

Commission Regulation (EC) No 138/2009 of 18 February 2009  
amending Regulation (EC) No 826/2008 laying down common rules  
for the granting of private storage aid for certain agricultural products

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

Whereas:

- (1) Article 28(b) in conjunction with Article 30 of Regulation (EC) No 1234/2007 provide for compulsory private storage aid for certain Italian cheeses.
- (2) Commission Regulation (EC) No 2659/94<sup>(2)</sup> has laid down the detailed rules concerning the private storage aid for certain Italian cheeses.
- (3) Article 42 of Commission Regulation (EC) No 826/2008<sup>(3)</sup> repealed Regulation (EC) No 2659/94 which however is continuing to apply in respect of contracts concluded under that Regulation before 1 March 2009.
- (4) Council Regulation (EC) No 72/2009 of 19 January 2009 on modifications to the Common Agricultural Policy by amending Regulations (EC) No 247/2006, (EC) No 320/2006, (EC) No 1405/2006, (EC) No 1234/2007, (EC) No 3/2008 and (EC) No 479/2008 and repealing Regulations (EEC) No 1883/78, (EEC) No 1254/89, (EEC) No 2247/89, (EEC) No 2055/93, (EC) No 1868/94, (EC) No 2596/97, (EC) No 1182/2005 and (EC) No 315/2007<sup>(4)</sup> (Health Check) abolishes the private storage aid for the Italian cheeses established in Article 28 of Regulation (EC) No 1234/2007. This abolition will come into effect as from 1 April 2009.
- (5) For a period of one month (1 March-31 March 2009) Regulation (EC) No 826/2008 would apply for private storage aid granted to certain Italian cheeses. This regulation does not contain all necessary detailed rules for this purpose. A new regulation for granting private storage aid for these Italian cheeses would then have to be adopted in accordance with Article 28 of Regulation (EC) No 1234/2007. This new regulation would be applicable for only one month.
- (6) In order to preserve the effectiveness of the scheme and to reduce the administrative burden on operators and national administrations it is considered more appropriate to

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**Changes to legislation:** Commission Regulation (EC) No 138/2009 is up to date with all changes known to be in force on or before 23 October 2023. 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

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extend the application of Regulation (EC) No 2659/94 for the contracts concluded under that Regulation before 1 April 2009.

- (7) Regulation (EC) No 826/2008 should be amended accordingly.
- (8) 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:

*Article 1*

The second sentence of the second subparagraph of Article 42 of Regulation (EC) No 826/2008 is replaced by the following:

‘However, it shall continue to apply in respect of contracts concluded under that repealed Regulation before 1 April 2009.’

*Article 2*

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, 18 February 2009.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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- (1) OJ L 299, 16.11.2007, p. 1.
- (2) OJ L 284, 1.11.1994, p. 26.
- (3) OJ L 223, 21.8.2008, p. 3.
- (4) OJ L 30, 31.1.2009, p. 1.

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**Changes and effects yet to be applied to :**

- Regulation implicit repeal by [EUR 2016/1238](#) Regulation