
STATUTORY INSTRUMENTS

2022 No. 160

**AGRICULTURE, ENGLAND
AGRICULTURE, SCOTLAND**

**The Milk and Milk Products (Pupils in
Educational Establishments) Aid Applications
(England and Scotland) Regulations 2022**

<i>Made</i>	- - - -	<i>at 9.30 a.m. on 17th February 2022</i>
<i>Laid before Parliament</i>		<i>21st February 2022</i>
<i>Coming into force</i>	- -	<i>9th March 2022</i>

The Secretary of State makes these Regulations in exercise of the power conferred by Article 25(b) of [Regulation \(EU\) No 1308/2013](#) of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products(1), as read with Article 3(5)(c)(i)(aa) and (c)(ii)(bb) of that Regulation(2).

There has been consultation as required by Article 9 of Regulation [\(EC\) No 178/2002](#) of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(3).

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Milk and Milk Products (Pupils in Educational Establishments) Aid Applications (England and Scotland) Regulations 2022.

(2) These Regulations come into force on 9th March 2022.

(3) These Regulations extend to England and Wales and to Scotland, but apply only in relation to England and Scotland.

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- (1) EUR 2013/1308. Article 25 was amended by [S.I. 2019/831](#). “The appropriate authority” is defined in Article 3(5)(c). The definition of “the appropriate authority” was inserted by [S.I. 2019/821](#), and was amended by [S.I. 2019/1422](#).
- (2) Article 3(5)(c)(i)(aa) defines the Secretary of State as the “appropriate authority” in relation to England. Article 3(5)(c)(ii)(bb) defines the Secretary of State as the “appropriate authority” in relation to Scotland, if consent is given by the Scottish Ministers. The Scottish Ministers have given this consent.
- (3) EUR 2002/178. There are no relevant amendments.

Amendment of Commission Implementing Regulation (EU) No 2017/39 (England and Scotland)

2.—(1) Commission Implementing Regulation (EU) No 2017/39 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⁽⁴⁾ is amended as follows.

(2) In Article 4⁽⁵⁾, in paragraph (6)—

(a) after “evidence” where it first appears, insert “held available for the relevant authority”;

(b) omit the words from “The relevant authority shall specify” to “aid applications.”.

(3) In Article 9⁽⁶⁾, omit paragraph 2.

Victoria Prentis

Minister of State

Department for Environment, Food and Rural
Affairs

At 9.30 a.m. on 17th February 2022

(4) EUR 2017/39. The definition of “the relevant authority” was inserted by [S.I. 2019/1422](#). See Article 1(3)(a)(i) which defines the Secretary of State as the “relevant authority” in relation to England, and Article 1(3)(a)(iii) which defines the Scottish Ministers as the “relevant authority” in relation to Scotland.

(5) Article 4 was amended by [S.I. 2019/1422](#).

(6) Article 9 was amended by [S.I. 2019/1422](#).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the power contained in Article 25(b) of [Regulation \(EU\) No 1308/2013](#) of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products (“the CMO Regulation”), as read with Article 3(5)(c)(i)(aa) and (ii)(bb) of that Regulation. They apply only in England and Scotland.

These Regulations amend Articles 4 and 9 of Commission Implementing Regulation (EU) 2017/39. They amend provisions relating to documentary evidence required to support applications for aid under the scheme established by Articles 22 to 25 of the CMO Regulation (“the school milk scheme”). As a result of these amendments, applicants for such aid are now only required to hold such documentary evidence available for the relevant authority, instead of having to submit it with the application for aid.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.