

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 III

AID FOR PRIVATE STORAGE

CHAPTER II

Storage contracts

Section I

Conclusion of contracts

Article 48

Contractual storage period

- 1 The contractual storage period starts on the day following:
 - a the date of the notification referred to in Article 44(3), or the date of receipt of an admissible application without prejudice to Article 45(1), for products already placed in storage;
 - b the date that placing into storage is considered completed in accordance with Article 47(3) for products which are not yet stored.
- 2 The last day of the contractual storage period may be fixed in the [F1published tendering procedure or the Regulations] fixing the amount of aid for private storage in advance, as referred to in Article 39(1)(f).

By way of derogation from Article 3(4) of Council Regulation (EEC, Euratom) No 1182/71⁽¹⁾, when the last day of the contractual storage period falls on Saturday, Sunday or a public holiday, the contractual storage period shall end with the expiry of the last hour of that day.

Textual Amendments

- F1** Words in Art. 48(2) substituted (31.12.2020) by [The Market Measures Payment Schemes \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/823\)](#), regs. 1, **6(28)**; 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 II. (See end of Document for details)*

Article 49

Conclusion of contracts

[^{F2}Where products are stored or will be stored in the United Kingdom, contracts shall be concluded between the paying agency] and operators fulfilling the requirements laid down in Article 2 of Delegated Regulation (EU) 2016/1238 from whom a tender or application has been accepted.

Contracts shall be concluded for the quantity actually placed in storage (the ‘contractual quantity’), which shall not exceed the quantity referred to the second paragraph of Article 44(3) in the case of tenders, or the quantity in the application in respect of products already in store, or the notification of the decision referred to in Article 45(2) in the case of applications for products not yet in store.

Where the quantity actually placed in storage is less than 95 % of the quantity in the tender or application, or the quantity arising from the application of Article 45(3)(b), no contract shall be concluded.

Contracts shall not be concluded where the eligibility of the products is not confirmed.

Textual Amendments

- F2** Words in Art. 49 substituted (31.12.2020) by [The Market Measures Payment Schemes \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/823\)](#), regs. 1, **6(29)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 50

Notification of conclusion of contracts

The paying agency shall notify the successful operator of a contract considered as being concluded within five working days of the date of issue of the control report referred to in Article 61(1), subject to receiving all of the documents necessary for concluding the contract.

The date of conclusion of the contract shall be that on which the paying agency notifies the operator.

Section II

Elements of the contract and obligations of the operator

Article 51

Elements of the contract

The contract shall be construed as including, where appropriate, the elements provided for in Article 52, as well as those provided for in:

- (a) the relevant provisions of the ^{F3}... tendering procedure and in the tender; or

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- (b) the relevant provisions of the ^{F4}... Regulation fixing the amount of aid for private storage in advance and in the application.

Textual Amendments

- F3** Words in Art. 51(a) omitted (31.12.2020) by virtue of [The Market Measures Payment Schemes \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/823\)](#), regs. 1, **6(30)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Word in Art. 51 omitted (31.12.2020) by virtue of [The Market Measures Payment Schemes \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/823\)](#), regs. 1, **6(30)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

Article 52

Obligations of the operator

- 1 Contracts shall cover at least the following obligations for the operator:
- a to place and to keep the contractual quantity in storage, during the contractual storage period, at their own risk and expense under conditions ensuring the maintenance of the characteristics of the products referred to in Article 3 of Delegated Regulation (EU) 2016/1238, without:
 - (i) substituting the stored products, except in the case of sugar in accordance with paragraph 3;
 - (ii) or transferring them to another place of private storage or, in the case of sugar, to another silo;
 - b to retain the weighing-in documents established at the time of entry into the place of private storage;
 - c to send the documents relating to the operations of placing in storage, including the location of the storage lots/batches/vats/silos with the corresponding quantities, to the paying agency not later than five working days after the date of placing into storage referred to in Article 47(3);
 - d to allow the paying agency to check at any time that all the obligations laid down in the contract are being adhered to;
 - e to make the products stored easily accessible and individually identifiable by storage lot/batch/vat/silo.
- 2 By way of derogation from point (a)(ii) of paragraph 1, the paying agency may authorise a relocation of the stored products under the following conditions:
- (i) for cheeses benefiting from a protected designation of origin (PDO) or from a protected geographical indication (PGI), where the operator submits a reasoned request;
 - (ii) for other products, in exceptional cases, where the operator submits a reasoned request.
- [^{F5}2A In relation to private storage aid schemes in England, paragraph 2 is to be read as if—
- a point (i) were omitted;
 - b in point (ii), “for other products” were omitted.]
- [^{F6}2B In relation to private storage aid schemes in Scotland, paragraph 2 is to be read as if—

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- a point (i) were omitted;
- b in point (ii), “for other products” were omitted.]

3 By way of derogation from point (e) of paragraph 1 of this Article, sugar subject to a contract may be stored in a silo designated by the operator with other sugar provided that the contractual quantity is kept in storage in the designated silo during the contractual period in accordance with Article 8(1) of Delegated Regulation (EU) 2016/1238.

4 The operator shall, on request, make available to the paying agency responsible for checking all documentation, for each contract, allowing in particular the following information on the products placed in storage to be verified:

- a the number identifying the approved undertaking ^{F7} ...;
- b the origin and the date of production of the products, or for sugar the marketing year of production, and for meat the day of slaughtering;
- c the date of placing into storage;
- d the weight and, in the case of meat, the number of cuts packaged;
- e the address of the place of private storage and the means allowing for ready identification of the product within the place of private storage or, for bulk sugar, the identification of the silo designated by the operator;
- f the end date of the contractual storage period and the actual date of removal from contractual storage.

5 The operator or, where applicable, the storekeeper shall keep a register at the warehouse covering, by contract number:

- a the identification of the products placed in storage by lot/batch/vat/silo;
- b the dates of placing in and removal from storage;
- c the quantity of products in storage by lot/batch/vat/silo;
- d the location of the products by storage lot/batch/vat/silo within the store.

Textual Amendments

- F5** Art. 52(2A) 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(11)** (with reg. 10)
- F6** Art. 52(2B) 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(11)** (with reg. 10)
- F7** Words in Art. 52(4)(a) omitted (31.12.2020) by virtue of [The Market Measures Payment Schemes \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/823\)](#), regs. 1, **6(31)**; 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 II. (See end of Document for details)

- (1) Council Regulation (EEC, Euratom) No 1182/71 of 3 June 1971 determining the rules applicable to periods, dates and time limits ([OJ L 124, 8.6.1971, p. 1](#)).

Changes to legislation:

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