

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of 20 August 2008 laying down common rules for the granting of private storage aid for certain agricultural products (repealed)

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storage aid for certain agricultural products (repealed)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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)<sup>(1)</sup>, and in particular Article 43(a), (d) and (j), in conjunction with Article 4 thereof,

Whereas:

- (1) Article 28 of Regulation (EC) No 1234/2007 provides that a private storage aid has to be granted for butter, Grana Padano, Parmigiano Reggiano and Provolone cheese.
- (2) Article 31 of Regulation (EC) No 1234/2007 provides that a private storage aid may be granted for white sugar, olive oil, fresh or chilled meat of adult bovine animals, long-keeping cheeses and cheeses which are manufactured from sheep and/or goat's milk, pigmeat, sheepmeat and goatmeat.
- (3) In order to implement the aid scheme in a timely manner, detailed rules for the application of Regulation (EC) No 1234/2007 should be laid down.
- (4) Currently, the possibility of granting aid for private storage is laid down in the Council Regulations on the common organisation of the markets in certain products. Those regulations have been replaced by Regulation (EC) No 1234/2007.
- (5) In order to simplify and improve the effectiveness of the management and control mechanisms, common rules should be laid down for the implementation of the private storage aid scheme.
- (6) The aid for the private storage of products mentioned in Articles 28 and 31 of Regulation (EC) No 1234/2007 should be either fixed in advance or determined via a tendering procedure.
- (7) An aid scheme for the private storage of products referred to in Article 28 of Regulation (EC) No 1234/2007 should be implemented when the conditions mentioned in that Regulation are fulfilled.
- (8) An aid scheme for the private storage of products referred to in Article 31 of Regulation (EC) No 1234/2007 may be implemented when the conditions mentioned in that Regulation are fulfilled.

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- (9) The restructuring of the sugar industry in the Community has led to regional differentiation, with some regions having a sugar surplus, either due to local production or to imports, and others having a deficit. In regions with a surplus, prices at producers' level are expected to be subject to downward pressure since local supply exceeds local demand. In regions with a deficit, prices at producers' level are expected to be firmer since local supply does not match up to local demand. The price drop in certain Member States will not be reflected by the average Community price and provision should therefore be made for opening of tendering procedures limited to the Member States where national average prices fall below 80 % of the reference price.
- (10) As a general rule, to facilitate management and control, private storage aid should be granted only to operators established and registered for VAT purposes in the Community.
- (11) In order to provide for effective control of the production of olive oil and sugar, operators eligible for private storage aid should fulfil additional conditions.
- (12) To ensure that the arrangements can be monitored properly, the information needed to conclude the storage contract should be specified in the present Regulation as well as the obligations of the contracting parties.
- (13) In order to make the scheme more effective, contracts should relate to a certain minimum quantity, differentiated by product as appropriate, and to the obligations to be fulfilled by the contracting party, in particular those enabling the competent authority responsible for checking storage operations to make an effective inspection of the storage conditions.
- (14) Where the aid is determined via a tendering procedure, tenders should contain all the information necessary to assess them, and communications between Member States and the Commission should be provided for.
- (15) On the basis of the tenders received a maximum amount of aid may be fixed. However, situations might arise on the market in which economic or other aspects make it necessary to reject all the tenders received.
- (16) Storage of the contractual quantity for the agreed period is one of the primary requirements for the granting of private storage aid. To take account of commercial practice and practical reasons, a margin of tolerance in respect of the quantity subject to aid should be allowed.
- (17) In case of aid fixed in advance, given the emergency character of certain private storage measures due to economic circumstances, a security might be needed in order to guarantee the seriousness of the application and in order to ensure that the measure will have its desired effect on the market. The security related to the tendering procedure should ensure that the quantities offered and possibly accepted are stored pursuant to the conditions set out in this Regulation. Therefore, provisions should be adopted for the release and forfeit of the security lodged in accordance with Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products<sup>(2)</sup>.

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- (18) To ensure that the storage is properly managed, it is appropriate to adopt provisions for reducing the amount of aid to be paid when the quantity stored during the contractual storage period is less than the contractual quantity and where the storage period is not fully observed.
- (19) In the light of market situation and market developments it may be appropriate to invite the contracting party to designate its stocks for export from the moment at which they are placed in storage.
- (20) When the amount of aid for private storage is fixed in advance for certain meat products, the current rules 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. Those special measures serve to prevent excessive or speculative use of the private storage scheme. Those measures require swift action and the Commission should be empowered to act without the assistance of the management committee and to take all necessary measures without delay. Those special measures have been in place for beef meat, pigmeat, and sheepmeat and goatmeat. In order to ensure the proper functioning of the private storage scheme for those products, there is a need to maintain the current procedures of taking measures as they have been established without making any substantial changes.
- (21) It is necessary to indicate the conditions under which an advance payment may be granted, the adjustment of the aid in cases where the contractual quantity is not entirely respected, the checks on compliance with entitlement to aid, the possible penalties and the information to be notified to the Commission by the Member States.
- (22) Detailed rules should also be laid down regarding documentation, accounting and frequency and nature of checks.
- (23) Appropriate steps should be taken to prevent and to penalize irregularities and fraud. For that purpose contracting parties which are found to have made false declarations should be excluded from the private storage aid scheme for one year.
- (24) This Regulation incorporates certain provisions concerning private storage contained in Commission Regulation (EC) No 562/2005 of 5 April 2005 laying down rules for the implementation of Council Regulation (EC) No 1255/1999 as regards communication between the Member States and the Commission in the milk and milk products sector<sup>(3)</sup>, Commission Regulation (EC) No 952/2006 of 29 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 318/2006 as regards the management of the Community market in sugar and the quota system<sup>(4)</sup>, and Commission Regulation (EC) No 105/2008 of 5 February 2008 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter<sup>(5)</sup>. Those provisions should be deleted and those Regulations should be amended accordingly.
- (25) This Regulation incorporates moreover the provisions concerning private storage of the following Regulations, which should be repealed and replaced by a new Regulation:

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- Commission Regulation (EEC) No 3444/90 of 27 November 1990 laying down detailed rules for granting private storage aid for pigmeat<sup>(6)</sup>,
  - Commission Regulation (EC) No 2659/94 of 31 October 1994 on detailed rules for the granting of private storage aid for Grana Padano, Parmigiano-Reggiano and Provolone cheeses<sup>(7)</sup>,
  - Commission Regulation (EC) No 907/2000 of 2 May 2000 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards aid for private storage in the beef and veal sector<sup>(8)</sup>,
  - Commission Regulation (EC) No 2153/2005 of 23 December 2005 on the aid scheme for the private storage of olive oil<sup>(9)</sup>,
  - Commission Regulation (EC) No 6/2008 of 4 January 2008 laying down detailed rules for granting private storage aid for sheepmeat and goatmeat<sup>(10)</sup>,
  - Commission Regulation (EC) No 85/2008 of 30 January 2008 on special conditions for the granting of private storage aid for sheepmeat and goatmeat<sup>(11)</sup>,
  - Commission Regulation (EC) No 414/2008 of 8 May 2008 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards the granting of private storage aid for certain cheeses in the 2008/09 storage period<sup>(12)</sup>.
- (26) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

## <sup>F1</sup>CHAPTER I

### <sup>F1</sup>Introductory provisions

#### <sup>F1</sup>Section 1

#### **Scope and general rules for granting of private storage aid**

##### <sup>F1</sup>Article 1

#### **Scope and definition**

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##### <sup>F1</sup>Article 2

#### **Eligibility of products**

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*<sup>F1</sup>Article 3*

**[<sup>F2</sup>Conditions for granting aid for white sugar]**

**Textual Amendments**

- F2** Deleted by 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.

*<sup>F1</sup>Article 4*

**[<sup>F3</sup>Conditions for granting aid for olive oil]**

**Textual Amendments**

- F3** Substituted by Commission Regulation (EU) No 557/2010 of 24 June 2010 amending Regulations (EC) No 1518/2003, (EC) No 596/2004, (EC) No 633/2004, (EC) No 1345/2005, (EC) No 2014/2005, (EC) No 239/2007, (EC) No 1299/2007, (EC) No 543/2008, (EC) No 589/2008, (EC) No 617/2008 and (EC) No 826/2008 as regards the notification obligations within the common organisation of agricultural markets.

*<sup>F1</sup>Article 5*

**[<sup>F2</sup>Conditions for granting aid for beef]**

**Textual Amendments**

- F2** Deleted by 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.

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## <sup>F1</sup>Section 2

### **General rules for fixing the private storage aid**

#### <sup>F1</sup>Article 6

#### **Procedure for fixing the aid**

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#### <sup>F1</sup>Article 7

#### **Tenders and applications for private storage aid**

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#### <sup>F1</sup>Article 8

#### **Conditions related to the eligibility of operators**

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#### **Textual Amendments**

- F1** Deleted by [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).

## <sup>F1</sup>CHAPTER II

### **Aid granted through a tendering procedure**

#### <sup>F1</sup>Article 9

#### **Opening of the tendering procedure**

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#### <sup>F1</sup>Article 10

#### **Submission of tenders**

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*F1*Article 11

**Examination of tenders**

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*F1*Article 12

**Notification of the tenders to the Commission**

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*F1*Article 13

**Decision on the basis of the tenders**

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*F1*Article 14

**Individual decisions on tenders**

.....

*F1*Article 15

**Primary requirements and securities**

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*F1*CHAPTER III

**Aid fixed in advance**

*F1*Article 16

**Fixing the amount of aid in advance**

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*F1*Article 17

**Applications for aid**

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*F1*Article 18

**Primary requirements and securities**

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*F1*CHAPTER IV

**Contracts**

*F1*Article 19

**Conclusion of contracts**

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*F1*Article 20

**Information related to the place of storage**

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*F1*Article 21

**Elements of the contract**

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*F1*Article 22

**Obligations of the contracting party**

.....

*F1*Article 23

**Conclusion of contracts for the aid fixed in advance**

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*F1*Article 24

**Conclusion of contracts for the aid granted by tendering procedure**

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*F1*Article 25

**Placing into storage for products not yet in storage**

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*F1*Article 26

**Additional provisions concerning placing into storage for meat products**

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*F1*Article 27

**Contractual storage period**

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*F1*Article 28

**Removal from storage**

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*F1*Article 29

**Notification of the removal**

.....

*F1*CHAPTER V

**Payment of aid**

*F1*Article 30

**Application for payment of aid**

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*F1*Article 31

**Advance payment of the aid**

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*F1*Article 32

**Payment of aid**

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*F1*Article 33

**Payment of aid in case of deboning in the beef meat sector**

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*F1*Article 34

**Reduction of the amount or exclusion of the payment**

.....

*F1*CHAPTER VI

**Communications**

*F1*Article 35

**Obligations of communications from the Member States to the Commission**

.....

*F1*CHAPTER VII

**Checks and penalties**

*F1*Article 36

**Checks**

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*F1*Article 37

**Reporting**

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*F1*Article 38

**Penalties**

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*F1*CHAPTER VIII

**Amendments, repeals and final provisions**

*F1*Article 39

**Amendment to Regulation (EC) No 562/2005**

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*F1*Article 40

**Amendment to Regulation (EC) No 952/2006**

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*F1*Article 41

**Amendment to Regulation (EC) No 105/2008**

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*F1*Article 42

**Repeals**

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*F1*Article 43

**Entry into force**

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

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F1 ANNEX I

QUALITY REQUIREMENTS]

[F1 .....

F1 .....

I. Meat

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II. Cheese with PDO/PGI

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III. Butter

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IV. Sugar

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V. Skimmed milk powder

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VI. Long Flax Fibre

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F1 ANNEX II

F1 .....

F1 .....]

ANNEX III

DATA REPORTING

A.Olive oil

(a) No later than every Wednesday, Member States shall send the Commission the average prices recorded on their main representative markets the preceding week for the various categories of oil listed in Annex XVI to Regulation (EC) No 1234/2007.

(b) [F4 Before 15 September the Member States shall send to the Commission for the preceding marketing year data on the final production figures and the total internal consumption of olive oil and on end-of-year stocks.]

[F5 .....]

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- (c) [<sup>F6</sup>From October to May of each marketing year, no later than the 15th day of each month the producing Member States shall notify the Commission:
  - (i) of a monthly estimate of quantities of olive oil produced since the start of the marketing year up to and including the preceding month;
  - (ii) of an estimate of the total production and internal consumption of olive oil for the whole marketing year and an estimate of the end-of-marketing-year stocks.]
- (d) Member States shall establish the data-collection system they deem to be most appropriate for obtaining and preparing the notifications referred to in points (b) and (c) and they shall specify, as appropriate, the data-communication obligations of the olive sector operators concerned.
- (e) The data referred to in points (a), (b) and (c) shall be sent on the forms provided by the Commission.
- (f) The Commission may use other sources of information.

**Textual Amendments**

- F4** Substituted by [Commission Implementing Regulation \(EU\) No 65/2013 of 24 January 2013 amending Annex III to Regulation \(EC\) No 826/2008 laying down common rules for the granting of private storage aid for certain agricultural products.](#)
- F5** Deleted by [Commission Implementing Regulation \(EU\) No 1333/2013 of 13 December 2013 amending Regulations \(EC\) No 1709/2003, \(EC\) No 1345/2005, \(EC\) No 972/2006, \(EC\) No 341/2007, \(EC\) No 1454/2007, \(EC\) No 826/2008, \(EC\) No 1296/2008, \(EC\) No 1130/2009, \(EU\) No 1272/2009 and \(EU\) No 479/2010 as regards the notification obligations within the common organisation of agricultural markets.](#)
- F6** Substituted by [Commission Implementing Regulation \(EU\) No 1333/2013 of 13 December 2013 amending Regulations \(EC\) No 1709/2003, \(EC\) No 1345/2005, \(EC\) No 972/2006, \(EC\) No 341/2007, \(EC\) No 1454/2007, \(EC\) No 826/2008, \(EC\) No 1296/2008, \(EC\) No 1130/2009, \(EU\) No 1272/2009 and \(EU\) No 479/2010 as regards the notification obligations within the common organisation of agricultural markets.](#)

<sup>F1</sup>B. Beef

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<sup>F1</sup>ANNEX IV

[<sup>F1</sup>CONDITIONS APPLICABLE TO OPERATORS IN THE OLIVE OIL SECTOR]

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- (1) [OJ L 299, 16.11.2007, p. 1](#). Regulation as last amended by Commission Regulation (EC) No 510/2008 ([OJ L 149, 7.6.2008, p. 61](#)).
- (2) [OJ L 205, 3.8.1985, p. 5](#). Regulation as last amended by Regulation (EC) No 1913/2006 ([OJ L 365, 21.12.2006, p. 52](#)).
- (3) [OJ L 95, 14.4.2005, p. 11](#).
- (4) [OJ L 178, 1.7.2006, p. 39](#). Regulation as last amended by Regulation (EC) No 707/2008 ([OJ L 197, 25.7.2008, p. 4](#)).
- (5) [OJ L 32, 6.2.2008, p. 3](#).
- (6) [OJ L 333, 30.11.1990, p. 22](#). Regulation as last amended by Regulation (EC) No 1913/2006.
- (7) [OJ L 284, 1.11.1994, p. 26](#). Regulation as last amended by Regulation (EC) No 588/2007 ([OJ L 139, 31.5.2007, p. 16](#)).
- (8) [OJ L 105, 3.5.2000, p. 6](#). Regulation as amended by Regulation (EC) No 1913/2006.
- (9) [OJ L 342, 24.12.2005, p. 39](#).
- (10) [OJ L 3, 5.1.2008, p. 13](#).
- (11) [OJ L 27, 31.1.2008, p. 3](#).
- (12) [OJ L 125, 9.5.2008, p. 17](#). Regulation as amended by Regulation (EC) No 750/2008 ([OJ L 202, 31.7.2008, p. 44](#)).

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