Commission Regulation (EU) No 945/2010 of 21 October 2010 adopting the plan allocating to the Member States resources to be charged to the 2011 budget year for the supply of food from intervention stocks for the benefit of the most deprived persons in the EU and derogating from certain provisions of Regulation (EU) No 807/2010

COMMISSION REGULATION (EU) No 945/2010

of 21 October 2010

adopting the plan allocating to the Member States resources to be charged to the 2011 budget year for the supply of food from intervention stocks for the benefit of the most deprived persons in the EU and derogating from certain provisions of Regulation (EU) No 807/2010

THE EUROPEAN COMMISSION,

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

Having regard to 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)[(1)], and in particular Article 43(f) and (g), in conjunction with Article 4 thereof,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro[(2)], and in particular Article 3(2) thereof,

Whereas:

(1) In accordance with Article 2 of 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[(3)], the Commission has to adopt a distribution plan to be financed from resources available in the 2011 budget year. That plan has to lay down, in particular, for each of the Member States applying the measure, the maximum financial resources available to carry out its part of the plan, and the quantity of each type of product to be withdrawn from the stocks held by the intervention agencies.

(2) The Member States involved in the distribution plan for the 2011 budget year have supplied the Commission with the information required in accordance with Article 1 of Regulation (EU) No 807/2010.

(3) For the purposes of resource allocation, account must be taken of experience and of the degree to which the Member States used the resources allocated to them in previous years.

(4) Point (a), (iii) of Article 2(3) of Regulation (EU) No 807/2010 provides for the allocation of resources for the purchase on the market of products temporarily unavailable in intervention stocks. Given that the stocks of butter currently held by the intervention agencies are not sufficient to cover the allocations, resource allocations

should be fixed to enable the purchase on the market as required to implement the distribution plan for the 2011 budget year.

(5) Article 4 of Regulation (EU) No 807/2010 provides that, where no rice is available in intervention stocks, the Commission may authorise the removal of cereals from the intervention stocks as payment for the supply of rice or rice products mobilised on the market. Accordingly, given that there are currently no intervention stocks of rice, the removal of cereals from intervention stocks as payment for mobilising rice products in the market should be authorised.

(6) Article 8(1) of Regulation (EU) No 807/2010 provides for the transfer between Member States of products unavailable in the intervention stocks of the Member State in which such products are required to implement the annual distribution plan. Accordingly, the intra-EU transfers necessary to implement that plan for 2011 should be authorised, subject to the conditions laid down in Article 8 of Regulation (EU) No 807/2010.

(7) Furthermore, in view of the market situation as regards cereals and in order to enable the Commission to manage cereal intervention stocks in an efficient and timely manner, it is appropriate, in case of intra-EU transfers, that supplier Member States swiftly inform the Commission about the quantities of each type of cereal kept in intervention in their territory that they will reserve for the purpose of implementing the 2011 distribution plan.

(8) Taking into account the complexity of the implementation of the 2011 distribution plan requiring a high volume of intra-EU transfers, it is appropriate to increase the 5 % margin provided in Article 3(4) of Regulation (EU) No 807/2010.

(9) In order to ensure that products from the intervention stocks do not enter the market at an inappropriate moment during the year, the time periods provided for in the first, second and third subparagraphs of Article 3(2) of Regulation (EU) No 807/2010 during which products may be withdrawn from the intervention stocks should be shortened.

(10) Taking into account the high volume of products to be withdrawn from intervention stocks and the high volume of intra-EU transfers, it is appropriate to derogate from the sixty-day period allowed for the removal of the products from intervention stocks in accordance with the fifth subparagraph of Article 3(2) of Regulation (EU) No 807/2010.

(11) Due to the current market situation in the cereals sector, which is marked by high market price levels, it is appropriate, in order to secure the Union's financial interests, to increase the security, which is to be lodged by the contractor undertaking the supply operation of cereals as provided for in Articles 4(3) and 8(4) of Regulation (EU) No 807/2010.

(12) To implement the annual distribution plan, the operative event within the meaning of Article 3 of Regulation (EC) No 2799/98 should be the date on which the financial year for administration of stocks in public storage starts.

(13) In accordance with Article 2(2) of Regulation (EU) No 807/2010, the Commission has consulted the major organisations familiar with the problems of the most deprived persons in the EU when drawing up the annual distribution plan.

(14) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

Article 1

In 2011, the distribution of food to the most deprived persons in the EU under Article 27 of Regulation (EC) No 1234/2007 shall be implemented in accordance with the annual distribution plan set out in Annex I to this Regulation.

The use of cereals as payment for mobilising rice products on the market is authorised, as referred to in Article 4(2) of Regulation (EU) No 807/2010.

Article 2

Allocations to Member States for the purchase of butter on the EU market, as required under the plan referred to in Article 1, shall be as set out in Annex II.

Article 3

1 The intra-EU transfer of products listed in Annex III to this Regulation shall be authorised, subject to the conditions laid down in Article 8 of Regulation (EU) No 807/2010.

2 In case of intra-EU transfer of cereals, the supplier Member States shall notify the Commission, within 15 days following the entry into force of this Regulation, of the quantities of each type of cereal held by their intervention agencies that are reserved for the implementation of 2011 distribution plan.

[*F1* *Article 3a*

By way of derogation from Article 3(1) of Regulation (EU) No 807/2010, the implementation period of the 2011 annual distribution plan shall finish on 29 February 2012.**]**

Textual Amendments

F1 Inserted by Commission Implementing Regulation (EU) No 1260/2011 of 2 December 2011 amending Regulation (EU) No 945/2010 adopting the plan allocating to the Member States resources to be charged to the 2011 budget year for the supply of food from intervention stocks for the benefit of the most deprived persons in the EU and derogating from certain provisions of Regulation (EU) No 807/2010.

Article 4

[*F2*By way of derogation from the first and third subparagraphs of Article 3(2) of Regulation (EU) No 807/2010, for the 2011 distribution plan, withdrawal of butter and skimmed milk powder from intervention stocks shall take place from 1 June to 31 December 2011. The expenses arising from keeping the allocated quantities of butter and skimmed milk powder in intervention stocks between 30 September and the date of the actual withdrawal from intervention storage shall be born by the Member State to which the products are allocated under the 2011 distribution plan.**]**

However, the first paragraph of this Article shall not apply to allocations of 500 tonnes or less.

For the 2011 distribution plan, the sixty-day period for the removal of withdrawn products provided for in the fifth subparagraph of Article 3(2) of Regulation (EU) No 807/2010 shall not apply in the case of butter and skimmed milk powder.

Textual Amendments

F2 Substituted by Commission Implementing Regulation (EU) No 1260/2011 of 2 December 2011 amending Regulation (EU) No 945/2010 adopting the plan allocating to the Member States resources to be charged to the 2011 budget year for the supply of food from intervention stocks for the benefit of the most deprived persons in the EU and derogating from certain provisions of Regulation (EU) No 807/2010.

Article 5

By way of derogation from the second subparagraph of Article 3(2) of Regulation (EU) No 807/2010, for the 2011 distribution plan, 70 % of the cereals stocks held by the intervention agencies must be withdrawn before 1 June 2011.

For the 2011 distribution plan, the sixty-day period for the removal of withdrawn products provided for in the fifth subparagraph of Article 3(2) of Regulation (EU) No 807/2010 shall not apply in the case of cereals.

[F3For the 2011 distribution plan, the first paragraph of this Article and the first sentence of the second subparagraph of Article 3(2) of Regulation (EU) No 807/2010 shall not apply to the following quantities of cereals stored in Finland:

— 12 856 tonnes allocated to Italy and

— 306 tonnes allocated to Slovenia.**]**

Textual Amendments

F3 Inserted by Commission Implementing Regulation (EU) No 499/2011 of 18 May 2011 amending Regulation (EU) No 945/2010 adopting the plan allocating to the Member States resources to be charged to the 2011 budget year for the supply of food from intervention stocks for the benefit of the most deprived persons in the EU and derogating from certain provisions of Regulation (EU) No 807/2010.

[F1*Article 5a*

By way of derogation from Article 3(3) of Regulation (EU) No 807/2010, for the 2011 annual distribution plan, payment operations for products to be supplied by the operator shall, in case of products to be mobilised on the market under Article 2(3)(a)(iii) and (iv) of Regulation (EU) No 807/2010, be closed before 31 December 2011.**]**

Textual Amendments

F1 Inserted by Commission Implementing Regulation (EU) No 1260/2011 of 2 December 2011 amending Regulation (EU) No 945/2010 adopting the plan allocating to the Member States resources to be charged to the 2011 budget year for the supply of food from intervention stocks for the benefit of the most deprived persons in the EU and derogating from certain provisions of Regulation (EU) No 807/2010.

Article 6

By way of derogation from the fifth subparagraph of Article 4(3) and from the first subparagraph of Article 8(4) of Regulation (EU) No 807/2010, for the 2011 distribution plan, before cereals are removed from intervention, the contractor undertaking the supply operation shall lodge a security equal to EUR 150 per tonne.

Article 7

By way of derogation from Article 3(4) of Regulation (EU) No 807/2010, for the 2011 distribution plan where substantiated changes concern 10 % or more of the quantities or values entered per product in the EU plan, the plan shall be revised.

Article 8

For the purpose of implementing the annual distribution plan referred to in Article 1 of this Regulation, the date of the operative event within the meaning of Article 3 of Regulation (EC) No 2799/98 shall be 1 October 2010.

Article 9

This Regulation shall enter into force on the third day following 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.