

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of 20 August 2008 laying down common rules for the granting of private storage aid for certain agricultural products (repealed)

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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)⁽¹⁾, 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 Those regulations have been replaced by Regulation (EC) No 1234/2007.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.

- (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⁽²⁾.

- (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⁽³⁾, 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⁽⁴⁾, 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⁽⁵⁾. 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:

Status: This is the original version (as it was originally adopted).

- Commission Regulation (EEC) No 3444/90 of 27 November 1990 laying down detailed rules for granting private storage aid for pigmeat⁽⁶⁾,
 - 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⁽⁷⁾,
 - 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⁽⁸⁾,
 - Commission Regulation (EC) No 2153/2005 of 23 December 2005 on the aid scheme for the private storage of olive oil⁽⁹⁾,
 - Commission Regulation (EC) No 6/2008 of 4 January 2008 laying down detailed rules for granting private storage aid for sheepmeat and goatmeat⁽¹⁰⁾,
 - Commission Regulation (EC) No 85/2008 of 30 January 2008 on special conditions for the granting of private storage aid for sheepmeat and goatmeat⁽¹¹⁾,
 - 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⁽¹²⁾.
- (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:

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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](#)).