***Changes to legislation:*** *Commission Delegated Regulation (EU) No 501/2014 is up to date with all changes known to be in force on or before 28 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

# Commission Delegated Regulation (EU) No 501/2014 of 11 March 2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council by amending Commission Regulation (EC) No 826/2008 as regards certain requirements related to the agricultural products benefiting from private storage aid

## COMMISSION DELEGATED REGULATION (EU) No 501/2014

## of 11 March 2014

## supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council by amending Commission Regulation (EC) No 826/2008 as regards certain requirements related to the agricultural products benefiting from private storage aid

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 1037/01 and (EC) No 1234/2007[(1)], and in particular Article 19(1) and Article 19(4)(a) thereof,

Whereas:

(1) Commission Regulation (EC) No 826/2008[(2)] lays down common rules for the granting of private storage aid for certain agricultural products. The products eligible for private storage aid were listed in Articles 28 and 31 of Council Regulation (EC) No 1234/2007[(3)].

(2) Regulation (EU) No 1308/2013 has repealed and replaced Regulation (EC) No 1234/2007 as from 1 January 2014. Section 3 of Chapter I of Title I of Part II of Regulation (EU) No 1308/2013 contains provisions on aid for private storage.

(3) Article 17 of Regulation (EU) No 1308/2013 lists the products eligible for private storage aid. Compared to the products listed in Articles 28 and 31 of Regulation (EC) No 1234/2007, Article 17 of Regulation (EU) No 1308/2013 includes three more products which are flax fibre, cheese with a protected designation of origin (PDO) or a protected geographical indication (PGI) and skimmed milk powder made from cow's milk.

(4) In accordance with Article 17 of Regulation (EU) No 1308/2013, aid for private storage may be granted if the products concerned fulfil the conditions laid down in Section 3 of Chapter I of Title I of Part II of that Regulation and the additional requirements as regards quality and product characteristics to be adopted by the Commission.

(5) Eligibility conditions for butter laid down in Article 17(e) of Regulation (EU) No 1308/2013 have been changed compared to those provided for in Regulation (EC) No 1234/2007.

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(6) Provisions on quality and product characteristics and eligibility criteria already exist in Regulation (EC) No 826/2008 for products eligible for private storage aid under Articles 28 and 31 of Regulation (EC) No 1234/2007.

(7) It is appropriate to adopt the quality requirements and the eligibility criteria with respect to quantities for flax fibre, skimmed milk powder and cheese with a PDO or PGI, to adapt those for butter and to incorporate them in Regulation (EC) No 826/2008.

(8) Article 18 of Regulation (EU) No 1308/2013 has set out the criteria that should be taken into account in the decision of the Commission to grant private storage aid. These criteria include the average recorded Union market prices and the reference thresholds and production costs for the products concerned as well as the need to respond in a timely way to a particularly difficult market situation or economic developments having a significant negative impact on the margins in the sector.

(9) Articles 3 and 5 of Regulation (EC) No 826/2008 provide that the decision to grant private storage aid for white sugar and, respectively, beef may be taken based on recorded average Union prices. Those Articles are based on Regulation (EC) No 1234/2007 which has now been repealed and replaced by Regulation (EU) No 1308/2013. It is therefore appropriate to delete Articles 3 and 5 of Regulation (EC) No 826/2008.

(10) The quantity stored during the contractual storage period should be equal to the contractual quantity. However, for the purposes of Articles 15, 18 and 34 of Regulation (EC) No 826/2008, a margin of tolerance in respect of the quantity stored is allowed for certain products eligible for private storage aid. Given the characteristics of the products such a tolerance should be also fixed for skimmed milk powder in big bags and for long flax fibre.

(11) As regards the quality characteristics to be laid down for flax fibre, long flax fibres are considered to be high quality products that should be eligible for private storage aid.

(12) As the production of butter is no longer required to take place in an approved undertaking, the provisions for certifying compliance with the specific origin requirements in case of storage in a Member State other that of the production of the butter, laid own in Annex II to Regulation (EC) No 826/2008, are no longer applicable. New simplified rules should be laid down as regards the proof that the butter stored fulfils the requirements of Articles 9 and 17(e) of Regulation (EU) No 1308/2013. The same rules should also apply to skimmed milk powder.

(13) Regulation (EC) No 826/2008 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 826/2008 is amended as follows:

(1) in Article 2, paragraph 2 is replaced by the following:

2. Butter and skimmed milk powder shall fulfil the additional requirements set out in Annex II to this Regulation.;

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(2) Articles 3 and 5 are deleted;

(3) in Article 7, paragraph 3 is replaced by the following:

3. Tenders or applications for private storage aid for butter, skimmed milk powder, and cheeses shall relate to products which have been fully placed in storage, unless otherwise specified in the Regulation opening the tendering procedure or in the Regulation fixing the amount of aid in advance.;

(4) in Article 15(1), point (b) is replaced by the following:

(b) to place and to keep in storage at least 99 %, respectively 90 % for meat products, 98 % for olive oil, 95 % for cheeses, 97 % for skimmed milk powder in big bags and 97 % for long flax fibre of the contractual quantity for the contractual storage period, at the risk of the contracting party within the meaning of Article 19 of this Regulation and under the conditions referred to in Article 22(1)(a) of this Regulation.;

(5) in Article 18(1), point (b) is replaced by the following:

(b) to place and to keep in storage at least 99 %, respectively 90 % for meat products, 98 % for olive oil, 95 % for cheeses, 97 % for skimmed milk powder in big bags and 97 % for long flax fibre of the contractual quantity for the contractual storage period, at the risk of the contracting party within the meaning of Article 19 of this Regulation and under the conditions referred to in Article 22(1)(a) of this Regulation.;

(6) in Article 34(1), the following subparagraphs are added:

For skimmed milk powder in “big bags”, the aid shall be paid for the quantity actually stored if this represents not less than 97 % of the contractual quantity.

For long flax fibre the aid shall be paid for the quantity actually stored if this represents not less than 97 % of the contractual quantity.;

(7) Annex I is amended in accordance with the Annex I to this Regulation;

(8) Annex II is replaced by the text set out in Annex II to this Regulation.

*Article 2*

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

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

Done at Brussels, 11 March 2014.

*For the Commission*

*The President*

José Manuel BARROSO

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