

Commission Regulation (EU) No 1272/2009 of 11 December 2009  
laying down common detailed rules for the implementation of  
Council Regulation (EC) No 1234/2007 as regards buying-in and  
selling of agricultural products under public intervention (repealed)

COMMISSION REGULATION (EU) No 1272/2009

of 11 December 2009

laying down common detailed rules for the implementation of  
Council Regulation (EC) No 1234/2007 as regards buying-in and  
selling of agricultural products under public intervention (repealed)

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

Whereas:

- (1) Article 10 of Regulation (EC) No 1234/2007 provides that public intervention is to be applicable for common wheat, durum wheat, barley, maize, sorghum, paddy rice, white or raw sugar produced under quota, fresh or chilled meat of the beef and veal sector, butter and skimmed milk powder.
- (2) Article 11 of Regulation (EC) No 1234/2007, as amended by Council Regulation (EC) No 72/2009<sup>(2)</sup>, provides that for sugar the public intervention scheme will be available only for the marketing years 2008/2009 and 2009/2010. In order to preserve the effectiveness of this scheme for the sugar sector and to reduce the administrative burden on operators and national administrations it does not seem appropriate to include the existing implementing rules for the sugar sector in the present detailed rules for the marketing year 2009/2010.
- (3) A public intervention scheme for the products mentioned in Article 10 of Regulation (EC) No 1234/2007 applies when the conditions mentioned in that Regulation are fulfilled.
- (4) In order to simplify and improve the effectiveness of the management and control mechanisms related to the public intervention scheme, common rules for all the products listed in Article 10 of Regulation (EC) No 1234/2007, except sugar, should be laid down.
- (5) Article 13(1)(a) of Regulation (EC) No 1234/2007, as amended by Regulation (EC) No 72/2009, limits public intervention at fixed price for durum wheat, barley, maize and sorghum to 0 tonnes for the period from 1 November to 31 May and for paddy rice to 0 tonnes for the period from 1 April to 31 July.

---

*Status: Point in time view as at 01/10/2016.*

*Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EU) No 1272/2009 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

---

- (6) Article 13(1)(c) and (d) and Article 18(2)(a) of Regulation (EC) No 1234/2007, as amended by Regulation (EC) No 72/2009, limits public intervention at fixed price for butter to 30 000 tonnes, for skimmed milk powder to 109 000 tonnes for the period from 1 March to 31 August and for common wheat to 3 million tonnes for the period from 1 November to 31 May.
- (7) Pursuant to Articles 13(3) and 18(2) of Regulation (EC) No 1234/2007, as amended by Regulation (EC) No 72/2009, the Commission may decide to extend the application of the public intervention scheme by means of a tendering procedure beyond the limits mentioned in Article 13(1) of Regulation (EC) No 1234/2007 as amended by Regulation (EC) No 72/2009 if such an action is justified by the development of market prices.
- (8) It is necessary to lay down the rules as regards the authorities in charge of public intervention in the Member States, in accordance with Commission Regulation (EC) No 884/2006 of 21 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the financing by the European Agricultural Guarantee Fund (EAGF) of intervention measures in the form of public storage operations and the accounting of public storage operations by the paying agencies of the Member States<sup>(3)</sup>. Those authorities should be named 'intervention agencies' for the purposes of this Regulation.
- (9) In order to ensure that the public intervention system operates as simply and efficiently as possible throughout the European Community, as regards the buying-in of eligible products on one hand and the reselling of products taken over by intervention agencies on the other hand, the conditions to be fulfilled by the storage places should be defined. In particular, for cereals and rice, in order to comply with the provisions laid down in Article 41 of Regulation (EC) No 1234/2007, the rules relating to a prior approval of the intervention centres by the Member States before their designation by the Commission should be decided upon. In order to rationalise/streamline the way intervention operates, by discontinuing the use of small storage facilities which may be spread throughout a region, a minimum capacity of storage should be fixed for the intervention centre and storage places that make up the intervention centre, but should not be applicable in case where a storage place have ready access to a river, sea or railway connection.
- (10) As a general rule, in order to facilitate the management and control, participation in the public intervention scheme should be allowed only to operators established and registered for VAT purposes in a Member State.
- (11) For the purposes of buying-in for cereals and rice, if in some Member States some operators who could participate in the scheme do not have a VAT registration number, participation in the public intervention scheme should be allowed also to operators registered in the farm registry.
- (12) Since products covered by intervention measures have a different nature as to production or harvest time and storage requirements, specific conditions should be provided for.
- (13) In order to provide for an effective control of the production in the beef and veal sector, in particular for conditions of boning and storage facilities, operators eligible

---

*Status: Point in time view as at 01/10/2016.*

*Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EU) No 1272/2009 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

---

to participate in the public intervention scheme via a tendering procedure should fulfil additional conditions.

- (14) Cereals and paddy rice whose quality does not permit suitable further use or storage should not be accepted for intervention. Therefore, the methods necessary to establish the quality of cereals and rice should be defined.
- (15) The risks inherent to exceeding the maximum admissible contaminant thresholds can be identified by the paying agencies or intervention agencies on the basis of information received from offerers or tenderers and their own analysis criteria. In order to limit the financial costs, it is therefore justified to require analyses, under the responsibility of the agencies prior to the taking over of products, only on the basis of a risk analysis enabling the quality of the products on entry into the intervention scheme to be guaranteed.
- (16) In the case of products of the beef and veal sector, the conditions for eligibility have to rule out products that are not representative of national production of the Member State and that do not meet the health and veterinary rules in force and those over a weight normally sought after on the market.
- (17) In order to be eligible for intervention butter should meet the requirements laid down in Regulation (EC) No 1234/2007 as well as the conditions of quality and presentation, which need to be defined. The methods of analysis and detailed rules governing quality control of butter and skimmed milk powder should also be specified and, if the situation so requires, provision should be made for checks of radioactivity in butter and skimmed milk powder, the maximum levels of which need to be established, where appropriate, by Community legislation. However, it should be possible for Member States to authorise a system of self checking, subject to certain conditions.
- (18) In the case of butter and skimmed milk powder, in order to make sure that the intervention arrangements function smoothly, it is necessary to specify the conditions for the approval of manufacturing undertakings and verification of compliance therewith. To ensure that the arrangements are effective, provision should be made for action to be taken if those conditions are not complied with. Since butter and skimmed milk powder may be bought in by a competent body belonging to a Member State other than that on whose territory it was produced, the competent body which does the buying-in should in such cases be able to verify that the conditions relating to quality and presentation are complied with.
- (19) For a sound management of the scheme, it is necessary to fix a minimum quantity below which the intervention agency cannot accept an offer or a tender, both for buying-in and sales. However, if the conditions and practices of the wholesale trade or environmental rules in force in a Member State justify the application of minimum quantities larger than those laid down, the Member State concerned should be entitled to require such larger minimum quantities for buying-in at fixed price.
- (20) Offers and tenders should contain all the information necessary to assess them, and communications between Member States and the Commission should be provided for.
- (21) In the case of common wheat, butter and skimmed milk powder, in order to comply with the limits of 3 000 000, 30 000 and 109 000 tonnes respectively, it is appropriate

---

*Status: Point in time view as at 01/10/2016.*

*Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EU) No 1272/2009 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

---

- to provide for a reflection period during which, before a decision is taken on the offers, special measures can be taken applying in particular to pending offers. Those measures may consist of closure of intervention, application of a reduction coefficient or rejection of the pending offers. They require swift action and the Commission should be enabled to take all the necessary measures without delay.
- (22) On the basis of the tenders received a maximum amount of price 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.
- (23) Both in the case of intervention at fixed price and in the case of a tendering procedure for public intervention, a security is needed in order to guarantee the seriousness of the offer or tender and in order to ensure that the measure will have its desired effect on the market. 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>(4)</sup>.
- (24) In order to guarantee a clear and effective functioning of the public intervention scheme, it is necessary to lay down the general rules concerning the delivery of the products to the storage place designated by the intervention agency. In addition, for cereals and rice as well as for dairy products, given the specificities of those sectors, specific rules are necessary to complement the general ones.
- (25) With a view to the proper management of stocks in storage, the obligations of the Member States should be specified as regards the maximum distance to the place of storage and the costs to be borne when this distance is exceeded. However, due to the differences in the nature of products it is justified to set distinct levels of the maximum distances for cereals and rice as compared to dairy products.
- (26) In order to create common rules, it is appropriate to provide that the checks on products during storage have to be carried out as laid down in Article 2 of Regulation (EC) No 884/2006.
- (27) With a view to harmonise the current rules applicable in the different sectors, it should be provided that after the products have been delivered to the storage places their takeover by the intervention agency should be conditional to the outcome of the relevant checks and analyses to establish their compliance with the requirements applicable for buying-in. A takeover record should be issued on the basis of those checks and analyses, but it should not be later than sixty days following the final date fixed for the delivery. Should the products not fulfil the applicable requirements, the offerer or tenderer should take back the products and bear all the costs associated with the conditional takeover during the period the products have been stored in the intervention storage places.
- (28) In order to avoid any speculation due to the very high volatility of the prices in the cereals and rice sectors, the products to be offered to the intervention should be held actually by the offerer or tenderer at the time of submission of the offer or tender; this should be one of the primary requirements for benefiting of the public intervention scheme. Intervention agencies should receive satisfactory assurance that quantities

---

*Status: Point in time view as at 01/10/2016.*

*Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EU) No 1272/2009 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

---

offered are actually present in the storage place indicated in the offer or tender; in that respect offerers or tenderers should be required to submit a statement to that effect together with their offer or tender.

- (29) In order to guarantee a simple and efficient management of intervention, it is necessary to lay down that a lot of cereals presented for intervention should be homogenous and that a lot of rice should consist of the same variety.
- (30) For cereals and rice, it is appropriate not to accept for intervention those products which cannot be subsequently used or do not allow for an adequate storage. For this purpose, the methods for determining the quality of cereals and rice need to be defined.
- (31) Article 18(2) and Article 18(4)(a) of Regulation (EC) No 1234/2007 as amended by Regulation (EC) No 72/2009 provide that the intervention price for cereals is fixed by the Commission by way of a tendering procedure without prejudice to price increases or reductions for quality reasons. It is appropriate to mention the variation of prices based on the main quality criteria for cereals.
- (32) Article 18(4)(b) of Regulation (EC) No 1234/2007 provides that the intervention price for rice is fixed for a standard quality and that if the quality of rice offered into intervention differs from that standard quality, the intervention price is adjusted based on reduction and increasing coefficients. The application of those coefficients should reflect the differences in price on the rice market due to quality reasons. To this end, it is appropriate to take into account the main characteristics of rice, which allow an objective assessment of the quality.
- (33) Products bought in by intervention agencies pursuant to Article 10 of Regulation (EC) No 1234/2007 have to be disposed of in such a way as to avoid disturbance of the market and to ensure equal access to the products and equal treatment of purchasers; tendering procedure permit that objective to be achieved.
- (34) Notices of invitation to tender should be drawn up and published by the intervention agency holding intervention stocks available for sale in order to give the necessary information on the characteristics of the products and on the site where they are stored. To this end, it should be provided for that a reasonable time period should elapse between the date of such publication and the first closing date for the submission of tenders.
- (35) Proper management of intervention stocks requires the products to be resold as soon as outlets become available. To ensure equal access to product for sale, all interested parties should be given the possibility to examine samples of the products put up for sale at their own expense.
- (36) To allow comparison between tenders, for cereals or rice, the tenders should be submitted for a defined quality. Provision should be made to adjust the selling price in cases where the cereals and rice differ from this quality.
- (37) In order to ensure an efficient functioning of the public intervention scheme, it is necessary to lay down the general rules concerning the removal of the products from

---

*Status: Point in time view as at 01/10/2016.*

*Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EU) No 1272/2009 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

---

storage. For butter and skimmed milk powder given the specific nature of these products, special rules are necessary to complement the general ones.

- (38) The tendering procedure can take place properly only if those concerned submit genuine tenders. That objective can be achieved by requiring that a security be lodged, and be released subject to the payment of the selling price within the time limit laid down.
- (39) The intervention agencies should notify the Commission of the admissible tenders. On the basis of the tenders and of the situation on the Community market, the Commission should decide to fix or not a minimum selling price. According to that decision, the intervention agencies shall accept or reject the tenders on products available for sale.
- (40) In order to facilitate the sale of small quantities remaining in storage places in a Member State and to assure a sound management of the system, it should be appropriate to provide that the intervention agency, under its own responsibility, is entitled to open the tendering procedure for the resale, by applying the rules laid down in respect of tendering procedures opened by the Community *mutatis mutandis*, with a view to ensure equal access for all parties concerned. For the same reasons the intervention agency should be authorised to put up for direct sales quantities which after checking by visual examination in the context of the annual stocktaking or during the inspection after taking into intervention may no longer be repackaged or are deteriorated.
- (41) For an effective management of the system, it is necessary to provide that the Member States have to inform the Commission periodically of the situation of stocks, and of the products entering and leaving storage places. This information should be transmitted by the competent authorities of the Member States to the Commission by electronic means using the form made available to them by the Commission.
- (42) This Regulation incorporates certain provisions related to intervention measures set out 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 communications between the Member States and the Commission in the milk and milk products sector<sup>(5)</sup>. That Regulation should therefore be amended accordingly.
- (43) As the aim of this Regulation is to harmonise the provisions applicable to the products covered by the public intervention, it should replace the provisions contained in Commission Regulations (EEC) No 75/91 of 11 January 1991 laying down the procedures and conditions for the disposal of paddy rice held by intervention agencies<sup>(6)</sup>, (EC) No 214/2001 of 12 January 2001 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in skimmed-milk powder<sup>(7)</sup>, (EC) No 1669/2006 of 8 November 2006 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regard buying-in of beef<sup>(8)</sup>, (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>(9)</sup>, (EC) No 687/2008 of 18 July 2008 establishing procedures for the taking over of cereals by intervention agencies or paying agencies and laying down methods of analysis for determining the quality of cereals<sup>(10)</sup>, (EC) No 127/2009 of 12 February 2009 laying down the procedure and conditions for the sale of cereals held by paying agencies or intervention agencies<sup>(11)</sup> and (EC) No 670/2009 of 24 July 2009

*Status: Point in time view as at 01/10/2016.*

**Changes to legislation:** *There are outstanding changes not yet made to Commission Regulation (EU) No 1272/2009 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards public intervention by invitation to tender for the purchase of durum wheat or paddy rice and amending Regulations (EC) No 428/2008 and (EC) No 687/2008<sup>(12)</sup>. Those Regulations should therefore be repealed.

- (44) 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:

## <sup>F1</sup>TITLE I

### <sup>F1</sup>COMMON RULES AND CONDITIONS RELATED TO PUBLIC INTERVENTION

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

#### <sup>F2</sup>Scope, definition and approval of intervention storage places]

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

##### **Scope and definition**

.....

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

##### <sup>F2</sup>Intervention storage places]

.....

##### <sup>F1</sup>Article 3

##### <sup>F2</sup>Requirements for storage places]

.....

#### **Textual Amendments**

- F2** Substituted by 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.

*Status: Point in time view as at 01/10/2016.*

**Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EU) No 1272/2009 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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

### Access to public intervention

#### <sup>F1</sup>Article 4

#### Eligibility of operators

.....

#### <sup>F1</sup>Article 5

#### Procedure for submitting offers or tenders

.....

#### 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>TITLE II

### PROCEDURE OF BUYING-IN

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

#### Type of procedure for buying-in

.....

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

### General rules

#### <sup>F1</sup>Section I

#### Common conditions for buying-in

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

#### Eligibility of products

.....



---

*Status: Point in time view as at 01/10/2016.*

**Changes to legislation:** *There are outstanding changes not yet made to Commission Regulation (EU) No 1272/2009 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

---

*F1 Article 8*

**Minimum quantities of products offered**

.....

*F1 Article 9*

**Security**

.....

*F1 Article 10*

**Conditions for submission and admissibility of offers and tenders**

.....

*F1 Article 11*

**Verification of offers or tenders by the intervention agency**

.....

*F1 Section II*

***Specific conditions for buying-in at fixed price***

*F1 Article 12*

**Procedure for buying-in of products at fixed price**

.....

*F1 Article 13*

**Notifications to the Commission**

.....

*F1 Article 14*

**Measures for respecting the intervention ceilings**

.....

---

*Status: Point in time view as at 01/10/2016.*

**Changes to legislation:** *There are outstanding changes not yet made to Commission Regulation (EU) No 1272/2009 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

---

<sup>F1</sup>*Section III*

***Specific conditions for buying-in via a tendering procedure***

<sup>F1</sup>*Article 15*

**Procedure for buying-in of products via a tendering procedure**

.....

<sup>F1</sup>*Article 16*

**Tendering procedure**

.....

<sup>F1</sup>*Article 17*

**Submission and admissibility of tenders**

.....

<sup>F1</sup>*Article 18*

**Notification of the tenders to the Commission**

.....

<sup>F1</sup>*Article 19*

**Decisions on the basis of tenders**

.....

<sup>F1</sup>*Article 20*

**Individual decisions on tenders**

.....

<sup>F1</sup>*Article 21*

**Specific criteria in the beef sector**

.....

---

*Status: Point in time view as at 01/10/2016.*

*Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EU) No 1272/2009 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

---

*F1*Article 22

**Limitation of buying-in for beef**

.....

*F1*CHAPTER II

**Primary requirements and release or forfeiture of the security**

*F1*Article 23

**Primary requirements**

.....

*F1*Article 24

**Release and forfeiture of the security**

.....

*F1*CHAPTER III

**Common rules for deliveries**

*F1*Section I

**Deliveries**

*F1*Article 25

**Deliveries and delivery orders**

.....

*F1*Article 26

**Specific provisions for the delivery of cereals and rice**

.....

---

*Status: Point in time view as at 01/10/2016.*

**Changes to legislation:** *There are outstanding changes not yet made to Commission Regulation (EU) No 1272/2009 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

---

*F1*Article 27

**Specific provisions for the delivery of beef**

.....

*F1*Article 28

**Specific provisions for the delivery of butter and skimmed milk powder**

.....

*F1*Section II

**Transport costs**

*F1*Article 29

**Transport costs for cereals and rice**

.....

*F1*Article 30

**Transport costs for butter and skimmed milk powder**

.....

*F1*CHAPTER IV

**Takeover, initial controls and sampling**

*F1*Article 31

**Conditional takeover**

.....

*F1*Article 32

**Control measures**

.....

---

*Status: Point in time view as at 01/10/2016.*

**Changes to legislation:** *There are outstanding changes not yet made to Commission Regulation (EU) No 1272/2009 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

---

*F1*Article 33

**Specific provisions for the takeover in storage  
place of the storekeeper for cereals and rice**

.....

*F1*Article 34

**The takeover record**

.....

*F1*Article 35

**Obligations of the offerer or tenderer**

.....

*F1*Article 36

**Specific condition for beef — boning requirement**

.....

*F1*CHAPTER V

**Intervention price, buying-in price and payments**

*F1*Article 37

**Buying-in price for beef**

.....

*F1*Article 38

**Intervention prices and buying-in price for cereals and rice**

.....

*F1*Article 39

**Payments**

.....

---

*Status: Point in time view as at 01/10/2016.*

*Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EU) No 1272/2009 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

---

## <sup>F1</sup>TITLE III

### **PROCEDURE OF SALE OF PRODUCTS FROM INTERVENTION**

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

##### **Tendering procedure**

###### <sup>F1</sup>Article 40

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

.....

###### <sup>F1</sup>Article 41

##### **Notice of invitation to tender and arrangements related to the invitation to tender**

.....

###### <sup>F1</sup>Article 42

##### **Submission and admissibility of tenders**

.....

###### <sup>F1</sup>Article 43

##### **Quantity per tender**

.....

###### <sup>F1</sup>Article 44

##### **Securities**

.....

###### <sup>F1</sup>Article 45

##### **Notification of the tenders to the Commission**

.....

---

*Status: Point in time view as at 01/10/2016.*

**Changes to legislation:** *There are outstanding changes not yet made to Commission Regulation (EU) No 1272/2009 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

---

*<sup>F1</sup>Article 46*

**Decision on the basis of the tenders**

.....

*<sup>F1</sup>Article 47*

**Individual decisions on tenders**

.....

*<sup>F1</sup>Article 48*

**Specific rules for the allocation of dairy products and beef**

.....

*<sup>F1</sup>Article 49*

**Payments**

.....

*<sup>F1</sup>Article 50*

**Sales by Member States**

.....

*<sup>F1</sup>CHAPTER II*

**Removal from the storage place**

*<sup>F1</sup>Article 51*

**Removal order**

.....

*<sup>F1</sup>Article 52*

**Removal of butter and skimmed milk powder**

.....

*Status: Point in time view as at 01/10/2016.*

*Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EU) No 1272/2009 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

## <sup>F1</sup>CHAPTER III

### **Primary requirements and release or forfeiture of the security**

#### <sup>F1</sup>Article 53

#### **Primary requirements**

.....

#### <sup>F1</sup>Article 54

#### **Release and forfeiture of the security**

.....

## <sup>F1</sup>TITLE IV

### **PROVISIONS CONCERNING NOTIFICATIONS**

#### <sup>F1</sup>Article 55

#### **[<sup>F2</sup>Intervention agencies and storage places for cereals and rice]**

.....

#### **Textual Amendments**

- F2** Substituted by [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.](#)

#### <sup>F1</sup>Article 56

#### **Weekly notifications for cereals and rice**

.....

#### <sup>F1</sup>Article 57

#### **[<sup>F1</sup>Monthly notifications**

.....



*Status: Point in time view as at 01/10/2016.*

**Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EU) No 1272/2009 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

*<sup>F1</sup>Article 58*

**[<sup>F3</sup>Method applicable to notification obligations]**

**Textual Amendments**

- F3** Substituted by [Commission Implementing Regulation \(EU\) 2015/2000 of 9 November 2015 amending Regulations \(EC\) No 546/2003, \(EC\) No 1342/2003, \(EC\) No 952/2006, \(EC\) No 826/2008, \(EC\) No 1295/2008, \(EC\) No 1296/2008, \(EU\) No 1272/2009, \(EU\) No 738/2010 and Implementing Regulations \(EU\) No 543/2011 and \(EU\) No 511/2012 as regards the notification obligations within the common organisation of agricultural markets.](#)

*<sup>F1</sup>TITLE V*

**AMENDMENTS, REPEALS AND FINAL PROVISIONS**

*<sup>F1</sup>Article 59*

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

*<sup>F1</sup>Article 60*

**Repeals**

*<sup>F1</sup>Article 61*

**Entry into force**

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

*Status: Point in time view as at 01/10/2016.**Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EU) No 1272/2009 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

## ANNEX I

## CEREALS

<sup>F1</sup>PART I<sup>F1</sup>Eligibility criteria for cereals]

[<sup>F1</sup> .....  
<sup>F1</sup> .....  
<sup>F1</sup> .....  
<sup>F1</sup> .....  
<sup>F1</sup> .....  
<sup>F1</sup> .....]

<sup>F4</sup>PART II

## Minimum quality requirements referred to in Part I]

	<sup>F4</sup> Durum wheat	Common wheat	Barley	Maize	<sup>F6</sup> Sorghum]
<b>A.Maximum moisture content</b>	14,5 %	14,5 %	14,5 %	13,5 %	[ <sup>F6</sup> 13,5 %]]
<b>[<sup>F4</sup>B.Maximum percentage of matter which is not basic cereal of unimpaired quality</b>	12 %	12 %	12 %	12 %	[ <sup>F6</sup> 12 %]
<b>1.Broken grains</b>	6 %	5 %	5 %	5 %	[ <sup>F6</sup> 5 %]
<b>2.Grain impurities</b>	8,5 %	7 %	12 %	5 %	[ <sup>F6</sup> 5 %]
<b>2.1.Impurities other than</b>	5 %	7 %	12 %	5 %	[ <sup>F6</sup> 5 %]

a [<sup>F5</sup>of which maximum 3 % for impurities other than grains affected by fusariosis.]

b [<sup>F4</sup>As a percentage of dry matter.]

[<sup>F5</sup>X' indicates analysis required without specific limit but content to be taken into account for maximum limits set in points 2 and 4 of the table.]

[<sup>F4</sup>n.a.'not applicable, not requiring analysis.]

**Status:** Point in time view as at 01/10/2016.

**Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EU) No 1272/2009 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

<b>mottled grains</b>					
<b>(a) shrivelled grains</b>	X	X	X	n.a.	[ <sup>F6</sup> n.a.]
<b>(b) other cereals</b>	3 %	X	5 %	X	[ <sup>F6</sup> X]
<b>(c) grains damaged by pests</b>	X	X	X	X	[ <sup>F6</sup> X]
<b>(d) grains in which the germ is discoloured</b>	X	X	n.a.	n.a.	[ <sup>F6</sup> n.a.]
<b>(e) grains overheated during drying</b>	0,5 %	0,5 %	3 %	0,5 %	[ <sup>F6</sup> 0,5 %]
<b>2.2. Mottled grains</b>	3,5 %	n.a.	n.a.	n.a.	[ <sup>F6</sup> n.a.]
<b>3. Sprouted grains</b>	4 %	4 %	6 %	6 %	[ <sup>F6</sup> 6 %]
<b>4. Miscellaneous impurities</b>	4,5 % <sup>a</sup>	3 %	3 %	3 %	[ <sup>F6</sup> 3 %]
<b>of which:</b>					
<b>(a) extraneous seeds:</b>					
—noxious	0,1 %	0,1 %	0,1 %	0,1 %	[ <sup>F6</sup> 0,1 %]
—other	X	X	X	X	[ <sup>F6</sup> X]
<b>(b) damaged grains</b>					
—grains damaged by spontaneous heating or too extreme heating during drying	0,05 %	0,05 %	X	X	[ <sup>F6</sup> X]
—grains affected with fusariosis	1,5 %	X	X	X	[ <sup>F6</sup> X]

<sup>a</sup> [<sup>F5</sup>of which maximum 3 % for impurities other than grains affected by fusariosis.]

<sup>b</sup> [<sup>F4</sup>As a percentage of dry matter.]

[<sup>F5</sup>X' indicates analysis required without specific limit but content to be taken into account for maximum limits set in points 2 and 4 of the table.]

[<sup>F4</sup>n.a.' :not applicable, not requiring analysis.]

**Status:** Point in time view as at 01/10/2016.

**Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EU) No 1272/2009 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

<b>—other</b>	X	X	X	X	[ <sup>F6</sup> X]
<b>(c)extraneous matter</b>	X	X	X	X	[ <sup>F6</sup> X]
<b>(d)husks (cob fragments in the case of maize)</b>	X	X	X	X	[ <sup>F6</sup> X]
<b>(e)ergot</b>	0,05 %	0,05 %	n.a.	n.a.	[ <sup>F6</sup> n.a.]
<b>(f)decayed grains</b>	X	X	n.a.	n.a.	[ <sup>F6</sup> n.a.]
<b>(g)impurities of animal origin</b>	X	X	X	X	[ <sup>F6</sup> X]]
<b>[<sup>F4</sup>C.Maximum percentage of wholly or partially mitadiné grains</b>	27 %	n.a.	n.a.	n.a.	[ <sup>F6</sup> n.a.]
<b>D.Maximum tannin content<sup>b</sup></b>	n.a.	n.a.	n.a.	n.a.	[ <sup>F6</sup> 1 %]
<b>E.Minimum specific weight (kg/hl)</b>	78	73	62	n.a.	[ <sup>F6</sup> n.a.]
<b>F.Minimum protein content<sup>b</sup></b>	11,5 %	10,5 %	n.a.	n.a.	[ <sup>F6</sup> n.a.]
<b>G.Hagberg falling number (seconds)</b>	220	220	n.a.	n.a.	[ <sup>F6</sup> n.a.]
<b>H.Minimum Zeleny index (ml)</b>	n.a.	22	n.a.	n.a.	[ <sup>F6</sup> n.a.]]

**a** [<sup>F5</sup>of which maximum 3 % for impurities other than grains affected by fusariosis.]

**b** [<sup>F4</sup>As a percentage of dry matter.]

[<sup>F5</sup>X' indicates analysis required without specific limit but content to be taken into account for maximum limits set in points 2 and 4 of the table.]

[<sup>F4</sup>n.a.':not applicable, not requiring analysis.]

#### Textual Amendments

**F5** Inserted by Commission Regulation (EU) No 742/2010 of 17 August 2010 amending Regulation (EU) No 1272/2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention.

*Status: Point in time view as at 01/10/2016.*

*Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EU) No 1272/2009 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

**F6** Deleted by 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.

[<sup>F4</sup>Matter other than basic cereals of unimpaired quality is defined in Part III of this Annex.

Grains of basic cereals and other cereals which are damaged or decayed are classified as ‘miscellaneous impurities’ even if they have defects which belong to other categories.]

#### Textual Amendments

**F4** Substituted by Commission Regulation (EU) No 742/2010 of 17 August 2010 amending Regulation (EU) No 1272/2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention.

## <sup>F1</sup>PART IV

### [<sup>F1</sup>[<sup>F4</sup>Methods used for determining the quality of cereals offered for, or placed in, intervention]

[<sup>F1</sup>.....]

<sup>F1</sup>.....]

## PART IX

### Price increases and reductions

[ <sup>F1</sup>
<sup>F1</sup>
<sup>F1</sup> ]

TABLE IV

Price reductions for protein content

Protein content <sup>a</sup> (N × 5,7)	Price reduction(EUR/tonne)
Less than 11,5 to 11,0	2,5
Less than 11,0 to 10,5	5

<sup>a</sup> As % of dry matter.

*Status: Point in time view as at 01/10/2016.*

*Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EU) No 1272/2009 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

PART XI

**Calculation of prices increases and reductions**

[<sup>F1</sup>.....]

(a) <sup>F1</sup>.....

(b) .....

(c) .....

(d) .....

(e) .....

(f) .....

(g) .....]

(h) where the protein content of common wheat is less than 11,5 %, the reductions to be applied shall be those listed in Table IV of Part IX of this Annex[<sup>F2</sup>.]

(i) [<sup>F6</sup>.....]

<sup>F1</sup>ANNEX II

RICE

<sup>F1</sup>PART I

**Eligibility criteria for paddy rice**

[<sup>F1</sup>.....]

<sup>F1</sup>.....

<sup>F1</sup>.....

<sup>F1</sup>PART IV

**Maximum percentages**

<sup>F1</sup>.....

<sup>F1</sup>PART V

**Price reductions for defective grains**

<sup>F1</sup>.....

*Status: Point in time view as at 01/10/2016.*

*Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EU) No 1272/2009 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

## <sup>F1</sup>PART VI

### **Methodology of sampling and analyses for paddy rice**

1. With a view to verifying the quality requirements as laid down in Part I of this Annex, samples shall be taken by the intervention agency in the presence of the offerer or tenderer or his/her duly authorised agent.

.....

2. Representative samples shall be taken of each part-delivery (by lorry, barge, railway wagon) under the conditions laid down in point 1.

.....

3. ....

4. ....

5. ....

<sup>F1</sup> .....

## <sup>F1</sup>ANNEX III

### BEEF

## <sup>F1</sup>PART II

### **Conversion coefficients**

<sup>F1</sup> .....

## <sup>F1</sup>PART V

### **[<sup>F2</sup>Classification of products]**

<sup>F1</sup> .....

## <sup>F1</sup>PART X

### **Individual prices of rejected intervention cuts for the purposes of the first and second subparagraphs of Part IV, Section IX(2) of this Annex**

<sup>F1</sup> .....

*Status: Point in time view as at 01/10/2016.*

*Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EU) No 1272/2009 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

<sup>F1</sup>ANNEX IV

BUTTER

<sup>F1</sup>PART III

**Criteria for the approval of undertakings referred to in Article 10(1)(e) and (f) of Regulation (EC) No 1234/2007 (common part for butter and skimmed milk powder)**

1. Undertakings as referred to in Article 10(1)(e) and (f) of Regulation (EC) No 1234/2007 shall be approved only if they:  
.....
2. To ensure compliance with this Regulation, the competent body shall carry out unannounced on-the-spot inspections, on the basis of the intervention butter and skimmed milk powder production schedule of the undertakings concerned.  
.....
3. Approval shall be withdrawn if the preconditions laid down in point 1(a) are no longer satisfied. Approval may be re-granted at the request of the undertaking concerned after a period of at least six months, following a thorough inspection.  
.....
4. A report shall be drawn up on the inspections carried out pursuant to points 2 and 3, specifying:  
.....

<sup>F1</sup> .....

<sup>F1</sup>PART IV

**Compositional requirements, quality characteristics and analytical methods**

<sup>F1</sup> .....

<sup>F1</sup> .....

<sup>F1</sup> .....

<sup>F1</sup>ANNEX V

SKIMMED MILK POWDER



---

*Status: Point in time view as at 01/10/2016.*

**Changes to legislation:** *There are outstanding changes not yet made to Commission Regulation (EU) No 1272/2009 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

---

## <sup>F1</sup>PART II

### **Taking over and initial controls for skimmed milk powder**

<sup>F1</sup> .....

## <sup>F1</sup>PART III

### **Criteria for the approval of undertakings referred to in Article 10(1)(e) and (f) of Regulation (EC) No 1234/2007**

<sup>F1</sup> .....

## <sup>F1</sup>PART IV

### **Compositional requirements, quality characteristics and analytical methods**

<sup>F1</sup> .....

<sup>F1</sup> .....]

List of Annexes]

---

**Status:** Point in time view as at 01/10/2016.

**Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EU) No 1272/2009 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

---

- (1) OJ L 299, 16.11.2007, p. 1.
- (2) OJ L 30, 31.1.2009, p. 1.
- (3) OJ L 171, 23.6.2006, p. 35.
- (4) OJ L 205, 3.8.1985, p. 5.
- (5) OJ L 95, 14.4.2005, p. 11.
- (6) OJ L 9, 12.1.1991, p. 15.
- (7) OJ L 37, 7.2.2001, p. 100.
- (8) OJ L 312, 11.11.2006, p. 6.
- (9) OJ L 32, 6.2.2008, p. 3.
- (10) OJ L 192, 19.7.2008, p. 20.
- (11) OJ L 42, 13.2.2009, p. 3.
- (12) OJ L 194, 25.7.2009, p. 22.

**Status:**

Point in time view as at 01/10/2016.

**Changes to legislation:**

There are outstanding changes not yet made to Commission Regulation (EU) No 1272/2009 (repealed). Any changes that have already been made to the legislation appear in the content and are referenced with annotations.