COMMISSION IMPLEMENTING REGULATION (EU) 2020/1239

of 17 June 2020

amending Implementing Regulation (EU) 2017/39 as regards the monitoring and evaluation of the implementation of the school scheme and the on-the-spot checks related thereto

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 Articles 25(d) and 223(3) 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 62(2)(a) thereof,

Whereas:

(1) Pursuant to Article 9 of Commission Delegated Regulation (EU) 2017/40 ([3]), Member States are required to monitor and evaluate the implementation of their school scheme and to notify the Commission of the results. With a view to an effective and uniform approach to the evaluation of the school scheme in the Union, the format and content of the evaluation reports that Member States are to submit to the Commission should be specified.

(2) Article 10 of Commission Implementing Regulation (EU) 2017/39 ([4]) lays down the scope, content, timing and reporting of the on-the-spot checks carried out by the Member States. In the light of experience gained, the records to be verified as part of the-on-the-spot checks should be further clarified. Furthermore, the period to carry out the on-the-spot checks and to complete the control reports should be extended and the final date postponed to take into account aid applications submitted after the deadline laid down in Article 4(5) of that Regulation.

(3) Implementing Regulation (EU) 2017/39 should therefore be amended accordingly.

(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

Implementing Regulation (EU) 2017/39 is amended as follows:

(1) Article 8 is replaced by the following:

'Article 8

Monitoring and evaluation

1. Monitoring as referred to in Article 9 of Delegated Regulation (EU) 2017/40 shall draw upon the data originating from management and control obligations, including those set out in Articles 4 and 5 of this Regulation.

([1]) OJ L 347, 20.12.2013, p. 671.
([2]) OJ L 347, 20.12.2013, p. 549.
([3]) 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).
([4]) 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).

Member States shall submit their annual monitoring report referred to in Article 9(3) of Delegated Regulation (EU) 2017/40 to the Commission by 31 January of the calendar year following the end of the school year concerned.

Member States shall submit their annual control report on the on-the-spot checks carried out and the related findings referred to in Article 9(4) of that Regulation to the Commission by 31 October of the calendar year following the end of the school year concerned.

2. The evaluation report or, if a Member State implements the school scheme at regional level, the corresponding number of evaluation reports referred to in Article 9(2) of Delegated Regulation (EU) 2017/40 shall concern the implementation of the school scheme in the first 5 school years of each period covered by the strategy drawn up at national or regional level pursuant to Article 23(8) of Regulation (EU) No 1308/2013.

Member States shall submit their evaluation report or reports to the Commission by 1 March of the calendar year following the end of those 5 school years. The first evaluation reports shall be submitted by 1 March 2023.

The minimum requirements for the format and content of the evaluation report or reports are set out in the Annex to this Regulation. Member States shall ensure that the report or reports submitted to the Commission do not include any personal data.

3. The Commission shall publish the annual monitoring reports and the evaluation reports submitted pursuant to the second subparagraph of paragraph 1 and paragraph 2.';

(2) Article 10 is amended as follows:

(a) in paragraph 1, point (a) is replaced by the following:

'(a) the records referred to in Article 6 of Delegated Regulation (EU) 2017/40, including financial documents such as purchase and sales invoices, delivery notes, bank extracts, and their recording in the accountancy;';

(b) in paragraph 2, the first subparagraph is replaced by the following:

'On-the-spot checks shall be carried out during the school year to which they relate (period N) and/or during the following 9 months (period N+1).';

(c) in paragraph 6, the third subparagraph is replaced by the following:

'All control reports shall be completed no later than 9 months after the end of the school year.';

(d) paragraph 7 is deleted;

(3) an Annex is added, the text of which is set out in the Annex to this Regulation.

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 June 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

'ANNEX

MINIMUM REQUIREMENTS FOR THE FORMAT AND CONTENT OF THE EVALUATION REPORTS REFERRED TO IN ARTICLE 8(2)

1. **Executive summary**

— Evaluation findings

— Conclusions and recommendations

2. **Introduction**

— Purpose and scope of the evaluation report

— Short description of the evaluation process

3. **Methodology**

— Evaluation design and methods used

— Evaluation questions, judgement criteria, indicators

— Sources of data and techniques for data collection

— Any limitations and solutions found

4. **Assessment of the functioning of the school scheme**

— Intervention logic or links between the identified needs, the objectives set in the strategy and the activities carried out

— Main patterns or trends in participating schools/children

— Supply/distribution of school fruit, vegetables, milk and milk products, and priority for fresh fruit and vegetables and for drinking milk

— Accompanying educational measures

— Communication and information actions

— Main arrangements and provisions for implementation

— Involvement of the health/nutrition authorities, other public authorities and private stakeholders associated to planning, implementation, monitoring and evaluation of the scheme

5. **Answers to the common evaluation questions**

5.1. **To what extent has the school scheme increased the overall consumption of fruit, vegetables and milk and milk products by children, in line with national recommendations for a healthy diet of the intended age group?**

Indicators:

— Change in direct and indirect consumption of fresh fruit and vegetables by children (quantity and/or frequency)

— Change in direct and indirect consumption of drinking milk by children (quantity and/or frequency)

— Change in the percentage of children meeting the recommended daily intake of fruit and vegetables

— Change in the percentage of children meeting the recommendations by the national authorities for health and nutrition on the daily intake of drinking milk, and other milk products without added sugar, flavouring, fruit, nuts or cocoa and in line with the nationally recommended fat and sodium levels for the intended age group

5.2. **To what extent has the school scheme educated children about healthy eating habits?**

Indicators:

— Change in children's consumption attitude towards fruit, vegetables, milk and milk products, in line with national recommendations for a healthy diet of the intended age group

— Change in children's knowledge of the health benefits of the consumption of fresh fruit and vegetables, drinking milk and milk products without added sugar, flavouring, fruit, nuts or cocoa and in line with the nationally recommended fat and sodium levels for the intended age group

6. **Conclusions and recommendations**

— Effectiveness of the scheme

— Lessons learnt

— Recommendations for improvements

7. **Annexes**

Technical details of the evaluation including questionnaires, references and sources.'