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⁽¹⁾ Text with EEA relevance

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2016/1237

of 18 May 2016

supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the rules for applying the system of import and export licences and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the rules on the release and forfeit of securities lodged for such licences, amending Commission Regulations (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 951/2006, (EC) No 341/2007 and (EC) No 382/2008 and repealing Commission Regulations (EC) No 2390/98, (EC) No 1345/2005, (EC) No 376/2008 and (EC) No 507/2008

(Text with EEA relevance)

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 Article 177 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 66(3)(c) and (e) thereof,

Whereas:

- (1) Regulation (EU) No 1308/2013 repealed and replaced Council Regulation (EC) No 1234/2007 ⁽³⁾ and lays down rules regarding import and export licences for agricultural products. It also empowers the Commission to adopt delegated and implementing acts in that respect. In order to ensure the smooth functioning of the system of import and export licences in the new legal framework, certain rules have to be adopted by means of such acts.
- (2) Article 176 of Regulation (EU) No 1308/2013 provides that the import for release for free circulation or the export of one or more products of the sectors laid down in that Article may be made subject to the presentation of a licence. The list of the products of those sectors subject to the presentation of an import or export licence should be laid down.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 347, 20.12.2013, p. 549.

⁽³⁾ 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) (OJ L 299, 16.11.2007, p. 1).

- (3) Monitoring trade flows by means of licences should be addressed in a flexible way. When defining the cases where a licence is required, account should be taken of other possible sources of information, such as the customs surveillance system, and the need for licences or the time needed to gather information by means of licences. The specific cases where a licence is not required should be defined.
- (4) It is necessary to provide that the licences are to be issued subject to the lodging of a security, so as to guarantee that the products will be imported or exported during the period of validity of the licence. It is also necessary to lay down when the obligation to import or export is fulfilled.
- (5) An import or export licence confers the right to import or export and, therefore, in order to make this right effective a licence should be presented at the time when the import or export declaration is submitted.
- (6) Since the person using a licence may not be the titular holder or transferee, it should be specified, in the interests of legal certainty and administrative efficiency, which persons are authorised to use the licence, including a customs representative acting on behalf of the titular holder or transferee.
- (7) In view of international trade practice in respect of the agricultural products concerned, certain tolerances should be allowed with regard to the quantity of products imported or exported as compared with the quantity indicated on the licence.
- (8) Where an import licence is also used to administer a tariff quota to which preferential arrangements apply, such preferential arrangements are to apply to importers by virtue of the licence which must, in some cases, be accompanied by a document from a third country. To avoid any overrun in the quota, the preferential arrangement is to apply up to the quantity for which the licence was issued. In such cases a tolerance should be permitted, provided that the part of the quantity exceeding the quantity shown on the licence but within the tolerance does not benefit from the preferential arrangement and the conventional customs duty is payable.
- (9) It is appropriate to lay down specific rules as regards the transferability of a licence.
- (10) Provisions should be laid down on the release and forfeiture of the security lodged for import and export licences.
- (11) Due to the specificity of the sector, it is necessary to lay down some additional conditions for import licences for hemp and for garlic.
- (12) For the sake of clarity it is appropriate to lay down the rules concerning the import and export licences issued for products for which the import or export licence obligation is abolished or affected by this Regulation and which are still valid on the date of application of this Regulation.
- (13) As the aim of this Regulation and Commission Implementing Regulation (EU) 2016/1239 ⁽¹⁾ is to simplify and adapt the provisions applicable to the system of import and export licences to the new legal framework established by Regulation (EU) No 1308/2013, the currently applicable provisions should be replaced. For the

⁽¹⁾ Commission Implementing Regulation (EU) 2016/1239 of 18 May 2016 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the system of import and export licences (see page 44 of this Official Journal).

sake of clarity, certain provisions of Commission Regulations (EC) No 2535/2001 ⁽¹⁾, (EC) No 1342/2003 ⁽²⁾, (EC) No 2336/2003 ⁽³⁾, (EC) No 951/2006 ⁽⁴⁾, (EC) No 341/2007 ⁽⁵⁾ and (EC) No 382/2008 ⁽⁶⁾ should be deleted and Commission Regulations (EC) No 2390/98 ⁽⁷⁾, (EC) No 1345/2005 ⁽⁸⁾, (EC) No 376/2008 ⁽⁹⁾ and (EC) No 507/2008 ⁽¹⁰⁾ should be repealed.

- (14) The transition from the arrangements provided for in the deleted provisions and repealed Regulations to those provided for in this Regulation might have some practical consequences. Therefore, it is appropriate to defer the application of this Regulation,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (a) 'licence' means an electronic or paper document with a specific period of validity, expressing the right and obligation to import or export products;
- (b) 'notice on import and export licences for agricultural products' means the detailed provisions for the import licence or export licence and set of information to be mentioned in a licence application and in a licence as published in the *Official Journal of the European Union*, C-series. ⁽¹¹⁾

Article 2

Cases where a licence is required

1. An import licence shall be presented for the following products:

- (a) products listed in Part I of the Annex, when they are declared for release for free circulation under all conditions, other than tariff rate quotas, save as otherwise provided in that Part I;

⁽¹⁾ Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas (OJ L 341, 22.12.2001, p. 29).

⁽²⁾ Commission Regulation (EC) No 1342/2003 of 28 July 2003 laying down special detailed rules for the application of the system of import and export licences for cereals and rice (OJ L 189, 29.7.2003, p. 12).

⁽³⁾ Commission Regulation (EC) No 2336/2003 of 30 December 2003 introducing certain detailed rules for applying Council Regulation (EC) No 670/2003 laying down specific measures concerning the market in ethyl alcohol of agricultural origin (OJ L 346, 31.12.2003, p. 19).

⁽⁴⁾ Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector (OJ L 178, 1.7.2006, p. 24).

⁽⁵⁾ Commission Regulation (EC) No 341/2007 of 29 March 2007 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries (OJ L 90, 30.3.2007, p. 12).

⁽⁶⁾ Commission Regulation (EC) No 382/2008 of 21 April 2008 on rules of application for import and export licences in the beef and veal sector (OJ L 115, 29.4.2008, p. 10).

⁽⁷⁾ Commission Regulation (EC) No 2390/98 of 5 November 1998 laying down detailed rules for the application of Council Regulation (EC) No 1706/98 as regards the arrangements for importing certain cereal substitute products and processed cereal and rice products originating in the African, Caribbean and Pacific States or in the overseas countries and territories and repealing Regulation (EEC) No 2245/90 (OJ L 297, 6.11.1998, p. 7).

⁽⁸⁾ Commission Regulation (EC) No 1345/2005 of 16 August 2005 laying down detailed rules for the application of the system of import licences for olive oil (OJ L 212, 17.8.2005, p. 13).

⁽⁹⁾ Commission Regulation (EC) No 376/2008 of 23 April 2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products (OJ L 114, 26.4.2008, p. 3).

⁽¹⁰⁾ Commission Regulation (EC) No 507/2008 of 6 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 1673/2000 on the common organisation of the markets in flax and hemp grown for fibre (OJ L 149, 7.6.2008, p. 38).

⁽¹¹⁾ Notice on import and export licences (OJ C 278, 30.7.2016).

- (b) products declared for release for free circulation under tariff rate quotas administered by the simultaneous examination method or the traditional/newcomer method as referred to in Article 184(2)(b) and (c) of Regulation (EU) No 1308/2013 respectively, or a combination thereof or by another appropriate method;
- (c) products for which Part I of the Annex refers to this provision when declared for release for free circulation under tariff rate quotas administered by the method of the 'first come, first served' principle referred to in Article 184(2)(a) of Regulation (EU) No 1308/2013;
- (d) products referred to in Part I of the Annex when declared for release for free circulation under a preferential arrangement to be administered by licences;
- (e) products that are covered by an outward processing procedure using an export licence and that return into release for free circulation as a product listed in Section A or B of Part I of the Annex;
- (f) products declared for release for free circulation under Article 185 of Regulation (EU) No 1308/2013 in case an import duty reduction applies.

2. An export licence shall be presented for the following products:

- (a) products listed in Part II of the Annex;
- (b) Union products for which an export licence needs to be presented for admission under a quota that is administered by the Union or by a third country and has been opened in that country for those products;
- (c) the following Union products referred to in Part II of the Annex to be exported:
 - (i) products that are under the customs procedure of inward processing;
 - (ii) products that are basic products as listed in Annex III to Regulation (EU) No 510/2014 of the European Parliament and of the Council ⁽¹⁾ and that are under the customs procedure of outward processing;
 - (iii) products that are subject to the recovery or remission of the amount of import or export duty as set out in Chapter 3 of Title III of Regulation (EU) No 952/2013 of the European Parliament and of the Council ⁽²⁾ in respect of which a final decision has not yet been taken.

Article 3

Cases where a licence is not required

1. A licence shall not be required and shall not be issued or presented for the purposes of:

- (a) release for free circulation or export of products of a non-commercial nature as set out in Section II(D)(2) of Part One of Annex I to Council Regulation (EEC) No 2658/87 ⁽³⁾;
- (b) cases in which relief from import duties, export duties and measures adopted on the basis of Article 207 of the Treaty is to be granted under Council Regulation (EC) No 1186/2009 ⁽⁴⁾;
- (c) quantities of products to be released for free circulation or export not exceeding those set out in the Annex;

⁽¹⁾ Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009 (OJ L 150, 20.5.2014, p. 1).

⁽²⁾ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

⁽³⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

⁽⁴⁾ Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty (OJ L 324, 10.12.2009, p. 23).

- (d) products to be released for free circulation as returned goods in accordance with Section 1 of Chapter 2 of Title VI of Regulation (EU) No 952/2013;
- (e) products for which at the time of acceptance of the re-export declaration the declarant provides proof that a favourable decision for repayment or remission of import duties has been given in respect of such products under Section 3 of Chapter 3 of Title III of Regulation (EU) No 952/2013.

By way of derogation from points (b) and (c) of the first subparagraph, a licence shall be required where the release for free circulation or export is being made under preferential arrangements which are granted by means of the licence.

For the purposes of point (c) of the first subparagraph, the quantity to be covered by one licence shall be calculated as comprising all the quantities to be released for free circulation or to be exported that are covered by the same logistic operation.

2. An export licence shall not be required and shall not be issued or presented in respect of products consigned by private individuals or groups of private individuals with a view to their free distribution for humanitarian aid purposes in third countries where such consignments are occasional in nature, comprise varied products and do not exceed a total of 30 000 kg per means of transport. Food aid operations not meeting these conditions are subject to a licence in accordance with this Regulation and the Implementing Regulation (EU) 2016/1239.

Article 4

Security

- 1. Licences are subject to a security, except in the cases provided for in the Annex.
- 2. When submitting an application for a licence, the applicant shall lodge a security, which shall be available at the licence issuing authority not later than 13.00 hours Brussels time on the day the application is submitted.
- 3. No security shall be required where the security comes to a threshold of EUR 100 or less.

For that purpose, the amount of the security shall be calculated as comprising all the quantities resulting from obligations covered by the same logistic operation.

- 4. No security shall be required where the applicant is either:
 - (a) a public body responsible for executing the duties of a public authority; or
 - (b) a private body executing duties referred to in point (a) under a Member State's supervision.
- 5. The security lodged in respect of a quantity for which a licence has not been issued shall be released forthwith.

Article 5

Rights and obligations, tolerance

- 1. The import or export licence shall constitute a right and give rise to an obligation to release for free circulation or to export, respectively, the quantity of products covered by the licence during its period of validity in accordance with Article 7(1) of Implementing Regulation (EU) 2016/1239.
- 2. The customs declaration for release for free circulation or for export shall be lodged by:
 - (a) the titular holder of the licence mentioned in Section 4 of the licence of which a model is set out in Annex I to Implementing Regulation (EU) 2016/1239 ('titular holder');

- (b) the transferee mentioned in Section 6 of the licence referred to in point (a); or
 - (c) an appointed customs representative acting on behalf of the titular holder or transferee as provided for in Article 18 of Regulation (EU) No 952/2013, specifying in the customs declaration that the titular holder or transferee is the person on whose behalf the obligation mentioned in paragraph 1 is carried out.
3. If specific Union legislation provides so, the obligation to release for free circulation or to export may include the obligation to release from or export to the country or group of countries specified in the licence.
4. The obligation to release for free circulation or to export shall be considered fulfilled if the total quantity specified on the licence has been cleared by customs under the relevant procedure. For that purpose a positive or negative tolerance on the quantity specified on the licence shall apply in accordance with Article 8 of Implementing Regulation (EU) 2016/1239.
5. A positive tolerance shall not apply where the quantity specified on the import licence is equivalent to the quantity specified in an export document, being an element of proof that the product is eligible for the preferential treatment due to its specific quality, variety, or characteristics, as required in the relevant international agreement.

Where the import licence is required for a tariff rate quota, the quantity in excess to the quantity specified on the import licence within the positive tolerance, shall be brought into free circulation under the same licence subject to the conventional rate of duty.

Article 6

Transfer

1. Obligations deriving from licences shall not be transferable. Save as otherwise provided for, rights deriving from licences shall be transferable by their titular holder during the period of the validity of the licence.
2. A transfer of rights deriving from a licence or its extract may be made in favour of a single transferee only and shall cover the quantities not yet attributed to the licence or extract.
3. A transfer shall be requested by the titular holder at the licence issuing authority which issued the original licence.
4. Transferees shall not transfer their rights further but may transfer them back to the titular holder. Transfers back to the titular holder shall cover the quantities not yet attributed to the licence or its extract. The licence issuing authority shall note the transfer back according to the notice on import and export licences for agricultural products.
5. The transfer or transfer back to the titular holder shall take effect from the date as validated by the licence issuing authority.

Article 7

Release and forfeit of securities

1. The release of security provided for in Article 24(2) of Commission Delegated Regulation (EU) No 907/2014 ⁽¹⁾ may be partial in proportion to the quantity of products for which the evidence of fulfilling the obligation to import or export has been furnished. That quantity shall not be less than 5 % of the total quantity specified on the licence.

⁽¹⁾ Commission Delegated Regulation (EU) No 907/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro (OJ L 255, 28.8.2014, p. 18).

However, if the quantity imported or exported amounts to less than 5 % of the quantity specified on the licence, the whole security shall be forfeit.

2. When calculating the part of the security to forfeit, where applicable, the licence issuing authority shall deduct an amount corresponding to the quantitative tolerance referred to in Article 5(4).

3. Where the licence issuing authority waives the security requirement where the value of the sum secured is less than EUR 500, as provided for in Article 18(2) of Delegated Regulation (EU) No 907/2014, the amount of the sum equal to the security to forfeit shall be paid by the party concerned on expiry of 60 days following the date on which the validity of the licence expires.

4. If the total amount of the security which would be forfeit comes to EUR 100 or less for a given licence, the licence issuing authority shall release the whole security.

Article 8

Notifications

In accordance with the detailed conditions laid down in the implementing act adopted pursuant to Article 223(3) of Regulation (EU) No 1308/2013, Member States shall notify the Commission of the following:

- (a) the replacement licences issued referred to in Article 15(5) of Implementing Regulation (EU) 2016/1239;
- (b) cases of *force majeure* referred to in Article 16(3) of Implementing Regulation (EU) 2016/1239;
- (c) as regards hemp, the provisions adopted, the penalties imposed, and the competent authorities for checks referred to in Article 17(2) of Implementing Regulation (EU) 2016/1239;
- (d) as regards garlic, the quantities covered by 'B' licences referred to in Article 18 of Implementing Regulation (EU) 2016/1239;
- (e) as regards ethyl alcohol, the import licences issued referred to in Article 19 of Implementing Regulation (EU) 2016/1239;
- (f) irregularities referred to in Article 20(2) of Implementing Regulation (EU) 2016/1239;
- (g) the authorities competent for receiving the applications for licences and issuing the licences or replacement licences referred to in Article 20(3) of Implementing Regulation (EU) 2016/1239;
- (h) official stamps and, where appropriate, embossing presses referred to in Article 20(4) of Implementing Regulation (EU) 2016/1239.

CHAPTER II

SPECIFIC SECTORAL PROVISIONS

Article 9

Hemp

1. The release for free circulation of hemp products listed in Sections C, D, and G of Part I of the Annex to this Regulation shall be subject to an import licence in accordance with the model set out in Annex I to Implementing Regulation (EU) 2016/1239 ('import licence AGRIM').

The licence shall be issued only where it has been demonstrated to the satisfaction of the Member State where the hemp products are to be released for free circulation that all the conditions laid down in Article 189(1) of Regulation (EU) No 1308/2013 and in this Regulation and the requirements laid down by the Member State concerned pursuant to Article 189(2) of Regulation (EU) No 1308/2013, have been met.

2. The application for a licence shall contain the information in line with the instructions for hemp products in the notice on import and export licences for agricultural products.

Member States may lay down additional requirements relating to the licence application and the issue and use of the licence, as referred to in Article 189(2) of Regulation (EU) No 1308/2013.

3. For the purposes of point (c) of Article 189(1) of Regulation (EU) No 1308/2013 the Member States concerned shall establish arrangements for the authorisation of importers of hemp seed other than for sowing. Those arrangements shall include the definition of the conditions for authorisation, checks and the penalties to be applied in cases of irregularity.

4. In the case of release for free circulation of hemp seeds other than for sowing as referred to in Section G of Part I of the Annex, the import licence shall be issued only where the authorised importer undertakes that the authorities competent for checks concerning the relevant operations in the Member State where the importer is authorised will be provided, within the time limits and under the conditions set by the Member State, with documents demonstrating that the hemp seed covered by the licence has undergone, within a period of less than 12 months from the date on which the licence is issued, one of the following operations:

- (a) placing in a condition that excludes use for sowing;
- (b) mixing with seed other than hemp seed for the purposes of animal nutrition, with hemp seed accounting for a maximum of 15 % of the total mixture and, in exceptional cases, a maximum of 25 % at the request of the authorised importer accompanied by a justification;
- (c) export to a third country.

However, if part of the hemp seed covered by the licence has not undergone one of the operations referred to in the first subparagraph within the time limit of 12 months, the Member State may, at the request of the authorised importer accompanied by a justification, extend that time limit by one or two periods of six months.

The documents referred to in the first subparagraph shall be drawn up by the operators who have carried out the operations and shall comprise at least the following information:

- (a) the name, full address, Member State and signature of the operator;
- (b) a description of the operation carried out meeting the conditions laid down in the first subparagraph and the date on which it was carried out;
- (c) the quantity in kilograms of hemp seed to which the operation related.

On the basis of a risk analysis, each Member State concerned shall carry out checks on the accuracy of the documents relating to the operations referred to in the first subparagraph carried out on their territory.

5. By way of derogation from Article 6(1), rights deriving from import licences for hemp products shall not be transferable.

Article 10

Garlic

1. Import licences for garlic as listed in Sections E and F of Part I of the Annex shall be referred to as 'B' licences.

2. Applicants may only lodge applications for 'B' licences with the licence issuing authority of the Member State in which they are established and in which they are registered for VAT purposes.
3. By way of derogation from Article 6(1), rights deriving from 'B' licences shall not be transferable.

CHAPTER III

AMENDMENTS, REPEAL, TRANSITIONAL AND FINAL PROVISIONS

Article 11

Amendment of Regulations (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 951/2006, (EC) No 341/2007 and (EC) No 382/2008

1. The following provisions are deleted:
 - (a) in Regulation (EC) No 2535/2001, Articles 20, 21 and 22;
 - (b) in Regulation (EC) No 1342/2003, Articles 6(1)(a), 8(2), 9(1) and (2), 12(a) and 16;
 - (c) in Regulation (EC) No 2336/2003, Articles 5 and 7;
 - (d) in Regulation (EC) No 951/2006, Articles 4c, 4d, 4e, 5(1), 7 to 7f, 8a, 9, 10, 11(1)(a) and (2), 12a, 17(1) and 18(1);
 - (e) in Regulation (EC) No 341/2007, Article 5(1), the second subparagraph of Article 5(2) and Articles 13 and 14;
 - (f) in Regulation (EC) No 382/2008, Articles 2, 5(1) and (2), 6(1) and (2), 7 and 8(1) and (2);
2. The provisions referred to in paragraph 1 shall continue to apply for licences issued under the relevant Regulations.

Article 12

Repeal

Regulations (EC) No 2390/98, (EC) No 1345/2005, (EC) No 376/2008 and (EC) No 507/2008 are repealed.

However,

- those Regulations shall continue to apply for licences issued under those Regulations, and
- Article 34(10) of Regulation (EC) No 376/2008 shall continue to apply until the relevant rules in respect of tariff quotas adopted on the basis of Articles 186 and 187 of Regulation (EU) No 1308/2013 have become applicable.

Article 13

Transitional provisions

1. This Regulation does not affect the applicable period of validity and the amount of the security lodged for licences which have not expired on 6 November 2016.

2. At the request of the titular holder, the security lodged for a licence shall be released when all of the following conditions are met:

- (a) the validity of the licence has not expired on the date referred to in paragraph 1;
- (b) the licence is no longer required for the products concerned from the date referred to in paragraph 1;
- (c) the licence has been used only partially or not at all on the date referred to in paragraph 1.

Article 14

Entry into force and application

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 6 November 2016.

However, Article 11(1)(d) shall apply from 1 October 2017.

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

Done at Brussels, 18 May 2016.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

PART I

LICENSING OBLIGATION FOR IMPORTS

List of products referred to in Article 2(1)(a)

A. **Rice** (Article 1(2)(b) and Part II of Annex I to Regulation (EU) No 1308/2013)

CN code	Description	Net quantities ⁽¹⁾
1006 20	Husked (brown) rice, including products imported under tariff quotas as referred to in Article 2(1)(c)	1 000 kg
1006 30	Semi-milled or wholly milled rice, whether or not polished or glazed, including products imported under tariff quotas as referred to in Article 2(1)(c)	1 000 kg
1006 40 00	Broken rice, including products imported under tariff quotas as referred to in Article 2(1)(c)	1 000 kg

⁽¹⁾ Maximum quantities for which no licence needs to be presented, in accordance with Article 3(1)(c). Not applicable for imports under preferential conditions or under a tariff quota administered by licences.

B. **Sugar** (Article 1(2)(c) and Part III of Annex I to Regulation (EU) No 1308/2013)

CN code	Description	Net quantities ⁽¹⁾
1701	All products imported under preferential conditions other than tariff quotas ⁽²⁾ , ⁽³⁾	(—)

⁽¹⁾ Maximum quantities for which no licence needs to be presented, in accordance with Article 3(1)(c). Not applicable for imports under preferential conditions or under a tariff quota administered by licences.

⁽²⁾ The import licence obligation applies until 30 September 2017.

⁽³⁾ With the exception of imports of preferential sugar of CN code 1701 99 10 originating in Moldova referred to in Council Decision 2014/492/EU of 16 June 2014 on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part (OJ L 260, 30.8.2014, p. 1) and of preferential imports of sugar of CN code 1701 originating in Georgia referred to in Council Decision 2014/494/EU of 16 June 2014 on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part (OJ L 261, 30.8.2014, p. 1).

(—) Licence required for any quantities.

C. **Seeds** (Article 1(2)(e) and Part V of Annex I to Regulation (EU) No 1308/2013)

CN code	Description	Security	Net quantities ⁽¹⁾
ex 1207 99 20	Seeds of varieties of hemp, for sowing	⁽²⁾	(—)

⁽¹⁾ Maximum quantities for which no licence needs to be presented, in accordance with Article 3(1)(c). Not applicable for imports under preferential conditions or under a tariff quota administered by licences.

⁽²⁾ No security is required.

(—) Licence required for any quantities.

D. **Flax and hemp** (Article 1(2)(h) and Part VIII of Annex I to Regulation (EU) No 1308/2013)

CN code	Description	Security	Net quantities ⁽¹⁾
5302 10 00	True hemp, raw or retted	(²)	(—)

(¹) Maximum quantities for which no licence needs to be presented, in accordance with Article 3(1)(c). Not applicable for imports under preferential conditions or under a tariff quota administered by licences.

(²) No security is required.

(—) Licence required for any quantities.

E. **Fruit and vegetables** (Article 1(2)(i) and Part IX of Annex I to Regulation (EU) No 1308/2013)

CN code	Description	Net quantities ⁽¹⁾
0703 20 00	Garlic, fresh or chilled, including products imported under tariff quotas as referred to in Article 2(1)(c) (²)	(—)
ex 0703 90 00	Other alliaceous vegetables, fresh or chilled, including products imported under tariff quotas as referred to in Article 2(1)(c) (²)	(—)

(¹) Maximum quantities for which no licence needs to be presented, in accordance with Article 3(1)(c). Not applicable for imports under preferential conditions or under a tariff quota administered by licences.

(²) The import licence obligation applies until 30 September 2017.

(—) Licence required for any quantities.

F. **Processed fruit and vegetable products** (Article 1(2)(j) and Part X of Annex I to Regulation (EU) No 1308/2013)

CN code	Description	Net quantities ⁽¹⁾
ex 0710 80 95	Garlic (²) and <i>Allium ampeloprasum</i> (uncooked or cooked by steaming or boiling in water), frozen, including products imported under tariff quotas as referred to in Article 2(1)(c) (³)	(—)
ex 0710 90 00	Mixtures of vegetables containing garlic (²) and/or <i>Allium ampeloprasum</i> (uncooked or cooked by steaming or boiling in water), frozen, including products imported under tariff quotas as referred to in Article 2(1)(c) (³)	(—)
ex 0711 90 80	Garlic (²) and <i>Allium ampeloprasum</i> provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in this state for immediate consumption, including products imported under tariff quotas as referred to in Article 2(1)(c) (³)	(—)
ex 0711 90 90	Mixtures of vegetables containing garlic (²) and/or <i>Allium ampeloprasum</i> , provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in this state for immediate consumption, including products imported under tariff quotas as referred to in Article 2(1)(c) (³)	(—)

CN code	Description	Net quantities ⁽¹⁾
ex 0712 90 90	Dried garlic ⁽²⁾ and <i>Allium ampeloprasum</i> and mixtures of dried vegetables containing garlic ⁽²⁾ and/or <i>Allium ampeloprasum</i> , whole, cut, sliced, broken or in powder, but not further prepared, including products imported under tariff quotas as referred to in Article 2(1)(c) ⁽³⁾	(—)

⁽¹⁾ Maximum quantities for which no licence needs to be presented, in accordance with Article 3(1)(c). Not applicable for imports under preferential conditions or under a tariff quota administered by licences.

⁽²⁾ This shall also include products where the word 'garlic' is only part of the description. Such terms may include, but are not limited to 'solo garlic', 'elephant garlic', 'single clove garlic' or 'great-headed garlic'.

⁽³⁾ The import licence obligation applies until 30 September 2017.

(—) Licence required for any quantities.

G. **Other products** (Article 1(2)(x) and Section 1 of Part XXIV of Annex I to Regulation (EU) No 1308/2013)

CN code	Description	Security	Net quantities ⁽¹⁾
1207 99 91	Hempseeds other than for sowing	⁽²⁾	(—)

⁽¹⁾ Maximum quantities for which no licence needs to be presented, in accordance with Article 3(1)(c). Not applicable for imports under preferential conditions or under a tariff quota administered by licences.

⁽²⁾ No security is required.

(—) Licence required for any quantities.

H. **Ethyl alcohol of agricultural origin** (Article 1(2)(u) and Part XXI of Annex I to Regulation (EU) No 1308/2013)

CN code	Description	Net quantities ⁽¹⁾
ex 2207 10 00	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol. or higher, obtained from the agricultural products listed in Annex I to the Treaty	100 hl
ex 2207 20 00	Ethyl alcohol and other spirits, denatured, of any strength, obtained from the agricultural products listed in Annex I to the Treaty	100 hl
ex 2208 90 91	Undenatured ethyl alcohol of alcoholic strength by volume of less than 80 % vol., obtained from the agricultural products listed in Annex I to the Treaty	100 hl
ex 2208 90 99	Undenatured ethyl alcohol of alcoholic strength by volume of less than 80 % vol., obtained from the agricultural products listed in Annex I to the Treaty	100 hl

⁽¹⁾ Maximum quantities for which no licence needs to be presented, in accordance with Article 3(1)(c). Not applicable for imports under preferential conditions or under a tariff quota administered by licences.

PART II

LICENSING OBLIGATION FOR EXPORTS

List of products referred to in Article 2(2)(a)

A. **Rice** (Article 1(2)(b) and Part II of Annex I to Regulation (EU) No 1308/2013)

CN code	Description	Net quantities ⁽¹⁾
1006 20	Husked (brown) rice	500 kg
1006 30	Semi-milled or wholly milled rice, whether or not polished or glazed	500 kg

⁽¹⁾ Maximum quantities for which no licence needs to be presented, in accordance with Article 3(1)(c). Not applicable for exports under preferential conditions or under a tariff quota administered by licences.

B. **Sugar** (Article 1(2)(c) and Part III of Annex I to Regulation (EU) No 1308/2013)

CN code	Description	Net quantities ⁽¹⁾
1701	Cane or beet sugar and chemically pure sucrose, in solid form ⁽²⁾	2 000 kg
1702 60 95 1702 90 95	Other sugars in solid form and sugar syrups, not containing added flavouring or colouring matter, but not including lactose, glucose, maltodextrine and isoglucose ⁽²⁾	2 000 kg
2106 90 59	Flavoured or coloured sugar syrups, other than isoglucose, lactose, glucose and maltodextrine syrups ⁽²⁾	2 000 kg

⁽¹⁾ Maximum quantities for which no licence needs to be presented, in accordance with Article 3(1)(c). Not applicable for exports under preferential conditions or under a tariff quota administered by licences.

⁽²⁾ The export licence obligation applies until 30 September 2017.

COMMISSION DELEGATED REGULATION (EU) 2016/1238**of 18 May 2016****supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage****(Text with EEA relevance)**

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 19(1), (2), (3), (4)(a) and (5) and 223(2)(a) 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 Articles 64(6) and 66(3)(c) and (e) thereof,

Whereas:

- (1) Regulation (EU) No 1308/2013 replaced Council Regulation (EC) No 1234/2007 ⁽³⁾ and lays down new rules regarding public intervention and aid for private storage. It also empowers the Commission to adopt delegated and implementing acts in that respect. In order to ensure the smooth functioning of the public intervention and aid for private storage schemes in the new legal framework, certain rules have to be adopted by means of such acts.
- (2) Article 11 of Regulation (EU) No 1308/2013 provides that public intervention applies in respect of common wheat, durum wheat, barley, maize, paddy rice, fresh or chilled meat of the beef and veal sector, butter and skimmed milk powder, in accordance with the conditions set out in that Regulation and additional requirements determined by the Commission.
- (3) Article 17 of Regulation (EU) No 1308/2013 provides that aid for private storage may be granted for white sugar, olive oil, flax fibre, fresh or chilled meat of bovine animals aged eight months or more, butter, cheese, skimmed milk powder, pigmeat, or sheepmeat and goatmeat in accordance with the conditions set out in that Regulation and additional requirements determined by the Commission.
- (4) In order to simplify and improve the effectiveness of the management and control mechanisms related to the public intervention and aid for private storage schemes, common rules for all the eligible products should be laid down.
- (5) As a general rule, in order to facilitate management and control, participation in the public intervention and aid for private storage schemes should be allowed only to operators established and registered for VAT purposes in a Member State.
- (6) In order to provide for effective control of the production of olive oil and sugar, operators eligible for aid for private storage should fulfil additional conditions.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 347, 20.12.2013, p. 549.

⁽³⁾ 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) (OJ L 299, 16.11.2007, p. 1).

- (7) Since products covered by public intervention and aid for private storage have a different nature as to production or harvest time and storage requirements, specific conditions of eligibility for each product should be provided for. In order to give the operators the time to adapt to the new system, some conditions should be applicable only from the 2017/18 marketing year with regard to cereals.
- (8) In order to guarantee the seriousness of the offer or tender or application and to ensure that the measure will have the desired effect on the market, both in the case of intervention buying-in, sales and disposal under the scheme for the most deprived in the Union, and in respect of aid for private storage, requirements relating to the lodging of a security should be laid down.
- (9) Provisions should also be laid down for the release and forfeiture of the security for intervention buying-in, sales and disposal under the scheme for the most deprived in the Union, and in respect of aid for private storage.
- (10) In respect of intervention sales, the tendering procedure can take place properly only if genuine tenders are submitted. To achieve that objective, it should be required that the security be released subject to the payment of the selling price within the time limit laid down.
- (11) In order to ensure that the public intervention scheme operates as simply and efficiently as possible throughout the Union, as regards the buying-in of eligible products on the one hand and the selling of products taken over by paying agencies on the other hand, the storage places should fulfil certain conditions.
- (12) It is necessary to provide that the paying agencies in charge of public intervention in the Member States, in accordance with Commission Delegated Regulation (EU) No 907/2014 ⁽¹⁾, ensure that those conditions relating to the storage places are complied with.
- (13) In the event that the allocation of beef for buying-in exceeds the cold storage capacity available in a Member State, it is necessary to provide for the possibility for a Member State to utilise cold storage capacity in another Member State.
- (14) In order to ensure that aid for private storage is managed efficiently, specific rules related to the payment of the aid for private storage should be laid down.
- (15) As the aim of this Regulation and the implementing act to be adopted in respect of public intervention and private storage is to simplify and adapt the provisions applicable to the products covered by public intervention and aid for private storage to the new legal framework established by Regulation (EU) No 1308/2013 and Council Regulation (EU) No 1370/2013 ⁽²⁾, it should replace the provisions contained in Commission Regulations (EEC) No 3427/87 ⁽³⁾, (EEC) No 2351/91 ⁽⁴⁾, (EC) No 720/2008 ⁽⁵⁾, (EC) No 826/2008 ⁽⁶⁾, (EC) No 1130/2009 ⁽⁷⁾, (EU) No 1272/2009 ⁽⁸⁾ and (EU) No 807/2010 ⁽⁹⁾. For the sake of clarity, those latter Regulations should therefore be repealed,

⁽¹⁾ Commission Delegated Regulation (EU) No 907/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro (OJ L 255, 28.8.2014, p. 18).

⁽²⁾ Council Regulation (EU) No 1370/2013 of 16 December 2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products (OJ L 346, 20.12.2013, p. 12).

⁽³⁾ Commission Regulation (EEC) No 3427/87 of 16 November 1987 laying down detailed rules for intervention on the market in rice (OJ L 326, 17.11.1987, p. 25).

⁽⁴⁾ Commission Regulation (EEC) No 2351/91 of 30 July 1991 laying down detailed rules applicable on the purchase of rice held by an intervention agency for the supply of food aid (OJ L 214, 2.8.1991, p. 51).

⁽⁵⁾ Commission Regulation (EC) No 720/2008 of 25 July 2008 laying down common detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the storage and movement of products bought in by a paying agency or an intervention agency (codified version) (OJ L 198, 26.7.2008, p. 17).

⁽⁶⁾ Commission Regulation (EC) No 826/2008 of 20 August 2008 laying down common rules for the granting of private storage aid for certain agricultural products (OJ L 223, 21.8.2008, p. 3).

⁽⁷⁾ Commission Regulation (EC) No 1130/2009 of 24 November 2009 laying down common detailed rules for verifying the use and/or destination of products from intervention (OJ L 310, 25.11.2009, p. 5).

⁽⁸⁾ Commission Regulation (EU) No 1272/2009 of 11 December 2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention (OJ L 349, 29.12.2009, p. 1).

⁽⁹⁾ Commission Regulation (EU) No 807/2010 of 14 September 2010 laying down detailed rules for the supply of food from intervention stocks for the benefit of the most deprived persons in the Union (OJ L 242, 15.9.2010, p. 9).

HAS ADOPTED THIS REGULATION:

CHAPTER I

INTRODUCTORY PROVISION

Article 1

Scope

This Regulation lays down rules supplementing Regulation (EU) No 1308/2013 as regards:

- (a) the buying-in and selling from public intervention of products listed in Article 11 of that Regulation; and
- (b) the granting of aid for private storage for products listed in Article 17 of that Regulation.

CHAPTER II

GENERAL RULES

Article 2

Eligibility of operators

1. Operators shall be established and registered for VAT purposes in the Union in order to submit:
 - (a) an offer or a tender for the buying-in, or a tender for the selling, of products under public intervention; or
 - (b) a tender for aid for private storage or an application for aid for private storage fixed in advance.
2. In the case of buying-in of beef, only the following operators referred to in paragraph 1 may submit tenders:
 - (a) slaughterhouses for bovine animals approved in accordance with Article 4 of Regulation (EC) No 853/2004 of the European Parliament and of the Council ⁽¹⁾;
 - (b) livestock or meat traders who have slaughtering undertaken therein on their own account.
3. In the case of aid for private storage, only the following operators referred to in paragraph 1 may apply or submit tenders:
 - (a) in the olive oil sector, operators who fulfil the requirements laid down in Annex VII;
 - (b) in the sugar sector, operators who are sugar manufacturers.

Article 3

Eligibility of products

1. Products shall be of sound, fair and marketable quality and meet the requirements laid down in Regulation (EU) No 1308/2013.
2. In the case of buying-in, products shall fulfil the requirements laid down as follows:
 - (a) for cereals: in Annex I to this Regulation;
 - (b) for rice: in Annex II to this Regulation;
 - (c) for beef: in Annex III to this Regulation;

⁽¹⁾ Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55).

- (d) for butter: in Parts I and II of Annex IV to this Regulation and Article 21 of Commission Implementing Regulation (EU) 2016/1240 ⁽¹⁾;
- (e) for skimmed milk powder: in Parts I and II of Annex V to this Regulation and Article 21 of Implementing Regulation (EU) 2016/1240.

In addition, butter and skimmed milk powder must have been produced in an undertaking approved in accordance with Part III of Annex IV or Part III of Annex V to this Regulation, respectively.

3. In the case of aid for private storage, products shall fulfil the requirements laid down in Annex VI to this Regulation.

Article 4

Security

Operators shall lodge a security in favour of the relevant paying agency in accordance with Section 2 of Chapter IV of Delegated Regulation (EU) No 907/2014 when:

- (a) submitting an offer or a tender for the buying-in or sale of intervention products, or the disposal of such products under the scheme for food distribution for the most deprived in accordance with Article 16(2) of Regulation (EU) No 1308/2013;
- (b) submitting a tender or an application for aid for private storage unless an Implementing Regulation opening the tendering procedure or fixing the amount of aid in advance as referred to in Implementing Regulation (EU) 2016/1240 provides otherwise.

Article 5

Release and forfeiture of security

1. The security provided for in Article 4 shall be released where a tender, offer or application is inadmissible or has not been accepted.

2. In the case of intervention buying-in, the security shall be released when:

- (a) the operator has delivered the quantity indicated by the final date for delivery set out in the delivery order referred to in Article 17 of Implementing Regulation (EU) 2016/1240; and
- (b) conformity with the product eligibility requirements referred to in Article 3 of this Regulation has been established; or
- (c) an allocation coefficient as referred to in Article 11(1)(b) of Implementing Regulation (EU) 2016/1240 is applied. In that case, the amount of the released security shall correspond to the quantity not accepted; or
- (d) the offer is withdrawn by an operator to whom an allocation coefficient as referred to Article 11(1)(b) of Implementing Regulation (EU) 2016/1240 applies.

3. In the case of sale of intervention products, the security shall be released:

- (a) for unsuccessful operators, after the decision referred to in Article 32(1) or 36(2) of Implementing Regulation (EU) 2016/1240 has been taken;

⁽¹⁾ Commission Implementing Regulation (EU) 2016/1240 of 18 May 2016 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage (see page 71 of this Official Journal).

- (b) for successful operators, in respect of the quantities for which payment has been made in accordance with Article 35 of Implementing Regulation (EU) 2016/1240;
- (c) where the obligations relating to the disposal of products under the scheme for food distribution for the most deprived have been met.

4. In the case of aid for private storage, the security shall be released when:

- (a) an allocation coefficient as referred to in the first subparagraph of Article 43(2) of Implementing Regulation (EU) 2016/1240 is applied. In that case, the amount of the released security shall correspond to the quantity not accepted;
- (b) the tender is withdrawn by the reason of fixing of an allocation coefficient as referred to in the second subparagraph of Article 43(2) of Implementing Regulation (EU) 2016/1240;
- (c) the contractual obligations in respect of the contractual quantity have been fulfilled.

5. The security referred shall be forfeit where the offer, tender or application is:

- (a) withdrawn by reasons other than fixing of an allocation coefficient pursuant to Article 11(1)(b) or the first subparagraph of Article 43(2) of Implementing Regulation (EU) 2016/1240; or
- (b) amended after submission.

6. In the case of intervention buying-in, the security shall be forfeit where:

- (a) the products do not conform with the requirements referred to in Article 3 in respect of the quantities not accepted;
- (b) except in cases of *force majeure*, the operator fails to deliver the products by the final date set out in the delivery order, in proportion to the quantities not delivered and buying-in shall be cancelled in respect of those quantities.

However, in the case of cereals, rice and beef, if the quantity actually delivered and accepted is less than the quantity specified in the delivery order, the security shall be released in full where the difference is not more than 5 %.

7. In the case of sale of intervention products, except in cases of *force majeure*, the security shall be forfeit:

- (a) in respect of quantities for which payment has not been made in accordance with Article 35 of Implementing Regulation (EU) 2016/1240 and the sale shall be cancelled in respect of those quantities;
- (b) where the obligations relating to the disposal of products under the scheme for food distribution for the most deprived have not been fulfilled.

8. In the case of aid for private storage, the security shall be forfeit where:

- (a) less than 95 % of the quantities specified in the tender or application are placed in storage under the conditions provided for in Article 52(1)(a) of Implementing Regulation (EU) 2016/1240;
- (b) less than the percentage of the contractual quantity referred to in Article 8(1) is kept in storage, including in the case of sugar stored in bulk in the silo designated by the operator, for the period laid down in the Implementing Regulation opening the tendering procedure or fixing the amount of aid for private storage in advance;
- (c) the time limit for placing the products into storage as referred to in Article 47(1) of Implementing Regulation (EU) 2016/1240 is not complied with;
- (d) the checks provided for Chapter I of Title IV of Implementing Regulation (EU) 2016/1240 show that the products stored do not correspond to the quality requirements referred to in Article 3 of this Regulation;
- (e) the requirement laid down in Article 53(3) of Implementing Regulation (EU) 2016/1240 is not complied with.

CHAPTER III

SPECIFIC RULES RELATED TO PUBLIC INTERVENTION*Article 6***Intervention storage places**

1. Paying agencies shall ensure that intervention storage places ('storage places') are suitable for the storage and keeping in good condition of the products bought-in, including storage temperature, and meet the requirements referred to in Article 7.
2. During the periods when intervention buying-in is taking place, paying agencies shall publish and keep updated information concerning the storage places available in their territories.

*Article 7***Requirements for storage places**

1. Each storage place shall fulfil the following requirements:
 - (a) it has available the necessary technical equipment to take over the products;
 - (b) it is able to remove quantities in order to comply with the removal period indicated in Article 37(2) of Implementing Regulation (EU) 2016/1240;
 - (c) in the case of cereals, rice, butter and skimmed milk powder, it has a minimum storage capacity as laid down in Article 3(1) of Implementing Regulation (EU) 2016/1240.
2. The paying agencies may lay down technical standards for storage places and shall take any other measures necessary to ensure that products taken into storage are properly conserved.
3. In the case of the beef sector, the storage places shall permit:
 - (a) storage of carcasses, half carcasses and carcasses cut into quarters taken over and deboned;
 - (b) freezing of all deboned meat to be stored without further processing.

However, where deboning is not a condition of the tender, the storage place shall permit bone-in meat to be taken over.

When the cutting plant and refrigeration plant of a storage place are connected with the slaughterhouse or the operator, the paying agency shall carry out the appropriate checks in order to ensure that beef subject to intervention is handled and stored in accordance with this Regulation.

The cold stores located in the Member State exercising jurisdiction over the paying agency shall be capable of holding all beef allocated by the paying agency for at least three months under technically satisfactory conditions.

However, where there is insufficient cold storage capacity in a Member State for the allocated beef, the paying agency concerned may arrange for such beef to be stored in another Member State and notify the Commission accordingly.

CHAPTER IV

SPECIFIC RULES RELATED TO AID FOR PRIVATE STORAGE*Article 8***Payment of aid for private storage**

1. The aid for private storage shall be paid for the contractual quantity if the quantity stored during the contractual storage period represents at least 99 % of the contractual quantity.

However, in respect of the following products, the aid shall be paid for the contractual quantity if the quantity stored during the contractual storage period represents at least 97 % of the contractual quantity:

- (a) sugar that is stored separately from other sugar in the silo designated by the operator;
- (b) olive oil;
- (c) flax fibre;
- (d) beef, pigmeat, sheepmeat and goatmeat, whereas the contractual quantity relates to the fresh meat entering the store;
- (e) cheese;
- (f) skimmed milk powder in 'big bags' as referred to in point (c) of Part VI of Annex VI.

2. Except in cases of *force majeure*, if the quantity stored during the contractual storage period, including in the case of sugar stored in bulk in the silo designated by the operator, is less than the percentage of the contractual quantity referred to in paragraph 1, no aid shall be paid. Nevertheless, in the case of cheese, if the paying agency deems that the cheese in question was subject to natural weight loss during the storage period, this weight loss shall not lead to a reduction of the aid or the forfeiture of the security.

3. Aid shall only be paid where the contractual storage period respects the storage period laid down in the Implementing Regulation opening the tendering procedure or fixing the amount of aid in advance.

4. If checks during storage or on removal reveal that the products are defective, no aid shall be paid for the quantities concerned. The remainder of the storage lot eligible for aid shall be not less than the minimum quantity provided for in the Implementing Regulation opening the tendering procedure or fixing the amount of aid in advance.

The same rule shall apply where part of a storage lot or batch is removed from storage for reasons of defectiveness before the end of the minimum storage period or before the first date allowed for removal operations, where such a date is provided for in the Implementing Regulation opening the tendering procedure or fixing the amount of aid in advance.

Defective products shall not be included in the calculation of the quantity stored referred to in paragraph 1.

5. Except in cases of *force majeure*, where in respect of the total quantity stored the operator fails to respect the end of the contractual storage period, which has been fixed in accordance with Article 48(2) of Implementing Regulation (EU) 2016/1240, the aid for the contract in question shall be reduced by 10 % for each calendar day of non-compliance.

However, this reduction shall not exceed 100 % of the aid.

6. No aid for private storage shall be paid in respect of the contract concerned where the requirement laid down in Article 53(3) of Implementing Regulation (EU) 2016/1240 is not complied with.

CHAPTER V

COMMON AND FINAL PROVISIONS

Article 9

Notifications

Member States shall notify the Commission of the approved paying agencies and quantities under the detailed conditions laid down in Chapter I of Title V of Implementing Regulation (EU) 2016/1240.

*Article 10***Repeal and transitional provisions**

Regulations (EEC) No 3427/87, (EEC) No 2351/91, (EC) No 720/2008, (EC) No 826/2008, (EC) No 1130/2009, (EU) No 1272/2009 and (EU) No 807/2010 are repealed.

Articles 56(3) and 56(4) of Regulation (EU) No 1272/2009 and Part A to Annex III of Regulation (EC) No 826/2008 shall continue to apply until acts replacing Commission Regulation (EC) No 792/2009 ⁽¹⁾ have become applicable.

Part II, Table IV of Part IX and point (h) of Part XI of Annex I to Regulation (EU) No 1272/2009 shall continue to apply until 30 June 2017.

Regulation (EU) No 1272/2009 shall continue to apply in respect of offers or tenders received under that Regulation before the date of entry into force of this Regulation.

Regulation (EC) No 826/2008 shall continue to apply in respect of tenders or applications received under that Regulation before the date of entry into force of this Regulation.

*Article 11***Entry into force and application**

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

It shall apply as from 1 October 2016. However, as regards buying-in to public intervention, Part II of Annex I shall apply from 1 July 2017.

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

Done at Brussels, 18 May 2016.

For the Commission

The President

Jean-Claude JUNCKER

⁽¹⁾ Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments' regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands (OJ L 228, 1.9.2009, p. 3).

ANNEX I

BUYING-IN OF CEREALS

PART I

Eligibility criteria for cereals

1. The requirements referred to in Article 3 as regards cereals shall be, in particular, the following:
 - (a) cereals are of the typical colour of the cereal in question;
 - (b) cereals are free from abnormal smell and live pests (including mites) at every stage of their development;
 - (c) cereals meet the minimum quality requirements set out in Part II; and
 - (d) the levels of contaminants, including radioactivity, do not exceed the maximum levels permitted under Union legislation.
2. The maximum levels of contaminants, as referred to in point 1(d), shall be as follows:
 - (a) for common wheat and durum wheat, those permitted under Council Regulation (EEC) No 315/93 ⁽¹⁾, including the requirements regarding the Fusarium-toxin level for common wheat and durum wheat laid down in points 2.4 to 2.7 of the Annex to Commission Regulation (EC) No 1881/2006 ⁽²⁾;
 - (b) for barley and maize, those set by Directive 2002/32/EC of the European Parliament and of the Council ⁽³⁾.
3. Member States shall check levels of contaminants, including radioactivity, on the basis of a risk analysis, taking account in particular of the information supplied by the operator and the commitments of the latter regarding compliance with the standards set, especially in the light of the results of the analyses.

In addition, in cases where analyses indicate that the Zeleny index of a batch of common wheat is between 22 and 30, for this wheat to be deemed sound, fair and of marketable quality, the dough obtained from it must be judged to be non-sticky and machinable.

PART II

Minimum quality requirements referred to in Part I

	Durum wheat	Common wheat	Barley	Maize
A. Maximum moisture content	14,5 %	14,5 %	14,5 %	13,5 %
B. Maximum percentage of matter which is not basic cereal of unimpaired quality:	12 %	12 %	12 %	12 %
1. Broken grains	6 %	5 %	5 %	5 %

⁽¹⁾ Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food (OJ L 37, 13.2.1993, p. 1).

⁽²⁾ Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

⁽³⁾ Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed (OJ L 140, 30.5.2002, p. 10).

	Durum wheat	Common wheat	Barley	Maize
2. Grain impurities	8,5 %	7 %	12 %	5 %
2.1. Impurities other than mottled grains	5 %	7 %	12 %	5 %
(a) shrivelled grains	X	X	X	n.a.
(b) other cereals	3 %	X	5 %	X
(c) grains damaged by pests	X	X	X	X
(d) grains in which the germ is discoloured	X	X	n.a.	n.a.
(e) grains overheated during drying	0,50 %	0,50 %	3 %	0,50 %
2.2. Mottled grains	3,5 %	n.a.	n.a.	n.a.
3. Sprouted grains	4 %	4 %	6 %	6 %
4. Miscellaneous impurities	4,5 % (*)	3 %	3 %	3 %
of which:				
(a) extraneous seeds:				
— noxious	0,10 %	0,10 %	0,10 %	0,10 %
— other	X	X	X	X
(b) damaged grains:				
— grains damaged by spontaneous heating or too extreme heating during drying	0,05 %	0,05 %	X	X
— grains affected with fusariosis	1,5 %	X	X	X
— other	X	X	X	X
(c) extraneous matter	X	X	X	X
(d) husks (cob fragments in the case of maize)	X	X	X	X
(e) ergot	0,05 %	0,05 %	n.a.	n.a.
(f) decayed grains	X	X	n.a.	n.a.
(g) impurities of animal origin	X	X	X	X

	Durum wheat	Common wheat	Barley	Maize
C. Maximum percentage of wholly or partially mitadiné grains	27 %	n.a.	n.a.	n.a.
D. Minimum specific weight (kg/hl)	78	73	62	n.a.
E. Minimum protein content (**)	11,5 %	11,0 %	n.a.	n.a.
F. Hagberg falling number (seconds)	220	220	n.a.	n.a.
G. Minimum Zeleny index (ml)	n.a.	22	n.a.	n.a.

'X' Indicates analysis required without specific limit but content to be taken into account for maximum limits set in points 2 and 4 of the table.

'n.a.' Not applicable, not requiring analysis.

(*) Of which maximum 3 % for impurities other than grains affected by fusariosis.

(**) As a percentage of dry matter.

Matter other than basic cereals of unimpaired quality is defined in Part I of Annex I to Implementing Regulation (EU) 2016/1240.

Grains of basic cereals and other cereals which are damaged or decayed shall be classified as 'miscellaneous impurities' even if they have defects which belong to other categories.

ANNEX II

BUYING-IN OF RICE

PART I

Eligibility criteria for paddy rice

1. The requirements referred to in Article 3 as regards rice shall be, in particular, the following:
 - (a) the paddy rice is free of odour and does not contain live insects;
 - (b) the moisture content does not exceed 14,5 %;
 - (c) the milling yield is not more than five points below the basic yields listed in Part II;
 - (d) the percentage of miscellaneous impurities, the percentage of rice grains of other varieties and the percentage of grains which do not comply with the standard quality as defined in Part A of Annex III to Regulation (EU) No 1308/2013, do not exceed the maximum percentages set out in Part III of this Annex, by type of rice;
 - (e) the level of radioactivity does not exceed the maximum levels permitted by Union legislation.
2. For the purposes of this Annex, 'miscellaneous impurities' means foreign matter other than rice.

PART II

Criteria for milling yield

Basic milling yield

Description of variety	Whole-grain yield (%)	Overall yield (%)
Argo, Selenio, Couachi	66	73
Alpe, Arco, Balilla, Balilla Sollana, Bomba, Elio, Flipper, Lido, Sara, Thainato, Thaiperla, Veta, Guadiamar	65	73
Ispaniki A, Makedonia	64	73
Bravo, Europa, Loto, Riva, Rosa Marchetti, Savio, Veneria	63	72
Ariete, Bahia, Carola, Cigalon, Cripto, Drago, Eolo, Gladio, Graldo, Korai, Mercurio, Niva, Onda, Padano, Panda, Ribe, S. Andrea, Saturno, Senia, Smeraldo, Dion, Zeus	62	72
Strymonas	62	71
Baldo, Redi, Roma, Tebre, Volano	61	72
Thaibonnet, Puntal	60	72
Evropi	60	70
Arborio, Rea	58	72
Carnaroli, Elba, Vialone Nano	57	72

Description of variety	Whole-grain yield (%)	Overall yield (%)
Axios	57	67
Roxani	57	66
Unnamed varieties	64	72

PART III

Maximum percentages

Grain defects	Round-grain rice CN code 1006 10 92	Medium and long- grain A CN codes 1006 10 94 and 1006 10 96	Long-grain B CN code 1006 10 98
Chalky grains	6	4	4
Grains striated with red	10	5	5
Spotted and stained grains	4	2,75	2,75
Amber grains	1	0,50	0,50
Yellow grains	0,175	0,175	0,175
Miscellaneous impurities	1	1	1
Rice grains of other varieties	5	5	5

ANNEX III

BUYING-IN OF BEEF

PART I

Eligibility criteria for beef

1. Carcasses, half-carcasses and carcasses cut into quarters, fresh or chilled (CN code 0201) as listed in Part II of this Annex falling within the following categories defined in Part A of Annex IV to Regulation (EU) No 1308/2013 may be bought in:
 - (a) meat of uncastrated male animals aged from 12 months to less than 24 months (category A);
 - (b) meat of castrated male animals aged from 12 months (category C);
 - (c) meat of male animals aged from 8 months to less than 12 months (category Z).
2. Products referred to in point 1 may be bought in only under the following conditions:
 - (a) they have been slaughtered in accordance with Regulation (EC) No 853/2004 and Regulation (EC) No 854/2004 of the European Parliament and of the Council ⁽¹⁾;
 - (b) they have been classified, presented and identified in accordance with Commission Regulation (EC) No 1249/2008 ⁽²⁾;
 - (c) they have been labelled in accordance with Regulation (EC) No 1760/2000 of the European Parliament and of the Council ⁽³⁾;
 - (d) they come from animals slaughtered not more than six days and not less than two days previously.

PART II

Classification of products

For the purpose of this Part, category Z refers only to male animals as described in point 1(c) of Part I.

BELGIQUE/BELGIË

Carcasses, demi-carcasses:

Hele dieren, halve dieren:

Catégorie A, classe S2/Catégorie A, klasse S2

Catégorie A, classe S3/Catégorie A, klasse S3

Catégorie A, classe E2/Catégorie A, klasse E2

Catégorie A, classe E3/Catégorie A, klasse E3

Catégorie A, classe U2/Catégorie A, klasse U2

Catégorie A, classe U3/Catégorie A, klasse U3

БЪЛГАРИЯ

Трупове, половинки трупове:

категория А, клас R2

категория А, клас R3

категория Z, клас R2

категория Z, клас R3

⁽¹⁾ Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption (OJ L 139, 30.4.2004, p. 206).

⁽²⁾ Commission Regulation (EC) No 1249/2008 of 10 December 2008 laying down detailed rules on the implementation of the Community scales for the classification of beef, pig and sheep carcasses and the reporting of prices thereof (OJ L 337, 16.12.2008, p. 3).

⁽³⁾ Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 (OJ L 204, 11.8.2000, p. 1).

Catégorie A, classe R2/Categoria A, klasse R2 Catégorie A, classe R3/Categoria A, klasse R3 Catégorie Z, classe S2/Categoria Z, klasse S2 Catégorie Z, classe S3/Categoria Z, klasse S3 Catégorie Z, classe E2/Categoria Z, klasse E2 Catégorie Z, classe U2/Categoria Z, klasse U2 Catégorie Z, classe U3/Categoria Z, klasse U3 Catégorie Z, classe R2/Categoria Z, klasse R2 Catégorie Z, classe R3/Categoria Z, klasse R3	
ČESKÁ REPUBLIKA Jatečně upravená těla, půlky jatečně upravených těl: Kategorie A, třída R2 Kategorie A, třída R3 Kategorie A, třída O2 Kategorie A, třída U2 Kategorie Z, třída R2 Kategorie Z, třída R3 Kategorie Z, třída O2	DANMARK Hele og halve kroppe: Kategori A, klasse R2 Kategori A, klasse R3 Kategori A, klasse O2 Kategori A, klasse O3 Kategori Z, klasse R2 Kategori Z, klasse R3 Kategori Z, klasse O2 Kategori Z, klasse O3
DEUTSCHLAND Ganze oder halbe Tierkörper: Kategorie A, Klasse U2 Kategorie A, Klasse U3 Kategorie A, Klasse R2 Kategorie A, Klasse R3 Kategorie Z, Klasse U2 Kategorie Z, Klasse U3 Kategorie Z, Klasse R2 Kategorie Z, Klasse R3	EESTI Rümbad, poolrümbad: Kategooria A, klass R2 Kategooria A, klass R3 Kategooria Z, klass R2 Kategooria Z, klass R3
EIRE/IRELAND Carcases, half-carcases: Category C, class U3 Category C, class U4 Category C, class R3 Category C, class R4 Category C, class O3 Category C, class O4	ΕΛΛΑΔΑ Ολόκληρα ή μισά σφάγια: Κατηγορία Α, κλάση R2 Κατηγορία Α, κλάση R3 Κατηγορία Α, κλάση O2 Κατηγορία Α, κλάση O3 Κατηγορία Ζ, κλάση R2 Κατηγορία Ζ, κλάση R3

	Κατηγορία Z, κλάση O2 Κατηγορία Z, κλάση O3
ESPAÑA Canales o medias canales: Categoría A, clase U2 Categoría A, clase U3 Categoría A, clase R2 Categoría A, clase R3 Categoría Z, clase U2 Categoría Z, clase U3 Categoría Z, clase R2 Categoría Z, clase R3	FRANCE Carcasses, demi-carcasses: Catégorie A, classe U2 Catégorie A, classe U3 Catégorie A, classe R2 Catégorie A, classe R3 Catégorie A, classe O2 Catégorie A, classe O3 Catégorie Z, classe U2 Catégorie Z, classe U3 Catégorie Z, classe R2 Catégorie Z, classe R3 Catégorie C, classe U2 Catégorie C, classe U3 Catégorie C, classe U4 Catégorie C, classe R3 Catégorie C, classe R4 Catégorie C, classe O3
HRVATSKA Trupovi, polovice trupova: Kategorija A, klasa U2 Kategorija A, klasa U3 Kategorija A, klasa R2 Kategorija A, klasa R3 Kategorija Z, klasa U2 Kategorija Z, klasa U3 Kategorija Z, klasa R2 Kategorija Z, klasa R3 Kategorija Z, klasa O2	ITALIA Carcasse e mezzene: Categoria A, classe U2 Categoria A, classe U3 Categoria A, classe R2 Categoria A, classe R3 Categoria A, classe O2 Categoria A, classe O3 Categoria Z, classe U2 Categoria Z, classe U3 Categoria Z, classe R2 Categoria Z, classe R3 Categoria Z, classe O2 Categoria Z, classe O3
ΚΥΠΡΟΣ Ολόκληρα ή μισά σφάγια: Κατηγορία A, κλάση R2 Κατηγορία Z, κλάση R2	LATVIJA Liemeņi, pusliemeņi: A kategorija, R2 klase A kategorija, R3 klase Z kategorija, R2 klase Z kategorija, R3 klase

LIETUVA Skerdenos ir skerdenų pusės: A kategorija, R2 klasė A kategorija, R3 klasė A kategorija, O2 klasė A kategorija, O3 klasė Z kategorija, R2 klasė Z kategorija, R3 klasė	LUXEMBOURG Carcasses, demi-carcasses: Catégorie A, classe U2 Catégorie A, classe U3 Catégorie A, classe R2 Catégorie A, classe R3
MAGYARORSZÁG Hasított test vagy hasított féltest: A kategória, R2 osztály A kategória, R3 osztály Z kategória, R2 osztály Z kategória, R3 osztály	MALTA Karkassi, nofs karkassi: Kategorija A, klassi R3 Kategorija Z, klassi R3
NEDERLAND Hele dieren, halve dieren: Categorie A, klasse R2 Categorie A, klasse R3 Categorie A, klasse O2 Categorie A, klasse O3 Categorie Z, klasse R2 Categorie Z, klasse R3 Categorie Z, klasse O2 Categorie Z, klasse O3	ÖSTERREICH Ganze oder halbe Tierkörper: Kategorie A, Klasse U2 Kategorie A, Klasse U3 Kategorie A, Klasse R2 Kategorie A, Klasse R3 Kategorie Z, Klasse U2 Kategorie Z, Klasse U3 Kategorie Z, Klasse R2 Kategorie Z, Klasse R3
POLSKA Tusze, półtusze: Kategoria A, klasa R2 Kategoria A, klasa R3 Kategoria A, klasa O2 Kategoria A, klasa O3 Kategoria Z, klasa R2 Kategoria Z, klasa R3 Kategoria Z, klasa O2 Kategoria Z, klasa O3	PORTUGAL Carcaças ou meias-carcaças: Categoria A, classe U2 Categoria A, classe U3 Categoria A, classe R2 Categoria A, classe R3 Categoria Z, classe U2 Categoria Z, classe U3 Categoria Z, classe R2 Categoria Z, classe R3
ROMÂNIA Carcase, jumătăți de carcase Categoria A, clasa U2 Categoria A, clasa U3	SLOVENIJA Trupi, polovice trupov: Kategorija A, razred U2 Kategorija A, razred U3

Categoria A, clasa R2 Categoria A, clasa R3 Categoria A, clasa O2 Categoria A, clasa O3 Categoria Z, clasa U2 Categoria Z, clasa U3 Categoria Z, clasa R2 Categoria Z, clasa R3 Categoria Z, clasa O2 Categoria Z, clasa O3	Kategorija A, razred R2 Kategorija A, razred R3 Kategorija A, razred O2 Kategorija Z, razred U2 Kategorija Z, razred R2 Kategorija Z, razred R3 Kategorija Z, razred O2
SLOVENSKO Jatočné telá, jatočné polovice: kategória A, trieda kvality R2 kategória A, trieda kvality R3 kategória A, trieda kvality O2 kategória A, trieda kvality O3 kategória Z, trieda kvality R2 kategória Z, trieda kvality R3 kategória Z, trieda kvality O2 kategória Z, trieda kvality O3	SUOMI/FINLAND Ruhot, puoliruhot/Slaktkroppar, halva slaktkroppar: Kategoria A, luokka R2/Kategori A, klass R2 Kategoria A, luokka R3/Kategori A, klass R3 Kategoria A, luokka O2/Kategori A, klass O2 Kategoria A, luokka O3/Kategori A, klass O3 Kategoria Z, luokka R2/Kategori Z, klass R2 Kategoria Z, luokka R3/Kategori Z, klass R3
SVERIGE Slaktkroppar, halva slaktkroppar: Kategori A, klass R2 Kategori A, klass R3 Kategori A, klass O2 Kategori A, klass O3 Kategori Z, klass R2 Kategori Z, klass R3	UNITED KINGDOM I. Great Britain Carcases, half-carcases: Category C, class U3 Category C, class U4 Category C, class R3 Category C, class R4 Category C, class O3 Category C, class O4 Category A, class U2 Category A, class U3 Category A, class R2 Category A, class R3 Category A, class O2 Category A, class O3 Category Z, class U2 Category Z, class U3 Category Z, class R2

	Category Z, class R3
	Category Z, class O2
	Category Z, class O3
	II. Northern Ireland
	Carcases, half-carcases:
	Category C, class U3
	Category C, class U4
	Category C, class R3
	Category C, class R4
	Category C, class O3
	Category C, class O4
	Category A, class U2
	Category A, class U3
	Category A, class R2
	Category A, class R3
	Category A, class O2
	Category A, class O3
	Category Z, class U2
	Category Z, class U3
	Category Z, class R2
	Category Z, class R3
	Category Z, class O2
	Category Z, class O3

ANNEX IV

BUYING-IN OF BUTTER

PART I

Eligibility criteria for butter

1. The paying agency shall only buy-in butter which complies with Article 11(d) of Regulation (EU) No 1308/2013, with points 2 to 6 of this Part of this Annex and with Part II of Annex IV to Implementing Regulation (EU) 2016/1240.
2. The paying agency shall check the quality of butter using the methods referred to in Article 4 of Implementing Regulation (EU) 2016/1240, and on the basis of samples taken in accordance with the rules set out in Part I of Annex IV to that Regulation. However, paying agencies may, subject to written agreement of the Commission, set up a system of self checking under their own supervision in respect of certain quality requirements and for certain approved undertakings.
3. Levels of radioactivity in butter may not exceed the maximum levels permitted under Union legislation and shall be monitored only if the situation so requires.
4. The butter shall have been made during the 31 days preceding the day on which the paying agency receives the offer to sell at fixed price or, in the case of tenders, during the 31 days preceding the closing date of the tendering sub-period.
5. Where butter is offered or tendered for intervention in a Member State other than that in which it was produced, buying-in shall be subject to the presentation of a certificate supplied by the competent body of the Member State of production.

The certificate shall be presented to the competent body of the purchasing Member State not later than 35 days after the day on which the offer is received or after the closing date of the tender and shall contain the information referred to in points (a), (b) and (c) of paragraph 2 of Part II of Annex IV to Implementing Regulation (EU) 2016/1240, and a confirmation that the butter has been produced directly and exclusively from pasteurised cream within the meaning of Article 11(d) of Regulation (EU) No 1308/2013 in an approved undertaking in the Union.

6. Where the Member State of production has performed the checks referred to in point 2, the certificate referred to in point 5 shall also contain the results of those checks and confirm that the product concerned is butter fulfilling the requirements of Article 11(d) of Regulation (EU) No 1308/2013. In that case, the packaging shall be sealed by means of a numbered label issued by the competent body of the Member State of production. The certificate shall contain the number of the label.

PART II

Compositional requirements and quality characteristics

Butter is a solid emulsion, mainly of the water-in-oil type, with the following compositional and quality characteristics:

Parameters	Content and quality characteristics
Fat	Minimum 82 %
Water	Maximum 16 %

Parameters	Content and quality characteristics
Non-fat solids	Maximum 2 %
Free fatty acids	Maximum 1,2 mmole/100 g fat
Peroxide value	Maximum 0,3 meq oxygen/1 000 g fat
Coliformes	Not detectable in 1 g
Non-milk fat	Not detectable by triglyceride analysis
Sensory characteristics	At least four out of five points for appearance, flavour and consistency
Water dispersion	At least four points

PART III

Criteria for the approval of undertakings referred to in Article 11(d) of Regulation (EU) No 1308/2013

1. Undertakings referred to in Article 11(d) of Regulation (EU) No 1308/2013 shall be approved only if they:
 - (a) are approved in accordance with Article 4 of Regulation (EC) No 853/2004 and have the appropriate technical equipment;
 - (b) undertake to keep permanent records in the form determined by the competent body of each Member State, listing the supplier and origin of the raw materials, the quantities of butter obtained and the packaging, identification and exit date of each production batch intended for public intervention;
 - (c) agree to submit their production of butter liable to be offered for intervention to a specific official inspection;
 - (d) undertake to inform the competent body, at least two working days in advance, of their intention to produce butter for public intervention; however, the Member State may set a shorter time limit.
2. To ensure compliance with this Regulation, the competent bodies shall carry out unannounced on-the-spot inspections, on the basis of the intervention butter production schedule of the undertakings concerned.
 They shall carry out at least:
 - (a) one inspection per period of 28 days of production for intervention with at least one inspection every year, to examine the records referred to in point 1(b);
 - (b) one inspection every year when butter is produced for intervention, to verify compliance with the other conditions for approval referred to in point 1.
3. Approval shall be withdrawn if the conditions laid down in point 1(a) are no longer satisfied. Approval may be re-granted at the request of the undertaking concerned after a period of at least six months, following a thorough inspection.

Except in cases of *force majeure*, where an undertaking is found not to have complied with one of its commitments as referred to in point 1(b), (c) and (d), approval shall be suspended for a period of between one month and 12 months depending on the seriousness of the irregularity.

The Member State shall not impose suspension where it is established that the irregularity was not committed deliberately or as a result of serious negligence and that it is of minor importance with regard to the effectiveness of the inspections provided for in point 2.

4. A report shall be drawn up on the inspections carried out pursuant to points 2 and 3, specifying:

- (a) the date of the inspection;
- (b) the duration of the inspection;
- (c) the operations carried out.

The report shall be signed by the inspector responsible.

ANNEX V

BUYING-IN OF SKIMMED MILK POWDER

PART I

Eligibility criteria for skimmed milk powder

1. The paying agency shall only buy-in skimmed milk powder which complies with Article 11(e) of Regulation (EU) No 1308/2013, with points 2 to 6 of this Part of this Annex and with Part II of Annex V to Implementing Regulation (EU) 2016/1240.
2. The paying agency shall check the quality of skimmed-milk powder using the methods referred to in Article 4 of Implementing Regulation (EU) 2016/1240, and on the basis of samples taken in accordance with the rules set out in Part I of Annex V to that Regulation. The checks must establish that, except authorised raw materials used for protein adjustment as referred to in point (4)(b) of Annex I to Council Directive 2001/114/EC ⁽¹⁾, the skimmed milk powder does not contain other products, in particular buttermilk and whey, as defined in Part II of this Annex.

Protein adjustment, if applicable, shall occur in the liquid phase. Material used for protein adjustment shall be of Union origin.

However, paying agencies may, subject to written agreement of the Commission, set up a system of self-checking under their own supervision in respect of certain quality requirements and for certain approved undertakings.

3. Levels of radioactivity in skimmed-milk powder may not exceed the maximum levels permitted under Union legislation and shall be monitored only if the situation so requires.
4. The skimmed-milk powder must have been produced during the 31 days preceding the day on which the paying agency receives the offer to sell at fixed price or, in the case of tenders, during the 31 days preceding the closing date of the tendering sub-period. If the skimmed-milk powder is stored in silos containing the production of more than one day, it must have been produced during the three weeks preceding the week during which the offer to sell at fixed price is received or, in the case of tenders, during the four weeks preceding the closing date of the tendering sub-period.
5. Where skimmed-milk powder is offered or tendered for intervention in a Member State other than that in which it was produced, buying-in shall be subject to the presentation of a certificate supplied by the competent body of the Member State of production.

The certificate shall be presented to the competent body of the purchasing Member State not later than 35 days after the day on which the offer is received or after the closing date of the tender and shall contain the information referred to in points (a), (b) and (c) of paragraph 2 of Part II of Annex V to Implementing Regulation (EU) 2016/1240, and a confirmation that the skimmed-milk powder has been produced from milk in an approved undertaking in the Union in accordance with Article 11(e) of Regulation (EU) No 1308/2013 and that protein adjustment, if applicable, occurred in the liquid phase.

6. Where the Member State of production has performed the checks referred to in point 2, the certificate referred to in point 5 shall also contain the results of those checks and confirm that the product concerned is skimmed-milk powder fulfilling the requirements of Article 11(e) of Regulation (EU) No 1308/2013. In that case, the bags referred to in Article 21(2) of Implementing Regulation (EU) 2016/1240 shall be sealed with a numbered label issued by the competent body of the Member State of production. The certificate shall contain the number of the label.

⁽¹⁾ Council Directive 2001/114/EC of 20 December 2001 relating to certain partly or wholly dehydrated preserved milk for human consumption (OJ L 15, 17.1.2002, p. 19).

PART II

Compositional requirements and quality characteristics

Parameters	Content and quality characteristics
Protein content	Minimum 34,0 % of the non-fat dry matter
Fat content	Maximum 1,00 %
Water content	Maximum 3,5 %
Titrateable acidity in ml of decinormal sodium hydroxide solution	Maximum 19,5 ml
Lactate content	Maximum 150 mg/100 g
Additives	None
Phosphatase test	Negative, i.e., not more than 350 mU of phosphatasic activity per litre of reconstituted milk
Solubility index	Maximum 0,5 ml (24 °C)
Burnt-particles index	Maximum 15,0 mg, i.e. disc B minimum
Micro-organism content	Maximum 40 000 per gram
Detection of coliforms	Negative in 0,1 g
Detection of buttermilk ⁽¹⁾	Negative ⁽²⁾
Detection of rennet whey ⁽³⁾	None
Detection of acid whey ⁽⁴⁾	None
Taste and smell	Clean
Appearance	White or slightly yellowish colour, free from impurities and coloured particles
Antimicrobial substances	Negative ⁽⁵⁾

⁽¹⁾ 'Buttermilk' means the by-product of butter production obtained after churning of the cream and separation of the solid fat.

⁽²⁾ The absence of buttermilk can be established either by an on-the-spot inspection of the production plant carried out without prior notice at least once a week, or by a laboratory analysis of the end product indicating a maximum of 69,31 mg of PEDP phosphatidylethanolamine dipalmitoyl per 100 g.

⁽³⁾ 'Whey' means the by-product of cheese or casein production obtained by the action of acids, rennet and/or chemico-physical processes.

⁽⁴⁾ 'Whey' means the by-product of cheese or casein production obtained by the action of acids, rennet and/or chemico-physical processes. The method to be applied shall be approved by the paying agency.

⁽⁵⁾ Raw milk used for the production of skimmed milk powder must meet the requirements specified in Section IX of Annex III to Regulation (EC) No 853/2004.

PART III

Criteria for the approval of undertakings referred to in Article 11(e) of Regulation (EU) No 1308/2013

1. Undertakings referred to in Article 11(e) of Regulation (EU) No 1308/2013 shall be approved only if they:

- (a) are approved in accordance with Article 4 of Regulation (EC) No 853/2004 and have the appropriate technical equipment;

- (b) undertake to keep permanent records in the form determined by the competent body of each Member State, listing the supplier and origin of the raw materials, the quantities of skimmed-milk powder, buttermilk and whey obtained and the packaging, identification and exit date of each production batch intended for public intervention;
 - (c) agree to submit their production of skimmed milk powder liable to be offered for intervention to a specific official inspection;
 - (d) undertake to inform the competent body, at least two working days in advance, of their intention to produce skimmed milk powder for public intervention; however, the Member State may set a shorter time limit.
2. To ensure compliance with this Regulation, the competent bodies shall carry out unannounced on-the-spot inspections, on the basis of the intervention skimmed milk powder production schedule of the undertakings concerned.

They shall carry out at least:

- (a) one inspection per period of 28 days of production for intervention with at least one inspection every year, to examine the records referred to in point 1(b);
 - (b) one inspection every year when skimmed milk powder is produced for intervention, to verify compliance with the other conditions for approval referred to in point 1.
3. Approval shall be withdrawn if the conditions laid down in point 1(a) are no longer satisfied. Approval may be re-granted at the request of the undertaking concerned after a period of at least six months, following a thorough inspection.

Except in cases of *force majeure*, where an undertaking is found not to have complied with one of its commitments as referred to in point 1(b), (c) and (d), approval shall be suspended for a period of between one month and 12 months depending on the seriousness of the irregularity.

The Member State shall not impose suspension where it is established that the irregularity was not committed deliberately or as a result of serious negligence and that it is of minor importance with regard to the effectiveness of the inspections provided for in point 2.

4. A report shall be drawn up on the inspections carried out pursuant to points 2 and 3, specifying:
- (a) the date of the inspection;
 - (b) the duration of the inspection;
 - (c) the operations carried out.

The report shall be signed by the inspector responsible.

ANNEX VI

QUALITY REQUIREMENTS FOR AID FOR PRIVATE STORAGE

Levels of radioactivity in the products eligible for aid for private storage may not exceed the maximum levels permitted, where applicable, under Union legislation. The level of radioactive contamination of the products shall be monitored only if the situation so requires, and during the requisite period.

I. Sugar

Sugar for which a tender or application is presented shall:

- (a) be white sugar in crystal form in bulk, or in big bags of 800 kg or more showing the net weight;
- (b) have a moisture content not exceeding 0,06 %.

Until the end of the 2016/2017 marketing year for sugar, it must have been produced within a quota of the marketing year in which the tender or application is made with the exclusion of white sugar withdrawn or carried forward.

II. Flax fibre

Aid shall only be granted for long flax fibre obtained by complete separation of the fibres and the woody parts of the stalk that are at least 50 cm long on average after scutching and are arranged in parallel strands in bundles, sheets or slivers and for which the minimum quantity for applications or tenders for aid is of 2 000 kg.

Long flax fibres shall be stored in bales on which may be encoded, where appropriate:

- (a) the number identifying the factory and the Member State of production;
- (b) the date of entry into storage;
- (c) the net weight.

III. Meat

Aid shall only be granted for:

- (a) beef classified in accordance with the Union scale for the classification of carcasses laid down in Commission Regulation (EC) No 1249/2008 ⁽¹⁾, and identified in accordance with Article 6(3) of that Regulation;
- (b) carcasses of lambs less than 12 months old and cuts thereof;
- (c) meat from animals raised in the Union for a minimum period of the last three months in case of beef, two months in case of pigmeat and sheepmeat and goatmeat and slaughtered not more than 10 days before being placed in storage. In the case of pigs slaughtered younger than two months of age, the meat shall come from animals raised in the Union since their birth;
- (d) meat from animals that have been slaughtered in accordance with Regulation (EC) No 853/2004 and Regulation (EC) No 854/2004 of the European Parliament and of the Council;
- (e) meat from animals with no characteristics rendering them unfit for storage or subsequent use;
- (f) meat from animals not slaughtered as a result of emergency measures;
- (g) meat in the fresh state and stored in the frozen state.

⁽¹⁾ Commission Regulation (EC) No 1249/2008 of 10 December 2008 laying down detailed rules on the implementation of the Community scales for the classification of beef, pig and sheep carcasses and the reporting of prices thereof (OJ L 337, 16.12.2008, p. 3).

IV. Butter

Aid shall only be granted for butter:

- (a) with a minimum milkfat content, by weight, of 80 %, a maximum milk solids-non-fat content, by weight, of 2 % and a maximum water content, by weight, of 16 %;
- (b) produced during the 60 days preceding the day of application or the day of submission of the tender.

The packaging of the butter shall show the net weight. In addition, the rules on packaging of butter in Part II of Annex IV to Implementing Regulation (EU) 2016/1240 shall apply, with the exception of the obligation to indicate the term 'sweet cream' where the butter has a pH of 6,2 or higher.

Compliance with the origin requirement can be substantiated by proof that the butter was produced in an undertaking approved in accordance with point 1(a), (b) and (c) of Part III of Annex IV to this Regulation, or by another appropriate proof issued by the competent authority of the Member State of production testifying compliance with that requirement.

Where the butter has been produced in a Member State other than the one in which the storage contract is concluded, the Member State of production shall provide such assistance as may be requested by the Member State in which the contract is concluded in order to verify the origin of the product.

V. Cheese

Aid shall only be granted for cheese benefiting from a protected designation of origin (PDO) or from a protected geographical indication (PGI) which on the day when the storage contract commences has a minimum age corresponding to the period of maturation laid down in the product specification referred to in Article 7 of Regulation (EU) No 1151/2012 of the European Parliament and of the Council ⁽¹⁾ for that cheese as it will be marketed after the storage under contract increased by the maturing period beyond this period that contributes to increasing the value of the cheese.

Where a period of maturation is not laid down in the product specification referred to in Article 7 of Regulation (EU) No 1151/2012, the cheese shall on the day when the storage contract starts have a minimum age corresponding to any period of maturation that contributes to increasing the value of the cheese.

Furthermore, the cheese shall comply with the following requirements:

- (a) it is indelibly marked with an indication, which may be encoded, of the undertaking in which it was manufactured and with the date of manufacture;
- (b) it is stored as whole cheese in the Member State where the cheese is produced and in which it qualifies to bear the PDO or PGI under Regulation (EU) No 1151/2012; and
- (c) it has not been the subject of a previous storage contract.

The storekeeper shall keep a register in which the particulars referred to in point (a) of the third paragraph are entered on the date of entry into store.

VI. Skimmed milk powder

Aid shall only be granted for skimmed milk powder:

- (a) which contains no more than 1,5 % fat and 5 % water and has a protein content of the non-fat dry matter of at least 34 %;
- (b) has been produced during the 60 days preceding the day of application or the day of submission of the tender;
- (c) which is stored in bags with a net weight of 25 kg or in 'big bags' weighing no more than 1 500 kg.

⁽¹⁾ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

The bags shall show the net weight. In addition, the rules in points 2 and 3 of Part II of Annex V to Implementing Regulation (EU) 2016/1240 on the delivery and packaging of skimmed milk powder shall apply, with the exception of the obligation to indicate the term 'spray skimmed milk powder' on the bags.

Compliance with the origin requirement can be substantiated by proof that the skimmed milk powder was produced in an undertaking approved in accordance with point 1(a), (b) and (c) of Part III of Annex V to this Regulation, or by another appropriate proof issued by the competent authority of the Member State of production testifying compliance with that requirement.

Where the skimmed milk powder has been produced in a Member State other than the one in which the storage contract is concluded, the Member State of production shall provide such assistance as may be requested by the Member State in which the contract is concluded in order to verify the origin of the product.

ANNEX VII

**CONDITIONS APPLICABLE TO OPERATORS SUBMITTING A TENDER FOR AID FOR PRIVATE STORAGE
OR AN APPLICATION FOR AID FOR PRIVATE STORAGE IN THE OLIVE OIL SECTOR**

Olive oil operators shall fall into one of the following categories:

- (a) a producer organisation or an association of producer organisations that has been recognised under the national legislation in force of the Member State concerned;
- (b) a mill extracting olive oil that fulfils the requirements laid down by the Member State concerned;
- (c) an olive oil packaging firm that fulfils the requirements laid down by the Member State concerned.

If an olive oil operator fails to comply with the obligations set out in this Regulation or in Regulations (EU) No 1305/2013 of the European Parliament and of the Council ⁽¹⁾, (EU) No 1307/2013 of the European Parliament and of the Council ⁽²⁾ or (EU) No 1308/2013, it shall not be eligible to submit a tender or an application for aid for private storage within 12 months from the date on which the reasons for such non-compliance have been remedied.

Such action shall not be taken in cases referred to in points (a) to (d) of Article 64(2) of Regulation (EU) No 1306/2013 or if the non-compliance was of a minor nature.

⁽¹⁾ Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).

⁽²⁾ Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (OJ L 347, 20.12.2013, p. 608).

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1239**of 18 May 2016****laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the system of import and export licences****(Text with EEA relevance)**

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 Article 178 and Article 223(3)(a), (b), and (c) thereof,

Whereas:

- (1) Regulation (EU) No 1308/2013 repealed and replaced Council Regulation (EC) No 1234/2007 ⁽²⁾ and lays down rules regarding import and export licences for agricultural products. It also empowers the Commission to adopt delegated and implementing acts in that respect. In order to ensure the smooth functioning of the system of import and export licences in the new legal framework, certain rules have to be adopted by means of such acts. As the aim of those acts is to simplify and adapt the provisions applicable to the system of import and export licences to the new legal framework established by Regulation (EU) No 1308/2013, Commission Delegated Regulation (EU) 2016/1237 ⁽³⁾ amends Commission Regulations (EC) No 2535/2001 ⁽⁴⁾, (EC) No 1342/2003 ⁽⁵⁾, (EC) No 2336/2003 ⁽⁶⁾, (EC) No 951/2006 ⁽⁷⁾, (EC) No 341/2007 ⁽⁸⁾ and (EC) No 382/2008 ⁽⁹⁾ and repeals Commission Regulations (EC) No 2390/98 ⁽¹⁰⁾, (EC) No 1345/2005 ⁽¹¹⁾, (EC) No 376/2008 ⁽¹²⁾ and (EC) No 507/2008 ⁽¹³⁾.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ 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) (OJ L 299, 16.11.2007, p. 1).

⁽³⁾ Commission Delegated Regulation (EU) 2016/1237 of 18 May 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the rules for applying the system of import and export licences and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the rules on the release and forfeit of securities lodged for such licences, amending Commission Regulations (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 951/2006, (EC) No 341/2007 and (EC) No 382/2008 and repealing Commission Regulations (EC) No 2390/98, (EC) No 1345/2005, (EC) No 376/2008 and (EC) No 507/2008 (see page 1 of this Official Journal).

⁽⁴⁾ Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas (OJ L 341, 22.12.2001, p. 29).

⁽⁵⁾ Commission Regulation (EC) No 1342/2003 of 28 July 2003 laying down special detailed rules for the application of the system of import and export licences for cereals and rice (OJ L 189, 29.7.2003, p. 12).

⁽⁶⁾ Commission Regulation (EC) No 2336/2003 of 30 December 2003 introducing certain detailed rules for applying Council Regulation (EC) No 670/2003 laying down specific measures concerning the market in ethyl alcohol of agricultural origin (OJ L 346, 31.12.2003, p. 19).

⁽⁷⁾ Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector (OJ L 178, 1.7.2006, p. 24).

⁽⁸⁾ Commission Regulation (EC) No 341/2007 of 29 March 2007 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries (OJ L 90, 30.3.2007, p. 12).

⁽⁹⁾ Commission Regulation (EC) No 382/2008 of 21 April 2008 on rules of application for import and export licences in the beef and veal sector (OJ L 115, 29.4.2008, p. 10).

⁽¹⁰⁾ Commission Regulation (EC) No 2390/98 of 5 November 1998 laying down detailed rules for the application of Council Regulation (EC) No 1706/98 as regards the arrangements for importing certain cereal substitute products and processed cereal and rice products originating in the African, Caribbean and Pacific States or in the overseas countries and territories and repealing Regulation (EEC) No 2245/90 (OJ L 297, 6.11.1998, p. 7).

⁽¹¹⁾ Commission Regulation (EC) No 1345/2005 of 16 August 2005 laying down detailed rules for the application of the system of import licences for olive oil (OJ L 212, 17.8.2005, p. 13).

⁽¹²⁾ Commission Regulation (EC) No 376/2008 of 23 April 2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products (OJ L 114, 26.4.2008, p. 3).

⁽¹³⁾ Commission Regulation (EC) No 507/2008 of 6 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 1673/2000 on the common organisation of the markets in flax and hemp grown for fibre (OJ L 149, 7.6.2008, p. 38).

- (2) With a view of sound and uniform administration of the licensing system it is appropriate to lay down common provisions as regards application for and issue of licences.
- (3) In order to unambiguously identify an applicant for a licence and a titular holder of a licence, the Economic Operators Registration and Identification (EORI) number should be used for this purpose.
- (4) It is necessary to establish the appropriate level of the security for the licences to be issued, so as to guarantee that the products will be imported or exported during the period of validity of the licence.
- (5) It should be possible to issue extracts of licences that have the same effect as the licences from which they are extracted, so that several operations can be carried out at the same time under one licence.
- (6) It is necessary to lay down periods of validity of the import and export licences. This validity can vary for specific products and has to be fixed in order to define when the obligation to export or import is to be fulfilled.
- (7) In view of international trade practice in respect of the agricultural products concerned, level of tolerances should be defined with regard to the quantity of products imported or exported as compared with the quantity indicated on the licence.
- (8) The import and export licence constitutes a right and give rise to an obligation to release for free circulation or to export. It is necessary to define when the undertaking to export or import is fulfilled and how to prove it.
- (9) It is appropriate to lay down provisions on the procedure to be followed when a licence is destroyed or lost.
- (10) In order to reduce the administrative burden in those cases where the amount of security required for a licence is relatively small, a threshold should be fixed under which no security is required.
- (11) In order to reduce the administrative burden it is appropriate to set out maximum quantities for specific products for which a licence is not required.
- (12) Action should be taken in cases where the obligation to import or export is not fulfilled, especially in cases of recognised force majeure. In such cases that obligation may be considered cancelled or the period of validity of the licence may be extended.
- (13) It is necessary to lay down some additional notification requirements for import licences for hemp, garlic and ethyl alcohol of agricultural origin in order to take into consideration the specificities of those sectors.
- (14) Taking into consideration the need of a smooth transition from the current rules to those being introduced by this Regulation, some transitional provisions should be adopted.
- (15) 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

Definitions

For the purposes of this Regulation, the definitions of ‘declarant’ as set out in Article 5(15), and ‘risk management’ as set out in Article 5(25) of Regulation (EU) No 952/2013 of the European Parliament and of the Council ⁽¹⁾ and of ‘exporter’ as set out in Article 1(19) of Commission Delegated Regulation (EU) 2015/2446 ⁽²⁾ shall apply. In addition, the definitions laid down in Article 1 of Delegated Regulation (EU) 2016/1237 shall apply.

⁽¹⁾ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

⁽²⁾ Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).

*Article 2***Application for and issue of licences**

1. Licences shall be applied for and issued via information technology application ('IT applications') respecting the integrity and quality standards as set out in Section 3 B of Annex I to Commission Delegated Regulation (EU) No 907/2014 ⁽¹⁾.

Where no such IT applications are available or effective, and as fall-back for failure of IT applications, licences may also be applied for and issued, using a print of the model as set out in Annex I to this Regulation, and taking account of the instructions set out in that Annex.

2. The names and addresses of the authorities competent for receiving the application and issuing the licence shall be published on the official website of those authorities, or on the official website dealing with agricultural trade of each Member State.

3. Applications and licences shall be completed and issued in typed format in one of the official languages of the Union, as specified by the competent authorities of the issuing Member State.

4. The competent authorities of the Member States may, where necessary, require that non-harmonised texts in applications for licences or accompanying documents be translated at the cost of the applicant into the official language or one of the official languages of the Member State concerned.

5. The licence application shall be filled in in accordance with the purpose of the licence and as set out in the notice on import and export licences for agricultural products ⁽²⁾.

6. The licence issuing authority shall not accept applications that are not in accordance with the relevant Union rules. It shall issue the licence without delay, using the accepted information as filled in by the applicant, and completing the information as set out in the notice on import and export licences for agricultural products. On paper copies the licence issuing authorities shall validate their issuing by signature and by means of a stamp, or an embossing press. Electronic copies shall be validated in accordance with the standards referred to in paragraph 1.

*Article 3***Deadlines**

1. By way of derogation from Article 5 of Council Regulation (EEC, Euratom) No 1182/71 ⁽³⁾ the day an application for a licence is lodged shall be deemed to be the working day on which it is received by the licence issuing authority, provided that it has been received not later than 13.00 hours Brussels time.

An application received after 13.00 hours Brussels time on a working day shall be deemed to have been lodged on the first working day following the day on which it was actually received.

2. A request for cancellation of an application for a licence may only be made in electronic or written form, to be received by the licence issuing authority by 13.00 hours Brussels time on the day the application is received.

⁽¹⁾ Commission Delegated Regulation (EU) No 907/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro (OJ L 255, 28.8.2014, p. 18).

⁽²⁾ Notice on import and export licences (OJ C 278, 30.7.2016).

⁽³⁾ Regulation (EEC, Euratom) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits (OJ L 124, 8.6.1971, p. 1).

3. Where in this Regulation a period for procedures is set, and the opening or closing date is a Saturday, Sunday, or public holiday as defined in Regulation (EEC, Euratom) No 1182/71:

- (a) the applicable opening date shall be the following working day and shall start at 0.00 hours, taking account of official office opening hours;
- (b) by way of derogation from Article 3(2)(b) and 4 of that Regulation, the applicable closing date shall be the following working day and shall end at 13.00 hours Brussels time.

The first subparagraph shall apply to official national and regional holidays duly published by the Member State, as appropriate.

Article 4

Economic Operators Registration and Identification number

1. The Economic Operators Registration and Identification number ('EORI number') assigned to the applicant, titular holder or transferee pursuant to Article 9 of Regulation (EU) No 952/2013 shall be inserted in Section 4 or, where applicable, Section 6 of the application and the licence.

Applicants or licence issuing authorities may, on the basis of national instructions, mention the EORI number of the applicant, titular holder or transferee in Section 20, provided that the name or identity number in Section 4 or 6 links to the EORI number in Section 20.

2. Where products are declared for release for free circulation or export by a customs representative as referred to in Article 18 of Regulation (EU) No 952/2013, the EORI number of the titular holder or transferee shall be mentioned in the appropriate data element of the electronic customs declaration.

Article 5

Amount of the security

1. Where a security is required in accordance with Article 4(1) of Delegated Regulation (EU) 2016/1237, the amount of the security shall be as set out in Annex II to this Regulation.

2. Where the amounts resulting from the conversion of euro into sums in national currency to be entered on licences contain decimal places, the amount of the security shall be rounded to the first lower amount in whole national currency.

Article 6

Extracts

1. Where the quantity indicated on a licence is to be subdivided for procedural or logistic reasons, or if the titular holder or transferee needs to use a licence issued in electronic format in one Member State, in another Member State not connected to the issuing Member States' IT applications, the licence issuing authority may, at the request of the titular holder or transferee, issue extracts from licences ('extracts').

2. Extracts shall have the same legal effects as the licences from which they are extracted, within the limits of the quantity in respect of which such extracts are issued.
3. The procedures for the application for licences and the issuing and return thereof shall also apply to extracts. The licence issuing authority may provide for simplified application procedures.
4. The licence issuing authority shall deduct the quantity indicated in the extract from the original licence quantity, where applicable increased by the tolerance, and the word 'extract' shall be entered on the original licence beside that deducted quantity.
5. Extracts shall be issued without delay and at no additional cost, either in electronic format, or in printed format using the model set out in Annex I.
6. No further extract may be made of an extract.
7. The titular holder shall return the holder's copy of the extract which has been used or expired to the licence issuing authority, together with the titular holder's copy of the original licence.

Article 7

Period of validity

1. For the products listed in Annex II, the period of validity of the licences shall be as set out in that Annex.
2. A licence shall be valid from its actual day of issue as indicated in Section 25 of the import licence or Section 23 of the export licence as validated by the licence issuing authority's code or stamp. That day shall be included in the calculation of the period of validity of the licence.

If pursuant to specific legislation another starting date of the period of validity applies, the licence issuing authority shall additionally indicate that date preceded by the words 'valid from' in the boxes of the licences referred to in the first subparagraph.

Article 8

Tolerance and rounding

1. The positive or negative tolerance referred to in Article 5(4) of Delegated Regulation (EU) 2016/1237 shall be no more than 5 %.
2. When calculating quantities, the following rounding rules shall apply:
 - (a) where the first decimal is five or more, the quantity shall be rounded up to the first higher unit of measurement referred to in Section 17 of the licence. Where the first decimal is less than five, the decimal quantity shall be deleted;
 - (b) for headage-based quantities, quantities shall be rounded to the next greater whole number of head.

*Article 9***Customs declaration**

1. The customs declaration shall refer to the licence or extract using a specific code and the licence issue number indicated in its Section 25 of the import licence or Section 23 of the export licence, as set out in Title II of Annex B to Commission Implementing Regulation (EU) 2015/2447 ⁽¹⁾, or, where applicable, in accordance with Annex I, point 4, in Section 2.

2. The IT applications of the licence issuing authority may provide direct access for the customs office to the electronic licence or extract. If direct access is not available, the declarant or the licence issuing authority shall send the licence or extract to the customs office in electronic format.

If the IT applications of the licence issuing authority or customs office are not suited for applying the first subparagraph, licences or extracts may be sent in paper format.

3. The declarant shall submit the titular holder's copy of the paper licence or extract to the customs office, or hold it at the disposal of the customs authorities in accordance with Article 163 of Regulation (EU) No 952/2013.

*Article 10***Attribution and endorsements**

1. The rules on the procedure for the issue of electronic licences shall designate the authority that is to indicate the quantity released for free circulation or exported on the licence, and specify how the declarant and the licence issuing authority get access to that information.

2. On a paper licence, the customs office shall indicate and validate the quantity released for free circulation or exported, or if provided by national administrative rules, validate the quantity indicated by the declarant, in Sections 29 and 30 of the titular holder's copy, endorse it, and return that copy to the declarant, or, if specific legislation requires so, return that copy to the licence issuing authority.

3. Where the quantity released for free circulation or exported does not correspond to the quantity indicated on the licence, customs shall correct the entry on the licence by indicating the actual quantity within the limits of the quantity available on the licence.

4. If the space for making attributions on paper licences or extracts is not sufficient, the authorities may attach extension pages, validated through allongement stamping.

5. The date of attribution shall be the date of acceptance of the declaration for release for free circulation or for export.

6. Member States shall decide which authority carries out the functions referred to in this Article for electronic licences, and they shall publish that information on their public website.

⁽¹⁾ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).

*Article 11***Transfer**

In the event of a request for transfer by the titular holder, the transferee's data and the date of the relevant entry shall be entered on the licence in accordance with the notice for import and export licences for agricultural products. The transfer shall be validated by the licence issuing authority.

In the event of a transfer back to the titular holder, the licence issuing authority shall validate the transfer back and its date on the licence in accordance with the notice on import and export licences for agricultural products.

The transfer or transfer back shall take effect from the date of validation by the licence issuing authority.

*Article 12***Deposit**

1. Member States may authorise the licence to be kept in deposit at the licence issuing authority, the paying agency or customs, or to stay available in the IT applications.

2. The licence issuing authority shall determine the cases in which deposit of a licence at the authorities involved in the procedure for release for free circulation or for export shall apply, and the conditions to be met by the titular holder or transferee.

3. Member States shall designate the authority involved in the system of deposit that is to carry out the functions referred to in Article 10 and they shall publish that information on their public website.

4. In box 44 of the paper customs declaration or in the appropriate data element of the electronic customs declaration the declarant shall add the words 'in deposit' to the licence issuing number. For electronic licences Member States may waive this obligation or apply a special code for this purpose.

*Article 13***Integrity and control of the licence, mutual assistance**

1. Entries made on licences or extracts may not be altered after their issue.

2. Where a competent customs authority has a doubt on the accuracy of entries on the licence or extract, it shall return the licence or extract to the licence issuing authority. Where a licence issuing authority has a doubt on the accuracy of entries on the licence or extract, it shall return the licence or extract to the competent customs authority.

The first subparagraph shall not apply where it concerns minor or evident errors which the licence issuing authority or competent customs authority can remedy by applying the legislation correctly.

3. If the licence issuing authority considers a correction necessary, it shall withdraw the licence or extract and shall issue a duly corrected licence or extract without delay.

4. For electronic licences or extracts, the licence issuing authority shall validate the corrected version, which shall replace the original version. On paper licences or extracts, the licence issuing authority shall include the entry 'licence corrected on ...' or 'extract corrected on ...' Any former entries shall be reproduced on each copy.

5. Where the licence issuing authority does not consider a correction necessary, it shall confirm this in the IT applications. For paper licences and extracts, the licence issuing authority shall mark its confirmation of correctness on the licence or extract by its endorsement 'verified on date' and put its stamp, initials and date, or apply a similar method.

6. At the request of the licence issuing authority, the titular holder or transferee shall return the licence or extract.

Where on the basis of risk management there is a need to verify, or a doubt concerning the authenticity of a paper licence or extract, or entries or endorsements thereon, the authority concerned shall return the licence or extract, or a photocopy thereof, to the competent authorities responsible for checking.

The request for verification and the reply of the result shall be communicated by electronic means in accordance with Council Regulation (EC) No 515/97 ⁽¹⁾ using the standard form as set out in the notice on import and export licences for agricultural products. Authorities may agree on further simplification including direct consultations using the customs office list (COL) published on the Commission's official web-site. ⁽²⁾

The requested authority shall ensure that a reply to the requesting authority is sent within 20 calendar days when the authorities are established in the same Member State. Where different Member States are involved, the reply shall be sent within 60 calendar days.

7. Where a licence or extract is returned, the competent authority shall on request give a receipt to the party concerned, or note and stamp a date of receipt on a photo-copy produced by the party concerned.

Article 14

Fulfilment of the obligation and proof

1. The security for a licence shall be released if the obligations referred to in Article 24 of Delegated Regulation (EU) No 907/2014 and this Article have been fulfilled.

2. The right to have the products released for free circulation or to export shall be considered to have been exercised, and the corresponding obligation shall be considered to have been fulfilled, on the day the relevant customs declaration is accepted within the period of validity of the licence and provided that:

(a) in case of release for free circulation, the products are actually released for free circulation;

(b) in case of export, the products have left the customs territory of the Union within 150 calendar days from the day of acceptance of the customs declaration.

3. Proof of the fulfilment of the obligation to have the products released for free circulation shall be the titular holder's or transferee's copy of the licence or extract, duly endorsed by customs, or its electronic equivalent.

4. Proof of the fulfilment of the obligation to export shall be:

(a) the titular holder's or transferee's copy of the licence or extract, duly endorsed by customs, or its electronic equivalent; and

(b) the exit certification by the customs office of export to the exporter or the declarant referred to in Article 334 of Implementing Regulation (EU) 2015/2447.

⁽¹⁾ Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (OJ L 82, 22.3.1997, p. 1).

⁽²⁾ http://ec.europa.eu/taxation_customs/dds2/col/col_home.jsp?Lang=en&Screen=0

5. The proof referred to in point (b) of paragraph 4 shall be provided and checked as follows:
- (a) the exporter or declarant referred to in point (b) of paragraph 4 shall transfer the exit certification to the titular holder, and the titular holder shall submit the proof in electronic format to the licence issuing authority. If the exit certification is annulled due to corrections by the customs office of exit, the customs office of export shall inform the exporter or his customs representative, and the exporter or his customs representative shall inform the titular holder, who shall inform the licence issuing authority accordingly;
 - (b) the procedure set out in point (a) shall include submission of the Master Reference Number (MRN) concerned as defined in Article 1(22) of Delegated Regulation (EU) 2015/2446 to the licence issuing authority
 - if more than one Member State is involved in the export procedure, or
 - if the customs office of export is in another Member State than that of the licence issuing authority, or
 - if the MRN is used in the export procedure completed within the Member State where the export declaration was lodged;
 - (c) the licence issuing authority shall check the information received, including the correctness of the date of exit of the customs territory of the Union, on the basis of risk management. If the MRN and the MRN databank ⁽¹⁾ do not enable appropriate checks, customs shall, at the licence issuing authority's request and on the basis of the MRN concerned, either confirm or correct the date of exit.

If the customs office of export is established in another Member State than the licence issuing authority, the procedures set out in the second subparagraph of Article 13(6) apply *mutatis mutandis*.

Authorities may agree that the procedures set out in the first subparagraph are carried out directly between the authorities concerned. Licence issuing authorities may arrange simplified procedures for the purposes of point (a).

6. The proof of having the products released for free circulation must be received by the licence issuing authority within 60 calendar days of the expiry of the period of validity of the licence.

The proof of export and exit of the customs territory of the Union must be received by the licence issuing authority within 180 calendar days after the expiry of the licence.

If the periods provided for in the first and second subparagraphs cannot be respected due to technical problems, the licence issuing authority may, at the request and proof of the titular holder, extend those periods, if necessary *ex post*, up to a maximum of 730 calendar days, taking account of Article 23(4) of Delegated Regulation (EU) No 907/2014.

7. The licence issuing authorities may waive the obligation to provide the proof referred to in paragraphs 2, 3 and 4 if they are already in possession of the necessary information.

Article 15

Replacement and duplicate licences or extracts

1. Where a paper licence or extract issued for products referred to in Article 2(1)(a) or (2)(a) of Delegated Regulation (EU) 2016/1237 is partly or totally destroyed, or lost, the titular holder or transferee may request the licence issuing authority to issue a replacement licence or extract. The replacement licence or extract substitutes the original licence or extract, including all rights and obligations concerned.

⁽¹⁾ http://ec.europa.eu/taxation_customs/dds2/ecs/ecs_home.jsp?Lang=en

For replacement licences under this paragraph a security shall be lodged as set out in Article 5.

If the lost or partially destroyed original licence is found, the titular holder shall return the original licence to the licence issuing authority, who shall release the remaining security for the original licence forthwith.

2. A replacement licence or extract may only be issued once and for the period of validity and the balance of quantity remaining available for the original licence or extract.

A replacement licence or extract shall not be issued where the issue of licences or extracts for the product in question is suspended or where it concerns an import or export tariff rate quota.

3. The security for the replacement licence, together with the security for the original licence if it was not found, shall be released in accordance with Article 14.

4. Where the request concerns a partly or totally destroyed licence or extract issued for products other than those referred to in Article 2(1)(a) and (2)(a) of Delegated Regulation (EU) 2016/1237, the following conditions shall apply:

- (a) the titular holder or transferee shall prove the total or partial destruction to the satisfaction of the licence issuing authority;
- (b) the replacement licence or extract shall not be issued if the titular holder or transferee has failed to show that he has taken reasonable precautions to prevent the destruction of the licence or extract, or where the evidence provided by the titular holder is unsatisfactory;
- (c) the security to be lodged for the replacement licence or extract shall be 150 % of the security for the original licence, with a minimum of 3 EUR per 100 kilograms or per hectolitre or head, taking account of the balance of the quantity remaining available at the moment of destruction, and of the positive tolerance, if applicable. The balance of security available for the original licence may be used when lodging the security for the replacement licence. Any excess of the security for the original licence compared to the security for the replacement licence, taking into account the remaining available quantity shall be released immediately.

5. When replacement licences or extracts are issued, the licence issuing authority shall immediately notify the Commission of:

- (a) the licence issuing number of replacement licences or extracts issued and the licence issuing number of replaced licences or extracts;
- (b) the products concerned with their Combined Nomenclature code ('CN code') and their quantity.

The Commission shall inform the Member States thereof.

6. Where a paper licence or extract is lost or destroyed, and the lost or destroyed document has been used wholly or in part, for the sole purpose of releasing the still outstanding security concerning the release for free circulation or export which were already registered on the original licence, the following conditions shall apply:

- (a) the titular holder or transferee may request the licence issuing authority to issue a duplicate licence or extract to be drawn up and endorsed in the same way as the original document. A duplicate licence or extract may only be issued once;
- (b) the licence issuing authority may supply the titular holder or transferee with a duplicate licence or extract, clearly marked 'duplicate' on each copy;
- (c) the duplicate licence or extract shall be presented to the customs authority competent for the declaration for release for free circulation, or export, where that declaration was accepted under the lost licence or extract. That customs authority shall make entries on and endorse the duplicate concerning the release for free circulation or export carried out under the original licence or extract.

Article 16

Force majeure

1. The competent authority of the Member State that has issued the licence or extract may recognise a case of *force majeure* taking account of Article 50 of Commission Implementing Regulation (EU) No 908/2014 ⁽¹⁾ and decide to:

- (a) either cancel the obligation to have the products and quantity indicated on the licence be released for free circulation or exported during the period of validity of the licence, as referred to in Article 14(1) of this Regulation, and release the security, or extend the period of validity of the licence by a period of maximum 180 days following the expiry of the original period of validity of the licence, taking account of the circumstances of the case; or
- (b) extend the period for the submission of the proof of release for free circulation or export as referred to in Article 14(6) of this Regulation, within the limits set by that provision, without partial forfeiture of the security.

A decision taken pursuant point (a) shall relate only to the quantity of products that could not be released for free circulation or exported as a result of *force majeure*.

2. In their notification pursuant to Article 50(4) of Implementing Regulation (EU) No 908/2014, the competent authorities shall inform the Commission of the products concerned with their CN code and of the quantities involved and indicate whether it concerns release for free circulation or export and whether it concerns a cancellation of the licence or an extension of either the period of validity of the licence or the period for the submission of the proof of release for free circulation or export, specifying the new period. The Commission shall inform the other competent authorities thereof through its dedicated website accessible for licence issuing and customs authorities.

3. If pending a decision on *force majeure* the titular holder or transferee expresses the need to further use the licence in relation to the quantity for which *force majeure* is not requested, the licence issuing authority shall issue an extract for that balance, marked with information as set out in the notice on import and export licences for agricultural products.

That extract shall not be transferable.

Article 17

Information and notifications relating to hemp

1. For control purposes regarding the operations referred to in Article 9(4) of Delegated Regulation (EU) 2016/1237, where the operations are carried out in a Member State different from the one where the importer is authorised for importing hemp seeds other than for sowing, the authority having granted the authorisation shall send the competent authority of the other Member State copies of the documents concerning the operations carried out on the latter's territory and submitted by authorised importers.

Where irregularities are discovered during the checks referred to in the fourth subparagraph of Article 9(4) of Delegated Regulation (EU) 2016/1237, the competent authority of the Member State concerned shall inform the authority competent for granting the authorisation in the Member State where the importer concerned is authorised.

2. Member States shall notify the Commission of the provisions adopted for the application of Article 9(1), (2), and (3), of Delegated Regulation (EU) 2016/1237 and of the first, second, and third subparagraphs of paragraph 4 of that Article.

⁽¹⁾ Commission Implementing Regulation (EU) No 908/2014 of 6 August 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, rules on checks, securities and transparency (OJ L 255, 28.8.2014, p. 59).

No later than 31 January each year the competent authorities shall notify the Commission of the penalties imposed or steps taken as a result of irregularities discovered during the preceding marketing year.

The competent authorities shall send the Commission the names and addresses of the authorities responsible for the checks referred to in the fourth subparagraph of Article 9(4) of Delegated Regulation (EU) 2016/1237. The Commission shall forward those names and addresses to the competent authorities of the other Member States.

Article 18

Notifications relating to garlic

Member States shall notify the Commission of the total quantities covered by 'B' licence applications by Wednesday of each week in respect of applications received the previous week.

The quantities concerned shall be broken down by day of import licence application, origin and CN code. For products other than garlic as set out in Sections E and F of Annex II, the name of the product, as shown in Section 14 of the import licence application, shall also be communicated.

Article 19

Notifications relating to import licences for ethyl alcohol of agricultural origin

1. Member States shall notify the Commission each Thursday, or the first working day thereafter if the Thursday is a public holiday, of the quantities of the products referred to in Section H of Part I of Annex II for which import licences have been issued during the previous week broken down by CN code and by country of origin.
2. If a Member State considers that the quantities for which import licences have been requested in that Member State risk disturbing the market, that Member State shall immediately inform the Commission specifying the quantities by types of product concerned. The Commission shall examine the situation and shall inform the Member States thereof.

Article 20

Exchange of information and notifications to the Commission

1. Where necessary for the proper application of this Regulation, the competent authorities shall exchange information on licences and extracts and on irregularities and infringements relating thereto.
2. The competent authorities shall inform the Commission as soon as they have knowledge of irregularities and infringements with regard to this Regulation.
3. Member States shall notify information on the Uniform Resource Locator (URL) of the web address of the authorities competent for receiving applications and issuing licences and extracts as referred to in Article 2(2) to the Commission, and shall keep that information updated and send it again when necessary. The Commission shall publish the URLs concerned on its public website.
4. Member States shall notify the Commission of impressions of the official stamps and, where appropriate, of the embossing presses used by authorities. The Commission shall immediately inform the other Member States thereof on a secured website accessible only for Member States' authorities.

5. The notifications to the Commission referred to in this Regulation shall be made in accordance with Commission Regulation (EC) No 792/2009 ⁽¹⁾.

Article 21

Transitional provisions

1. The competent authorities may continue using paper versions of the models provided for in Article 17 of Regulation (EC) No 376/2008 as set out in Annex I to that Regulation for applications and for issuing licences until existing stocks have been exhausted. In any case, applications and licences generated pursuant to Article 3(1) of this Regulation in another Member State in accordance with the model set out in Annex I to this Regulation shall be acceptable in any phase of the procedure.

2. The proof of exit of the customs territory of the Union provided for in Article 14(4)(b) and (5) shall be accepted in all cases where such proof should have been produced using the T5 control copy as referred to in Article 912a-912g of Regulation (EEC) No 2454/93 ⁽²⁾.

Article 22

Entry into force and application

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 6 November 2016.

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

Done at Brussels, 18 May 2016.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments' regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands (OJ L 228, 1.9.2009, p. 3).

⁽²⁾ Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

ANNEX I

MODEL REFERRED TO IN ARTICLE 2(1)

INSTRUCTIONS FOR USE

1. Licence forms shall be made up in sets containing copy No 1, copy No 2 and the application, together with any extra copies of the licence, in that order.

However, the licence issuing authority may require applicants to complete an application form only, instead of the sets provided for in the first subparagraph.

2. Where, as a result of a Union measure, the quantity for which the licence is issued may be less than the quantity in respect of which application for a licence was initially made, the quantity applied for and the amount of the security relating thereto must be entered only on the application form.
3. Forms for extracts of licences shall be made up in sets containing copy No 1 and copy No 2, in that order.
4. In Section 2 the Member State issuing the document shall be indicated using the corresponding country code. The licence issuing authority may add numbers identifying the document.

Member State	Country code
Belgium	BE
Bulgaria	BG
Czech Republic	CZ
Denmark	DK
Germany	DE
Estonia	EE
Ireland	IE
Greece	EL
Spain	ES
France	FR
Croatia	HR
Italy	IT
Cyprus	CY
Latvia	LV
Lithuania	LT

Member State	Country code
Luxembourg	LU
Hungary	HU
Malta	MT
Netherlands	NL
Austria	AT
Poland	PL
Portugal	PT
Romania	RO
Slovenia	SI
Slovakia	SK
Finland	FI
Sweden	SE
United Kingdom	UK

5. At the time of their issue, licences and extracts may bear an issue number in Section 23 (export licence) or Section 25 (import licence) allocated by the licence issuing authority.
6. Applications, licences and extracts shall be completed in typescript or by computerised means.
7. The licence issuing authority may allow applications to be handwritten in ink and in block capitals.

27 ATTRIBUTIONS

Indicate the quantity available in part 1 of column 29 and the quantity attributed in part 2 thereof

28 Net quantity (net mass or other unit of measure stating the unit)		31 Customs document (form and No) or extract No and date of attribution	32 Name, Member State, stamp and signature of the attributing authority
29 In figures	30 In words for the quantity attributed		
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			

33 Extension pages to be attached hereto.

EUROPEAN UNION — IMPORT LICENCE AGRIM

2	1 Licence issuing authority (name and address)	2 Licence issuing authority's embossment and perforation (¹)	No
		3	
	4 Issued to (name, full address and Member State) ☐	5 Authority issuing the extract (name and address)	
	6 Rights transferred to:	7 Exporting country	Compulsory ☐ Yes ☐ No
		8 Country of origin	Compulsory ☐ Yes ☐ No
	with effect from _ _ _ _ Stamp of the licence issuing authority:	10 Date of lodging original licence application _ _ _ _	
2	13 PRODUCT TO BE IMPORTED	11 Total amount of security	
		12 LAST DAY OF VALIDITY _ _ _ _	
	14 Trade denomination		
	15 Description in accordance with the Combined Nomenclature (CN)	16 CN code(s)	
	17 Quantity (²) in figures	18 Quantity (²) in words	19 Tolerance % more
	20 Special particulars		
24 Special conditions			
25 Issued at: on _ _ _ _ under No Licence issuing authority's signature and stamp:		26 Term of validity extended until _ _ _ _ inclusive for (²) At _____ on _ _ _ _ Signature and stamp of licence issuing authority:	

(¹) To be completed if the signature and the stamp do not appear in Section 25.
(²) Net mass or other unit of measurement indicating unit.

EUROPEAN UNION — IMPORT LICENCE AGRIM

APPLICATION	1 Licence issuing authority (name and address)			
	4 Applicant (name, full address and Member State)			
			7 Exporting country	Compulsory ☐ Yes ☐ No
			8 Country of origin	Compulsory ☐ Yes ☐ No
			11 Total amount of security	
	13 PRODUCT TO BE IMPORTED			
(1) Net mass or other unit of measurement indicating unit.	14 Trade denomination			
	15 Description in accordance with the Combined Nomenclature (CN)		16 CN code(s)	
	17 Quantity (1) in figures	18 Quantity (1) in words		
	20 Special particulars			

Notes

Place and date:

Applicant's signature:

EUROPEAN UNION — EXPORT LICENCE AGREEMENT

1	1 Licence issuing authority (name and address)	2 Licence issuing authority's embossment and perforation ⁽¹⁾	☐ No
		3	
	4 Issued to (name, full address and Member State) ☐	5 Authority issuing the extract (name and address)	
	6 Rights transferred to:	7 Receiving country Compulsory ☐ Yes ☐ No	
	with effect from _ _ _ _ Stamp of the licence issuing authority:	10 Date of lodging original licence application _ _ _ _	
1	13 PRODUCT TO BE EXPORTED	11 Total amount of security	
		12 LAST DAY OF VALIDITY _ _ _ _	
		14 Trade denomination	
		15 Description in accordance with the Combined Nomenclature (CN)	16 CN code(s)
		17 Quantity ⁽²⁾ in figures	18 Quantity ⁽²⁾ in words
(1) To be completed if the signature and the stamp do not appear in Section 25. (2) Net mass or other unit of measurement indicating unit.	20 Special particulars		
	22 Special conditions		
	23 Issued at: on _ _ _ _ under No Licence issuing authority's signature and stamp:	24 Term of validity extended until _ _ _ _ inclusive for ⁽²⁾ At _____ on _ _ _ _ Signature and stamp of licence issuing authority:	

27 ATTRIBUTIONS Indicate the quantity available in part 1 of column 29 and the quantity attributed in part 2 thereof			
28 Net quantity (net mass or other unit of measure stating the unit)		31 Customs document (form and No) or extract No and date of attribution	32 Name, Member State, stamp and signature of the attributing authority
29 In figures	30 In words for the quantity attributed		
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			

33 Extension pages to be attached hereto.

EUROPEAN UNION — EXPORT LICENCE AGREEMENT

2	1 Licence issuing authority (name and address)	2 Licence issuing authority's embossment and perforation (¹)	No
		3	
	4 Issued to (name, full address and Member State) ☐	5 Authority issuing the extract (name and address)	
	6 Rights transferred to:	7 Receiving country Compulsory ☐ Yes ☐ No	
	with effect from _ _ _ _ Stamp of the licence issuing authority:	10 Date of lodging original licence application _ _ _ _	
2	13 PRODUCT TO BE EXPORTED	11 Total amount of security	
		12 LAST DAY OF VALIDITY _ _ _ _	
	14 Trade denomination		
	15 Description in accordance with the Combined Nomenclature (CN)	16 CN code(s)	
	17 Quantity (²) in figures	18 Quantity (²) in words	19 Tolerance % more
20 Special particulars			
22 Special conditions			
23 Issued at: on _ _ _ _ under No Licence issuing authority's signature and stamp:		24 Term of validity extended until _ _ _ _ inclusive for (²) At _____ on _ _ _ _ Signature and stamp of licence issuing authority:	

(¹) To be completed if the signature and the stamp do not appear in Section 23.
(²) Net mass or other unit of measurement indicating unit.

EUROPEAN UNION — EXPORT LICENCE AGREEMENT

APPLICATION	1 Licence issuing authority (name and address)			
	4 Applicant (name, full address and Member State)			
			7 Receiving country	
			Compulsory	
			☐ Yes ☐ No	
11 Total amount of security				
13 PRODUCT TO BE EXPORTED				
(1) Net mass or other unit of measurement indicating unit.	14 Trade denomination			
	15 Description in accordance with the Combined Nomenclature (CN)		16 CN code(s)	
	17 Quantity ⁽¹⁾ in figures	18 Quantity ⁽¹⁾ in words		
	20 Special particulars			

Notes

Place and date:

Applicant's signature:

ANNEX II

PART I

LICENSING OBLIGATION — FOR IMPORTS

List of products referred to in Article 2(1)(a) of Delegated Regulation (EU) 2016/1237

A. **Rice** (Article 1(2)(b) and Part II of Annex I to Regulation (EU) No 1308/2013)

CN code	Description	Amount of the security	Period of validity
1006 20	Husked (brown) rice, including products imported under tariff quotas as referred to in Article 2(1)(c) of Delegated Regulation (EU) 2016/1237	30 EUR/t	until the end of the second month following the month of the day of issue of the licence, in accordance with Article 7(2)
1006 30	Semi-milled or wholly milled rice, whether or not polished or glazed, including products imported under tariff quotas as referred to in Article 2(1)(c) of Delegated Regulation (EU) 2016/1237	30 EUR/t	until the end of the second month following the month of the day of issue of the licence, in accordance with Article 7(2)
1006 40 00	Broken rice, including products imported under tariff quotas as referred to in Article 2(1)(c) of Delegated Regulation (EU) 2016/1237	1 EUR/t	until the end of the second month following the month of the day of issue of the licence, in accordance with Article 7(2)

B. **Sugar** (Article 1(2)(c) and Part III of Annex I to Regulation (EU) No 1308/2013)

CN code	Description	Amount of the security	Period of validity
1701	All products imported under preferential conditions other than tariff quotas ⁽¹⁾ , ⁽²⁾	20 EUR/t	until the end of the third month following the month of the day of issue of the licence, in accordance with Article 7(2)

⁽¹⁾ The import licence obligation applies until 30 September 2017.

⁽²⁾ With the exception of imports of preferential sugar of CN code 1701 99 10 originating in Moldova referred to in Council Decision 2014/492/EU of 16 June 2014 on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part (OJ L 260, 30.8.2014, p. 1) and of preferential imports of sugar of CN code 1701 originating in Georgia referred to in Council Decision 2014/494/EU of 16 June 2014 on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part (OJ L 261, 30.8.2014, p. 1).

C. **Seeds** (Article 1(2)(e) and Part V of Annex I to Regulation (EU) No 1308/2013)

CN code	Description	Amount of the security	Period of validity
ex 1207 99 20	Seeds of varieties of hemp, for sowing	⁽¹⁾	until the end of the sixth month following the month of the day of issue of the licence, in accordance with Article 7(2), save as otherwise provided by the Member States

⁽¹⁾ No security is required

D. **Flax and hemp** (Article 1(2)(h) and Part VIII of Annex I to Regulation (EU) No 1308/2013)

CN code	Description	Amount of the security	Period of validity
5302 10 00	True hemp, raw or retted	(¹)	until the end of the sixth month following the month of the day of issue of the licence, in accordance with Article 7(2), save as otherwise provided by the Member States

(¹) No security is required.

E. **Fruit and vegetables** (Article 1(2)(i) and Part IX of Annex I to Regulation (EU) No 1308/2013)

CN code	Description	Amount of the security	Period of validity
0703 20 00	Garlic, fresh or chilled, including products imported under tariff quotas as referred to in Article 2(1)(c) of Delegated Regulation (EU) 2016/1237 (¹)	50 EUR/t	3 months from the day of issue in accordance with Article 7(2)
ex 0703 90 00	Other alliaceous vegetables, fresh or chilled, including products imported under tariff quotas as referred to in Article 2(1)(c) of Delegated Regulation (EU) 2016/1237 (¹)	50 EUR/t	3 months from the day of issue in accordance with Article 7(2)

(¹) The import licence obligation applies until 30 September 2017.

F. **Processed fruit and vegetable products** (Article 1(2)(j) and Part X of Annex I to Regulation (EU) No 1308/2013)

CN code	Description	Amount of the security	Period of validity
ex 0710 80 95	Garlic (¹) and <i>Allium ampeloprasum</i> (uncooked or cooked by steaming or boiling in water), frozen, including products imported under tariff quotas as referred to in Article 2(1)(c) of Delegated Regulation (EU) 2016/1237 (²)	50 EUR/t	3 months from the day of issue in accordance with Article 7(2)
ex 0710 90 00	Mixtures of vegetables containing garlic (¹) and/or <i>Allium ampeloprasum</i> (uncooked or cooked by steaming or boiling in water), frozen, including products imported under tariff quotas as referred to in Article 2(1)(c) of Delegated Regulation (EU) 2016/1237 (²)	50 EUR/t	3 months from the day of issue in accordance with Article 7(2)
ex 0711 90 80	Garlic (¹) and <i>Allium ampeloprasum</i> provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in this state for immediate consumption, including products imported under tariff quotas as referred to in Article 2(1)(c) of Delegated Regulation (EU) 2016/1237 (²)	50 EUR/t	3 months from the day of issue in accordance with Article 7(2)

CN code	Description	Amount of the security	Period of validity
ex 0711 90 90	Mixtures of vegetables containing garlic ⁽¹⁾ and/or <i>Allium ampeloprasum</i> , provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in this state for immediate consumption, including products imported under tariff quotas as referred to in Article 2(1)(c) of Delegated Regulation (EU) 2016/1237 ⁽²⁾	50 EUR/t	3 months from the day of issue in accordance with Article 7(2)
ex 0712 90 90	Dried garlic ⁽¹⁾ and <i>Allium ampeloprasum</i> and mixtures of dried vegetables containing garlic ⁽¹⁾ and/or <i>Allium ampeloprasum</i> , whole, cut, sliced, broken or in powder, but not further prepared, including products imported under tariff quotas as referred to in Article 2(1)(c) of Delegated Regulation (EU) 2016/1237 ⁽²⁾	50 EUR/t	3 months from the day of issue in accordance with Article 7(2)

⁽¹⁾ This shall also include products where the word 'garlic' is only part of the description. Such terms may include, but are not limited to 'solo garlic', 'elephant garlic', 'single clove garlic' or 'great-headed garlic'.

⁽²⁾ The import licence obligation applies until 30 September 2017

G. **Other products** (Article 1(2)(x) and Section 1 of Part XXIV of Annex I to Regulation (EU) No 1308/2013)

CN code	Description	Amount of the security	Period of validity
1207 99 91	Hemp seeds other than for sowing	⁽¹⁾	until the end of the sixth month following the month of the day of issue in accordance with Article 7(2), save as otherwise provided by the Member States

⁽¹⁾ No security is required.

H. **Ethyl alcohol of agricultural origin** (Article 1(2)(u) and Part XXI of Annex I to Regulation (EU) No 1308/2013)

CN code	Description	Amount of the security	Period of validity
ex 2207 10 00	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol. or higher, obtained from the agricultural products listed in Annex I to the Treaty	EUR 1 per hectolitre	until the end of the fourth month following the month of the day of issue of the licence, in accordance with Article 7(2)
ex 2207 20 00	Ethyl alcohol and other spirits, denatured, of any strength, obtained from the agricultural products listed in Annex I to the Treaty	EUR 1 per hectolitre	until the end of the fourth month following the month of the day of issue of the licence, in accordance with Article 7(2)
ex 2208 90 91	Undenatured ethyl alcohol of alcoholic strength by volume of less than 80 % vol., obtained from the agricultural products listed in Annex I to the Treaty	EUR 1 per hectolitre	until the end of the fourth month following the month of the day of issue of the licence, in accordance with Article 7(2)

CN code	Description	Amount of the security	Period of validity
ex 2208 90 99	Undenatured ethyl alcohol of alcoholic strength by volume of less than 80 % vol., obtained from the agricultural products listed in Annex I to the Treaty	EUR 1 per hectolitre	until the end of the fourth month following the month of the day of issue of the licence, in accordance with Article 7(2)

PART II

LICENSING OBLIGATION FOR EXPORTS

List of products referred to in Article 2(2)(a) of Delegated Regulation (EU) 2016/1237

A. **Rice** (Article 1(2)(b) and Part II of Annex I to Regulation (EU) No 1308/2013)

CN code	Description	Amount of the security	Period of validity
1006 20	Husked (brown) rice	3 EUR/t	until the end of the fourth month following the month of the day of issue of the licence, in accordance with Article 7(2)
1006 30	Semi-milled or wholly milled rice, whether or not polished or glazed	3 EUR/t	until the end of the fourth month following the month of the day of issue of the licence, in accordance with Article 7(2)

B. **Sugar** (Article 1(2)(c) and Part III of Annex I to Regulation (EU) No 1308/2013)

CN code	Description	Amount of the security	Period of validity
1701	Cane or beet sugar and chemically pure sucrose, in solid form ⁽¹⁾	11 EUR/100 kg	until the end of the third month following the month of the day of issue, in accordance with Article 7(2) ⁽²⁾
1702 60 95 1702 90 95	Other sugars in solid form and sugar syrups, not containing added flavouring or colouring matter, but not including lactose, glucose, maltodextrine and isoglucose ⁽¹⁾	4,2 EUR/100 kg	until the end of the third month following the month of the day of issue, in accordance with Article 7(2) ⁽²⁾
2106 90 59	Flavoured or coloured sugar syrups, other than isoglucose, lactose, glucose and maltodextrine syrups ⁽¹⁾	4,2 EUR/100 kg	until the end of the third month following the month of the day of issue, in accordance with Article 7(2) ⁽²⁾

⁽¹⁾ The export licence obligation applies until 30 September 2017.⁽²⁾ For quantities not exceeding 10 t, the party concerned may not use more than one such licence for the same export.

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1240**of 18 May 2016****laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage****(Text with EEA relevance)**

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 Article 20(a), (b), (d), (e), (i), (j), (k), (l), (m), (n) and (o), and Article 223(3)(a), (b) and (c) 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), (b), (c) and (i), and Article 64(7)(a) thereof,

Having regard to Council Regulation (EU) No 1370/2013 of 16 December 2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products ⁽³⁾, and in particular Article 2(3) and Article 3(4) thereof,

Whereas:

- (1) Regulation (EU) No 1308/2013 replaced Council Regulation (EC) No 1234/2007 ⁽⁴⁾ and lays down new rules regarding public intervention and aid for private storage. It also empowers the Commission to adopt delegated and implementing acts in that respect. In order to ensure the smooth functioning of the public intervention and aid for private storage schemes in the new legal framework, certain rules have to be adopted by means of such acts. Those acts should replace Commission Regulations (EEC) No 3427/87 ⁽⁵⁾, (EEC) No 2351/91 ⁽⁶⁾, (EC) No 720/2008 ⁽⁷⁾, (EC) No 826/2008 ⁽⁸⁾, (EC) No 1130/2009 ⁽⁹⁾ and (EU) No 1272/2009 ⁽¹⁰⁾. Those Regulations are repealed by Commission Delegated Regulation (EU) 2016/1238 ⁽¹¹⁾.
- (2) Article 11 of Regulation (EU) No 1308/2013 provides that public intervention applies in respect of common wheat, durum wheat, barley, maize, paddy rice, fresh or chilled meat of the beef and veal sector, butter and skimmed milk powder in accordance with the conditions set out in that Regulation.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 347, 20.12.2013, p. 549.

⁽³⁾ OJ L 346, 20.12.2013, p. 12.

⁽⁴⁾ 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) (OJ L 299, 16.11.2007, p. 1).

⁽⁵⁾ Commission Regulation (EEC) No 3427/87 of 16 November 1987 laying down detailed rules for intervention on the market in rice (OJ L 326, 17.11.1987, p. 25).

⁽⁶⁾ Commission Regulation (EEC) No 2351/91 of 30 July 1991 laying down detailed rules applicable on the purchase of rice held by an intervention agency for the supply of food aid (OJ L 214, 2.8.1991, p. 51).

⁽⁷⁾ Commission Regulation (EC) No 720/2008 of 25 July 2008 laying down common detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the storage and movement of products bought in by a paying agency or an intervention agency (OJ L 198, 26.7.2008, p. 17).

⁽⁸⁾ Commission Regulation (EC) No 826/2008 of 20 August 2008 laying down common rules for the granting of private storage aid for certain agricultural products (OJ L 223, 21.8.2008, p. 3).

⁽⁹⁾ Commission Regulation (EC) No 1130/2009 of 24 November 2009 laying down common detailed rules for verifying the use and/or destination of products from intervention (OJ L 310, 25.11.2009, p. 5).

⁽¹⁰⁾ Commission Regulation (EU) No 1272/2009 of 11 December 2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention (OJ L 349, 29.12.2009, p. 1).

⁽¹¹⁾ Commission Delegated Regulation (EU) 2016/1238 of 18 May 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage (see page 15 of this Official Journal).

- (3) Article 17 of Regulation (EU) No 1308/2013 provides that aid for private storage may be granted in respect of white sugar, olive oil, flax fibre, fresh or chilled meat of bovine animals aged eight months or more, butter, cheese, skimmed milk powder, pigmeat, and sheepmeat and goatmeat in accordance with the conditions set out in that Regulation.
- (4) Regulation (EU) No 1370/2013 lays down rules concerning public intervention prices, quantitative limitations for buying-in into public intervention and the establishment of the amount of aid for private storage.
- (5) In order to simplify and improve the effectiveness of the management and control mechanisms related to the public intervention and aid for private storage schemes, common rules for all the products listed in Articles 11 and 17 of Regulation (EU) No 1308/2013 should respectively be laid down.
- (6) In accordance with Article 13(1) of Regulation (EU) No 1308/2013, the Commission may decide that buying in of durum wheat, barley, maize and paddy rice is to take place if the market situation so requires. Public intervention may also be opened for beef if the average market price is over a representative period below 85 % of the reference threshold set out in Article 7(1) of Regulation (EU) No 1308/2013. In such cases buying-in takes place by means of tendering procedures.
- (7) In accordance with Article 4(1) of Regulation (EU) No 1370/2013, the Commission may establish the amount of aid for private storage for the products listed in Article 17 of Regulation (EU) No 1308/2013 either by a tendering procedure or by fixing the aid in advance.
- (8) To make the public intervention and aid for private storage schemes work efficiently, the operators should use the method made available by the paying agency with regard to the procedure for submitting offers, tenders and applications.
- (9) In order to ensure proper management of the schemes, rules should be established on intervention at a fixed price, the tendering procedures for buying-in into intervention, sales from intervention or establishing the maximum amount of aid for private storage, and the aid for private storage fixed in advance as well as the submission and admissibility of tenders, offers and applications.
- (10) In order to improve the efficiency of the way public intervention operates, by discontinuing the use of small storage facilities which may be spread throughout a region, a minimum capacity of storage should be fixed for the intervention storage places, but should not be applicable in case where a storage place has ready access to a river, sea or railway connection.
- (11) Since products covered by the public intervention and aid for private storage schemes have a different nature as to production or harvest time and storage requirements, specific conditions concerning their eligibility should be provided for.
- (12) For a sound management of the public intervention and aid for private storage schemes, it is necessary to fix a minimum quantity below which the paying agency cannot accept an offer or a tender, both for buying-in and sales, or decide whether to fix or not the maximum amount of aid for private storage. However, if the conditions and practices of the wholesale trade or environmental rules in force in a Member State justify the application of minimum quantities larger than those laid down in this Regulation, the paying agency concerned should be entitled to require such larger minimum quantities for buying-in at fixed price.
- (13) In order to guarantee the seriousness of the offer or tender for intervention and to ensure that the measure will have its desired effect on the market, both in the case of intervention at fixed price and in the case of a tendering procedure, the level of the security should be established.
- (14) To ensure an effective management of the public intervention scheme, notifications on submitted offers and tenders should be provided for between Member States and the Commission. Measures should be introduced to respect the quantitative limitations fixed in Article 3 of Regulation (EU) No 1370/2013.
- (15) On the basis of the offers and tenders received a maximum buying-in price or a maximum amount of aid for private storage may be fixed. However, situations might arise on the market in which economic or other aspects make it necessary not to fix such a price or aid and to reject all the tenders received.

- (16) In order to guarantee a clear and effective functioning of the public intervention scheme, it is necessary to lay down the general rules concerning the issuance of the delivery order and the delivery of the products to the storage place designated by the paying agency. In addition, given the specificities of the sectors of cereals and rice as well as beef and butter and skimmed milk powder, it is necessary to lay down specific rules for those sectors.
- (17) With a view to the proper management of intervention stocks in storage and given the specificities of the sectors of cereals and rice, the obligations of the Member States should be specified as regards the maximum distance to the place of storage and the costs to be borne when this distance is exceeded.
- (18) In order to apply the common rules of Commission Delegated Regulation (EU) No 907/2014 ⁽¹⁾, it is appropriate to provide that the checks on products during storage have to be carried out as laid down in Article 3 of that Regulation. A takeover record should be issued on the basis of those checks and analyses.
- (19) In order to ensure good quality of products stored under public intervention, in case the products do not fulfil the applicable eligibility requirements, it should be provided for an obligation of the operator to take back the products and bear all the costs during the period the products have been stored in the storage places.
- (20) Where deboning is required for beef, it is necessary to lay down special rules for that sector to complement the general ones.
- (21) Rules should be established for payments, subject to price adjustment related to the quality of the product or to the location of the storage place. In order to give the operators the time to adapt to the new public intervention scheme, some conditions relating to price adjustment with regard to cereals should be applicable only from the start of the 2017/18 marketing year.
- (22) In order to give the necessary information on the characteristics of the products and on the site where they are stored, notices of invitation to tender should be drawn up and published by the paying agency holding intervention stocks available for sale. To this end, it should be provided for that a reasonable time period should elapse between the date of such publication and the first closing date for the submission of tenders.
- (23) On the basis of the tenders and of the situation on the Union market, the Commission should decide to fix or not a minimum intervention selling price. According to that decision, the paying agencies will accept or reject the tenders on products available for sale. Specific rules should be adopted for the allocation of beef, butter and skimmed milk powder.
- (24) In order to facilitate the sale of small quantities remaining in storage places in a Member State and to assure a sound management of the system, it is appropriate to provide that the paying agency, under its own responsibility, is entitled to open the tendering procedure for the resale of such quantities of intervention products, by applying *mutatis mutandis* the rules laid down in respect of tendering procedures opened by the Union, with a view to ensure equal access for all parties concerned. For the same reasons the paying agency should be authorised to put up for direct sale quantities which after checking by visual examination in the context of the annual stocktaking or during the inspection after taking into intervention may no longer be repackaged or are deteriorated.
- (25) To ensure that the aid for private storage scheme can be monitored properly, the information needed to conclude the storage contract should be specified as well as the obligations of the contracting parties and the conditions for placing into storage, in particular those enabling the competent authority responsible for checking storage operations to make an effective inspection of the storage conditions. The rules with regard to the contractual storage period should also be defined.
- (26) In order to ensure an efficient functioning of the aid for private storage scheme, it is necessary to lay down the general rules concerning the removal of the products from storage and the payment of aid for private storage. For butter and skimmed milk powder, given the specific nature of these products, special rules are necessary to complement the general ones.

⁽¹⁾ Commission Delegated Regulation (EU) No 907/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro (OJ L 255, 28.8.2014, p. 18).

- (27) When the amount of aid for private storage is fixed in advance, it is appropriate to provide for a reflection period in order to allow the market situation to be assessed before decisions on applications for aid are notified. Furthermore, where appropriate, provisions should be made for special measures applying in particular to pending applications to prevent excessive or speculative use of the private storage scheme. Such measures require swift action and the Commission should be empowered to act without applying the procedure referred to in Article 229(2) or (3) of Regulation (EU) No 1308/2013 and to take all necessary measures without delay.
- (28) To protect the Union'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.
- (29) Amounts unduly paid should be recovered in accordance with Commission Implementing Regulation (EU) No 908/2014 ⁽¹⁾.
- (30) For an effective management of the public intervention and aid for private storage schemes, it is necessary to provide that the Member States inform the Commission periodically of the situation of stocks, of the products entering and leaving storage places and of the situation regarding prices and production for the products listed in Articles 11 and 17 of Regulation (EU) No 1308/2013.
- (31) 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:

TITLE I

GENERAL PROVISIONS

CHAPTER I

Introductory provision

Article 1

Scope

1. This Regulation lays down rules for the application of Regulation (EU) No 1308/2013 and Regulation (EU) No 1370/2013 as regards:
 - (a) the buying-in and selling from public intervention of products listed in Article 11 of Regulation (EU) No 1308/2013;
 - (b) the granting of aid for private storage for products listed in Article 17 of Regulation (EU) No 1308/2013.
2. This Regulation shall apply without prejudice to specific provisions laid down in Implementing Regulations:
 - (a) opening a tendering procedure for buying-in of products or opening the sale of products from intervention; or
 - (b) opening a tendering procedure or fixing the amount of aid for private storage in advance.

⁽¹⁾ Commission Implementing Regulation (EU) No 908/2014 of 6 August 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, rules on checks, securities and transparency (OJ L 255, 28.8.2014, p. 59).

CHAPTER II

General common rules

Article 2

Submission and admissibility of offers, tenders and applications

1. Operators shall lodge offers and tenders for public intervention as well as tenders and applications for aid for private storage using the method made available by the paying agency of the Member State concerned.
2. An offer, tender or application shall be admissible if it is submitted in the official language or one of the official languages of the Member State in which the offer, tender or application is submitted, and shall include, on a form made available by the paying agency, at least the following information:
 - (a) the operator's name, address and VAT registration number in the Member State where the operator carries out his main activity;
 - (b) the product, or type of product, covered with its relevant CN code, if applicable;
 - (c) the quantity offered, tendered or applied for, subject to the minimum quantities laid down in Article 5, if applicable.
3. The offer, tender or application shall not include any additional conditions introduced by the operator other than those laid down in this Regulation or in the relevant Implementing Regulation opening the tendering procedure or fixing the amount of aid for private storage in advance.
4. Where the time limit for the submission of offers, tenders or applications is a public holiday, the offers, tenders or applications shall be submitted at the latest on the last working day preceding the public holiday.
5. Offers, tenders or applications submitted on a Saturday, Sunday or public holiday shall be deemed to be received by the paying agency on the first working day following the day on which they were submitted.
6. Offers, tenders or applications shall not be withdrawn or amended after their submission.
7. The paying agency shall register the admissible offers, tenders or applications and the quantities concerned on the day on which they are received.
8. The rights and obligations resulting from the acceptance of the offer, tender or application shall not be transferable.

TITLE II

PUBLIC INTERVENTION

CHAPTER I

Specific rules related to public intervention

Article 3

Intervention storage places

1. Each intervention storage place ('storage place') shall have a minimum storage capacity of:
 - (a) for cereals: 5 000 tonnes, 7 500 tonnes from the public intervention period 2017/18, 10 000 tonnes from the 2018/19 period, 15 000 tonnes from the 2019/20 period;

- (b) for rice: 5 000 tonnes, 7 500 tonnes from the public intervention period 2017/18, 10 000 tonnes from the 2018/19 period;
- (c) for butter and skimmed milk powder: 400 tonnes, 600 tonnes from the 2017 public intervention period, 800 tonnes from the 2018 period.

Member States with an average annual production of cereals of less than 20 million tonnes may continue to apply from the 2019/20 period a minimum storage capacity of 10 000 tonnes.

2. For the purposes of this Article, the 'minimum storage capacity' means a minimum capacity which may not be available permanently, but is readily achievable during the period when buying-in might take place.

3. A paying agency may derogate from paragraph 1 only where it demonstrates that the minimum storage capacity specified in that paragraph is not available and where the replacement storage places have ready access to a river, a sea or a railway connection.

Article 4

Establishing the eligibility of products

1. The eligibility of products for public intervention shall be established in accordance with the methods laid down in the following provisions:

- (a) for cereals: in Parts I, II, III and IV of Annex I;
- (b) for rice: in Part I of Annex II;
- (c) for beef: in Part I of Annex III;
- (d) for butter: in Part I of Annex IV to this Regulation and in Commission Regulation (EC) No 273/2008 ⁽¹⁾;
- (e) for skimmed milk powder: in Part I of Annex V to this Regulation and in Regulation (EC) No 273/2008.

2. The methods to be used to determine the quality of cereals for public intervention referred to in Annex I shall be those established by the latest versions of the relevant European or international standards, as the case may be, in force on the first day of each marketing year.

CHAPTER II

Buying-in of products into intervention

Section 1

General provisions

Article 5

Minimum quantities of products offered or tendered

1. The minimum quantity of products offered or tendered for buying-in shall be:

- (a) for common wheat, barley and maize: 160 tonnes;

⁽¹⁾ Commission Regulation (EC) No 273/2008 of 5 March 2008 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards methods for the analysis and quality evaluation of milk and milk products (OJ L 88, 29.3.2008, p. 1).

- (b) for durum wheat: 20 tonnes;
- (c) for rice: 40 tonnes;
- (d) for beef: 20 tonnes;
- (e) for butter: 30 tonnes;
- (f) for skimmed milk powder: 30 tonnes.

Member States with an average annual production of cereals of less than 20 million tonnes may decide to apply a minimum quantity of 120 tonnes for common wheat, barley and maize.

2. A paying agency may set a minimum quantity higher than that provided for in paragraph 1 if justified by the conditions and practices of the wholesale trade or environmental rules in force in the Member State concerned.

Article 6

Level of the security for buying-in of products

The level of the security required in accordance with Article 4(a) of Delegated Regulation (EU) 2016/1238 when submitting an offer or tender for the buying-in of products into public intervention shall be:

- (a) for cereals: EUR 20/tonne;
- (b) for rice: EUR 30/tonne;
- (c) for beef: EUR 300/tonne;
- (d) for butter: EUR 50/tonne;
- (e) for skimmed milk powder: EUR 50/tonne.

Article 7

Submission and admissibility of offers and tenders

1. An offer or tender shall be admissible if it complies with the requirements laid down in Article 2 and, in the case of a tendering procedure, in the Implementing Regulation opening the tendering procedure referred to in Article 12. It shall also meet the following conditions:

- (a) it includes at least the following information:
 - (i) for rice, an indication of the type and variety;
 - (ii) except for beef, the place where the product is held at the time of the offer or tender;
 - (iii) for cereals and rice, the storage place for which the offer or tender is made;
 - (iv) for cereals and rice, the year of harvest and the area or areas of production in the Union;
 - (v) for butter and skimmed milk powder, the date of production;
 - (vi) for butter and skimmed milk powder, the name and approval number of the approved undertaking in which it was produced;
- (b) the operator has lodged a security in accordance with Article 4(a) of Delegated Regulation (EU) 2016/1238;

(c) for cereals and rice, the operator has declared:

- (i) that the products are of Union origin;
- (ii) that the offer or tender refers to a homogeneous lot which, for rice, must comprise paddy rice of the same variety;
- (iii) whether any post-harvest treatment has been carried out or not, and, where appropriate, the name of the product used, that it has been applied in conformity with the conditions of use, and that the product is authorised under Regulation (EC) No 1107/2009 of the European Parliament and of the Council ⁽¹⁾.

2. For products other than beef, the operator may request on the form referred to in Article 2(2) that the product be taken over at the storage place where it is held at the time the offer or tender is submitted provided that the storage place fulfils the requirements laid down in Article 7(1) of Delegated Regulation (EU) 2016/1238 and in Article 3 of this Regulation.

Article 8

Verification of offers and tenders by the paying agency

1. The paying agencies shall decide on the admissibility of offers and tenders on the basis of the requirements laid down in Articles 2 and 7.

Where the paying agency decides that an offer or tender is inadmissible, it shall inform the operator concerned within three working days of the receipt of the offer or tender. For offers, if the operator does not receive such information, the offer is considered as being admissible.

2. As regards cereals and rice, the declarations referred to in Article 7(1)(c) may be checked for compliance by administrative means after the paying agency has verified that the offers or tenders are admissible, if necessary with the assistance of the paying agency competent for the storage place indicated by the operator, in accordance with Article 57(2).

Article 9

Notifications of offers and tenders to the Commission

1. Member States shall notify the Commission of all admissible offers and tenders within the following time limits:

- (a) in the case of offers, notifications shall be submitted not later than 12.00 (Brussels time) each Tuesday and shall relate to the quantities of the products which, during the preceding week, have been the subject of an admissible offer, and of the related information.

When the quantities offered approach the limits fixed in Article 3(1) of Regulation (EU) No 1370/2013, the Commission shall inform Member States as of which date they shall notify the Commission on each working day.

As from that date, Member States shall notify the Commission, not later than 14.00 (Brussels time) each working day, of the quantities offered for intervention during the preceding working day.

- (b) in the case of tenders, the time limits laid down in the Implementing Regulation opening the tendering procedure shall apply.

2. The notifications provided for in points (a) and (b) of paragraph 1 shall not contain the operator's name, address and VAT registration number and, in the case of butter and skimmed milk powder, the name and approval number of the approved undertaking.

⁽¹⁾ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

3. Where a Member State does not notify the Commission of an admissible offer or tender within the time limits referred to in points (a) and (b) of paragraph 1, it shall be deemed to have notified the Commission of a nil return.

Section 2

Buying-in at fixed price

Article 10

Submission of offers for buying-in of common wheat, butter and skimmed milk powder at fixed price

Offers may be submitted to the paying agency from the beginning of the public intervention periods laid down in Article 12 of Regulation (EU) No 1308/2013.

Article 11

Measures for respecting the quantitative limitations

1. In order to comply with the quantitative limitations fixed in Article 3(1) of Regulation (EU) No 1370/2013, the Commission shall decide as provided for in Article 3(6)(a) of that Regulation:

- (a) to close intervention buying-in at fixed price;
- (b) where acceptance of the full quantity offered would lead to the maximum quantity being exceeded, to set an allocation coefficient applicable to the total quantity in the offers received and notified to the Commission from each operator on the day of the decision;
- (c) where appropriate, to reject pending offers submitted to the paying agencies of the Member States.

The Commission shall decide within two working days of the notification referred to in the first subparagraph of point (a) of Article 9(1), and within five working days of the notification referred to in the third subparagraph of point (a) of Article 9(1).

For the purposes of this Article, when a date of notification is a public holiday for the Commission the counting of the deadline shall start on the first working day after that public holiday. If such public holidays are included in the time period for the Commission's decision, only working days shall be counted.

2. By way of derogation from Article 2(6), an operator to whom an allocation coefficient as referred to in point (b) of paragraph 1 applies may withdraw his offer within five working days of the date of entry into force of the decision setting the allocation coefficient.

Section 3

Buying-in via a tendering procedure

Article 12

Tendering procedure

1. A tendering procedure for the buying-in of products referred to in Article 11 of Regulation (EU) No 1308/2013 shall be opened by way of an Implementing Regulation opening the tendering procedure, which shall contain, in particular, the following information:

- (a) the products covered, and:
 - (i) for rice, an indication of the type and variety;
 - (ii) for beef, whether the tender is for the bought-in carcasses to be deboned or for storage without deboning;

(b) the period covered ('tendering period') and, if necessary, the different sub-periods during which the tenders can be submitted.

2. The Commission may open a tendering procedure for buying-in of beef by category and Member State, or region thereof, as provided for in Article 13(1)(c) of Regulation (EU) No 1308/2013, on the basis of the two most recent weekly market prices recorded. The Commission may close that tendering procedure, as provided for in Article 13(2) of that Regulation, on the basis of the most recent weekly market prices recorded.

3. If the Commission opens a restricted tendering procedure as referred to in Article 3(3) of Regulation (EU) No 1370/2013, the Implementing Regulation opening that procedure shall refer to the specific Member State or region(s) of a Member State covered by the tendering procedure.

4. With regard to rice, the tendering procedure may be restricted to specific varieties or one or more types of paddy rice, namely 'round grain rice', 'medium grain rice', 'long grain rice A' or 'long grain rice B', as defined in points (a), (b) or (c) of point I.2 of Part I of Annex II to Regulation (EU) No 1308/2013.

5. With regard to beef, the following rules shall apply:

(a) the average market price by eligible category in a Member State or in a region thereof shall take account of the prices for qualities U, R and O, expressed in quality R3 using the conversion coefficients set out in Part II of Annex III in the Member State or the intervention region concerned;

(b) the average market prices shall be recorded in accordance with Commission Regulation (EC) No 1249/2008 ⁽¹⁾;

(c) the average market price by eligible category in a Member State or a region thereof shall be the average of the market prices for all the qualities referred to in point (b), weighted by the proportion each quality represents in the total number of slaughterings in that Member State or region.

The United Kingdom shall consist of two intervention regions as follows:

(i) region I: Great Britain;

(ii) region II: Northern Ireland.

Article 13

Submission and admissibility of tenders

1. In addition to the general conditions laid down in Articles 2 and 7, a tender shall only be admissible if it indicates a proposed price in euro per unit of measurement of the product rounded to no more than two decimal places, exclusive of VAT.

In the case of cereals and rice, the price tendered per tonne of products shall be a price corresponding to the minimum quality for cereals defined in Part II of Annex I to Delegated Regulation (EU) 2016/1238 or to the standard quality for rice defined in Section A of Annex III to Regulation (EU) No 1308/2013, delivered to the storage place, not unloaded.

In the case of butter and skimmed milk powder, the tendered price shall be the price per 100 kg of products delivered to the loading bay of the storage place.

In the case of beef, tenders shall state the price quoted in accordance with Article 12(5)(a), expressed per tonne of products of quality R3, and if it relates to bone-in meat intended for deboning, or for storage without deboning.

2. Without prejudice to Article 15(2) of this Regulation, the price tendered shall not exceed the level of the public intervention price set out in Article 2(1) of Regulation (EU) No 1370/2013.

⁽¹⁾ Commission Regulation (EC) No 1249/2008 of 10 December 2008 laying down detailed rules on the implementation of the Community scales for the classification of beef, pig and sheep carcasses and the reporting of prices thereof (OJ L 337, 16.12.2008, p. 3).

*Article 14***Decisions on the buying-in price**

1. On the basis of the tenders notified in accordance with Article 9, the Commission shall decide:
 - (a) not to fix a maximum buying-in price; or
 - (b) to fix a maximum buying-in price.
2. The decision referred to in paragraph 1 shall be published in the *Official Journal of the European Union*.

*Article 15***Individual decisions on tenders**

1. Where no maximum buying-in price has been fixed, all tenders shall be rejected.
2. Where a maximum buying-in price has been fixed, the paying agency shall accept tenders which are equal to or lower than that amount. All the other tenders shall be rejected.

The paying agency shall only accept tenders that have been notified to the Commission in accordance with Article 9.

3. The paying agency shall take the decisions referred to in paragraphs 1 and 2 of this Article after the publication of the decision of the Commission referred to in Article 14(1).

The paying agency shall notify the operators of the outcome of their participation in the tendering procedure within three working days of the entry into force of that decision of the Commission.

This notification shall not be necessary when the tender is accepted, if the paying agency issues a delivery order as referred to in Article 17 within five working days of the entry into force of that decision of the Commission. In case of such acceptance, no further extension of the time limit for the issue of the delivery order, as referred to in the second subparagraph of Article 17(1), may be granted.

*Article 16***Limitation of buying-in for beef**

Where the paying agencies are offered beef in quantities greater than they are able to take over, they may limit the buying-in to the quantities they can take over in their territory or in one of their intervention regions referred to in Article 12(5).

Paying agencies shall ensure equal access for all parties concerned in the event of such limitation.

*Section 4***Deliveries and transport costs***Article 17***Delivery order**

1. After the paying agency has checked the admissibility of the offer or tender in accordance with Articles 8 and 13, it shall issue the delivery order within five working days of the deadline referred to in the second subparagraph of Article 11(1) or of the entry into force of the decision referred to in Article 14(1).

The paying agency may decide to extend the time limit for the issue of the delivery order when it is necessary due to high quantities of cereals or rice accepted. However, the final date for delivery of the products shall not be later than 65 days after the deadline or entry into force referred to in the first subparagraph. In such cases the paying agency shall inform the affected operators.

2. The delivery order shall be dated and numbered and shall contain the following information:
 - (a) the quantity to be delivered;
 - (b) the final date for delivery of the products;
 - (c) the storage place to which the products shall be delivered;
 - (d) the price at which the offer or tender is accepted.
3. The delivery order shall be issued only for quantities notified to the Commission as provided for in Article 9.

Article 18

Specific provisions for the delivery of cereals and rice

1. The paying agency shall designate the storage place to which the cereals or rice shall be delivered at lowest cost.
2. Delivery to the storage place shall occur not later than 60 days following the date of issue of the delivery order. However, depending on the quantities accepted, the paying agency may extend that period by up to 14 days. In such cases the delivery period referred to in the second subparagraph of Article 17(1) may be extended accordingly. The paying agency shall inform the affected operators.
3. The operator shall bear the costs relating to the following tests carried out for cereals in accordance with the methodology referred to in Part IV of Annex I:
 - (i) the amylasic activity (Hagberg) test;
 - (ii) the test for the determination of the protein content of durum wheat and common wheat;
 - (iii) the Zeleny test;
 - (iv) the machinability test;
 - (v) analyses of contaminants.

Article 19

Transport costs for cereals and rice

1. The cost of transporting the cereals or rice from the place where the product was stored at the time of the offer or tender to the storage place specified in the delivery order shall be borne by the operator, where the distance involved is equal to or less than 50 km.

Beyond that maximum distance, the additional transport costs shall be borne by the paying agency and reimbursed by the Commission at a rate per tonne and per kilometre of EUR 0, 05.

2. Where the paying agency which buys-in the cereals or rice is in a Member State other than the one in whose territory the product is stored, no account shall be taken, in calculating the maximum distance referred to in paragraph 1, of the distance between the store of the operator and the border of the Member State of the purchasing paying agency.

Article 20

Specific provisions for the delivery of beef

1. The buying-in price for beef shall be the price of the beef delivered to the entrance weighing point of the storage place or, where the meat is to be deboned, at the cutting plant.
2. The costs of unloading shall be borne by the operator.
3. Operators shall deliver the products not later than 15 days following the date of issue of the delivery order. However, depending on the quantities awarded, the paying agency may extend that period by up to seven days. In such cases the paying agency shall inform the affected operators.

Article 21

Specific provisions for the packing, delivery and storage of butter and skimmed milk powder

1. Butter shall be packed and delivered in blocks of 25 kilograms net in accordance with the requirements laid down in Part II of Annex IV.
2. Skimmed milk powder shall be packed and delivered in bags of a net weight of 25 kilograms in accordance with the requirements laid down in Part II of Annex V.
3. The operator shall deliver the butter or skimmed milk powder to the loading bay of the storage place within 21 days of the date of issue of the delivery order. However, depending on the quantities accepted, the paying agency may extend that period by up to seven days. In such cases the paying agency shall inform the affected operators.

The butter and skimmed milk powder shall be delivered on pallets of a quality suitable for long-term storage, to be exchanged against equivalent pallets. Alternatively, an equivalent system may be approved by the paying agency.

The costs incurred in unloading the butter or skimmed milk powder at the loading bay of the storage place shall be borne by the paying agency.

4. The paying agency shall require that butter and skimmed milk powder be placed and kept in storage on pallets in such a way as to create easily identifiable and readily accessible lots.

Article 22

Delivery

1. The date of delivery shall be:
 - (a) for cereals, rice, butter and skimmed milk powder: the date on which it is confirmed that the whole of the quantity referred to in the delivery order entered the designated storage place. This date cannot be earlier than the day following the date of issue of the delivery order;
 - (b) for each consignment of beef: the date of entrance at the weighing point of the intervention storage place or, where the meat is to be deboned, at the cutting plant.

2. The paying agency may decide that the takeover of cereals, rice, butter or skimmed milk powder takes place in the storage place where the products are held at the time the offer or tender is submitted, provided that the storage place fulfils the requirements laid down in Article 7(1) of Delegated Regulation (EU) 2016/1238 and in Article 3 of this Regulation. In that case, the date of delivery shall be the day following the date of issue of the delivery order and shall serve as the relevant date for the purposes of Article 18(2)(a) of Implementing Regulation (EU) No 908/2014.

3. The products shall be taken over by the paying agency or its representative, who shall be independent from the operator.

Section 5

Control and takeover

Article 23

The takeover record

1. The takeover record shall be issued by the paying agency after the required checks and analyses have established that the eligibility requirements laid down in Article 3 of Delegated Regulation (EU) 2016/1238 are fulfilled. It shall indicate at least:

- (a) the quantities delivered and, for rice, the variety;
- (b) the characteristics of the products as resulting from the analyses in so far as this is relevant for the calculation of the price;
- (c) if applicable, the quantities that have not been taken over. In this case, the operator shall be notified accordingly.

2. The takeover record shall be dated and sent to the operator and to the storekeeper.

Article 24

Obligations of the operator

The products shall meet the eligibility requirements set out in Article 3 of Delegated Regulation (EU) 2016/1238. Where the required checks show that the products do not fulfil the eligibility requirements, the operator shall:

- (a) take back at his expense the products concerned;
- (b) pay the associated costs from the date of entry of the products into the storage place until the date of their removal from storage.

The costs to be paid by the operator shall be determined on the basis of standard amounts for entry, removal and storage costs in accordance with Article 3 of Commission Delegated Regulation (EU) No 906/2014 ⁽¹⁾.

Article 25

Deboning requirement for beef

Where deboning is required as a condition of the tendering procedure, the paying agency shall have all the beef that is bought-in deboned in accordance with Part III of Annex III.

⁽¹⁾ Commission Delegated Regulation (EU) No 906/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to public intervention expenditure (OJ L 255, 28.8.2014, p. 1).

Section 6

Price adjustments and payments*Article 26***Price adjustments for cereals and rice**

1. The price adjustment as provided for in Articles 2(2) and 3(4) of Regulation (EU) No 1370/2013 shall be made in accordance with:
 - (a) Parts V and VI of Annex I to this Regulation in the case of cereals;
 - (b) Part II of Annex II to this Regulation in the case of rice.
2. If the paying agency takes over and stores cereals and rice at the storage place in accordance with Article 22(2), a reduction of EUR 5/tonne shall be made to the buying-in price.

*Article 27***Payments**

1. Payments for the quantities stated in the takeover record shall be made no later than the 65th day following the date of delivery referred to in Article 22, unless an administrative inquiry is under way.
2. Only the quantity actually delivered and accepted shall be paid for. However, if that quantity is greater than the quantity stated in the delivery order, only the quantity specified in the delivery order shall be paid for.

CHAPTER III

Sale of products from intervention*Article 28***Opening of the tendering procedure**

1. Products taken over into public intervention and available for sale shall be sold through a tendering procedure.
2. The tendering procedure shall be opened by way of an Implementing Regulation opening the sale.

The first closing date for submission of tenders shall be fixed not earlier than six days after the publication of that Implementing Regulation in the *Official Journal of the European Union*.

3. Tendering procedures may be open for the sale of products stored in one or several regions of the Union or a Member State.
4. The Implementing Regulation opening the sale shall contain, in particular, the following information:
 - (a) the products covered, and in particular:
 - (i) for rice, an indication of the type and variety,
 - (ii) for beef, the relevant cuts;
 - (b) the period covered ('tendering period') and the different sub-periods during which the tenders can be submitted;

- (c) for beef, butter and skimmed milk powder, the minimum quantity for which a tender may be submitted;
- (d) the amount of the security that shall be lodged when submitting a tender.

In addition, that Implementing Regulation may contain:

- (a) the global quantities covered by the tendering procedure;
 - (b) if applicable, provisions concerning transport costs for cereals and rice.
5. Tendering procedures may be restricted to specified uses or destinations and include provisions for verifying the use or destination.

Article 29

Notice of invitation to tender and arrangements related to the invitation to tender

1. Each paying agency holding intervention stocks available for sale shall draw up a notice of invitation to tender, and publish it at least four days before the first date for the submission of tenders.
2. The notice of invitation to tender shall indicate in particular:
 - (a) the name and address of the paying agency issuing the notice of invitation to tender;
 - (b) the reference to the Implementing Regulation opening the sale;
 - (c) the closing dates for the submission of tenders for each partial invitation to tender;
 - (d) for each storage place, the name and address of the storekeeper, and, as appropriate:
 - (i) for cereals and rice, the quantities available presented in sales lots determined in such a way to ensure equal access to operators, together with a description of the quality of each sales lot;
 - (ii) for beef, the quantities available by cut, in accordance with Part IV of Annex III and the date of delivery;
 - (iii) for butter and skimmed milk powder, the quantities available and the date of delivery;
 - (e) the delivery stage as referred to in Article 30(1)(d) and, if applicable, the type of packaging;
 - (f) any facilities at the storage place for loading onto a means of transport;
 - (g) for butter, where appropriate, the available quantity of sweet cream butter per storage place, as referred to in point 2(d) of Part II of Annex IV.
3. The paying agency shall ensure that notices of invitation to tender are properly publicised.
4. The paying agency shall make the necessary arrangements to enable interested parties:
 - (a) to inspect and to take and examine samples of cereals and rice put up for sale at their own expense before submitting a tender;
 - (b) to consult the results of the analyses referred to in Part IV of Annex I, Part I of Annex II, Part I of Annex IV or Part I of Annex V, as appropriate.

*Article 30***Submission and admissibility of tenders**

1. A tender shall be admissible if it complies with the requirements laid down in Article 2 and the Implementing Regulation opening the sale. It shall also meet the following conditions:

- (a) it indicates a reference to the Implementing Regulation opening the sale and the expiry date for the sub-period of submission of the tenders;
- (b) for beef, it indicates the relevant cuts;
- (c) for cereals and rice, it indicates the total quantity of the sales lot;
- (d) it indicates the price in euro tendered per unit of measurement, rounded to no more than two decimal places, exclusive of VAT, as follows:
 - (i) in the case of cereals and rice, for the product loaded onto the means of transport;
 - (ii) in the case of butter or skimmed milk powder, for the product supplied on pallets at the loading bay of the storage place or, if necessary, supplied on pallets loaded onto the means of transport where it is a lorry or railway wagon;
 - (iii) in the case of beef, for the product delivered to the loading bay of the storage place.
- (e) for beef, butter and skimmed milk powder, that it relates to at least the minimum quantity referred to in the Implementing Regulation opening the sale;
- (f) it indicates the storage place where the product is held and, for butter and skimmed milk powder, an alternative storage place may be specified;
- (g) the operator has lodged the amount of the security provided for in the Implementing Regulation opening the sale.

2. For cereals, the tendered price shall refer to the minimum quality defined in Part II of Annex I to Delegated Regulation (EU) 2016/1238 or, for rice to the standard quality defined in Section A of Annex III to Regulation (EU) No 1308/2013.

3. For beef, butter and skimmed milk powder, the tendered price shall apply to net weight.

For butter, where appropriate, the tender may specify that it is submitted exclusively for sweet cream butter as referred to in Article 29(2)(g).

*Article 31***Notification of tenders to the Commission**

1. Member States shall notify the Commission of all admissible tenders within the time limits set in the Implementing Regulation opening the sale.

2. The notifications provided for in paragraph 1 shall not contain the operator's name, address and VAT registration number.

3. Where a Member State does not notify the Commission of an admissible tender within the time limits referred to in paragraph 1, it shall be deemed to have notified the Commission of a nil return.

*Article 32***Decisions on the selling price**

1. On the basis of the tenders notified in accordance with Article 31, the Commission shall decide, in accordance with the procedure referred to in Article 229(2) of Regulation (EU) No 1308/2013:

- (a) not to fix a minimum selling price; or
- (b) to fix a minimum selling price.

For butter and skimmed milk powder the minimum selling price may vary according to the location of the products offered for sale.

2. The decision referred to in paragraph 1 shall be published in the *Official Journal of the European Union*.

*Article 33***Individual decisions on tenders**

- 1. Where no minimum selling price has been fixed, all tenders shall be rejected.
- 2. Where a minimum selling price has been fixed, the paying agencies shall reject any tender lower than the minimum selling price.

The paying agencies shall only accept tenders that have been notified to the Commission in accordance with Article 31.

3. The paying agencies shall take the decisions referred to in paragraphs 1 and 2 of this Article after the publication of the decision of the Commission referred to in Article 32.

The paying agency shall notify the operators of the outcome of their participation in the tendering procedure within three working days of the entry into force of that decision of the Commission.

*Article 34***Specific rules for the allocation of beef, butter and skimmed milk powder**

1. For butter and skimmed milk powder, the successful operator shall be the operator offering the highest price. If the full quantity available is not allocated, the remainder shall be awarded to the other operators on the basis of the prices tendered, starting with the highest price.

2. Where acceptance of a tender would result in contracts being awarded in excess of the quantity of beef, butter or skimmed milk powder available at a particular storage place, only the quantity available shall be awarded to the operator in question. However, with the agreement of the operator, the paying agency may allocate product from other storage places to fulfil the tender quantity.

3. Where acceptance of two or more tenders offering the same price at a particular storage place would lead to contracts being awarded in excess of the available quantity of beef, butter or skimmed milk powder, the award shall be made by allocating the quantity available in proportion to the quantities tendered for. However, if such allocation leads to the award of quantities of less than the minimum quantity referred to in Article 28(4)(c), the award shall be made by drawing lots.

4. Where after the acceptance of all successful tenders the quantity of beef, butter or skimmed milk powder left at the storage place is less than the minimum quantity referred to in Article 28(4)(c), the remaining quantity shall be offered by the paying agency to the successful operators starting with the one who offered the highest price. The successful operators shall be offered the option to buy the remaining quantity at the minimum selling price.

5. The paying agency shall allocate the product on the basis of its date of entry into storage, starting with the oldest product of the total quantity available at the storage place designated by the operator or, as the case may be, the oldest of the quantity of butter or sweet cream butter or cut of beef available in the cold storage place designated by the operator.

Article 35

Payments

Before removing the product and within the period specified in Article 37(2), operators shall pay the paying agency the amount corresponding to their tender for each quantity that they withdraw from the storage place, as notified by the paying agency in accordance with Article 33(3).

Article 36

Sales by Member States

1. In a Member State where no tendering procedure is open in accordance with Article 28, the paying agency may itself open a tendering procedure for the sale of intervention products when the total quantity remaining in all its storage places is less than:

- (a) for each cereal: 10 000 tonnes;
- (b) for rice: 2 000 tonnes;
- (c) for beef, butter or skimmed milk powder: 200 tonnes.

2. Chapter II of Delegated Regulation (EU) 2016/1238 and this Chapter shall apply to a tendering procedure opened by a paying agency in accordance with paragraph 1, with the exception of Articles 28(2), 29(2)(b), 30(1)(a) and (e), 31 and 32(2) of this Regulation. Article 32(1) shall apply *mutatis mutandis* to a respective decision of the Member State.

3. Within the quantities fixed in paragraph 1, paying agencies may put up for direct sale products which, after visual examination in the context of the annual stocktaking in accordance with point (g) of the first subparagraph of Article 3(3) and Article 3(4) of Delegated Regulation (EU) No 907/2014 or during the inspection after taking into intervention, may no longer be repackaged or are deteriorated.

4. The paying agencies shall ensure equality of access for all parties concerned.

Article 37

Removal order

1. On payment of the amount referred to in Article 35, the paying agency shall issue a removal order indicating:

- (a) the quantity in respect of which the corresponding amount has been paid;

- (b) the storage place in which the product is stored;
- (c) the final date for removal of the product.

2. The operators shall remove the product awarded to them within 30 days of the notification referred to in Article 33(3). After that period of time the costs and risks shall be borne by the operator.

Article 38

Removal of butter and skimmed milk powder

1. At the time of removal from the storage place and in the case of delivery outside the storage place, the paying agency shall make the butter and skimmed milk powder available on pallets at the loading bay of the storage place, and loaded onto the means of transport where it is a lorry or a railway wagon. The costs involved shall be borne by the paying agency.
2. The operator shall return equivalent quality pallets to the paying agency on removal from the storage place. Alternatively, an equivalent arrangement may be agreed with the paying agency.
3. Any stowage and depalletising costs shall be borne by the operator of the butter or skimmed milk powder.

TITLE III

AID FOR PRIVATE STORAGE

CHAPTER I

Specific rules for aid for private storage

Section I

General provisions

Article 39

Opening of tendering procedures and fixing aid in advance

1. The Implementing Regulation opening the tendering procedure or fixing the amount of aid in advance may contain the following information:
 - (a) the products, or types of products, covered with their relevant CN codes, if applicable;
 - (b) in the case of aid fixed in advance, the amount of aid for storage per unit of measurement for the products covered;
 - (c) the unit of measurement of the quantities;
 - (d) if the tender or aid fixed in advance relates to products that have already been placed in storage;
 - (e) in the case of tenders, the period covered ('tendering period') and, if necessary, the different sub-periods during which tenders can be submitted, and in the case of aid fixed in advance the period for submitting an application;
 - (f) the period of storage;
 - (g) the global quantity, if applicable;

- (h) the minimum quantity per tender or application;
- (i) the amount of the security per unit of measurement in the case of tenders and, where applicable, for applications;
- (j) the periods of placing into store and of removal from store;
- (k) the specifications that have to appear on the packaging, if applicable.

2. Where the granting of aid for private storage is restricted to certain Member States or regions of a Member State as referred to in Article 18(2)(b) of Regulation (EU) No 1308/2013, tenders and applications may be lodged only in the Member State(s) concerned.

3. In the case of tenders, at least six days shall elapse between the entry into force of the Implementing Regulation opening the tendering procedure and the first date for the submission of tenders.

Article 40

Submission and admissibility of tenders and applications for aid for private storage

A tender or application for aid for private storage shall be admissible if it complies with the requirements laid down in Article 2 and the following conditions are met:

- (a) it includes at least the following information:
 - (i) a reference to the Implementing Regulation opening the tendering procedure or fixing the amount of aid for private storage in advance;
 - (ii) the storage period where so required in the Implementing Regulation opening the tendering procedure or fixing the amount of aid for private storage in advance;
 - (iii) the quantity of products covered by the tender or application;
 - (iv) where products are already stored, the name and address of each place of private storage, the location of the storage lots/batches/vats/silos with the corresponding quantities and, where appropriate, the number identifying the approved undertaking;
 - (v) in the case of tenders, the expiry date for the sub-period of submission;
 - (vi) in the case of tenders, the amount of aid in euro proposed per unit of measurement rounded to no more than two decimal places, exclusive of VAT;
- (b) the operator has lodged the amount of the security referred to in the Implementing Regulation opening the tendering procedure or fixing the amount of aid for private storage in advance.

Article 41

Verification of tenders and applications by the paying agency

1. The paying agency shall decide on the admissibility of tenders and applications on the basis of the conditions set out in Articles 2 and 40.
2. Where the paying agency decides that a tender or application is inadmissible, it shall inform the operator concerned within three working days of the receipt of the tender or application.

*Article 42***Notification of tenders and applications to the Commission**

1. Member States shall notify the Commission of all admissible tenders and applications within the following time limits:
 - (a) in the case of tenders, the time limits laid down in the Implementing Regulation opening the tendering procedure shall apply;
 - (b) in the case of applications, notifications shall be submitted not later than 12.00 (Brussels time) each Tuesday and shall relate to the quantities of the products which, during the preceding week, have been the subject of an admissible application, and of the related information. The Commission can request that such notifications are made more frequently where such information is necessary for the purposes of managing the scheme.
2. The notifications provided for in points (a) and (b) of paragraph 1 shall not contain the operators' name, address and VAT registration number.
3. Where a Member State does not notify the Commission of an admissible tender or application within the time limits referred to in points (a) and (b) of paragraph 1, it shall be deemed to have notified the Commission of a nil return.

*Section II***Fixing the amount of aid for private storage via a tendering procedure***Article 43***Decisions on the maximum amount of aid for private storage**

1. On the basis of the tenders notified in accordance with Article 42, the Commission shall decide, as provided for in Article 4(2)(a) of Regulation (EU) No 1370/2013:
 - (a) not to fix a maximum amount of the aid; or
 - (b) to fix a maximum amount of the aid.
2. Where the tender is subject to a global quantity as referred to in Article 39(1)(g), and if the award of the total quantities for which that amount has been offered would lead to the global quantity being exceeded, the Commission shall, in accordance with the procedure referred to in Article 229(2) of Regulation (EU) No 1308/2013, adopt a decision fixing an allocation coefficient. The coefficient shall apply to the tenders which have been received at the level of the maximum amount of aid.

By way of derogation from Article 2(6), an operator to whom an allocation coefficient applies may withdraw his tender within 10 working days of the date of entry into force of the decision fixing the allocation coefficient.

3. Decisions on aid referred to in paragraphs 1 and 2 shall be published in the *Official Journal of the European Union*.

*Article 44***Individual decisions on tenders**

1. Where no maximum amount of aid for private storage has been fixed, all tenders shall be rejected.

2. Where a maximum amount of aid has been fixed, the paying agency shall accept tenders which are equal to, or lower than that amount, without prejudice to Article 43(2). All the other tenders shall be rejected.

The paying agency shall only accept tenders that have been notified in accordance with Article 42.

3. The paying agency shall take the decisions referred to in paragraphs 1 and 2 of this Article after the publication of the decision of the Commission referred to in Article 43(1).

The paying agency shall notify operators of the outcome of their participation in the tendering procedure within three working days of the entry into force of that decision of the Commission.

Section III

Fixing the amount of aid for private storage in advance

Article 45

Decisions on applications for aid for private storage fixed in advance

1. For products already in storage, an admissible application shall be deemed to have been accepted on the eighth working day following the date of receipt of that application, provided that the Commission does not adopt a decision in accordance with paragraph 3 in the interim.

2. For products that are not already stored, decisions on acceptance of an admissible application shall be notified by the paying agency to the operator on the eighth working day following the date of receipt of that application, provided that the Commission does not adopt a decision in accordance with paragraph 3 in the interim.

3. Where an examination of the situation reveals that excessive use has been made of the aid for private storage scheme, or that there is a risk of excessive use or speculation, the Commission may, without applying the procedure referred to in Article 229(2) or (3) of Regulation (EU) No 1308/2013, decide to:

- (a) suspend the application of the scheme for not more than five working days; applications submitted during that period shall not be accepted;
- (b) set a single percentage by which the quantities in the applications are reduced, subject to observance of the minimum contractual quantity where appropriate;
- (c) reject applications made before the period of suspension the acceptance of which would have been decided during the period of suspension.

By way of derogation from Article 2(6), an operator to whom point (b) of the first subparagraph applies may withdraw his application within 10 working days of the date of entry into force of the decision setting the percentage reduction.

Section IV

Placing of products into private storage

Article 46

Information related to the place of private storage for products not yet in storage

Following receipt of the notification referred to in the second subparagraph of Article 44(3) or the notification of the decision referred to in Article 45(2), the operator shall notify the paying agency of the timeframe for the entry of products into storage, the name and address of each place of private storage and the corresponding quantities. The notification shall be provided to the paying agency at least five working days before the start of the placing lots into storage. The paying agency may decide to accept a shorter period than five working days.

*Article 47***Placing into storage of products not yet in storage**

1. Products shall be placed into storage within 28 days following the notification referred to in the second paragraph of Article 44(3) in the case of tenders, or the notification of the decision referred to in Article 45(2) in the case of applications.
2. For meat, placing in storage shall begin, for each individual lot of the quantity covered by the tender or application, on the day on which it comes under the control of the competent authority. That day shall be the day on which the net weight of the fresh **or** chilled product is determined:
 - (a) at the place of private storage, where the product is frozen on the premises;
 - (b) at the place of freezing, where the product is frozen in suitable facilities outside the place of private storage.
3. Placing into storage shall be considered completed on the day on which the last individual lot of the quantity covered by the tender or application is placed in storage.

*CHAPTER II***Storage contracts***Section I***Conclusion of contracts***Article 48***Contractual storage period**

1. The contractual storage period starts on the day following:
 - (a) the date of the notification referred to in Article 44(3), or the date of receipt of an admissible application without prejudice to Article 45(1), for products already placed in storage;
 - (b) the date that placing into storage is considered completed in accordance with Article 47(3) for products which are not yet stored.
2. The last day of the contractual storage period may be fixed in the Implementing Regulation opening the tendering procedure or fixing the amount of aid for private storage in advance, as referred to in Article 39(1)(f).

By way of derogation from Article 3(4) of Council Regulation (EEC, Euratom) No 1182/71 ⁽¹⁾, when the last day of the contractual storage period falls on Saturday, Sunday or a public holiday, the contractual storage period shall end with the expiry of the last hour of that day.

*Article 49***Conclusion of contracts**

Contracts shall be concluded between the paying agency of the Member State in the territory of which the products are stored or will be stored and operators fulfilling the requirements laid down in Article 2 of Delegated Regulation (EU) 2016/1238 from whom a tender or application has been accepted.

⁽¹⁾ Council Regulation (EEC, Euratom) No 1182/71 of 3 June 1971 determining the rules applicable to periods, dates and time limits (OJ L 124, 8.6.1971, p. 1).

Contracts shall be concluded for the quantity actually placed in storage (the 'contractual quantity'), which shall not exceed the quantity referred to in the second paragraph of Article 44(3) in the case of tenders, or the quantity in the application in respect of products already in store, or the notification of the decision referred to in Article 45(2) in the case of applications for products not yet in store.

Where the quantity actually placed in storage is less than 95 % of the quantity in the tender or application, or the quantity arising from the application of Article 45(3)(b), no contract shall be concluded.

Contracts shall not be concluded where the eligibility of the products is not confirmed.

Article 50

Notification of conclusion of contracts

The paying agency shall notify the successful operator of a contract considered as being concluded within five working days of the date of issue of the control report referred to in Article 61(1), subject to receiving all of the documents necessary for concluding the contract.

The date of conclusion of the contract shall be that on which the paying agency notifies the operator.

Section II

Elements of the contract and obligations of the operator

Article 51

Elements of the contract

The contract shall be construed as including, where appropriate, the elements provided for in Article 52, as well as those provided for in:

- (a) the relevant provisions of the Implementing Regulation opening the tendering procedure and in the tender; or
- (b) the relevant provisions of the Implementing Regulation fixing the amount of aid for private storage in advance and in the application.

Article 52

Obligations of the operator

1. Contracts shall cover at least the following obligations for the operator:
 - (a) to place and to keep the contractual quantity in storage, during the contractual storage period, at their own risk and expense under conditions ensuring the maintenance of the characteristics of the products referred to in Article 3 of Delegated Regulation (EU) 2016/1238, without:
 - (i) substituting the stored products, except in the case of sugar in accordance with paragraph 3;
 - (ii) or transferring them to another place of private storage or, in the case of sugar, to another silo;
 - (b) to retain the weighing-in documents established at the time of entry into the place of private storage;
 - (c) to send the documents relating to the operations of placing in storage, including the location of the storage lots/batches/vats/silos with the corresponding quantities, to the paying agency not later than five working days after the date of placing into storage referred to in Article 47(3);

- (d) to allow the paying agency to check at any time that all the obligations laid down in the contract are being adhered to;
 - (e) to make the products stored easily accessible and individually identifiable by storage lot/batch/vat/silo.
2. By way of derogation from point (a)(ii) of paragraph 1, the paying agency may authorise a relocation of the stored products under the following conditions:
- (i) for cheeses benefiting from a protected designation of origin (PDO) or from a protected geographical indication (PGI), where the operator submits a reasoned request;
 - (ii) for other products, in exceptional cases, where the operator submits a reasoned request.
3. By way of derogation from point (e) of paragraph 1 of this Article, sugar subject to a contract may be stored in a silo designated by the operator with other sugar provided that the contractual quantity is kept in storage in the designated silo during the contractual period in accordance with Article 8(1) of Delegated Regulation (EU) 2016/1238.
4. The operator shall, on request, make available to the paying agency responsible for checking all documentation, for each contract, allowing in particular the following information on the products placed in storage to be verified:
- (a) the number identifying the approved undertaking and, if necessary, the Member State of production;
 - (b) the origin and the date of production of the products, or for sugar the marketing year of production, and for meat the day of slaughtering;
 - (c) the date of placing into storage;
 - (d) the weight and, in the case of meat, the number of cuts packaged;
 - (e) the address of the place of private storage and the means allowing for ready identification of the product within the place of private storage or, for bulk sugar, the identification of the silo designated by the operator;
 - (f) the end date of the contractual storage period and the actual date of removal from contractual storage.
5. The operator or, where applicable, the storekeeper shall keep a register at the warehouse covering, by contract number:
- (a) the identification of the products placed in storage by lot/batch/vat/silo;
 - (b) the dates of placing in and removal from storage;
 - (c) the quantity of products in storage by lot/batch/vat/silo;
 - (d) the location of the products by storage lot/batch/vat/silo within the store.

CHAPTER III

Removal of products and payment of aid for private storage

Section I

Removal of products from storage

Article 53

Removal from storage

1. Removal from storage may start on the day following the last day of the contractual storage period or, as the case may be, from the date specified in the Implementing Regulation opening the tendering procedure or fixing the amount of aid for private storage in advance.

2. Removal from storage shall be in whole storage lots unless the paying agency authorises removal in smaller quantities.

However, in the case of sealed products as referred to in Article 60, only a sealed quantity may be removed from store.

3. Where in the Implementing Regulation opening the tendering procedure or fixing the amount of aid for private storage in advance, the contractual storage period is specified as being between a period of days, the operator shall notify the paying agency of the intention to begin removing products from storage, indicating the storage lots/batches/vats/silos involved, at least five working days before the start of removal operations.

The paying agency may decide to accept a shorter period than five working days.

Section II

Payment

Article 54

Application for payment of aid for private storage

The operator shall lodge an application for payment within three months of the end of the contractual storage period.

Article 55

Payment of aid for private storage

Payment of the aid shall be made not later than 120 days following the date on which an application for payment is lodged provided that the obligations of the contract have been met.

However, if an administrative inquiry is under way, payment shall not be made until entitlement has been recognised.

TITLE IV

CHECKS AND PENALTIES

CHAPTER I

Checks

Article 56

General provisions on checks relating to public intervention and aid for private storage

1. Paying agencies shall take all necessary measures to ensure compliance with the requirements relating to public intervention and the granting of aid for private storage laid down in Delegated Regulation (EU) 2016/1238, this Regulation and the Implementing Regulations referred to in Article 1(2)(a) and (b) of this Regulation.

The measures shall include full administrative checking of offers and tenders for public intervention and tenders and applications for aid for private storage, which shall be supplemented by on-the-spot documentary and physical checks as specified in this Title.

2. The verification of the weight of products delivered to public intervention and, in the case of aid for private storage, of the contractual quantity shall be conducted in the presence of the officials of the paying agency.
3. Physical samples taken for the purposes of verifying the quality and composition of products for public intervention and aid for private storage shall be taken by the officials of the paying agency or in their presence.
4. For the purposes of the audit trail, all stock and financial records and documents checked by the paying agency shall be stamped or initialled during the control visit. Where computer records are verified, a record of the check undertaken shall be included in the inspection file, either in paper or in electronic form. Such records shall be made available to the Commission on request.

Article 57

Specific provisions on checks relating to public intervention

1. Without prejudice to the checks required by this Regulation for the takeover of products, the checks of the intervention stocks shall be carried out in accordance with Article 3 of Delegated Regulation (EU) No 907/2014.
2. Where the storage place referred to in Article 7(1)(a)(ii) is in a Member State other than that where the offer or tender is submitted, the paying agency that received the offer or tender may request assistance from the paying agency responsible for that storage place, including an on-site check. The assistance shall be provided within the period requested by the paying agency that received the offer or tender.
3. For beef, the checks shall be carried out in accordance with Parts I and III of Annex III.

Article 58

Specific provisions on checks relating to public intervention for cereals and rice

1. Notwithstanding Article 56(2), the quantity delivered shall be weighed in the presence of the operator and a representative of the paying agency who is independent from the operator.

However, if the representative of the paying agency is also the storekeeper, the paying agency shall, within 30 days of the date of delivery, conduct an inspection involving at least a volumetric check. Any difference between the quantity determined by weighing and the quantity estimated in accordance with the volumetric method shall not exceed 5 %.

Where the 5 % tolerance is not exceeded, the storekeeper shall bear all costs relating to any difference observed, at a later weight check, from the weight entered in the accounts on takeover.

Where the 5 % tolerance is exceeded, the cereals or rice shall be weighed forthwith. Where the weight determined is less than that recorded, the costs of weighing shall be borne by the storekeeper. Otherwise, the costs of weighing shall be borne by the paying agency.

2. Where the level of contaminants in cereals is to be checked on the basis of the risk analysis referred to in point 3 of Part I of Annex I to Delegated Regulation (EU) 2016/1238, the paying agency shall be liable for the financial consequences of any failure to comply with the maximum contaminant levels in accordance with the rules set out in Article 3(6) of Delegated Regulation (EU) No 907/2014.

However, in the case of ochratoxin A and aflatoxin, if the paying agency concerned is able to prove to the Commission's satisfaction that the standards were met on entry, that normal storage conditions were observed and that the storekeeper's other commitments were respected, the financial liability shall be borne by the Union budget.

*Article 59***Specific provisions for the takeover in storage place of the storekeeper for cereals and rice**

1. If the takeover of cereals or rice takes place at the storage place where the products are held at the time the offer or tender is submitted, the quantity taken over shall be established on the basis of the store register, which shall fulfil professional standards which allow to guarantee compliance with Union legislation, in particular with Annex III to Delegated Regulation (EU) No 907/2014, and provided that:

(a) the store register shows:

- (i) the weight recorded on weighing carried out within a period of no more than 10 months before the takeover;
- (ii) the physical quality characteristics at the time of weighing and, in particular, the moisture content;
- (iii) trans-silages, if any, and treatments carried out;

(b) the storekeeper declares that the lot offered corresponds in all respects to the details contained in the store register;

(c) the quality characteristics established at the time of weighing are the same as those of the representative sample made up from the samples taken by the paying agency or its representative at a rate of one for every 60 tonnes.

2. If paragraph 1 applies, the weight to be recorded in the store register and financial accounts provided for in point (a) of the first subparagraph of Article 3(3) of Delegated Regulation (EU) No 907/2014 shall be that entered in the store register and adjusted, where appropriate, to take account of any difference between the moisture content or the percentage of miscellaneous impurities (Schwarzbesatz) recorded at the moment of weighing and those determined on the basis of the representative sample. A difference between the percentages of miscellaneous impurities may only be taken into account to reduce the weight entered in the store register.

Within 30 days of takeover the paying agency shall make a volumetric check. Any difference between the quantity determined by weighing and the quantity estimated in accordance with the volumetric method shall not exceed 5 %.

Where the 5 % tolerance is not exceeded, the storekeeper shall bear all costs relating to any difference observed, at a later weight check, from the weight entered in the accounts on takeover.

Where the 5 % tolerance is exceeded, the cereals or rice shall be weighed forthwith. Where the weight determined is less than that recorded, account being taken of the tolerance limits provided for in point 1 of Annex IV to Delegated Regulation (EU) No 907/2014, the costs of weighing shall be borne by the storekeeper. Otherwise, the costs of weighing shall be borne by the European Agricultural Guarantee Fund.

*Article 60***Specific provisions on checks relating to aid for private storage**

1. For all the lots put into storage, the paying agency shall undertake on-the-spot documentary checks within 30 days of the start of the contractual storage period referred to in Article 48(1) in order to verify the contractual quantity referred to in Article 49. Such checks shall include an examination of the store register referred to in Article 52(5) and of supporting documents, such as weigh tickets and delivery dockets, as well as physical verification of the presence of the lots and the identity of the products in the place of private storage.

In the case of meat, the checks shall take place at the time of placing into private storage, and for olive oil, prior to the official sealing of the vats.

In duly justified circumstances, the paying agency may extend the period referred to in the first subparagraph by up to 15 days. In such cases, the paying agency shall inform the affected operators.

2. In addition to the checks required under paragraph 1, a representative statistical sample of at least 5 % of the lots covering at least 5 % of the total quantities placed in storage shall be physically checked to ensure that the quantity, nature and composition, packaging and marking of the products and storage lots conform to the requirements for private storage and to the particulars specified by the operator in their tender or application.

In the case of cheese, physical checks shall be undertaken on all lots in order to verify the contractual quantity.

3. During the storage period, the paying agency shall also undertake unannounced on-the-spot checks to ensure the presence and identity of the contractual quantity in the place of private storage, and that sugar stored in bulk is present in the silo designated by the operator. The check shall be undertaken on the basis of a random statistical sample of at least 5 % of the lots covering at least 5 % of the total quantities for which contracts have been concluded. This sample shall not include more than 25 % of lots already checked in accordance with paragraph 2, unless it would not be possible to conduct the on-the-spot check of at least 5 % of the lots covering at least 5 % of the total quantities for which contracts have been concluded.

The unannounced check referred in the first subparagraph shall not be necessary where the paying agency, with the agreement of the operator, has sealed the products in such a way that the contractual quantities cannot be removed from the place of storage without breaking seal.

4. At the end of the contractual storage period, or before the start of the removal of products where Article 53(3) applies, the paying agency shall undertake on-the-spot checks to verify that the contractual commitment has been met based on a documentary check of the store register and supporting documents, as well as a verification of the presence of the lots and the identity of the products in the place of private storage.

In addition to the checks referred to in the first subparagraph, a representative statistical sample of at least 5 % of the lots covering at least 5 % of the total quantities for which contracts have been concluded shall be physically checked to verify the quantity, type, packaging and marking and identity of the products in the place of private storage.

5. Where the paying agency, with the agreement of the operator, has sealed the products in such a way that the stored quantity cannot be removed from the individual lot without breaking seal, the checks referred to in paragraphs 3 and 4 may be limited to verifying the presence and integrity of the seals.

Article 61

Reporting of checks

1. The paying agency shall draw up a control report within five working days of the completion of each on-the-spot check undertaken and, if appropriate, of the checks referred to in Article 56(3). The report shall describe precisely the different items checked and shall set out:

- (a) the date and time of commencement of the check;
- (b) details of any advance notice given;
- (c) the duration of the check;
- (d) the responsible persons present;
- (e) the nature and extent of the checks carried out, providing, in particular, details of the documents and products examined;
- (f) the findings and conclusions;
- (g) whether any follow-up is required.

The report shall be signed by the responsible paying agency official and either countersigned by the operator or, where applicable, by the storekeeper, or sent to the operator by registrable means. The report shall be included in the payment file.

2. In case of non-compliance of products subject to the check, the verification shall be extended to a larger statistical sample to be determined by the paying agency.

3. The paying agency shall record any cases of non-compliance on the basis of the criteria of gravity, extent, duration and repetition that may result in exclusion in accordance with Article 62(1), or in the repayment of unduly paid, aid for private storage, including interest where applicable, in accordance with Article 62(4).

CHAPTER II

Penalties and administrative measures

Article 62

Penalties and administrative measures in relation to aid for private storage

1. Where the paying agency finds that a document presented by an operator, which is required under Delegated Regulation (EU) 2016/1238, this Regulation or an Implementing Regulation referred to in Article 1(2)(b) of this Regulation, provides incorrect information, and where the incorrect information concerned is decisive for the granting of aid for private storage, the paying agency shall exclude the operator from the procedure of granting aid for the product for which the incorrect information has been given for a period of one year from the date of adoption of a final administrative decision establishing the irregularity.

2. The exclusion provided for in paragraph 1 shall not apply if the operator proves, to the satisfaction of the paying agency, that the situation referred to in that paragraph is due to force majeure or obvious error.

3. Unduly paid aid shall be recovered, with interest, from the operators concerned. The rules laid down in Article 27 of Implementing Regulation (EU) No 908/2014 shall apply *mutatis mutandis*.

4. Implementation of administrative penalties and recovery of unduly paid amounts, as provided for in this Article, are without prejudice to communication of irregularities to the Commission pursuant to Commission Regulation (EC) No 1848/2006 ⁽¹⁾.

TITLE V

NOTIFICATIONS AND FINAL PROVISIONS

CHAPTER I

Notifications

Section I

General provisions on notifications

Article 63

Method of notification

The notifications referred to in this Regulation, as well as in Implementing Regulations referred to in Article 1, shall be made in accordance with Commission Regulation (EC) No 792/2009 ⁽²⁾.

⁽¹⁾ Commission Regulation (EC) No 1848/2006 of 14 December 2006 concerning irregularities and the recovery of sums wrongly paid in connection with the financing of the common agricultural policy and the organisation of an information system in this field and repealing Council Regulation (EEC) No 595/91 (OJ L 355, 15.12.2006, p. 56).

⁽²⁾ Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments' regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands (OJ L 228, 1.9.2009, p. 3).

*Article 64***Notifications concerning paying agencies**

1. Member States shall notify the Commission of the approved paying agencies responsible for intervention buying-in and sales and for aid for private storage.
2. The Commission shall make available to the Member States and to the public the list of approved paying agencies, including by way of publication on the internet.

*Section II***Notifications as regards public intervention***Article 65***Notifications of information on intervention stocks**

1. Member States whose paying agencies hold intervention stocks shall notify the Commission, not later than the 15th of each month, of the following items:
 - (a) for cereals and rice:
 - (i) the quantities stored from the beginning of the marketing year;
 - (ii) the cumulative quantities taken over since the beginning of the marketing year;
 - (iii) the cumulative quantities which have left the storage places since the beginning of the marketing year, identified where appropriate by type of use or destination, and the cumulative quantities lost;
 - (iv) the cumulative quantities committed, identified where appropriate by type of use or destination;
 - (v) the quantities under offer at the end of the monthly reporting period;
 - (b) for butter and skimmed-milk powder:
 - (i) the quantities for each product in storage at the end of the previous month and the quantities entering and leaving the storage places during that month;
 - (ii) a breakdown of the quantities of each product leaving the storage places during the previous month, according to the Regulation opening the tendering procedure for the sale of the products concerned;
 - (iii) a breakdown by age of the quantities in storage at the end of the previous month;
 - (c) for beef:
 - (i) the quantities for each product in storage at the end of the previous month and the quantities entering and leaving the storage places during that month;
 - (ii) a breakdown of the quantities of each product leaving the storage places during the previous month, according to the Regulation opening the tendering procedure for the sale of the products concerned;
 - (iii) the quantities of each cut covered by contracts of sale concluded in the previous month;
 - (iv) the quantities of each cut covered by removal orders issued in the previous month;

- (v) the quantities of each cut bought in during the previous month;
 - (vi) the uncommitted stocks and the physical stocks of each cut at the end of the previous month, with details of the length of time the uncommitted stocks have been in storage;
- (d) for all products:
- (i) the opening of a tendering procedure, the quantities awarded and the minimum sale prices fixed in the case of application of Article 36;
 - (ii) information relating to disposals for the scheme for the most deprived.
- 2 The Commission may request that notifications provided for in paragraph 1 be made with an increased frequency where that is necessary for the purposes of the efficient management of the intervention system.
3. For the purposes of point (b) of paragraph 1:
- (a) 'quantities entering' means quantities physically placed in storage, whether or not taken over by the paying agency;
 - (b) 'quantities leaving' means quantities which have been removed or, if taken over by the purchaser before removal, quantities taken over.
4. For the purposes of point (c) of paragraph 1:
- (a) 'uncommitted stocks' means stocks not yet covered by a contract of sale;
 - (b) 'physical stocks' means uncommitted stocks plus stocks covered by a contract of sale but not yet taken over.

Section III

Notifications as regards aid for private storage

Article 66

Notification of information on private storage

Member States in which the aid for private storage scheme is used shall notify the Commission:

- (a) at least once a week of the products and quantities for which contracts have been concluded during the preceding week, broken down by storage period;
- (b) not later than the 15th of each month for the previous month:
 - (i) of the quantities of products placed into and leaving private storage during the month concerned, where applicable broken down by categories;
 - (ii) of the quantities of products in private storage at the end of the month concerned, where applicable broken down by categories;
 - (iii) of the quantities of products in respect of which the contractual storage period has ended;
 - (iv) if the storage period has been curtailed or extended, as referred to in Article 20(m) of Regulation (EU) No 1308/2013, of the products and quantities in respect of which the storage period has been revised, and of the initial and revised dates for removal from storage;
- (c) by 31 March each year for the preceding calendar year, of the results of the on-the-spot checks carried out pursuant to Title IV.

CHAPTER II

Final provisions

Article 67

Entry into force and application

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

It shall apply as from 1 October 2016. However, as regards buying-in to public intervention, Tables III and IV of Part V and Point (b) of Part VI of Annex I shall apply as of 1 July 2017.

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

Done at Brussels, 18 May 2016.

For the Commission

The President

Jean-Claude JUNKER

ANNEX I

CEREALS

PART I

1. DEFINITION OF MATTER OTHER THAN BASIC CEREALS OF UNIMPAIRED QUALITY

1.1. **Broken grains**

For durum wheat, common wheat and barley, the definition of 'broken grains' is that contained in standard EN 15587.

For maize, the definition of 'broken grains' is that contained in standard EN 16378.

1.2. **Grain impurities**(a) *Shrivelled grains*

For durum wheat, common wheat and barley, the definition of 'shrivelled grains' is that contained in standard EN 15587. However, for barley from Estonia, Latvia, Finland and Sweden, 'shrivelled grains' means grains with a specific weight of at least 64 kilograms per hectolitre offered or tendered for, or placed in, intervention in those Member States, grains which, after elimination of all other matter referred to in this Annex, pass through sieves with apertures of 2,0 mm.

'Shrivelled grains' does not apply to maize.

(b) *Other cereals*

For durum wheat, common wheat and barley, the definition of 'other cereals' is that contained in standard EN 15587.

For maize, the definition of 'other cereals' is that contained in standard EN 16378.

(c) *Grains damaged by pests*

For durum wheat, common wheat and barley, the definition of 'grains damaged by pests' is that contained in standard EN 15587.

For maize, the definition of 'grains damaged by pests' is that contained in standard EN 16378.

(d) *Grains in which the germ is discoloured*

For durum wheat and common wheat, the definition is that contained in standard EN 15587.

'Grains in which the germ is discoloured' does not apply to barley or maize.

(e) *Grains overheated during drying*

For durum wheat, common wheat and barley, the definition of 'grains overheated during drying' is that contained in standard EN 15587.

For maize, the definition of 'grains overheated during drying' is that contained in standard EN 16378..

(f) *Mottled grains*

For durum wheat, the definition of 'mottled grains' is that contained in standard EN 15587.

'Mottled grains' does not apply to common wheat, barley or maize.

1.3. Sprouted grains

For durum wheat, common wheat and barley, the definition of 'sprouted grains' is that contained in standard EN 15587.

For maize, the definition of 'sprouted grains' is that contained in standard EN 16378.

1.4. Miscellaneous impurities

(a) *Extraneous seeds*

For durum wheat, common wheat and barley, the definition of 'extraneous seeds' is that contained in standard EN 15587.

For maize, the definition of 'extraneous seeds' is that contained in standard EN 16378.

'Noxious seeds' means seeds which are toxic to humans and animals, seeds hampering or complicating the cleaning and milling of cereals and seeds affecting the quality of products processed from cereals.

(b) *Damaged grains*

For durum wheat, common wheat and barley, the definition of 'damaged grains' is that contained in standard EN 15587.

For maize, the definition of 'damaged grains' is that contained in standard EN 16378.

In standard EN 15587, for durum wheat, common wheat and barley, the definition of 'grains affected by fusariosis' is included in that of 'damaged grains'.

(c) *Extraneous matter*

For durum wheat, common wheat and barley, the definition of 'extraneous matter' is that contained in standard EN 15587.

For maize, the definition of 'extraneous matter' is that contained in standard EN 16378.

(d) *Husks (cob fragments in the case of maize)*

(e) *Ergots*

(f) *Decayed grains*

For durum wheat and common wheat, the definition of 'decayed grains' is that contained in standard EN 15587.

'Decayed grains' does not apply to barley or maize.

(g) *Impurities of animal origin.*

1.5. Live pests**1.6. Mitadiné grains**

Mitadiné grains of durum wheat are grains whose kernels cannot be regarded as entirely vitreous. They are defined in standard EN 15585.

2. SPECIFIC FACTORS TO TAKE INTO CONSIDERATION FOR EACH TYPE OF CEREAL FOR THE DEFINITION OF IMPURITIES**2.1. Durum wheat**

'Grain impurities' means shrivelled grains, grains of other cereals, grains damaged by pests, grains in which the germ is discoloured, mottled grains and grains overheated during drying.

'Miscellaneous impurities' means extraneous seeds, damaged grains (including grains affected by fusariosis), extraneous matter, husks, ergot, decayed grains and impurities of animal origin.

2.2. Common wheat

'Grain impurities' means shrivelled grains, grains of other cereals, grains damaged by pests, grains in which the germ is discoloured (only where the content exceeds 8 %) and grains overheated during drying.

'Miscellaneous impurities' means extraneous seeds, damaged grains (including grains affected by fusariosis), extraneous matter, husks, ergot, decayed grains and impurities of animal origin.

2.3. Barley

'Grain impurities' means shrivelled grains, grains of other cereals, grains damaged by pests and grains overheated during drying.

'Miscellaneous impurities' means extraneous seeds, damaged grains (including grains affected by fusariosis), extraneous matter, husks and impurities of animal origin.

2.4. Maize

'Grain impurities' means grains of other cereals, grains damaged by pests and grains overheated during drying.

'Miscellaneous impurities' means extraneous seeds, damaged grains, extraneous matter, cob fragments and impurities of animal origin.

PART II**Methods used for determining the quality of cereals offered or tendered for, or placed in, intervention**

Pursuant to Article 4, the following methods are to be used to determine the quality of cereals offered or tendered for, or placed in, intervention:

- (a) reference method for determining matter other than basic cereals of unimpaired quality:
 - (i) for common wheat, durum wheat and barley: standard EN 15587,
 - (ii) for maize: standard EN 16378;

- (b) reference method for determining the moisture content:
 - (i) for maize: standard EN ISO 6540,
 - (ii) for cereals other than maize: standard EN ISO 712, or an infrared technology-based method complying with standard EN 15948.

In the event of a dispute, only the results resulting from applying standard EN ISO 6540 for maize and standard EN ISO 712 for cereals other than maize are to be considered valid;

- (c) reference method for determining the non-stickiness and machinability of the dough obtained from common wheat: that set out in Part III of this Annex;
- (d) reference method for determining the protein content in durum wheat and ground common wheat: that set out in:
 - (i) standard EN ISO 20483, or
 - (ii) standard CEN ISO/TS 16634-2.

In the event of a dispute, only the results obtained from applying standard EN ISO 20483 are to be considered valid;

- (e) reference method for determining the Zeleny index of ground common wheat: that set out in standard EN ISO 5529;
- (f) reference method for determining the Hagberg falling number (amylase activity test): that set out in standard EN ISO 3093;
- (g) reference method for determining the rate of loss of the vitreous aspect of durum wheat: that set out in standard EN 15585;
- (h) reference method for determining the specific weight: that set out in standard EN ISO 7971/3;
- (i) sampling and analysis methods for establishing the rate of mycotoxins: those referred to in the Annex to Commission Regulation (EC) No 1881/2006 ⁽¹⁾ and set out in Annexes I and II to Commission Regulation (EC) No 401/2006 ⁽²⁾.

PART III

Method for determining the non-stickiness and machinability of the dough obtained from common wheat

1. Title

Method for test baking of wheat flour.

2. Scope

The method is applicable to flour, experimentally milled from wheat for the production of yeast-raised bread.

3. Principle

Dough is made from flour, water, yeast, salt and sucrose, in a specified mixer. After dividing and rounding, the pieces are given 30 minutes' rest; they are moulded, placed on baking sheets and baked after a final proof of fixed duration. Dough-handling properties are noted. The loaves are judged by volume and height.

⁽¹⁾ Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

⁽²⁾ Commission Regulation (EC) No 401/2006 of 23 February 2006 laying down the methods of sampling and analysis for the official control of the levels of mycotoxins in foodstuffs (OJ L 70, 9.3.2006, p. 12).

4. **Ingredients**

4.1. *Yeast*

Active dry yeast of type *Saccharomyces cerevisiae* DHW-Hamburg-Wansbeck or a product having the same characteristics.

4.2. *Tap water*

4.3. *Sugar-salt-ascorbic acid solution*

Dissolve $30 \pm 0,5$ g of sodium chloride (commercial grade), $30 \pm 0,5$ g of sucrose (commercial grade), and $0,040 \pm 0,001$ g ascorbic acid in 800 ± 5 g of water. Prepare fresh daily.

4.4. *Sugar solution*

Dissolve $5 \pm 0,1$ g sucrose (commercial grade) in 95 ± 1 g of water. Prepare fresh daily.

4.5. *Enzyme active malt flour*

Commercial grade.

5. **Equipment and apparatus**

5.1. *Baking room*

Controlled to maintain a temperature of 22 to 25 °C.

5.2. *Refrigerator*

For maintaining a temperature of 4 ± 2 °C.

5.3. *Balance*

Maximum load 2 kg, accuracy 2 g.

5.4. *Balance*

Maximum load 0,5 kg, accuracy 0,1 g.

5.5. *Analytical balance*

Accuracy $0,1 \times 10^{-3}$ g.

5.6. *Mixer*

Stephan UMTA 10, with mixing arm model 'Detmold' (Stephan Soehne GmbH) or similar equipment having the same characteristics.

5.7. *Proving cabinet*

Controlled to maintain a temperature of 30 ± 1 °C.

5.8. *Open plastic boxes*

Made from polymethylmethacrylate (Plexiglas, Perspex). Inside dimensions: $25 \times 25 \times 15$ cm height, wall thickness $0,5 \pm 0,05$ cm.

5.9. *Square plastic sheets*

Made from polymethylmethacrylate (Plexiglas, Perspex). At least 30×30 cm, thickness $0,5 \pm 0,05$ cm.

5.10. *Moulder*

Brabender ball homogeniser (Brabender OHG) or similar equipment having the same characteristics.

6. **Sampling**

According to standard EN ISO 24333.

7. **Procedure**

7.1. *Determination of water uptake*

Determine the water absorption according to ICC Standard No 115/1.

7.2. *Determination of malt flour addition*

Determine the 'falling number' of the flour according to standard EN ISO 3093. If the 'falling number' is higher than 250, determine the malt flour addition required to bring it within the range 200 to 250, using a series of mixtures of the flour with increasing quantities of malt flour (point 4.5). If the 'falling number' is lower than 250, no malt flour is required.

7.3. *Reactivation of active dry yeast*

Adjust the temperature of the sugar solution (point 4.4) to 35 ± 1 °C. Pour one part by weight of the active dry yeast into four parts by weight of this tempered sugar solution. Do not stir. Swirl if necessary.

Allow to stand for 10 ± 1 minute, then stir until a homogeneous suspension is obtained. Use this suspension within 10 minutes.

7.4. *Temperature adjustment of the flour and the dough liquid*

The temperature of the flour and the water must be adjusted to give a dough temperature of 27 ± 1 °C after mixing.

7.5. *Dough composition*

Weigh, with a precision of 2 g, $10 y/3$ g flour on as-is moisture basis (corresponding to 1 kg flour on a 14 % moisture basis), in which 'y' is the quantity of flour used in the farinograph test (see ICC Standard No 115/1).

Weigh, with a precision of 0,2 g, the quantity of malt flour necessary to bring the 'falling number' within the range 200 to 250 (point 7.2).

Weigh 430 ± 5 g sugar-salt-ascorbic acid solution (point 4.3) and add water to a total mass of $(x - 9) 10 y/3$ g, (see point 10.2) in which 'x' is the quantity of water used in the farinograph test (see ICC Standard No 115/1). This total mass (usually between 450 and 650 g) must be achieved with a precision of 1,5 g.

Weigh 90 ± 1 g yeast suspension (point 7.3).

Note the total mass of the dough (P), which is the sum of the masses of flour, sugar-salt-ascorbic acid solution plus water, yeast suspension and malt flour.

7.6. *Mixing*

Before starting, bring the mixer to a temperature of 27 ± 1 °C by use of a suitable quantity of tempered water.

Place the liquid dough ingredients in the mixer and place the flour plus malt flour on top.

Start the mixer (speed 1, 1 400 rev/min), and allow to run for 60 seconds. Twenty seconds after the start of mixing, turn the scraper attached to the lid of the mixing bowl two revolutions.

Measure the temperature of the dough. If it is outside the range 26 to 28 °C, discard the dough and mix a new one after adjustment of ingredient temperatures.

Note dough properties using one of the following terms:

- non-sticky and machinable, or
- sticky and non-machinable.

To be considered 'non-sticky and machinable' at the end of mixing, the dough should form a coherent mass which hardly adheres to the sides of the bowl and spindle of the mixer. It should be possible to collect the dough by hand and remove it from the mixing bowl in a single motion without noticeable loss.

7.7. *Dividing and rounding*

Weigh, with precision of 2 g, three pieces of dough according to the formula:

$p = 0,25 P$, where:

p = mass of scaled dough piece,

P = total mass of dough.

Immediately round the pieces for 15 seconds in the moulder (point 5.10) and place them for 30 ± 2 minutes on the square plastic sheets (point 5.9), covered by the inverted plastic boxes (point 5.8) in the proving cabinet (point 5.7).

Do not use dusting flour.

7.8. Moulding

Bring the pieces of dough on the plastic sheets, covered by the inverted boxes, to the moulder (point 5.10), and re-round each piece for 15 seconds. Do not remove cover from a piece of dough until immediately before rounding. Note dough properties again, using one of the following terms:

- (a) non-sticky and machinable, or
- (b) sticky and non-machinable.

To be considered as 'non-sticky and machinable' the dough should adhere hardly, or not at all, to the sides of the chamber so that it can freely rotate around itself and form a regular ball during the operation of the machine. At the end of the operation the dough should not stick to the sides of the dough-moulding chamber when the lid of the chamber is raised.

8. Test report

The test report shall mention:

- (a) dough-handling properties at the end of mixing, and at moulding,
- (b) the 'falling number' of the flour without addition of malt flour,
- (c) any anomalies observed.
- (d) the method used,
- (e) all details required for the identification of the sample.

9. General remarks

- 9.1. The formula for the calculation of the quantity of dough liquid is based on the following considerations:

Addition of x ml water to the equivalent of 300 g flour at 14 % moisture produces the required consistency. As in the baking test 1 kg of flour (14 % moisture basis) is used, whereas x is based on 300 g of flour, for the baking test x divided by three and multiplied by 10 g of water is needed, so $10 x/3$ g.

The 430 g sugar-salt-ascorbic acid solution contains 15 g salt and 15 g sugar. This 430 g solution is included in the dough liquid. So to add $10 x/3$ g water to the dough, $(10 x/3 + 30)$ g dough liquid composed of the 430 g sugar-salt-ascorbic acid solution and an additional quantity of water must be added.

Although part of the water added with the yeast suspension is absorbed by the yeast, this suspension also contains 'free' water. It is arbitrarily supposed that 90 g yeast suspension contains 60 g 'free' water. The quantity of the dough liquid must be corrected for this 60 g of 'free' water in the yeast suspension, so $10 x/3$ plus 30 minus 60 g must finally be added. This can be rearranged as follows: $(10 x/3 + 30) - 60 = 10 x/3 - 30 = (x/3 - 3) 10 = (x - 9) 10/3$, the formula given in point 7.5. If, for example, a water addition x in the farinograph test was found of 165 ml, this value must be substituted in this formula, so to the 430 g sugar-salt-ascorbic acid solution water must be added to a total mass of:

$$(165 - 9) 10/3 = 156 \times 10/3 = 520 \text{ g.}$$

- 9.2. The method is not directly applicable to wheat. The procedure to be followed for characterising the baking properties of wheat is as follows:

Clean the wheat sample, and determine the moisture content of the cleaned wheat. If the moisture content is within the range 15,0 % to 16,0 %, do not temper the wheat. If the moisture content is outside this range, adjust the moisture content to $15,5 \pm 0,5$ %, at least three hours prior to milling.

Mill the wheat into flour using a Buehler laboratory mill MLU 202 or a Brabender Quadrumat Senior mill or similar equipment having the same characteristics.

Choose a milling procedure that yields a flour of minimum 72 % extraction, with an ash content of 0,50 to 0,60 % on dry matter basis.

Determine the ash content of the flour according to Annex II to Commission Regulation (EU) No 234/2010 ⁽¹⁾ and the moisture content according to this Regulation. Calculate the extraction rate by the equation:

$$E = (((100 - f) F) / ((100 - w) W)) \times 100 \%$$

where:

E = extraction rate,

f = moisture of the flour,

w = moisture content of the wheat,

F = mass of flour produced with moisture content f,

W = mass of wheat milled with moisture content w.

Note: Information concerning the ingredients and equipment to be used is published in Document T/77,300 of 31 March 1977 from the Instituut voor Graan, Meel en Brood, TNO — Postbus 15, Wageningen, Netherlands.

PART IV

Methodology of sampling and analyses for cereals

1. For each lot of cereals, the quality characteristics shall be established on the basis of a representative sample of the lot offered, consisting of samples taken at the rate of once every delivery for at least every 60 tonnes.
2. The reference methods to be used for determining the quality of cereals offered or tendered for, or placed in, intervention are those set out in Parts I, II and III of this Annex.
3. In cases of dispute, the paying agency shall have the necessary tests on the cereals in question carried out again, the cost being met by the losing party.

PART V

Price increases and reductions

Table I

Price increases for moisture content for cereals other than maize

Moisture content (%)	Increases (EUR/tonne)
Less than 12,5 to 12	0,5
Less than 12 to 11,5	1
Less than 11,5	1,5

⁽¹⁾ Commission Regulation (EU) No 234/2010 of 19 March 2010 laying down certain detailed rules for the application of Council Regulation (EC) No 1234/2007 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals (OJ L 72, 20.3.2010, p. 3).

Price increases for moisture content for maize

Moisture content (%)	Increases (EUR/tonne)
Less than 12 to 11,5	0,5
Less than 11,5	1

Table II

Price reductions for moisture content for cereals other than maize

Moisture content (%)	Reduction (EUR/tonne)
More than 13,0 to 13,5	0,5
More than 13,5 to 14,0	1,0
More than 14,0 to 14,5	1,5

Price reductions for moisture content for maize

Moisture content (%)	Reduction (EUR/tonne)
More than 12,5 to 13,0	0,5
More than 13,0 to 13,5	1,0

Table III

Price increases for protein content of common wheat

Protein content ⁽¹⁾ (N × 5,7)	Price increase (EUR/tonne)
More than 12,0	2,5

⁽¹⁾ As % of dry matter.

Table IV

Price reductions for protein content for common wheat

Protein content ⁽¹⁾ (N × 5,7)	Price reduction (EUR/tonne)
Less than 11,5 to 11,0	2,5

⁽¹⁾ As % of dry matter.

PART VI

Calculation of prices increases and reductions

The price adjustments provided for in Article 26(1) shall be expressed in euro per tonne for offers or tenders for intervention by multiplying the price referred to in that Article by the sum of the established percentage increases or reductions, as follows:

- (a) where the moisture content of cereals offered or tendered for intervention is less than 12,0 % for maize and 12,5 % for other cereals, the price increases to be applied shall be those listed in Table I of Part V of this Annex. Where the moisture content of these cereals offered or tendered for intervention is higher than 12,5 % for maize and 13,0 % for other cereals, the price reductions to be applied shall be those listed in Table II of Part V of this Annex;
 - (b) where the protein content of common wheat is higher than 12,0 %, the increases to be applied shall be those listed in Table III of Part V of this Annex. Where the protein content of common wheat is less than 11,5 %, the reductions to be applied shall be those listed in Table IV of Part V of this Annex.
-

ANNEX II

RICE

PART I

Methodology of sampling and analyses for paddy rice

1. With a view to verifying the quality requirements as laid down in Part I of Annex II to Delegated Regulation (EU) 2016/1238, samples shall be taken by the paying agency in the presence of the operator or his/her duly authorised agent.

Three representative samples, each weighing a minimum of one kilogram, shall be collected. One each shall go to:

- (a) the operator;
- (b) the storage place where takeover is to take place;
- (c) the paying agency.

To make up the representative samples, the number of individual samples to be taken shall be obtained by dividing the quantity of the lot by 10 tonnes. Each individual sample shall weigh the same. The representative samples shall be made up of the sum of the individual samples, divided by three.

The quality requirements shall be verified using the representative sample intended for the store where takeover is to take place.

2. Representative samples shall be taken of each part-delivery (by lorry, barge, railway wagon) under the conditions laid down in point 1.

Before its entry into the intervention store the examination of each part-delivery can be restricted to a check of the moisture content and impurity level and verification that no live insects are present. However, if it later becomes apparent when the check is finalised that a part-delivery does not satisfy the minimum quality requirements, the concerned quantity shall be refused for takeover. If the paying agency is able to check all the minimum quality requirements for each part-delivery before it enters the store, it shall refuse takeover of any part-delivery that fails to satisfy these requirements.

3. The control of the radioactivity level is performed only if the situation so requires and for a limited period.
4. In cases of dispute, the paying agency shall have the necessary tests on the paddy rice in question carried out again, the cost being met by the losing party.

A new analysis is performed by a laboratory recognised by the paying agency on the basis of a new representative sample made up, in equal parts, by samples preserved by the operator and by the paying agency. In cases where there were part-deliveries of the lot tendered, the result is given by the weighted average of the results of analyses of new representative samples taken for each of the part-deliveries.

PART II

Prices increases and reductions

1. The price adjustments provided for in Article 26(1) shall be expressed in euro per tonne and apply to tenders for intervention by multiplying the price referred to in that Article by the sum of the established percentage increases in Tables I, II and III of this Part.
2. The price increases and decreases shall apply on the basis of the weighted average of the test results on the representative samples as defined in Part I of this Annex.

Table I

Price increases for moisture content

Moisture content (%)	Increases (EUR/tonne)
Less than 12,5 to 12	0,75
Less than 12 to 11,5	1,5

Table II

Price reductions for moisture content

Moisture content (%)	Reduction (EUR/tonne)
More than 13,5 to 14,0	0,75
More than 14,0 to 14,5	1,5

Table III

Price increases relating to milling yield

Yield of whole-grain milled paddy rice	Price increases per yield point ⁽¹⁾
Above the basic yield	0,75 % increase
Overall yield of milled paddy rice	Price increases per yield point
Above the basic yield	0,60 % increase

⁽¹⁾ To be applied where the milling yield of the rice differs from the basic milling yield for the variety concerned as set out in Part II of Annex II to Delegated Regulation (EU) 2016/1238.

ANNEX III

BEEF

PART I

Conditions and controls for taking over

1. Products delivered shall be taken over subject to verification by the paying agency that they comply with the requirements laid down in Part I of Annex III to Delegated Regulation (EU) 2016/1238. In particular, a systematic check of the presentation, classification, weight and labelling of each carcass, half-carcass and quarter delivered shall be undertaken.
2. The failure to comply with the requirements laid down in Part I of Annex III to Delegated Regulation (EU) 2016/1238 shall result in rejection. Products rejected shall not be presented again for acceptance.
3. The outcome of the checks described in point 1 shall be systematically recorded by the paying agency.

PART II

Conversion coefficients

Conformation class/fat cover	Coefficient
U2	1,058
U3	1,044
U4	1,015
R2	1,015
R3	1,000
R4	0,971
O2	0,956
O3	0,942
O4	0,914

PART III

Deboning**I. General conditions governing deboning**

1. Deboning may only be carried out in cutting plants approved and operating in accordance with the requirements of Regulation (EC) No 853/2004 of the European Parliament and of the Council ⁽¹⁾.
2. For the purposes of this Regulation 'deboning operations' means the physical operations for beef/veal as referred to in Annex II to Delegated Regulation (EU) No 906/2014.

⁽¹⁾ Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55).

3. Boned cuts must meet the requirements laid down in Part IV of this Annex.

II. Contracts and specifications

1. Deboning shall be carried out under contract on terms laid down by the paying agencies, in accordance with their specifications and in compliance with the requirements of this Regulation.
2. The specifications of the paying agencies shall lay down the requirements to be met by cutting plants, shall specify the plant and equipment required and shall lay down detailed conditions covering deboning operations.

They shall in particular lay down detailed conditions specifying the method of preparation, trimming, packing, freezing and preservation of cuts with a view to their takeover by the paying agency.

III. Control and monitoring of deboning operations

The paying agencies shall take all the necessary measures to ensure that deboning operations are carried out in compliance with the requirements of this Regulation and with the contracts and specifications described in Section II of this Part.

In particular, the paying agencies shall put in place a system to ensure the continuous monitoring and verification of all deboning operations. The outcome of such monitoring and verification shall be recorded.

IV. Storage of cuts

Cuts shall be stored in cold stores located in the territory of the Member State exercising jurisdiction over the paying agency.

V. Costs of deboning operations

Contracts as referred to in Section II of this Part and payments made thereunder shall cover the costs of deboning operations as referred to in point 2 of Section I of this Part.

VI. Time limits for deboning operations

Deboning, trimming, weighing, packaging and rapid freezing must be completed within 10 calendar days of slaughter. However, the paying agency may set shorter time limits.

VII. Checks and rejection of products

1. When as a result of the checks provided for in Section III of this Part, products are found not to be in compliance with the requirements as laid down in this Regulation and with the contracts and specifications described in Section II of this Part they shall be rejected.
2. Without prejudice to the application of penalties, the paying agencies shall recover payments from the responsible parties for an amount equal to the price shown in Part V of this Annex for the cuts that have been rejected.

PART IV

Specifications for intervention deboning

1. HINDQUARTER CUTS

1.1. Description of cuts

1.1.1. Intervention shank (code INT 11)

Cutting and deboning: remove by a cut passing through the stifle joint and separating from the topside and the silverside by following the natural seam, leaving the heel muscle attached to the shank. Remove shank bones (tibia and hock).

Trimming: trim sinew tips back to the meat.

Wrapping and packing: these cuts must be individually wrapped before packing in cartons.

1.1.2. Intervention thick flank (code INT 12)

Cutting and deboning: separate from the topside by a straight cut down to and along the line of the femur and from the silverside by continuing the cut down in the line of the natural seam; the cap must be left naturally attached.

Trimming: remove the patella, the joint capsule and tendon; the external fat cover must not exceed one centimetre at any point.

1.1.3. Intervention topside (code INT 13)

Cutting and deboning: separate from the silverside and the shank by a cut following the line of the natural seam and detach from the femur; remove the aitchbone.

Trimming: remove the pizzle butt, the adjacent gristle and the scrotal (superficial inguinal) gland; remove the cartilage and connective tissues associated with the pelvic bone; the external fat cover must not exceed one centimetre at any point.

1.1.4. Intervention silverside (code INT 14)

Cutting and deboning: separate from the topside and the shank by a cut following the line of the natural seam; remove the femur.

Trimming: remove the heavy cartilage adjacent to the bone joint, the popliteal lymph node, attached fat and tendon; the external fat cover must not exceed one centimetre at any point.

1.1.5. Intervention fillet (code INT 15)

Cutting: remove entire length of fillet by freeing the head (butt end) from the hip bone (ilium) and by tracing along the fillet adjacent to the vertebrae, thereby freeing the fillet from the loin.

Trimming: remove gland and de-fat. Leave the silverskin and chain muscle intact and fully attached.

1.1.6. Intervention rump (code INT 16)

Cutting and deboning: separate from the silverside/thick flank by a straight cut from a point approximately five centimetres from the posterior edge of the fifth sacral vertebra, passing approximately five centimetres from the anterior edge of the aitchbone, taking care not to cut through the thick flank.

Separate from the loin by a cut between the last lumbar and first sacral vertebrae, clearing the anterior edge of the pelvic bone. Remove bones and cartilage.

Trimming: remove the pocket of fat on the internal surface below the eye muscle. The external fat cover must not exceed one centimetre at any point.

1.1.7. Intervention striploin (code INT 17)

Cutting and deboning: separate from the rump by a straight cut between the last lumbar and the first sacral vertebrae. Separate from the fore-rib (five bone) by a straight cut between the eleventh and tenth ribs. Remove the backbones cleanly. Remove the ribs and feather bones by sheeting out.

Trimming: remove any species of cartilage left after deboning. The tendon must be removed. The external fat cover must not exceed one centimetre at any point.

1.1.8. Intervention flank (code INT 18)

Cutting and deboning: remove the full flank from the eight-rib straight-cut hindquarter by a cut from the point where the flank has been laid back, following the natural seam down around the surface of the hind muscles to a point which is horizontal to the middle of the last lumbar vertebra.

Continue the cut downwards in a straight line parallel to the fillet, through the thirteenth to the sixth rib inclusive along a line running parallel to the dorsal edge of the vertebral column, so that the entire downward cut is no more than five centimetres from the lateral tip of the eye muscle.

Remove all bones and cartilage by sheeting out. The whole flank must remain in one piece.

Trimming: remove the coarse connective tissue sheath covering the goose skirt, leaving the goose skirt intact. Trim fat so that the overall percentage of visible (external and interstitial) fat does not exceed 30 %.

1.1.9. Intervention fore-rib (five bone) (code INT 19)

Cutting and deboning: this cut must be separated from the striploin by a straight cut between the eleventh and tenth ribs and must include the sixth to tenth ribs inclusive. Remove the intercostal muscles and pleura in a thin sheet with rib bones. Remove backbone and cartilage, including the tip of the scapula.

Trimming: remove the backstrap (ligamentum nuchae). The external fat cover must not exceed one centimetre at any point. The cap must be left attached.

2. FOREQUARTER CUTS

2.1. Description of cuts

2.1.1. Intervention shin (code INT 21)

Cutting and deboning: remove by a cut around the joint separating the shinbone (radius) and clod-bone (humerus). Remove the shinbone (radius).

Trimming: trim sinew tips back to the meat.

Shins must not be packed with shanks.

2.1.2. Intervention shoulder (code INT 22)

Cutting and deboning: separate the shoulder from the forequarter by cutting in a line following the natural seam around the edge of the shoulder and the cartilage at the tip of the scapula, continuing around the seam so that the shoulder is lifted from its natural pocket. Remove the scapula. The blade muscle under the scapula must be laid back but left attached so as to allow clean removal of the bone. Remove the clod-bone (humerus).

Trimming: remove cartilage, tendons and joint capsules; trim fat so that the overall percentage of visible (external and interstitial) fat does not exceed 10 %.

2.1.3. Intervention brisket (code INT 23)

Cutting and deboning: separate from the forequarter by cutting in a straight line perpendicular to the middle of the first rib. Remove intercostal muscles and pleura by 'sheeting out', with ribs, breastbone and cartilage. Deckle to be left attached to the brisket. Fat underlying the deckle and the sternum must be removed.

Trimming: trim fat so that the overall percentage of visible (external and interstitial) fat does not exceed 30 %.

2.1.4. Intervention forequarter (code INT 24)

Cutting and deboning: the cut remaining after removal of the brisket, shoulder and shin is classed as forequarter.

Remove rib bones by sheeting out. Neck bones must be removed cleanly.

The chain muscle must be left attached to this cut.

Trimming: tendons, joint capsules and cartilage to be removed. Trim fat so that the overall percentage of visible (external and interstitial) fat does not exceed 10 %.

PART V

Individual prices of rejected intervention cuts

	(EUR/tonne)
Intervention fillet	22 000
Intervention striploin	14 000
Intervention topside, Intervention rump	10 000
Intervention silverside, Intervention thick flank, Intervention forerib (with five ribs)	8 000
Intervention shoulder, Intervention forequarter	6 000
Intervention brisket, Intervention shank, Intervention shin	5 000
Intervention flank	4 000

ANNEX IV

BUTTER

PART I

Sampling for chemical and microbiological analysis and sensory evaluation**1. Chemical and microbiological analysis**

Quantity of butter (kg)	Minimum number of samples (> 100 g)
≤ 1 000	2
> 1 000 ≤ 5 000	3
> 5 000 ≤ 10 000	4
> 10 000 ≤ 15 000	5
> 15 000 ≤ 20 000	6
> 20 000 ≤ 25 000	7
> 25 000	7 + 1 per 25 000 kg or part thereof

Sampling for microbiological analysis must be carried out aseptically.

Up to five samples of 100 g may be combined into one sample for analysis after thorough mixing.

The samples must be taken randomly from different parts of each lot before or at the time of entry into the cold store designated by the paying agency.

Preparation of composite butter sample (chemical analysis):

- using a clean, dry butter trier or similar suitable instrument, extract a core of butter of at least 30 g and place in a sample container. The composite sample must then be sealed and forwarded to the laboratory for analysis;
- at the laboratory the composite sample is to be warmed in the original unopened container to 30 °C and shaken frequently until a homogeneous fluid emulsion free of unsoftened pieces is obtained. The container should be one half to two thirds full.

Two samples per year per producer offering butter for intervention must be analysed for non-milk fat.

2. Sensory evaluation

Quantity of butter (kg)	Minimum number of samples
1 000 ≤ 5 000	2
> 5 000 ≤ 25 000	3
> 25 000	3 + 1 per 25 000 kg or part thereof

Following a trial storage period of 30 days, samples are to be taken randomly from different parts of each lot between the 30th and the 45th day following delivery of the butter and graded.

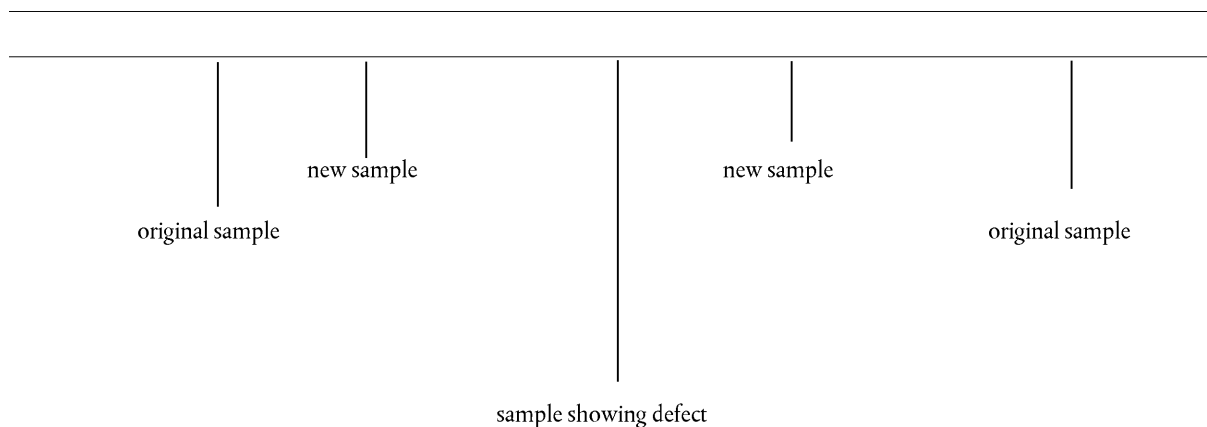
Each sample must be assessed individually in accordance with Annex IV to Regulation (EC) No 273/2008. No resampling or re-evaluation is allowed.

3. Guidelines to be followed where samples show defects

(a) chemical and microbiological analysis:

- (i) where individual samples are analysed, one sample showing a single defect out of five to 10 samples or two samples each showing a single defect out of 11 to 15 samples may be allowed. Where a sample shows a defect, two new samples must be taken from either side of the sample showing the defect and checked for the parameter in question. Where neither sample meets the specification, the quantity of butter between the original two samples on either side of the sample showing the defect must be rejected from the quantity offered.

Quantity to be rejected where the new sample shows a defect:



- (ii) where composite samples are analysed and found to show defects in respect of one parameter, the quantity represented by the composite sample concerned is to be rejected from the quantity offered. The quantity represented by one composite sample may be determined by subdividing the quantity before samples are taken randomly from each part thereof;

(b) sensory evaluation: where a sample fails the sensory evaluation, the quantity of butter between two neighbouring samples on either side of the sample failing is to be rejected from the quantity of the lot,

(c) where samples show a sensory defect and either a chemical or a microbiological defect, the whole quantity is to be rejected.

PART II

Delivery and packaging of butter

1. Butter shall be delivered in blocks and packed in new, strong material in such a way as to ensure it is protected throughout transportation, entry into storage, storage and removal from storage.
2. The packing shall show at least the following particulars, where appropriate in code:
 - (a) the approval number identifying the factory and the Member State of production;
 - (b) the date of production;

- (c) the production batch number and the package number; the package number may be replaced by a pallet number marked on the pallet;
 - (d) the words 'sweet cream' if the butter has a pH of 6,2 or higher.
3. The storekeeper shall keep a register in which the particulars referred to in point 2 are recorded on the date of entry into storage.
-

ANNEX V

SKIMMED MILK POWDER

PART I

Sampling and analysis of skimmed-milk powder offered for intervention

1. Samples per lot shall be taken in accordance with the procedure laid down in International Standard ISO 707. However, paying agencies may use another method of sampling provided that it complies with the principles of that standard.
2. Number of packages to be selected for taking samples for analysis:
 - (a) lots containing up to 800 25-kg bags: at least eight;
 - (b) lots containing more than 800 25-kg bags: at least eight, plus one for each additional 800 bags or fraction thereof.
3. Weight of sample: samples of at least 200 g are to be taken from each package.
4. Grouping of samples: no more than nine samples are to be combined in a global sample.
5. Analysis of samples: each global sample is to undergo an analysis to verify all the quality characteristics laid down in Part II of Annex V to Delegated Regulation (EU) 2016/1238.
6. Where samples show defects:
 - (a) where a composite sample shows a defect with regard to one parameter, the quantity from which the sample came is rejected;
 - (b) where a composite sample shows a defect with regard to more than one parameter, the quantity from which the sample came is rejected and samples are taken from the remaining quantities from the same plant; the analysis of those samples shall be decisive. In that case:
 - the number of samples laid down in point 2 is doubled,
 - where a composite sample shows a defect with regard to one or more parameters, the quantity from which the sample came is rejected.

PART II

Delivery and packaging of skimmed milk powder

1. Skimmed milk powder shall be packed in new, clean, dry and intact bags meeting the following requirements:
 - (a) the bags shall have at least three layers, which together correspond to at least 420 J/m² TEA average;
 - (b) the second layer shall be covered with a layer of polyethylene of at least 15 g/m²;
 - (c) inside the paper layers, a polyethylene bag at least 0,08 mm thick shall be fused to the bottom;
 - (d) bags shall conform to standard EN 770;
 - (e) when filling, the powder should be well pressed down. Loose powder must on no account be allowed to penetrate between the various layers.
2. The bags shall show the following particulars, where appropriate in code:
 - (a) the approval number identifying the factory and the Member State of production;

- (b) the date or, where appropriate, the week of production;
 - (c) the number of the production batch;
 - (d) the description 'spray skimmed-milk powder'.
3. The storekeeper shall keep a register in which the particulars referred to in point 2 are recorded on the date of entry into storage.
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