

Commission Implementing Regulation (EU) 2016/1240 of 18 May 2016
laying down rules for the application of 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)

TITLE II

PUBLIC INTERVENTION

CHAPTER III

Sale of products from intervention

Article 36

Sales by [F¹the paying agency]

1 [F²Where] no tendering procedure is open in accordance with Article 28, the paying agency may itself open a tendering procedure for the sale of intervention products when the total quantity remaining in all its storage places is less than:

- a for each cereal: 10 000 tonnes;
- b for rice: 2 000 tonnes;
- c for beef, butter or skimmed milk powder: 200 tonnes.

2 Chapter II of Delegated Regulation (EU) 2016/1238 and this Chapter shall apply to a tendering procedure opened [F³by the paying agency] in accordance with paragraph 1, with the exception of Articles 28(2), 29(2)(b), 30(1)(a) and (e), F⁴... and 32(2) of this Regulation. Article 32(1) shall apply *mutatis mutandis* to a respective decision of the [F⁵paying agency].

3 Within the quantities fixed in paragraph 1, [F⁶the paying agency] may put up for direct sale products which, after visual examination in the context of the annual stocktaking in accordance with point (g) of the first subparagraph of Article 3(3) and Article 3(4) of Delegated Regulation (EU) No 907/2014 or during the inspection after taking into intervention, may no longer be repackaged or are deteriorated.

4 The [F⁷paying agency] shall ensure equality of access for all parties concerned.

[F⁸5 This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.]

[F⁹6 This Article ceases to apply in relation to public intervention schemes in Scotland, otherwise than in connection with public intervention measures which the appropriate authority takes under Article 219(1) of Regulation (EU) No 1308/2013, for a period of five years beginning on 1 July 2023.]

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2016/1240, Article 36. (See end of Document for details)

Textual Amendments

- F1** Words in Art. 36 heading substituted (31.12.2020) by The Market Measures Payment Schemes (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/823), regs. 1, **6(21)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Word in Art. 36(1) substituted (31.12.2020) by The Market Measures Payment Schemes (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/823), regs. 1, **6(21)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 36(2) substituted (31.12.2020) by The Market Measures Payment Schemes (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/823), regs. 1, **6(21)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Word in Art. 36(2) omitted (31.12.2020) by virtue of The Market Measures Payment Schemes (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/823), regs. 1, **6(21)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 36(2) substituted (31.12.2020) by The Market Measures Payment Schemes (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/823), regs. 1, **6(21)(c)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in Art. 36(3) substituted (31.12.2020) by The Market Measures Payment Schemes (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/823), regs. 1, **6(21)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 36(4) substituted (31.12.2020) by The Market Measures Payment Schemes (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/823), regs. 1, **6(21)(e)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Art. 36(5) inserted (E.) (28.2.2023 at 9.10 a.m.) by The Market Measures Payment Schemes (Amendments, Revocation and Transitional Provision) (England) Regulations 2023 (S.I. 2023/124), regs. 1(2)(b), **9(8)** (with reg. 10)
- F9** Art. 36(6) inserted (S.) (1.7.2023) by The Public Intervention and Private Storage Aid (Amendment and Suspension) (Scotland) Regulations 2023 (S.S.I. 2023/150), regs. 1, **9(8)** (with reg. 10)

Changes to legislation:

There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2016/1240, Article 36.