⁵⁾ 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).

to provide for the reallocation of the unrequested Union aid between the participating Member States that have notified the Commission of their willingness to use more than their indicative allocation of Union aid.

- (5) Costs incurred for purchasing the products, as well as some related costs that are directly linked to the implementation of the Scheme, should be eligible for Union aid, if provided for in the Member State's strategy. However, in order to preserve the effectiveness of the Scheme, only a small percentage of aid should be allocated to those related costs. For financial management and control purposes, those costs should not exceed certain thresholds.
- (6) In the interest of sound administration, budget management and supervision, the conditions for granting aid and for the selection and approval of aid applicants should be specified.
- (7) In order to assess the effectiveness of the Scheme, and to allow peer review and the exchange of best practices, Member States should monitor and evaluate the implementation of the Scheme on a regular basis and send their results and findings to the Commission.
- (8) Penalties should be determined in order to deter applicants from fraudulent behaviour and serious negligence.
- (9) In accordance with Article 23(10) of Regulation (EU) No 1308/2013, the public is to be sufficiently aware of the Union's financial contribution to the Scheme. For that purpose, the Member States should be able to use a poster that may be exhibited in participating educational establishments. That poster should be produced in compliance with certain minimum requirements,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation lays down rules supplementing Regulation (EU) No 1308/2013 as regards Union aid for the supply and distribution of fruit and vegetables, processed fruit and vegetables and banana products ('the products') to children and for certain related costs, in the framework of the school fruit and vegetables scheme referred to in Article 23 of that Regulation ('the Scheme').

Article 2

Member States' strategy

1. When drawing up their strategy as referred to in Article 23(2) of Regulation (EU) No 1308/2013, Member States may choose the geographical and administrative level at which they wish to implement the Scheme. If they decide to implement the Scheme at regional level, they shall draw up a strategy for each region.

A Member State which implements the Scheme at regional level shall establish a single contact point for information and notifications to the Commission.

The strategy may cover more than 1 school year within the meaning of Article 1(2) of Commission Implementing Regulation (EU) 2016/248 ⁽¹⁾.

2. The accompanying measures as referred to in Article 23(2) of Regulation (EU) No 1308/2013 shall support the distribution of the products and be directly linked to the objectives of the Scheme. Those measures may involve also parents and teachers.

3. Member States wishing to participate in the Scheme shall notify the Commission of their strategy by 31 January which precedes the start of the first school year covered by the strategy.

4. Where a Member State amends its strategy, it shall notify the Commission of its amended strategy by 31 January of the year following the amendment.

⁽¹⁾ Commission Implementing Regulation (EU) 2016/248 of 17 December 2015 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to Union aid for the supply and distribution of fruit and vegetables, processed fruit and vegetables and banana products within the framework of the school fruit and vegetables scheme and fixing the indicative allocation for that aid (see page 8 of this Official Journal).

*Article 3***Reallocation of Union aid**

1. Where Member States have not applied for Union aid by the deadline referred to in Article 3 of Implementing Regulation (EU) 2016/248, or have requested only part of their indicative allocation of aid as referred to in Article 23(5) of Regulation (EU) No 1308/2013 and fixed in the Annex to Implementing Regulation (EU) 2016/248, their indicative allocation or the unrequested part thereof shall be reallocated to those Member States which notified the Commission, by the same deadline, of their willingness to use more than their indicative allocation.
2. The reallocation shall be limited according to the level of use of the definitive allocation of Union aid by the Member State concerned for the school year that ended prior to the aid application. That level of use shall be established on the basis of the declarations of expenditure sent to the Commission by 15 October of the following school year in accordance with Article 10 of Commission Implementing Regulation (EU) No 908/2014 ⁽¹⁾.

The limits for reallocation shall be 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.

Those limits shall not apply during the first 2 school years of implementation of the Scheme by a Member State.

*Article 4***Eligible costs**

1. The following costs are eligible for Union aid:
 - (a) the cost of the products supplied under the Scheme and distributed to children in educational establishments referred to in Article 22 of Regulation (EU) No 1308/2013, including the costs of purchasing, renting, hiring and leasing of equipment used in the supply and distribution of products, as provided for in the strategy of the Member State;
 - (b) the following related costs, which shall be directly linked to the implementation of the Scheme:
 - (i) costs relating to the monitoring and evaluation obligation of the Member State as referred to in Article 8 of this Regulation;
 - (ii) costs for publicity of the Scheme, which shall directly aim at informing the wider public about the Scheme, including:
 - the cost of the poster referred to in Article 10 of this Regulation,
 - the cost of information campaigns by means of broadcasting, electronic communications, newspapers and similar means of communication,
 - the cost of information sessions, conferences, seminars and workshops dedicated to informing the wider public about the Scheme and similar events,
 - the cost of information and promotion material such as letters, leaflets, brochures, gadgets and similar;
 - (iii) costs for accompanying measures referred to in Article 2(2) of this Regulation, including:
 - costs for organising tasting classes, setting up and maintenance of gardening sessions, organisation of farm visits and similar activities aimed at connecting children with agriculture,
 - costs for measures aimed at educating children about agriculture, healthy eating habits and environmental matters related to the production, distribution and consumption of the products.

⁽¹⁾ Commission Implementing Regulation (EU) No 908/2014 of 6 August 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, rules on checks, securities and transparency (OJ L 255, 28.8.2014, p. 59).

2. Where the transport and distribution of the products are invoiced separately, such costs are only eligible for Union aid if they do not exceed 3 % of the costs of the products.

Where products are supplied free of charge to educational establishments, the costs of transport and distribution of those products may be eligible for Union aid, on the basis of invoices, subject to a ceiling to be set in the strategy of the Member State.

3. The costs for publicity and accompanying measures shall not be financed under other Union aid schemes.
4. Value added tax (VAT) and expenditure relating to personnel costs are not eligible for Union aid if those personnel costs are financed from public funds of the Member State.
5. The total amount of the eligible costs for publicity shall not exceed 5 % of the annual definitive allocation referred to in Article 23(5) of Regulation (EU) No 1308/2013 for each Member State concerned.

The total amount of the eligible costs for purchasing, renting, hiring and leasing of equipment and for monitoring and evaluation shall not exceed 10 % of the annual definitive allocation for each Member State concerned.

The total amount of the eligible costs for accompanying measures shall not exceed 15 % of the annual definitive allocation for each Member State concerned.

Article 5

General conditions for granting the aid and selection of aid applicants

1. Aid granted to a Member State under the Scheme shall be distributed to applicants which have submitted to the competent authority an aid application which relates to the implementation of one or more of the following:
 - (a) the supply and/or distribution of products to children in educational establishments within the Scheme;
 - (b) monitoring and evaluation actions;
 - (c) publicity;
 - (d) the accompanying measures.

Aid applications shall be lodged only by applicants which have been approved in accordance with Article 6.

2. Member States shall select aid applicants from among the following bodies:
 - (a) educational establishments;
 - (b) educational authorities;
 - (c) suppliers and/or distributors of the products;
 - (d) organisations acting on behalf of one or more educational establishments or educational authorities and specifically established for that purpose;
 - (e) any other public or private body which is engaged in the management and provision of any of the activities referred to in paragraph 1.

Article 6

Conditions for approval of aid applicants

1. Aid applicants shall be approved by the competent authority of the Member State in which the educational establishment to which the products are supplied and/or distributed is located. Approval shall be subject to the following written commitments made by the applicant:
 - (a) to ensure the products financed by the Union under the Scheme are made available for consumption by the children in the educational establishments in respect of which they will apply for aid;

- (b) to use the aid allocated for monitoring and evaluation, publicity or accompanying measures in accordance with the objectives of the Scheme;
 - (c) to reimburse any aid unduly paid for the quantities concerned, if it has been found that the products have not been distributed to the children or are not eligible for Union aid;
 - (d) to reimburse any aid unduly paid for accompanying measures, if it has been found that those measures have not been properly carried out;
 - (e) to make supporting documents available to the competent authority on request;
 - (f) to permit any check decided on by the competent authority, in particular the scrutiny of records and physical inspection.
2. In the case of aid applications relating to the supply and distribution of products, aid applicants shall make an additional written commitment to keep records of the names and addresses of the educational establishments or, where appropriate, educational authorities and of the products and quantities sold or supplied to those establishments or authorities.
3. In the case of aid applications relating to monitoring, evaluation or publicity, only points (b) and (e) of paragraph 1 shall apply.
4. In the case of aid applications relating to accompanying measures, only points (b), (d), (e) and (f) of paragraph 1 shall apply. In addition, the competent authority may specify any written commitments to be undertaken by the applicant, in particular as regards:
- (a) accompanying measures carried out in schools, when those schools are not aid applicants;
 - (b) accompanying measures that include the distribution of products.

Article 7

Suspension and withdrawal of approval

If an approved aid applicant fails to comply with the obligations provided for in this Regulation, the competent authority shall suspend the approval of the applicant for a period of between 1 and 12 months or withdraw it, depending on the seriousness of the non-compliance and according to the principle of proportionality.

Such action shall not be taken in cases referred to in points (a) to (d) of Article 64(2) of Regulation (EU) No 1306/2013 or if the non-compliance was of a minor nature.

At the applicant's request and if the reasons for withdrawal have been remedied, the competent authority may restore the approval of the applicant after a minimum period of 12 months from the date on which the reasons for withdrawal have been remedied.

Article 8

Monitoring and evaluation

1. Member States shall provide for adequate structures and forms to ensure an annual monitoring of the implementation of the Scheme.
2. Member States shall evaluate the implementation of the Scheme in order to assess its effectiveness against its objectives.
3. Where a Member State does not submit to the Commission an evaluation report containing the results of the evaluation provided for in paragraph 2 of this Article by the time limits referred to in Article 6(2) of Implementing Regulation (EU) 2016/248, the amount of the next definitive allocation shall be reduced as follows:
 - (a) by 5 % if the time limit is exceeded by 1 to 30 days;
 - (b) by 10 % if the time limit is exceeded by 31 to 60 days.

Once the time limit is exceeded by more than 60 days, the definitive allocation shall be reduced by 1 % per additional day, calculated over the remaining balance.

Article 9

Penalties

In case of irregular payments that are not due to obvious errors and in case of fraud or serious negligence for which the applicant is responsible, the applicant shall, in addition to the recovery of unduly paid amounts, pay an amount equal to the difference between the amount initially paid and the amount the applicant is entitled to.

Article 10

Union ‘School Fruit and Vegetables Scheme’ poster

For the purposes of Article 23(10) of Regulation (EU) No 1308/2013, Member States may use a poster fulfilling the minimum requirements laid down in the Annex to this Regulation, which shall be permanently situated at a clearly visible and legible place at the main entrance of the participating educational establishments.

Article 11

Repeal

Regulation (EC) No 288/2009 is repealed.

Article 12

Entry into force and application

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

It shall apply to aid for school year 2016/2017 and subsequent school years.

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

Done at Brussels, 17 December 2015.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

Minimum requirements for the poster referred to in Article 10

Poster size: A3 or bigger

Letters: 1 cm or bigger

Title: European Union 'School Fruit and Vegetables Scheme'

Content: At least the following wording:

'Our [specify the type of educational establishment (e.g. nursery/pre-school/school)] participates in the European Union "School Fruit and Vegetables Scheme" with the financial support of the European Union.'

The poster shall bear the emblem of the Union.

COMMISSION IMPLEMENTING REGULATION (EU) 2016/248**of 17 December 2015**

laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to Union aid for the supply and distribution of fruit and vegetables, processed fruit and vegetables and banana products within the framework of the school fruit and vegetables scheme and fixing the indicative allocation for that aid

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular Article 25 thereof,

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 ⁽²⁾, and in particular Articles 62(2)(a) to (d) and 64(7)(a) thereof,

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 ⁽³⁾, and in particular the second subparagraph of Article 5(2) thereof,

Whereas:

- (1) Regulation (EU) No 1308/2013 replaced Council Regulation (EC) No 1234/2007 ⁽⁴⁾ and lays down new rules regarding the school fruit and vegetables scheme ('the Scheme'). It also empowers the Commission to adopt delegated and implementing acts in that respect. In order to ensure the smooth functioning of the Scheme in the new legal framework, certain rules have to be adopted by means of such acts. Those acts should replace Commission Regulation (EC) No 288/2009 ⁽⁵⁾, which is repealed by Delegated Regulation (EU) 2016/247 ⁽⁶⁾.
- (2) In accordance with Article 23(2) of Regulation (EU) No 1308/2013, Member States wishing to participate in the Scheme are to draw up a prior strategy for its implementation. In order to be able to evaluate the implementation of the Scheme, the elements of the strategy should be defined.
- (3) In the interest of sound administration and budget management, Member States implementing the Scheme should apply for Union aid on an annual basis and the content of such application should be defined.
- (4) The content and frequency of aid applications submitted by aid applicants should be determined as well as the rules on the lodging of applications. In addition the evidence required to support the aid applications needs to be specified. Penalties to be applied by the competent authority where an application for aid is lodged late should also be laid down.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 347, 20.12.2013, p. 549.

⁽³⁾ OJ L 346, 20.12.2013, p. 12.

⁽⁴⁾ Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ L 299, 16.11.2007, p. 1).

⁽⁵⁾ Commission Regulation (EC) No 288/2009 of 7 April 2009 laying down detailed rules for applying Council Regulation (EC) No 1234/2007 as regards Community aid for supplying fruit and vegetables, processed fruit and vegetables and banana products to children in educational establishments, in the framework of a School Fruit Scheme (OJ L 94, 8.4.2009, p. 38).

⁽⁶⁾ Commission Delegated Regulation (EU) 2016/247 of 17 December 2015 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to Union aid for the supply and distribution of fruit and vegetables, processed fruit and vegetables and banana products within the framework of the school fruit and vegetables scheme (see page 1 of this Official Journal).

- (5) The conditions for payment of the aid should be further clarified to take account of the distinction between aid for the supply and distribution of products and aid for carrying out monitoring, evaluation, publicity and accompanying measures. The content of the documentary evidence required in support of each application for the payment of the aid should be specified.
- (6) In order to assess the effectiveness of the Scheme, Member States should notify the Commission of the results and findings of their monitoring and evaluation of the Scheme. For the sake of clarity, it is appropriate to fix a date for the notification of the evaluation report and of the results of the monitoring exercise to the Commission. The Commission should publish those documents.
- (7) To protect Union's financial interests, adequate control measures should be adopted to combat irregularities and fraud. These control measures should involve full administrative checking supplemented by on-the-spot checks. The scope, content, timing and reporting of such control measures should be specified so as to ensure an equitable and uniform approach between Member States, taking account of their different implementation of the Scheme.
- (8) Amounts unduly paid should be recovered in accordance with Commission Implementing Regulation (EU) No 809/2014 ⁽¹⁾.
- (9) In accordance with Article 23(10) of Regulation (EU) No 1308/2013 the public is to be sufficiently aware of the Union's financial contribution to the Scheme. Further to the provisions concerning the poster provided for in Delegated Regulation (EU) 2016/247 it is appropriate to lay down rules on publicising the Scheme and on the use of the Union emblem. It is also appropriate to allow for the transitional use of the currently used posters and other tools of publicity for a limited period of time.
- (10) 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

Scope and definition

1. This Regulation lays down rules for the application of Regulations (EU) No 1308/2013 and (EU) No 1370/2013 as regards Union aid for the supply and distribution of fruit and vegetables, processed fruit and vegetables and banana products ('the products') to children and for certain related costs in the framework of the school fruit and vegetables scheme referred to in Article 23 of Regulation (EU) No 1308/2013 ('the Scheme').
2. For the purposes of the Scheme, 'school year' means a period running from 1 August until 31 July of the following year.

Article 2

Member States' strategy

1. A Member State's strategy as referred to in Article 23(2) of Regulation (EU) No 1308/2013 and in Article 2 of Delegated Regulation (EU) 2016/247 shall include at least the following elements:
 - (a) the geographical and administrative level at which the Scheme will be implemented;
 - (b) the duration of the strategy;
 - (c) if available, information on the level of consumption of the products concerned;

⁽¹⁾ Commission Implementing Regulation (EU) No 809/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance (OJ L 227, 31.7.2014, p. 69).

- (d) its operational objectives within the Scheme and the targets to be attained;
 - (e) if an existing national school scheme is being extended or is being made more effective through the use of Union funds, the arrangements put in place to ensure the added value of the Scheme;
 - (f) the estimated budget or budget percentage for the main elements of the Scheme;
 - (g) the target group;
 - (h) the list of products that will be supplied under the Scheme;
 - (i) the objectives and the content of accompanying measures;
 - (j) a description of how relevant stakeholders will be involved;
 - (k) information on the arrangements for the distribution of products and selection procedures of suppliers;
 - (l) the arrangements put in place for publicising the provision of Union aid, including where the strategy allows the consumption of regular school meals at the same time as products financed under the Scheme;
 - (m) the structures and forms put in place for the monitoring and evaluation of the Scheme in accordance with Article 8 of Delegated Regulation (EU) 2016/247 and for checks provided for in Articles 7 and 8 of this Regulation.
2. The Commission shall publish the Member States' strategies.

Article 3

Aid application submitted by Member States

Member States shall submit aid applications relating to the next school year by 31 January each year. Aid applications shall contain the following information:

- (a) the indicative allocation of aid set out in the Annex;
- (b) the amount requested if there is no willingness to use the entire amount of the indicative allocation;
- (c) the willingness to use more than the indicative allocation and the maximum additional amount requested should an additional allocation be available;
- (d) the total amount requested.

The amounts referred to in this Article shall be expressed in EUR.

Article 4

Aid applications submitted by aid applicants

1. The Member States shall determine the form, content and frequency of aid applications in accordance with their strategy and the rules laid down in paragraphs 2 to 7.
2. Aid applications relating to the supply and distribution of products shall include at least the following information:
 - (a) the quantities of products distributed;
 - (b) the name and address or identification number of the educational establishments or educational authorities to which those quantities were distributed;
 - (c) the number of children in regular attendance in the respective educational establishments entitled to receive the products covered by the Scheme during the period covered by the aid application.

3. Aid applications relating to the supply and distribution of products shall cover periods of no more than five months.
4. Aid applications shall be lodged within three months of the end of the period they cover.
5. Aid applications relating to the evaluation report provided for in Article 6(2) shall be lodged within one month of the date on which that report was submitted as referred to in that paragraph.
6. If the time limit referred to in paragraphs 4 and 5 is exceeded by less than 60 days, the aid shall be paid but reduced as follows:
 - (a) by 5 % if the time limit is exceeded by 1 to 30 days;
 - (b) by 10 % if the time limit is exceeded by 31 to 60 days.

Once the time limit is exceeded by more than 60 days, the aid shall be further reduced by 1 % per each additional day, calculated over the remaining balance.

7. The amounts claimed in the aid applications shall be supported by documentary evidence showing the price of the products, material or services delivered together with a receipt or proof of payment or equivalent. Member States shall specify the documents that shall be submitted in support of aid applications.

In the case of aid applications relating to monitoring, evaluation, publicity and to accompanying measures, the documentary evidence shall contain the financial breakdown by activity and details of the related costs.

Article 5

Payment of the aid

1. Aid relating to the supply and distribution of products shall only be paid:
 - (a) on presentation of a receipt for the quantities actually supplied and distributed; or
 - (b) on the basis of the report of an inspection made by the competent authority before final payment of the aid, establishing that the payment requirements have been met; or
 - (c) if the Member State so authorises, on presentation of alternative proof that the quantities supplied and distributed for the purposes of the Scheme have been paid for.
2. Aid relating to monitoring, evaluation, publicity and to accompanying measures shall only be paid upon delivery of the material or services concerned and upon submission of the related documentary evidence as required by the competent authorities of the Member States.
3. The competent authority shall pay the aid within three months of the date of submission of the aid application.

Article 6

Monitoring and evaluation

1. Monitoring as referred to in Article 8(1) of Delegated Regulation (EU) 2016/247 shall draw upon the data originating from management and control obligations, including those set out in Articles 4 and 5 of this Regulation

Member States shall notify the Commission of the results of the monitoring exercise by 30 November following the end of the school year concerned.

2. Member States shall submit to the Commission an evaluation report containing the results of the evaluation provided for in Article 8(2) of Delegated Regulation (EU) 2016/247 for the previous 5-school-year implementation period by 1 March in the year following the end of that period.

The first evaluation report shall be submitted on or before 1 March 2017.

3. The Commission shall publish the results of the Member States monitoring exercise and the evaluation reports.

Article 7

Administrative checks

1. Member States shall take all necessary measures to comply with this Regulation. Those measures shall include administrative checking of all aid applications.

2. Administrative checks conducted with respect to aid granted for the supply and distribution of products shall include reviewing the supporting documents, as defined by Member States, relating to product supply and distribution.

Administrative checks conducted with respect to aid granted for monitoring, evaluation, publicity and for accompanying measures shall include verifying the delivery of the material and services and the veracity of the claimed expenditure.

3. In case of aid relating to the supply and distribution of products and to accompanying measures, the administrative checks shall be supplemented by on-the-spot checks in accordance with Article 8.

Article 8

On-the-spot checks

1. In case of aid relating to the supply and distribution of products, on-the-spot checks shall be carried out and shall in particular include verification of:

- (a) the records referred to in Article 6(2) of Delegated Regulation (EU) 2016/247, including financial records such as purchase and sales invoices, delivery notes or bank extracts;
- (b) the use of the products in accordance with this Regulation.

2. On-the-spot checks shall be carried out in respect of each school year. They shall cover the activities undertaken during the previous 12 months.

On-the-spot checks may take place during the implementation of the accompanying measures.

3. The total number of on-the-spot checks shall cover at least 5 % of the aid distributed at national level and at least 5 % of all aid applicants dealing with the supply and distribution of products and with accompanying measures.

When the number of aid applicants in a Member State is less than one hundred, on-the-spot checks shall be carried out on the premises of not less than five applicants.

When the number of aid applicants in a Member State is less than five, on-the-spot checks shall be carried out on the premises of all the applicants.

Where the applicant, not being an educational establishment, applies for aid relating to the supply and distribution of products, the on-the-spot check carried out on the premises of that applicant shall 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(2) of Delegated Regulation (EU) 2016/247, whichever is the greater.

Where the applicant applies for aid relating to accompanying measures, on-the-spot checks on the premises of the applicant may be replaced, based on a risk analysis, by on-the-spot checks at the places where accompanying measures are carried out. Based on a risk analysis, Member States shall fix the level of such on-the-spot checks.

4. On the basis of a risk analysis the competent authority shall select those applicants to be subjected to on-the-spot checks.

For that purpose, the competent authority shall take in particular due account of:

- (a) the different geographical areas;
- (b) the recurrent nature of errors and the findings of checks carried out in past years;
- (c) the amount of aid involved;
- (d) the type of applicants;
- (e) the type of accompanying measure, if any.

5. Provided that the purpose of the checks is not jeopardised, advance notice, strictly limited to the minimum time period necessary, may be given.

6. The competent control authority shall draw up a control report on each on-the-spot check. The report shall describe precisely the different items controlled.

The control report shall be divided into the following parts:

- (a) a general part containing the following information, if relevant:
 - (i) the Scheme strategy that applies, the period covered, the aid applications checked, the quantities of products, the participating educational establishments, an estimate based on the available data of the number of children for which aid was paid and the financial amount involved;
 - (ii) the responsible persons present;
- (b) a part describing separately the checks carried out and containing, in particular, the following information:
 - (i) the documents checked;
 - (ii) the nature and extent of checks carried out;
 - (iii) remarks and findings.

7. Member States shall notify the Commission, by 30 November following the end of the school year, of the on-the-spot checks carried out and the related findings.

Article 9

Recovery of undue payments

For recovery of unduly paid amounts, Article 7 of Implementing Regulation (EU) No 809/2014 shall apply *mutatis mutandis*.

Article 10

Publicity of the Union's financial contribution to the Scheme

1. Where Member States decide not to make use of the poster referred to in Article 10 of Delegated Regulation (EU) 2016/247, they shall clearly explain in their strategy how they will inform the public about the Union's financial contribution to their school scheme.

2. Means of communication and publicity measures referred to in point (b)(ii) of Article 4(1) of Delegated Regulation (EU) 2016/247 shall, to the extent practicable, exhibit the European flag and mention the Union 'School Fruit and Vegetables Scheme' or its acronym and the financial support of the Union.
3. Tools and educational materials to be used within the framework of accompanying measures referred to in point (b)(iii) of Article 4(1) of Delegated Regulation (EU) 2016/247 shall, to the extent practicable, exhibit the European flag and mention the Union 'School Fruit and Vegetables Scheme' or its acronym and the financial support of the Union.
4. References to the financial contribution of the Union shall receive at least the same visibility as contributions from other private or public entities supporting a Member State's school scheme.
5. Member States may continue to use existing stocks of posters and other tools of publicity printed prior to 26 February 2016 in accordance with Regulation (EC) No 288/2009.

Article 11

Notifications

The notifications from the Member States to the Commission provided for in this Regulation shall be made in accordance with Commission Regulation (EC) No 792/2009 ⁽¹⁾.

Article 12

Entry into force and application

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

It shall apply to aid for school year 2016/2017 and subsequent school years.

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

Done at Brussels, 17 December 2015.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments' regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands (OJ L 228, 1.9.2009, p. 3).

ANNEX

Indicative allocation of Union aid per Member State

Member State	Co-financing rate (in %)	Children 6-10 abs. numbers	EUR
Austria	75	406 322	2 239 273
Belgium	75	611 450	3 369 750
Bulgaria	90	316 744	2 094 722
Croatia	90	205 774	1 360 845
Cyprus	75	44 823	290 000
Czech Republic	88	480 495	3 124 660
Denmark	75	328 182	1 808 638
Estonia	90	66 436	439 361
Finland	75	290 308	1 599 911
France	76	4 051 279	22 500 145
Germany	75	3 575 991	19 707 575
Greece	81	529 648	3 143 600
Hungary	86	482 160	3 031 022
Ireland	75	319 126	1 758 729
Italy	80	2 853 098	16 719 794
Latvia	90	95 861	633 957
Lithuania	90	136 285	901 293
Luxembourg	75	29 473	290 000
Malta	75	19 511	290 000
Netherlands	75	986 118	5 434 576
Poland	88	1 802 733	11 645 350
Portugal	85	527 379	3 284 967
Romania	89	1 054 185	6 869 985
Slovakia	89	262 703	1 709 502
Slovenia	83	91 095	554 291
Spain	75	2 337 457	12 939 604
Sweden	75	518 322	2 856 514
United Kingdom	76	3 494 635	19 401 935
EU 28	79	25 917 593	150 000 000

COMMISSION IMPLEMENTING REGULATION (EU) 2016/249**of 10 February 2016****approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Jambon de l'Ardèche (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission has examined France's application for the approval of amendments to the specification for the protected geographical indication 'Jambon de l'Ardèche', registered under Commission Regulation (EU) No 1023/2010 ⁽²⁾.
- (2) Since the amendments in question are not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, the Commission published the amendment application in the *Official Journal of the European Union* ⁽³⁾ as required by Article 50(2)(a) of that Regulation.
- (3) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the amendments to the specification should be approved,

HAS ADOPTED THIS REGULATION:

*Article 1*The amendments to the specification published in the *Official Journal of the European Union* regarding the name 'Jambon de l'Ardèche' (PGI) are hereby approved.*Article 2*This Regulation shall enter into force on the twentieth 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, 10 February 2016.

For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ Commission Regulation (EU) No 1023/2010 of 12 November 2010 entering a name in the register of protected designations of origin and protected geographical indications (Jambon de l'Ardèche (PGI)) (OJ L 296, 13.11.2010, p. 5).

⁽³⁾ OJ C 330, 7.10.2015, p. 3.

COMMISSION IMPLEMENTING REGULATION (EU) 2016/250**of 22 February 2016****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day 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, 22 February 2016.

*For the Commission,
On behalf of the President,*

Jerzy PLEWA
Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code (1)	Standard import value
0702 00 00	IL	236,2
	MA	92,5
	SN	172,2
	TN	107,9
	TR	111,5
	ZZ	144,1
0707 00 05	MA	84,0
	TR	184,9
	ZZ	134,5
0709 91 00	TN	173,6
	ZZ	173,6
0709 93 10	MA	45,6
	TR	162,7
	ZZ	104,2
0805 10 20	CL	98,4
	EG	46,8
	IL	78,1
	MA	59,5
	TN	50,6
	TR	62,1
	ZZ	65,9
	ZZ	65,9
0805 20 10	IL	118,2
	MA	84,8
	TR	93,7
	ZZ	98,9
	ZZ	98,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	EG	68,8
	IL	140,5
	JM	160,3
	MA	118,9
	TR	54,9
	ZZ	108,7
	ZZ	108,7
	ZZ	108,7
0805 50 10	EG	97,1
	IL	96,1
	MA	83,5
	TR	93,3
	ZZ	92,5
	ZZ	92,5

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0808 10 80	CL	92,5
	US	108,3
	ZZ	100,4
0808 30 90	CL	173,8
	CN	89,7
	TR	156,1
	ZA	95,2
	ZZ	128,7

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

