REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2023/1448

of 10 May 2023

amending Delegated Regulation (EU) 2022/127 as regards the payment of advances under the school scheme and correcting that Regulation

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013 ([1]), and in particular Article 44(5) and Article 64(3), point (b), thereof,

Whereas:

(1) Commission Delegated Regulation (EU) 2022/127 ([2]) supplements Regulation (EU) 2021/2116 with rules on paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro.

(2) In accordance with Article 44(3b) of Regulation (EU) 2021/2116, Member States may decide to pay advances under the aid scheme laid down in Part II, Title I, Chapter II, Section 1, of Regulation (EU) No 1308/2013 of the European Parliament and of the Council ([3]) in respect of aid for school year 2023/2024 and subsequent school years. In order to ensure a coherent and non-discriminatory payment of advances and to guarantee the protection of Union funds, it is appropriate to set out specific conditions for the payment of advances in the form of a maximum percentage of aid to the applicants and the requirement for aid applicants to lodge a security.

(3) Article 19 of Delegated Regulation (EU) 2022/127 lays down the specific situations in which the competent authority may waive the requirement of a security. Given that the risk of non-compliance with the obligations under the school scheme is low where aid applicants are public authorities, it is appropriate to allow the competent authority to also waive the requirement of a security for those aid applicants.

(4) In Article 28 of Delegated Regulation (EU) 2022/127, the title should also refer to the forfeiture of the securities and, for reasons of clarity, the reference to Article 56 of Commission Implementing Regulation (EU) 2022/128 ([4]) laying down the procedure for forfeiting the security should be added in paragraph 2.

([1]) OJ L 435, 6.12.2021, p. 187.

([2]) Commission Delegated Regulation (EU) 2022/127 of 7 December 2021 supplementing Regulation (EU) 2021/2116 of the European Parliament and of the Council with rules on paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro (OJ L 20, 31.1.2022, p. 95).

([3]) 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 (OJ L 347, 20.12.2013, p. 671).

([4]) Commission Implementing Regulation (EU) 2022/128 of 21 December 2021 laying down rules for the application of Regulation (EU) 2021/2116 of the European Parliament and of the Council on paying agencies and other bodies, financial management, clearance of accounts, checks, securities and transparency (OJ L 20, 31.1.2022, p. 131).

(5) Delegated Regulation (EU) 2022/127 should therefore be amended and corrected accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Delegated Regulation (EU) 2022/127

In Chapter IIIa of Delegated Regulation (EU) 2022/127, the following Article is added:

‘*Article 15b*

Specific conditions for the payment of advances referred to in Article 44(3b) of Regulation (EU) 2021/2116

1. The payment of advances referred to in Article 44(3b) of Regulation (EU) 2021/2116 shall not exceed 80 % of the aid which aid applicants are entitled to for the implementation of one or more of the following activities in the course of the school year:

(a) the supply or distribution of products to children;

(b) accompanying educational measures;

(c) monitoring or evaluation actions;

(d) publicity.

2. The payment of advances referred to in paragraph 1 shall be subject to the lodging of a security at least equivalent to the amount of the advance.

3. By way of derogation from Article 19, the competent authority may also waive the security requirement where the party responsible for meeting the obligation is a public authority.’.

Article 2

Correction of Delegated Regulation (EU) 2022/127

Article 28 of Delegated Regulation (EU) 2022/127 is corrected as follows:

(1) the title is replaced by the following:

‘Release and forfeiture of securities’;

(2) paragraph 2 is replaced by the following:

‘2. Once the deadline for proving final entitlement to the sum granted has passed without production of evidence of entitlement, the competent authority shall immediately forfeit the security in accordance with the procedure laid down in Article 56 of Commission Implementing Regulation (EU) 2022/128 (*).

However, where specific Union rules so provide, evidence may still be produced after that date against partial repayment of the security.

(*) Commission Implementing Regulation (EU) 2022/128 of 21 December 2021 laying down rules for the application of Regulation (EU) 2021/2116 of the European Parliament and of the Council on paying agencies and other bodies, financial management, clearance of accounts, checks, securities and transparency (OJ L 20, 31.1.2022, p. 131).’.

Article 3

Entry into force

This Regulation shall enter into force on the seventh 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, 10 May 2023.

For the Commission
The President
Ursula VON DER LEYEN