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COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 18 June 2020

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: C(2020) 3909 final

Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 17.6.2020
amending Delegated Regulation (EU) 2017/40 as regards the evaluation of
the implementation of the school scheme

Delegations will find attached document C(2020) 3909 final.

Encl.: C(2020) 3909 final



Brussels, 17.6.2020
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COMMISSION DELEGATED REGULATION (EU) .../...

of 17.6.2020

**amending Delegated Regulation (EU) 2017/40 as regards the evaluation of the
implementation of the school scheme**

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

The Member States participating in the EU school fruit, vegetables and milk scheme set out by Regulation (EU) No 1308/2013 are to evaluate the implementation of the scheme.

This delegated act sets out the nature and type of information that Member States are to provide in their evaluation report(s) in order to assess the effectiveness of the school scheme against its objectives of increasing children's consumption of selected agricultural products and educating them about healthy eating habits.

It aims at improving the quality of the Member States' evaluation report(s) due by 1 March 2023 and facilitating the Commission's assessment and consolidation of the results at EU level.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The Commission consulted experts from the Member States within the Expert Group for Agricultural Markets, sector Animal Products.

Prior to the preparation of this delegated act, the Commission presented non-binding guidelines to assist Member States in their evaluation of the school scheme, in the Expert Group meeting of 20 September 2018. Those evaluation guidelines included 1) definitions and examples, for a shared understanding of the requirements, 2) common evaluation questions and corresponding indicators and 3) an outline of the evaluation report.

The Commission discussed the draft delegated act, underpinned by those evaluation guidelines, in the Expert Group meeting of 12 December 2019 and of 20 February 2020.

The Commission transmitted the draft delegated act to the European Parliament and to the Council, when convening the Expert Group meetings.

The draft delegated regulation was posted in the European Commission portal "Have your say" from 26 March to 23 April 2020 to gather the views of citizens and stakeholders. One stakeholder, the European Plant-based Food Association (Belgium), provided feedback advocating for the inclusion in the school scheme of plant-based alternatives to dairy products. This goes beyond the scope of the act.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

This delegated act amends Article 9 on monitoring and evaluation in Commission Delegated Regulation (EU) 2017/40.

A new paragraph details the nature and type of information that Member States shall provide in their evaluation report(s), and allows Member States that implement the scheme at regional level to submit a corresponding number of evaluation reports.

In parallel, an implementing act amends Commission Implementing Regulation (EU) 2017/39 to set out the detailed specific rules for the uniform format and content of the Member States' evaluation report(s).

COMMISSION DELEGATED REGULATION (EU) .../...

of 17.6.2020

amending Delegated Regulation (EU) 2017/40 as regards the evaluation of the implementation of the school 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 1234/2007¹, and in particular Article 24(2)(b) and Article 223(2)(a) thereof,

Whereas:

- (1) Pursuant to Article 9(2) of Commission Delegated Regulation (EU) 2017/40² Member States are required to evaluate the implementation of their school scheme in order to assess its effectiveness against the objectives of the school scheme of increasing the consumption of selected agricultural products by children and educating them about healthy eating habits. In order to foster transparency and accountability on the use of Union aid, the nature and type of information that the Member States are to notify to the Commission in their evaluation reports should be specified.
- (2) Delegated Regulation (EU) 2017/40 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Article 9 of Delegated Regulation (EU) 2017/40 is amended as follows:

- (1) paragraph 2 is replaced by the following:

‘2. Member States shall evaluate the implementation of the school scheme in order to assess its effectiveness against its objectives of increasing the consumption of fruit, vegetables, milk and milk products by children and educating them about healthy

¹ OJ L 347, 20.12.2013, p. 671.

² Commission Delegated Regulation (EU) 2017/40 of 3 November 2016 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 (OJ L 5, 10.1.2017, p. 11).

eating habits. The results of that evaluation shall be submitted to the Commission by way of an evaluation report. A Member State that implements the school scheme at regional level may choose to submit a corresponding number of evaluation reports.’;

- (2) in the first subparagraph of paragraph 5, the introductory phrase is replaced by the following:

‘ Where a Member State does not submit its evaluation report or evaluation reports containing the results of the evaluation provided for in paragraph 2 of this Article to the Commission by the time limits referred to in Article 8(2) of Implementing Regulation (EU) 2017/39, the amount of the next definitive allocation shall be reduced as follows:’.

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, 17.6.2020

For the Commission
The President
Ursula VON DER LEYEN