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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)

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►**M1**	Commission Regulation (EU) No 34/2011 of 18 January 2011	L 14	6	19.1.2011
►**M2**	Commission Implementing Regulation (EU) No 1208/2011 of 22 November 2011	L 305	53	23.11.2011
►**M3**	Commission Implementing Regulation (EU) No 30/2013 of 17 January 2013	L 14	7	18.1.2013

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COMMISSION REGULATION (EC) No 288/2009

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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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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) ([1]), and in particular Article 103h(f) in conjunction with Article 4 thereof,

Whereas:

(1) Council Regulation (EC) No 13/2009 ([2]) has amended Regulation (EC) No 1234/2007, in order to provide for Community aid under a School Fruit Scheme to supply fruit and vegetables, processed fruit and vegetables and banana products to children in regular attendance at one of the educational establishments administered or recognised by the competent authorities of a Member State.

(2) In order to ensure the orderly implementation of their School Fruit Scheme, Member States wishing to participate in the Scheme, at national or regional level, should draw up a prior strategy for its implementation. So as to ensure the added value of School Fruit Schemes set up under this Regulation, Member States should explain in their strategy how they will guarantee the added value of their scheme, especially where regular school meals are consumed at the same time as products financed under their School Fruit Scheme. Where Member States choose to implement more than one Scheme, they should draw up a strategy for each such Scheme.

(3) A Member State's strategy should contain the key elements referred to in Article 103ga(2) of Regulation (EC) No 1234/2007, namely the budget of its scheme, including the Community and national contribution, its duration, target group, eligible products and the involvement of relevant stakeholders, such as educational and health authorities, the private sector or the children's parents. A Member State's strategy should also describe the accompanying measures that should be adopted so as to ensure the Scheme's effectiveness.

([1]) OJ L 299, 16.11.2007, p. 1.
([2]) OJ L 5, 9.1.2009, p. 1.

▼B

(4) Pursuant to Article 152(1) of the Treaty, a high level of health should be ensured in the definition and implementation of all Community policies. So as to ensure that the products eligible for aid offer a high level of health protection to children and to promote healthy eating habits, the Member States should exclude products with added sugar, fat, salt or sweeteners from their strategy, except where, in duly justified cases, Member States provide in their strategy that such products may be eligible under their scheme. In all cases, a Member State's list of eligible products should be endorsed by the competent national health authority.

(5) School Fruit Schemes require accompanying measures in order to be effective. Accompanying measures should not be limited to certain geographical areas or educational establishments, excluding certain children from their scope. Therefore, Member States should aim to give most children of their scheme's target group access to accompanying measures.

(6) In the interest of sound administration and budget management, Member States implementing a School Fruit Scheme should apply for Community aid on an annual basis.

(7) For the sake of transparency, an indicative allocation of Community aid per Member State, calculated on the basis of the allocation key referred to in Article 103ga(5) of Regulation (EC) No 1234/2007, should be provided for. In order to take demographic developments into account, the Commission should assess at least every three years whether that allocation is still up to date.

(8) In order to maximise the full potential of available funds, Community aid that was indicatively attributed to Member States which did not notify their strategy to the Commission in time should be reallocated between the participating Member States that notified the Commission their willingness to use more than their initial allocation of Community aid.

(9) Not only costs incurred for purchasing fruit and vegetables, processed fruits and vegetables and banana products, but also some related costs that are directly linked to the implementation of a School Fruit Scheme, should be eligible for Community aid, if provided for in a Member State's strategy. However, in order to preserve the effectiveness of the Scheme, only a small percentage of aid should be allocated to these related costs. For financial management and control purposes, these costs should represent fixed amounts, calculated on a pro rata basis.

(10) In the interest of sound administration, budget management and supervision, the conditions for granting aid, the approval of aid applicants and the conditions for a valid aid application should be specified. As regards the payment of the aid, the requirements to be met by applicants should be specified and rules on the lodging of applications, on the checks and sanctions to be applied by the competent authorities and on the payment procedure should be laid down.

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(11) To protect the Community'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.

(12) Amounts unduly paid should be recovered and sanctions should be determined in order to deter applicants from fraudulent behaviour and serious negligence.

(13) In order to assess the effectiveness of the School Fruit Scheme, and to allow peer review and the exchange of best practices, Member States should monitor and evaluate the implementation of their School Fruit Scheme on a regular basis and send their results and findings to the Commission. Where fruit and vegetables, processed fruit and vegetables and banana products are not distributed free of charge to the target group of their scheme, Member States should assess the impact of a parental contribution on the effectiveness of their Scheme.

(14) Experience has shown that the beneficiaries of projects co-financed with Community aid are not always sufficiently aware of the role played by the Community in the relevant project. The role of the Community in the School Fruit Scheme should therefore be clearly indicated in each participating educational establishment.

(15) In order to allow the Member States sufficient time to set up their School Fruit Scheme, or to align their existing scheme with the new provisions, Member States may elaborate a strategy which contains only the main key element for the initial period from 1 August 2009 to 31 July 2010. They should also be able to postpone the adoption of accompanying measures during that transitional period.

(16) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Scope and use of terms

1. This Regulation lays down rules for implementing for Regulation (EC) No 1234/2007 as regards Community aid for supplying fruit and vegetables, processed fruit and vegetables and banana products and for certain related costs to children in educational establishments, in the framework of a School Fruit Scheme.

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2. Terms used in this Regulation shall have the same meaning as when used in Regulation (EC) No 1234/2007, unless this Regulation provides otherwise.

Article 2

Target group

The aid referred to in Article 103ga of Regulation (EC) No 1234/2007 shall be targeted at children in regular attendance at any of the educational establishments administered or recognised by the competent authorities of a Member State.

Article 3

Strategy

1. Member States wishing to set up a School Fruit Scheme shall draw up the strategy referred to in Article 103ga(2) of Regulation (EC) No 1234/2007.

2. A Member State's strategy shall not cover products that are listed in Annex I to this Regulation. However, in duly justified cases, such as where a Member State wants to ensure a broad assortment of products under its scheme or wants to make its scheme more attractive, a strategy may provide that such products may become eligible, if only limited amounts of the substances referred to in that Annex are added.

Member States shall ensure that their competent health authorities endorse the list of products that shall be eligible under their School Fruit Scheme.

3. Member States shall explain in their strategy how they will guarantee the added value of their School Fruit Scheme, especially where their strategy allows the consumption of regular school meals at the same time as products financed under their School Fruit Scheme. They shall describe their control measures in their strategy.

▼M2

4. Member States shall describe in their strategy which accompanying measures they adopt in order to ensure the successful implementation of their scheme. Those measures shall be educational and shall focus on improving the target group's knowledge of the fruit and vegetable sector or healthy eating habits and may involve teachers and parents.

▼B

5. Member States may choose the appropriate geographical and administrative level at which they wish to implement a 'School Fruit Scheme'. ►M2 If they choose to implement more than one scheme, they shall draw up a strategy for each scheme. ◄ A Member State which implements multiple schemes may establish a coordination framework.

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Article 4

Aid for the supply of fruit and vegetables, processed fruit and vegetables and banana products to children

▼M3

1. Member States setting up a School Fruit Scheme may apply for the aid referred to in Article 103ga of Regulation (EC) No 1234/2007 for one or more periods running from 1 August to 31 July, by notifying the Commission of their strategy by 31 January of the year in which the first period starts.

The strategy shall be accompanied by an aid application which shall contain the following information:

(a) indicative allocation of aid referred to in paragraph 3 and set out in Annex II to this Regulation, expressed in EUR;

(b) capacity to use more than the indicative allocation referred to in paragraph 3 and set out in Annex II;

(c) where no capacity to use additional funds is indicated as provided for under point (b), the allocation requested, expressed in EUR, must be specified;

(d) where a capacity to use additional funds is indicated as provided for under point (b), maximum additional allocation requested, expressed in EUR, must be specified;

(e) total budget requested.

The aid application shall be submitted in accordance with Commission Regulation (EC) No 792/2009 ([1]).

▼B

2. Member States that already have a school fruit scheme, or other school distribution schemes that include fruit, prior to the entry into force of this Regulation shall qualify for Community aid subject to the conditions set out in Article 103ga(6) of Regulation (EC) No 1234/2007. They shall notify their strategy to the Commission by the deadline provided for in paragraph 1.

3. Annex II to this Regulation provides for an indicative allocation of Community aid per Member State, calculated on the basis of the allocation key referred to in Article 103ga(5) of Regulation (EC) No 1234/2007. The Commission shall assess at least every three years whether Annex II is still consistent with that allocation key.

4. The allocations of Community aid reserved for Member States that did not notify the Commission by 31 January of the year in which the period referred to in paragraph 1 starts, or that requested only part of their initial allocation, shall be reallocated among the participating Member States which notified the Commission, by the deadline referred to in paragraph 1, of their willingness to use more than their initial allocation of Community aid.

▼M3

The reallocation of Union aid referred to in the first subparagraph shall be implemented in proportion to the initial indicative allocation set out in Annex II but within the limits fixed in paragraph 5. However, the limits fixed in paragraph 5 shall not apply during the first two school years of application of the scheme by a Member State.

([1]) OJ L 228, 1.9.2009, p. 3.

▼B

The Commission shall decide on the definitive allocation of Community aid to the Member States by 31 March of the year in which the period referred to in paragraph 1 starts.

▼M3

5. The reallocation shall be limited by the level of execution of the allocation for the school year having ended prior to the aid application, as established on 15 October of the following school year. This shall be established on the basis of the declarations of expenditure sent to the Commission in accordance with Article 4 of Commission Regulation (EC) No 883/2006 ([1]). The limits shall be as follows:

(a) when the execution of the allocation is below or equal to 50 % of the final allocation, no additional allocation shall be granted;

(b) when the execution of the allocation is higher than 50 % but lower or equal to 75 % of the final allocation, the maximum additional allocation shall be capped at 50 % of the indicative allocation;

(c) when the execution of the allocation is higher than 75 % of the final allocation, the maximum additional allocation shall not be capped.

▼B

Article 5

Eligible costs

1. ►M2 The following costs are eligible for the Union aid provided for in Article 103ga of Regulation (EC) No 1234/2007:

(a) costs for fruits and vegetables, processed fruit and vegetables and banana products covered by the School Fruit Scheme and delivered to an educational establishment;

(b) related costs, which are costs that are directly linked to the implementation of a School Fruit Scheme and shall only include:

(i) costs for purchasing, renting, hiring and leasing of equipment, if provided for in the strategy;

(ii) costs for the monitoring and evaluation activities referred to in Article 12, which shall be directly linked to the School Fruit Scheme;

(iii) costs for communication, which shall be directly linked to informing the wider public about the School Fruit Scheme and which shall include the poster referred to in Article 14(1); those costs may also include one or more of the following communication measures and activities:

— information campaigns by means of broadcasting, electronic communications, newspapers and similar communication means;

— information sessions, conferences, seminars and workshops dedicated to informing the wider public about the scheme and similar events;

— information and promotion material such as letters, leaflets, brochures, gadgets and similar. ◄

Where costs for transport and distribution of the products covered by a School Fruit Scheme are invoiced separately, such costs shall not exceed 3 % of the costs for the products.

([1]) OJ L 171, 23.6.2006, p. 1.

▼B

Where products are supplied free of charge to educational establishments, Member States may accept invoices for transport and distribution, subject to a ceiling set in the strategy of the Member State.

The costs for communication referred to in point (b)(iii) of the first subparagraph may not be financed under other Community aid schemes.

▼M2

Value added tax (VAT) and expenditure relating to personnel costs are not eligible for the Union aid provided for in Article 103ga of Regulation (EC) No 1234/2007, with the exception of personnel costs that form part of the costs related to the activities referred to in the first subparagraph of this paragraph, where those activities have been outsourced.

2. The total amount for costs under point (b)(iii) of the first subparagraph of paragraph 1 shall represent a fixed amount and be subject to a ceiling not exceeding 5% of the annual amount of the Union aid allocated to the Member State concerned, following the definitive allocation referred to in Article 4(4).

The total amount for costs under points (b)(i) and (ii) of the first subparagraph of paragraph 1 shall not exceed 10% of the annual amount of the Union aid allocated to the Member State concerned, following the definitive allocation referred to in Article 4(4).

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Article 6

General conditions for granting the aid

1. Member States shall ensure that the aid provided for under their strategy shall be distributed to the aid applicants where these applicants have made a valid aid application to their competent authorities. An aid application shall only be valid if lodged by an applicant which has been approved for that purpose by the competent authorities of the Member State in which the educational establishment to which the products are supplied is located.

2. Member State may select aid applicants from among the following bodies:

(a) educational establishments;

(b) educational authorities in respect of the products distributed to the children within their area;

(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 to manage:

(i) the distribution of fruit and vegetables, processed fruit and vegetables and banana products to educational establishments in the framework of a School Fruit Scheme set up under, or aligned with, this Regulation;

▼M1

(ii) the monitoring, evaluation and/or communication.

▼M2

Article 7

Conditions for approval of aid applicants

1. The competent authority shall make the approval of aid applicants conditional on the following written commitments by the applicant:

(a) to use products financed under a School Fruit Scheme complying with this Regulation for consumption by the children of its educational establishment or of the establishments in respect of which it will apply for aid;

(b) to use the aid for monitoring and evaluation of the School Fruit Scheme or for communication in accordance with purpose of the Scheme;

(c) to reimburse any aid unduly paid for the quantities concerned, if it has been found that these products have not been distributed to the children referred to in Article 2 or have been paid for products that are not eligible under this Regulation;

(d) in case of fraud or serious negligence, to pay an amount equal to the difference between the amount initially paid and the amount to which the applicant is entitled;

(e) to make supporting documents available to the competent authorities at their request;

(f) to undergo any check decided on by the competent authority of the Member State, in particular the scrutiny of records and physical inspection.

2. In the case of aid applicants referred to in point (e)(ii) of Article 6(2), only points (b), (d) and (e) of paragraph 1 of this Article shall apply.

3. Aid applicants referred to in points (c), (d) and (e)(i) of Article 6(2) shall make an additional written commitment to keep records of the names and addresses of the educational establishments or, where appropriate, educational authorities and the products and quantities sold or supplied to these establishments or authorities.

4. Member States may require additional written commitments by the applicant.

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Article 9

Suspension and withdrawal of approval

If it is found that an applicant for aid no longer meets the conditions laid down in Articles 6, 7 and 8, or any other obligation under this Regulation, approval shall be suspended for a period of between one and twelve months or be withdrawn, depending on the seriousness of the irregularity. Such action shall not be taken in cases of *force majeure* or if the Member State finds that the irregularity was not committed deliberately or by negligence or was of minor importance. Approval, once withdrawn, may be restored at the applicant's request after a minimum period of 12 months.

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Article 10

Aid applications

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1. Aid applications shall be made in a manner which shall be specified by the competent authority of the Member State.

Aid applications lodged by the applicants referred to in points (a) to (d) and in point (e)(i) of Article 6(2) shall include at least the following information:

(a) the quantities distributed;

(b) the name and address or identification number of the educational establishment or educational authority to which the information referred to in point (a) of this paragraph relates;

▼M3

(c) the number of children in regular attendance in the respective educational establishments entitled to receive the products covered by the Member State's School Fruit Scheme during the period covered by the aid application;

▼M2

(d) the supporting documents to be defined by the Member States.

▼B

2. Member States shall specify the frequency of applications in line with their strategy, but aid application periods shall not cover more than 5 months. If the scheme runs during more than 6 months of the period referred to in Article 4(1), the total number of aid applications per period shall be at least three.

3. Except in cases of *force majeure*, aid applications shall, in order to be valid, be correctly filled in and be lodged by the last day of the third month following the end of the period to which they relate. ►M2 In the case of aid applications for the evaluation report carried out in accordance with Article 12, the deadline shall be the last day of the first month following the end of the evaluation deadline referred to in Article 12(2). ◄

4. ►M2 The amounts claimed in the application shall be supported by documentary evidence held available to the competent authorities. ◄ This evidence shall show the price of the delivered products and shall be receipted or accompanied by proof of payment.

Article 11

Payment of the aid

1. ►M2 As regards aid applicants referred to in points (a) to (d) and in point (e)(i) of Article 6(2), aid shall only be paid: ◄

(a) on presentation of a receipt for the quantities actually delivered; 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 delivered for the purposes of this Regulation have been paid for.

▼M2

1a. As regards aid applicants referred to in point (e)(ii) of Article 6(2), aid shall only be paid upon the delivery of the goods or services concerned and upon submission of related documentary evidence as required by the competent authorities of the Member States.

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2. The aid shall be paid by the competent authority within three months of the day of lodging of the correctly filled and valid aid application. The Member States shall determine the form and content of a valid aid application.

3. If the time limit referred to in Article 10(3) is overrun by less than two months the aid shall still be paid but reduced:

(a) by 5 % if the overrun is one month or less;

(b) by 10 % if the overrun is more than a month but less than two months.

▼M2

Once the time limit referred to in Article 10(3) is overrun by two months, the aid shall be further reduced by 1% per additional day.

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Article 12

Monitoring and evaluation

1. Member States shall monitor the implementation of their School Fruit Scheme on an annual basis. Monitoring shall draw upon the data originating from management and control obligations, including those set out in Articles 10 and 11. Member States shall provide for adequate structures and forms to ensure regular monitoring of programme implementation.

▼M2

2. ►M3 Member States shall evaluate the implementation of their School Fruit Scheme and assess its effectiveness, including its impact on children's eating habits. ◄ For the implementation period running from 1 August 2010 to 31 July 2011, Member States shall notify the Commission of the results of their evaluation exercise by 29 February 2012. For subsequent implementation periods, Member States shall, by the end of February of every fifth year following 29 February 2012, submit to the Commission an evaluation report covering the preceding five-year implementation period.

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3. Where a Member State does not notify the results of its evaluation exercise by the date referred to in paragraph 2, or every five years following that date, the amount of the next allocation will be reduced as follows:

(a) by 5 % if the delay is one month or less;

(b) by 10 % if the delay is more than one month but less than two months.

Once the time limit referred to in subparagraph 1 is delayed by two months, the aid shall be reduced by 1 % per additional day.

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Article 13

Controls and sanctions

▼M2

1. Member States shall take all necessary measures to ensure compliance with this Regulation. These measures shall include full administrative checking of all aid applications.

2. In cases where an aid applicant referred to in points (a) to (d) and in point (e)(i) of Article 6(2) applies for the aid, the administrative checks shall include checking of supporting documents as defined by Member States, relating to product delivery. The administrative checks shall be supplemented by on-the-spot checks carried out in particular on:

(a) the records referred to in Article 7, including financial records such as purchase and sales invoices and bank extracts;

(b) use of the subsidised products in accordance with this Regulation, particularly if there are grounds for suspecting any irregularity.

2a. In cases where an applicant referred to in point (e)(ii) of Article 6(2) applies for the aid, the administrative checks shall include checking of the delivery of the goods and services and the veracity of the claimed expenditure.

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3. ►M2 The total number of on-the-spot checks carried out in respect of each period running from 1 August to 31 July shall cover at least 5% of the aid distributed at national level and at least 5% of all the applicants referred to in points (a) to (d) and in point (e)(i) of Article 6(2). ◄

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

When the number of applicants in a Member State is less than five, 100 % of the applicants shall be controlled.

4. On-the-spot checks shall be conducted throughout the period from 1 August to 31 July and shall cover a period of at least the previous twelve months.

5. The applicants subjected to on-the-spot checks shall be selected by the competent control authority taking due account of the different geographical areas, and on the basis of a risk analysis taking into consideration in particular the recurrent nature of errors and the findings of checks carried out in past years. The risk analysis shall also take account of the different amount of aid involved and type of applicants referred to in Article 6(2).

6. In cases where the applicant referred to in points (b) to ►M2 (e)(i) ◄ of Article 6(2) applies for the aid, the on-the-spot check carried out on the premises of the applicant shall be supplemented by on-the-spot checks on the premises of at least two educational establishments or at least of 1 % of the educational establishments stated on the applicant's roll, whichever is the greater.

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

8. 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, in particular, the following information:

(i) the scheme, the period covered, the controlled aid applications, the quantities of products covered under the School Fruit Scheme, the participating educational establishments an estimate based on the available data of the number of children for which the 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.

9. For recovery of unduly paid amounts, Article 73(1), (3), (4) and (8) of Commission Regulation (EC) No 796/2004 ([1]) shall apply *mutatis mutandis*.

10. Without prejudice to Article 9, in case of fraud or serious negligence for which he/she is responsible, the applicant shall, in addition to the recovery of unduly paid amounts in accordance with paragraph 9 of this Article, pay an amount equal to the difference between the amount initially paid and the amount the applicant is entitled to.

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Article 14

European 'School Fruit Scheme' poster

1. Member States participating in the European 'School Fruit Scheme' shall communicate to the public that the scheme has received financial support from the European Union. In this respect, Member States may make use of a poster produced in accordance with the minimum requirements laid down in Annex III, which shall be permanently situated at a clearly visible and legible place at the main entrance of the participating educational establishment.

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2. Where Member States decide not to make use of the poster referred to in paragraph 1, they shall clearly explain in their strategy how they will inform the public about the European Union's financial contribution to their scheme.

2a. Websites or any other instrument of communication referred to in point (b)(iii) of Article 5(1) on a Member State's School Fruit Scheme shall in any event exhibit the European flag and mention the European 'School Fruit Scheme' and the financial support of the European Union.

([1]) OJ L 141, 30.4.2004, p. 18.

▼M1

3. References to the financial contribution made available by the European Union shall receive at least the same visibility as contributions from other private or public entities supporting a Member State's scheme.

4. Member States may continue to use posters and the other tools of information printed prior to 31 January 2011 on the basis of the legislation applicable at the time of their production, until 31 August 2012.

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Article 15

Notifications

1. Member States shall notify the Commission, by 30 November of the year in which the period mentioned in Article 4(1) ends, of:

(a) the results of the monitoring exercise, as provided for in Article 12(1);

(b) the on-the-spot checks carried out pursuant to Articles 13 and 16 and the related findings.

2. Where a Member State changes the strategy referred to in Article 3, it shall notify the Commission of its new strategy, at the latest by 31 January of the following year.

3. The notifications referred to in this Regulation shall be made in accordance with Regulation (EC) No 792/2009.

4. The Commission shall publish the Member States' strategies and the results of their monitoring and evaluation exercise on a regular basis.

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Article 16

Transitional provisions

1. For the period running from 1 August 2009 to 31 July 2010, Member States may draw up a strategy which contains only the following key elements: budget, target group and eligible products and, by derogation from Article 3(2), abstain from having their list of eligible products endorsed by their competent health authorities. They may also postpone the implementation of accompanying measures until the end of that period.

2. For the period referred to in paragraph 1, and by way of derogation from Article 4(1) and (2), Member States may notify their strategy by 31 May 2009, whereas the Commission shall only decide on the definitive allocation of Community aid by 31 July 2009.

3. For the period referred to in paragraph 1, and by way of derogation from Article 11(2), aid shall be paid by the competent authority within four months of the day of lodging of the correctly filled and valid application referred to in Article 6(1), while the percentage of the on-the-spot checks referred to in Article 13(3) shall cover at least 10 % of the aid and 10 % of the aid applicants.

Article 17

Entry into force

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 from 15 April 2009.

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

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ANNEX I

List of products that shall be excluded from a School Fruit Scheme that is co-financed with Community aid

Products with:

— Added sugar

— Added fat

— Added salt

— Added sweeteners

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ANNEX II

Indicative allocation of Community aid per Member State

Member State	Co-financing rate (in %)	Children 6-10 abs. numbers	EUR
Austria	50	439 035	1 320 400
Belgium	50	592 936	1 782 500
Bulgaria	75	320 634	1 446 100
Cyprus	50	49 723	175 000
Czech Republic	73	454 532	1 988 100
Denmark	50	343 807	1 034 000
Estonia	75	62 570	282 400
Finland	50	299 866	901 200
France	51	3 838 940	11 778 700
Germany	52	3 972 476	12 488 300
Greece	59	521 233	1 861 300
Hungary	69	503 542	2 077 900
Ireland	50	282 388	849 300
Italy	58	2 710 492	9 521 200
Latvia	75	99 689	450 100
Lithuania	75	191 033	861 300
Luxembourg	50	29 277	175 000
Malta	75	24 355	175 000
Netherlands	50	985 163	2 962 100
Poland	75	2 044 899	9 222 800
Portugal	68	539 685	2 199 600
Romania	75	1 107 350	4 994 100
Slovakia	73	290 990	1 276 500
Slovenia	75	93 042	419 200
Spain	59	2 006 143	7 161 900
Sweden	50	481 389	1 447 100
UK	51	3 635 300	11 148 900
EU 27	**58**	**25 920 489**	**90 000 000**

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ANNEX III

Minimum requirements for the European 'School Fruit Scheme' poster

Poster size:	A3 or bigger
Letters:	1 cm or bigger
Title:	European 'School Fruit Scheme'
Content:	At least the following wording taking into account the type of educational establishment:

▼M1

'Our [type of educational establishment (e.g. nursery/pre-school/school)] participates in the European "School Fruit Scheme" with the financial support of the European Union.' The poster shall bear the emblem of the European Union.