

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 28

Opening of the tendering procedure

1 Products taken over into public intervention and available for sale shall be sold through a tendering procedure.

[^{F12} The tendering procedure must be open for at least six days.]

3 Tendering procedures may be open for the sale of products stored in one or several regions of the [^{F2}constituent nation].

4 The [^{F3}tendering procedure] opening the sale shall contain, in particular, the following information:

- a the products covered, and in particular:
 - (i) for rice, an indication of the type and variety,
 - (ii) for beef, the relevant cuts;
- b the period covered ('tendering period') and the different sub-periods during which the tenders can be submitted;
- c for beef, butter and skimmed milk powder, the minimum quantity for which a tender may be submitted;
- d the amount of the security that shall be lodged when submitting a tender.

In addition, that [^{F3}tendering procedure] may contain:

- (a) the global quantities covered by the tendering procedure;
- (b) if applicable, provisions concerning transport costs for cereals and rice.

5 Tendering procedures may be restricted to specified uses or destinations and include provisions for verifying the use or destination.

[^{F46} 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.]

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

[^{F57} 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.]

Textual Amendments

- F1** Art. 28(2) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/831\)](#), regs. 1(4)(a), **59(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in Art. 28(3) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/831\)](#), regs. 1(4)(a), **59(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Art. 28(4) substituted (31.12.2020) by [The Agriculture \(Legislative Functions\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/831\)](#), regs. 1(4)(a), **59(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Art. 28(6) 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(6)** (with reg. 10)
- F5** Art. 28(7) 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(6)** (with reg. 10)

Article 29

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

1 [^{F6}Where the paying agency is holding intervention stocks available for sale, it] shall draw up a notice of invitation to tender, and publish it at least four days before the first date for the submission of tenders.

2 The notice of invitation to tender shall indicate in particular:

- a the name and address of the paying agency issuing the notice of invitation to tender;
- b the reference to the [^{F7}published tendering procedure] opening the sale;
- c the closing dates for the submission of tenders for each partial invitation to tender;
- d for each storage place, the name and address of the storekeeper, and, as appropriate:
 - (i) for cereals and rice, the quantities available presented in sales lots determined in such a way to ensure equal access to operators, together with a description of the quality of each sales lot;
 - (ii) for beef, the quantities available by cut, in accordance with Part IV of Annex III and the date of delivery;
 - (iii) for butter and skimmed milk powder, the quantities available and the date of delivery;
- e the delivery stage as referred to in Article 30(1)(d) and, if applicable, the type of packaging;
- f any facilities at the storage place for loading onto a means of transport;
- g for butter, where appropriate, the available quantity of sweet cream butter per storage place, as referred to in point 2(d) of Part II of Annex IV.

3 The paying agency shall ensure that notices of invitation to tender are properly publicised.

4 The paying agency shall make the necessary arrangements to enable interested parties:

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

- a to inspect and to take and examine samples of cereals and rice put up for sale at their own expense before submitting a tender;
- b to consult the results of the analyses referred to in Part IV of Annex I, Part I of Annex II, Part I of Annex IV or Part I of Annex V, as appropriate.

[^{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.]

Textual Amendments

- F6** Words in Art. 29(1) substituted (31.12.2020) by [The Market Measures Payment Schemes \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/823\)](#), regs. 1, **6(16)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in Art. 29(2)(b) substituted (31.12.2020) by [The Market Measures Payment Schemes \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/823\)](#), regs. 1, **6(16)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Art. 29(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. 29(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)

Article 30

Submission and admissibility of tenders

1 A tender shall be admissible if it complies with the requirements laid down in Article 2 and the [^{F10}published tendering procedure] opening the sale. It shall also meet the following conditions:

- a it indicates a reference to the [^{F10}published tendering procedure] opening the sale and the expiry date for the sub-period of submission of the tenders;
- b for beef, it indicates the relevant cuts;
- c for cereals and rice, it indicates the total quantity of the sales lot;
- d it indicates the price in euro tendered per unit of measurement, rounded to no more than two decimal places, exclusive of VAT, as follows:
 - (i) in the case of cereals and rice, for the product loaded onto the means of transport;
 - (ii) in the case of butter or skimmed milk powder, for the product supplied on pallets at the loading bay of the storage place or, if necessary, supplied on pallets loaded onto the means of transport where it is a lorry or railway wagon;
 - (iii) in the case of beef, for the product delivered to the loading bay of the storage place.

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

- e for beef, butter and skimmed milk powder, that it relates to at least the minimum quantity referred to in the [^{F10}published tendering procedure] opening the sale;
- f it indicates the storage place where the product is held and, for butter and skimmed milk powder, an alternative storage place may be specified;
- g the operator has lodged the amount of the security provided for in the [^{F10}published tendering procedure] opening the sale.

2 For cereals, the tendered price shall refer to the minimum quality defined in Part II of Annex I to Delegated Regulation (EU) 2016/1238 or, for rice to the standard quality defined in Section A of Annex III to Regulation (EU) No 1308/2013.

3 For beef, butter and skimmed milk powder, the tendered price shall apply to net weight.

For butter, where appropriate, the tender may specify that it is submitted exclusively for sweet cream butter as referred to in Article 29(2)(g).

[^{F114} 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.]

[^{F125} 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.]

Textual Amendments

- F10** Words in Art. 30(1) substituted (31.12.2020) by [The Market Measures Payment Schemes \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/823\)](#), regs. 1, **6(17)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Art. 30(4) 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(3)** (with reg. 10)
- F12** Art. 30(5) 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(3)** (with reg. 10)

^{F13}Article 31

Notification of tenders to the Commission

Textual Amendments

- F13** Art. 31 omitted (31.12.2020) by virtue of [The Market Measures Payment Schemes \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/823\)](#), regs. 1, **6(18)**; 2020 c. 1, Sch. 5 para. 1(1)

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

Article 32

Decisions on the selling price

1 On the basis of the ^{F14}admissible tenders submitted within the time limits set out in the published tendering procedure opening the sale, the appropriate authority shall decide]:

- a not to fix a minimum selling price; or
- b to fix a minimum selling price.

For butter and skimmed milk powder the minimum selling price may vary according to the location of the products offered for sale.

2 The decision referred to in paragraph 1 shall be published [^{F15}by the appropriate authority].

^{F163} 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.]

^{F174} 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.]

Textual Amendments

- F14** Words in Art. 32(1) substituted (31.12.2020) by [The Market Measures Payment Schemes \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/823\)](#), regs. 1, **6(19)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in Art. 32(2) substituted (31.12.2020) by [The Market Measures Payment Schemes \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/823\)](#), regs. 1, **6(19)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Art. 32(3) 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(4)** (with reg. 10)
- F17** Art. 32(4) 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(4)** (with reg. 10)

Article 33

Individual decisions on tenders

1 Where no minimum selling price has been fixed, all tenders shall be rejected.

2 Where a minimum selling price has been fixed, the [^{F18}paying agency] shall reject any tender lower than the minimum selling price.

The [^{F18}paying agency] shall only accept [^{F19}admissible tenders submitted within the time limits set in the published tendering procedure opening the sale.]

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

3 The [F20 paying agency] shall take the decisions referred to in paragraphs 1 and 2 of this Article after the publication of the decision of the [F21 appropriate authority] referred to in Article 32.

The paying agency shall notify the operators of the outcome of their participation in the tendering procedure within three working days of the entry into force of that decision of the [F21 appropriate authority].

[F224 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.]

[F235 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.]

Textual Amendments

- F18** Words in Art. 33(2) substituted (31.12.2020) by [The Market Measures Payment Schemes \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/823\)](#), regs. 1, **6(20)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F19** Words in Art. 33(2) substituted (31.12.2020) by [The Market Measures Payment Schemes \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/823\)](#), regs. 1, **6(20)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F20** Words in Art. 33(3) substituted (31.12.2020) by [The Market Measures Payment Schemes \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/823\)](#), regs. 1, **6(20)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F21** Words in Art. 33(3) substituted (31.12.2020) by [The Market Measures Payment Schemes \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/823\)](#), regs. 1, **6(20)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F22** Art. 33(4) 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(3)** (with reg. 10)
- F23** Art. 33(5) 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(3)** (with reg. 10)

Article 34

Specific rules for the allocation of beef, butter and skimmed milk powder

1 For butter and skimmed milk powder, the successful operator shall be the operator offering the highest price. If the full quantity available is not allocated, the remainder shall be awarded to the other operators on the basis of the prices tendered, starting with the highest price.

2 Where acceptance of a tender would result in contracts being awarded in excess of the quantity of beef, butter or skimmed milk powder available at a particular storage place, only the quantity available shall be awarded to the operator in question. However, with the agreement of the operator, the paying agency may allocate product from other storage places to fulfil the tender quantity.

3 Where acceptance of two or more tenders offering the same price at a particular storage place would lead to contracts being awarded in excess of the available quantity of beef, butter or

skimmed milk powder, the award shall be made by allocating the quantity available in proportion to the quantities tendered for. However, if such allocation leads to the award of quantities of less than the minimum quantity referred to in Article 28(4)(c), the award shall be made by drawing lots.

4 Where after the acceptance of all successful tenders the quantity of beef, butter or skimmed milk powder left at the storage place is less than the minimum quantity referred to in Article 28(4)(c), the remaining quantity shall be offered by the paying agency to the successful operators starting with the one who offered the highest price. The successful operators shall be offered the option to buy the remaining quantity at the minimum selling price.

5 The paying agency shall allocate the product on the basis of its date of entry into storage, starting with the oldest product of the total quantity available at the storage place designated by the operator or, as the case may be, the oldest of the quantity of butter or sweet cream butter or cut of beef available in the cold storage place designated by the operator.

[^{F24}6 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.]

[^{F25}7 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.]

Textual Amendments

- F24** Art. 34(6) 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(6)** (with reg. 10)
- F25** Art. 34(7) 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(6)** (with reg. 10)

Article 35

Payments

Before removing the product and within the period specified in Article 37(2), operators shall pay the paying agency the amount corresponding to their tender for each quantity that they withdraw from the storage place, as notified by the paying agency in accordance with Article 33(3).

[^{F26} 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.]

[^{F27} 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, CHAPTER III. (See end of Document for details)

Textual Amendments

- F26** Words in Art. 35 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(5)** (with reg. 10)
- F27** Words in Art. 35 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(5)** (with reg. 10)

Article 36

Sales by ^{F28}the paying agency]

1 ^{F29}Where] 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 ^{F30}by the paying agency] in accordance with paragraph 1, with the exception of Articles 28(2), 29(2)(b), 30(1)(a) and (e), ^{F31}... and 32(2) of this Regulation. Article 32(1) shall apply *mutatis mutandis* to a respective decision of the ^{F32}paying agency].

3 Within the quantities fixed in paragraph 1, ^{F33}the 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 ^{F34}paying agency] shall ensure equality of access for all parties concerned.

^{F35} 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.]

^{F36} 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.]

Textual Amendments

- F28** 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)
- F29** 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)
- F30** 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)

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

- F31** 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)
- F32** 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)
- F33** 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)
- F34** 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)
- F35** 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)
- F36** 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)

Article 37

Removal order

1 On payment of the amount referred to in Article 35, the paying agency shall issue a removal order indicating:

- a the quantity in respect of which the corresponding amount has been paid;
- b the storage place in which the product is stored;
- c the final date for removal of the product.

2 The operators shall remove the product awarded to them within 30 days of the notification referred to in Article 33(3). After that period of time the costs and risks shall be borne by the operator.

[^{F373} 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.]

[^{F384} 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.]

Textual Amendments

- F37** Art. 37(3) 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(4)** (with reg. 10)
- F38** Art. 37(4) 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(4)** (with reg. 10)

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

Article 38

Removal of butter and skimmed milk powder

1 At the time of removal from the storage place and in the case of delivery outside the storage place, the paying agency shall make the butter and skimmed milk powder available on pallets at the loading bay of the storage place, and loaded onto the means of transport where it is a lorry or a railway wagon. The costs involved shall be borne by the paying agency.

2 The operator shall return equivalent quality pallets to the paying agency on removal from the storage place. Alternatively, an equivalent arrangement may be agreed with the paying agency.

3 Any stowage and depalletising costs shall be borne by the operator of the butter or skimmed milk powder.

[^{F39}4 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.]

[^{F40}5 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.]

Textual Amendments

- F39** Art. 38(4) 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(3)** (with reg. 10)
- F40** Art. 38(5) 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(3)** (with reg. 10)

Changes to legislation:

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