

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2023/102

of 11 January 2023

amending Implementing Regulation (EU) 2017/39 as regards Member States' requests for Union 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, first paragraph, point (d), thereof,

Whereas:

- (1) Pursuant to Article 3 of Commission Implementing Regulation (EU) 2017/39 ⁽²⁾, Member States wishing to participate in the Union aid scheme for the supply of fruit and vegetables, bananas and milk in educational establishments (the school scheme) are to submit to the Commission by 31 January each year their request for Union aid relating to the next school year. In accordance with that provision, Member States' requests for Union aid are to include information on the indicative allocation of Union aid for school fruit and vegetables and for school milk set out in Annex I to Council Regulation (EU) No 1370/2013 ⁽³⁾. That Annex sets out the annual indicative allocations of Union aid, per Member State, for school fruit and vegetables and for school milk for the period from 1 August 2017 to 31 July 2023.
- (2) In accordance with Article 5(4) of Regulation (EU) No 1370/2013, from 1 August 2023, the annual indicative allocation of Union aid, per Member State, for school fruit and vegetables and for school milk are to be fixed by the Commission by means of implementing acts. Commission Implementing Decision (EU) 2023/106 ⁽⁴⁾ fixes the annual indicative allocations for the period from 1 August 2023 to 31 July 2029. Therefore, the reference in Article 3 of Implementing Regulation (EU) 2017/39 to the indicative allocations of Union aid in Annex I to Regulation (EU) No 1370/2013 should be amended accordingly.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Implementing Regulation (EU) 2017/39 of 3 November 2016 on 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 of fruit and vegetables, bananas and milk in educational establishments (OJ L 5, 10.1.2017, p. 1.).

⁽³⁾ 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.).

⁽⁴⁾ Commission Implementing Decision (EU) 2023/106 of 11 January 2023 fixing the indicative allocations of Union aid to Member States for school fruit and vegetables and for school milk for the period from 1 August 2023 to 31 July 2029 (see page 84 of this Official Journal).

- (3) To allow Member States to submit their annual request for Union aid relating to the school year for the period from 1 August 2023 to 31 July 2024 by the deadline of 31 January 2023 set out in Article 3 of Implementing Regulation (EU) 2017/39, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.
- (4) 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 3, first paragraph, point (a), of Implementing Regulation (EU) 2017/39, point (i) is replaced by the following:

- (i) the indicative allocation of aid for school fruit and vegetables and for school milk set out in the Annex to Commission Implementing Decision (EU) 2023/106 (*);

(*). Commission Implementing Decision (EU) 2023/106 of 11 January 2023 fixing the indicative allocations of Union aid to Member States for school fruit and vegetables and for school milk for the period from 1 August 2023 to 31 July 2029 (OJ L 12, 13.1.2023, p. 84).'

Article 2

This Regulation shall enter into force on the 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, 11 January 2023.

For the Commission
The President
Ursula VON DER LEYEN