

**COMMISSION IMPLEMENTING REGULATION (EU) 2021/933****of 9 June 2021****derogating from Implementing Regulation (EU) 2017/39 as regards certain measures to address the crisis caused by the COVID-19 pandemic**

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 <sup>(1)</sup>, and in particular Article 25 thereof,

Whereas:

- (1) Article 1(2) of Commission Implementing Regulation (EU) 2017/39 <sup>(2)</sup> lays down the definition of 'school year' for the purposes of the aid scheme referred to under Article 23 of Regulation (EU) No 1308/2013 (the 'school scheme'). The measures put in place by the Member States to address the COVID-19 pandemic, which include the temporary closure of educational establishments, have disrupted the implementation of the school scheme in the 2020/2021 school year. Those measures have temporarily prevented the distribution of fruit, vegetables and milk in the educational establishments and the carrying out of accompanying educational measures and publicity, monitoring and evaluation activities. It is therefore appropriate to provide for a derogation from Article 1(2) of Implementing Regulation (EU) 2017/39 in order to extend the duration of the 2020/2021 school year, so that Member States may continue carrying out the activities envisaged for that school year until 30 September 2021.
- (2) Article 4(3), (4) and (5) and Article 5(3) of Implementing Regulation (EU) 2017/39 lay down the period that aid applications for the supply and distribution of products and for the accompanying educational measures may cover, and the time limit for the submission of aid applications and for the payment of the aid under the school scheme. In view of the extension of the duration of the 2020/2021 school year, a derogation from Article 4(3), (4) and (5) and Article 5(3) of Implementing Regulation (EU) 2017/39 should be provided for with regard to the aid applications for the school scheme activities taking place after 31 July 2021, so that they may cover periods of less than two weeks and to lay down the time limits for the submission of aid applications and for the payment of the aid.
- (3) Article 7(3) of Implementing Regulation (EU) 2017/39 sets out the rules for the reallocation of unrequested Union aid amongst the Member States participating in the school scheme that have notified their willingness to use more than their indicative allocation. The amount of indicative allocation that may be reallocated to another Member State is to be based on the level of use of the definitive allocation of Union aid by that Member State in the previous school year. The confinement rules put in place by the Member States to address the COVID-19 pandemic, which include the temporary closure of educational establishments, might lead to a lower use of Union aid in the 2020/2021 school year. It is therefore appropriate to provide for a derogation from Article 7(3) of Implementing Regulation (EU) 2017/39, in order not to take into account the level of use of Union aid in the 2020/2021 school year for the reallocation of unrequested Union aid amongst the Member States participating in the school scheme in the 2022/2023 school year.
- (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*

1. By way of derogation from Article 1(2) of Implementing Regulation (EU) 2017/39, the duration of the 2020/2021 school year is extended until 30 September 2021.

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> 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).

2. By way of derogation from Article 4(3) of Implementing Regulation (EU) 2017/39, aid applications relating to the 2020/2021 school year activities that take place after 31 July 2021 may cover periods of less than 2 weeks.
3. By way of derogations from Article 4(4) and (5) of Implementing Regulation (EU) 2017/39, aid applications relating to the 2020/2021 school year activities that take place after 31 July 2021 shall be submitted by 30 September 2021. If this time limit is exceeded, the aid shall not be paid.
4. By way of derogation from Article 5(3) of Implementing Regulation (EU) 2017/39, the aid for the 2020/2021 school year activities that take place after 31 July 2021 shall be paid by the competent authorities by 15 October 2021.
5. By way of derogation from Article 7(3), first subparagraph, of Implementing Regulation (EU) 2017/39, the calculation laid down in that subparagraph shall not apply for the calculation of the definitive allocation of Union aid for the 2022/2023 school year.

#### *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, 9 June 2021.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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