Commission Implementing Regulation (EU) No 340/2014 of 1 April 2014 amending Regulation (EU) No 1272/2009 as regards certain rules on public intervention in respect of certain agricultural products, in accordance with Regulation (EU) No 1308/2013 of the European Parliament and of the Council

COMMISSION IMPLEMENTING REGULATION (EU) No 340/2014

of 1 April 2014

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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 points (a), (b), (c) and (o) of Article 20 thereof,

Whereas:

(1) Commission Regulation (EU) No 1272/2009[(2)] laid down detailed rules to implement the mechanism of public intervention in respect of certain agricultural products as provided for in Council Regulation (EC) No 1234/2007[(3)]. Regulation (EC) No 1234/2007 has been repealed and replaced by Regulation (EU) No 1308/2013 as from 1 January 2014.

(2) Chapter I of Title I of Part II of Regulation (EU) No 1308/2013 introduces a number of changes to the system of public intervention applicable from 1 January 2014.

(3) In the cereals and rice sectors, the concept of intervention centres has been abolished and sorghum is deleted from the list of products eligible for public intervention.

(4) In the milk and milk products sector, the buying-in of butter and skimmed milk powder will take place by means of a tendering system that is opened by the Commission once the fixed price quantities are reached.

(5) In the beef sector, the determination of the maximum buying-in price will be based on the average market price in a Member State or region of a Member State. In addition, the former category A of male carcasses has been split into new category A and new category Z for carcasses of bovine animals and introduced in the classification set out in Annex IV to Regulation (EU) No 1308/2013; male animals in this category Z will be eligible for public intervention.

(6) It is therefore appropriate to implement those changes by amending Commission Regulation (EU) No 1272/2009 accordingly.

Changes to legislation: Commission Implementing Regulation (EU) No 340/2014 is up to date with all changes known to be in force on or before 24 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

(7) Since the concept of intervention centres is abolished, Commission Regulations (EU) No 1125/2010[4] and (EU) No 162/2011[5] have become obsolete. For the sake of legal certainty, those Regulations should be repealed.

(8) 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

Regulation (EU) No 1272/2009 is amended as follows:

(1) the title of Chapter I of Title I is replaced by the following:

Scope, definition and approval of intervention storage places;

(2) Article 2 is replaced by the following:

Article 2

Intervention storage places

1 Intervention storage places (storage places) where products bought-in are stored shall be under the responsibility of the intervention agencies in accordance with this Regulation and Regulation (EC) No 884/2006, in particular with regard to matters of responsibility and controls, as provided for in Article 2 of that Regulation.

2 The intervention agencies shall ensure that the storage places fulfil at least the conditions laid down in Article 3 of this Regulation. The storage places for cereals and rice shall be subject to approval by the intervention agencies.

3 Information concerning the storage places for cereals and rice shall be updated and made available to the Member States and the public, in accordance with Article 55 of this Regulation.;

(3) Article 3 is amended as follows:

(a) the title is replaced by the following:

Requirements for storage places;

(b) point (a) of paragraph 1 is deleted;

(c) the second subparagraph of paragraph 1 is replaced by the following:

For the purposes of this paragraph, the "minimum storage capacity" means a minimum capacity which may not be available permanently, but a readily achievable capacity during the period when buying-in might take place. The minimum storage capacity shall apply for all the cereals and varieties of rice to be bought in.;

(4) in Article 8(1), point (a) is replaced by the following:

(a) for common wheat, barley and maize: 80 tonnes;;

(5) Article 10 is amended as follows:

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(a) in paragraph 1(a), point (iv) is replaced by the following:

(iv) for cereals and rice, the approved storage place for which the offer or tender is made, at the lowest cost taking into account Article 29; this storage place shall not be the storage place where the product is held at the time of the offer or tender;;

(b) in paragraph 2, the reference to 'Article 2(3)' is replaced by 'Article 2(2)';

(6) Article 16 is amended as follows:

(a) paragraph 2 is amended as follows:

(i) point (a) is replaced by the following:

(a) the tendering procedure for buying-in of common wheat, butter or skimmed milk powder for amounts in excess of the maximum quantity offered, respectively, of 3 million tonnes, 50 000 tonnes or 109 000 tonnes;;

(ii) point (b) is deleted;

(b) a new paragraph 2a is inserted:

2a. The Commission may open, without the assistance of the Committee referred to in Article 229(1) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council[6], the tendering procedure for buying-in beef by category and Member State, or region thereof, on the basis of the two most recent weekly market prices recorded, in accordance with Article 13(1)(c) of Regulation (EU) No 1308/2013. That tendering procedure may be closed by the Commission, in accordance with the same procedure, by category and Member State, or region thereof, on the basis of the most recent weekly market prices recorded.;

(c) paragraph 5 is replaced by the following:

5. With regard to rice, the tendering procedure may be restricted to specific varieties or one or more types of paddy rice as defined in Part I, I.2 of Annex II to Regulation (EU) No 1308/2013 ("round grain rice", "medium grain rice", "long grain rice A" or "long grain rice B").;

(7) in Article 21, paragraph 1 is replaced by the following:

1. For beef, tenders shall not be considered if the price offered is higher than the average market price recorded by category in each Member State or region thereof, converted into quality R3 using the coefficients set out in Part II of Annex III.;

(8) in Article 26, paragraph 1 is replaced by the following:

1. If cereals or rice cannot be delivered to the storage place indicated by the offerer or tenderer, referred to in Article 10(1)(a)(iv), the intervention agency shall designate another storage place to which delivery must take place, at the lowest cost.;

(9) in Article 31(2), the reference to 'Article (2)(3)' is replaced by 'Article 2(2)';

(10) in Article 32(5), point (i) is deleted;

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(11) in Article 47(3), the terms '… in accordance with Parts IX, X and XI of Annex I' are replaced by: '… in accordance with Parts IX and XI of Annex I';

(12) Article 55 is amended as follows:

(a) the title is replaced by the following:

Intervention agencies and storage places for cereals and rice;

(b) paragraph 1 is amended as follows:

(i) point (b) is deleted;

(ii) point (c) is replaced by the following:

(c) the approved storage places; and;

(c) paragraph 3 is replaced by the following:

3. The list of intervention agencies, the list of storage places and their updates shall be made available to the Member States and to the public by every appropriate means via the information systems put in place by the Commission, including publication on the internet.;

(13) Annex I is amended in accordance with Part A of the Annex to this Regulation;

(14) Annex III is amended in accordance with Part B of the Annex to this Regulation;

(15) the list of Annexes is amended in accordance with Part C of the Annex to this Regulation.

Article 2

Regulations (EU) No 1125/2010 and (EU) No 162/2011 are repealed.

Article 3

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

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

Done at Brussels, 1 April 2014.

For the Commission

The President

José Manuel BARROSO

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ANNEX

A.Annex I to Regulation (EU) No 1272/2009 is amended as follows:

(1) In Part I, point (b) of the second paragraph is replaced by the following:

(b) for barley and maize those set by Directive 2002/32/EC.

(2) In Part II, the column headed ‘Sorghum’ is deleted.

(3) Part III is amended as follows:

(a) In point 1.1, the third subparagraph is deleted.

(b) Point 1.2 is amended as follows:

(i) In the second subparagraph of (a), the words ‘or sorghum’ are deleted.

(ii) In the second subparagraph of (b), the words ‘and sorghum’ are deleted.

(iii) In the second subparagraph of (c), the words ‘and sorghum’ are deleted.

(iv) The second subparagraph of (d) is replaced by the following:

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

(v) In the second subparagraph of (e), the words ‘and sorghum’ are deleted.

(vi) Point (f) is replaced by the following:

(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.

(c) In the second paragraph of point 1.3, the words ‘and sorghum’ are deleted.

(d) Point 1.4 is amended as follows:

(i) In the second subparagraph of (a), the words ‘and sorghum’ are deleted

(ii) In the second subparagraph of (b), the words ‘and sorghum’ are deleted.

(iii) In the second subparagraph of (c), the words ‘and sorghum’ are deleted.

(iv) The second subparagraph of (f) is replaced by the following:

“Decayed grains” does not apply to barley or maize.

(e) Point 2.5 is deleted.