
STATUTORY INSTRUMENTS

2023 No. 124

**The Market Measures Payment Schemes
(Amendments, Revocation and Transitional
Provision) (England) Regulations 2023**

PART 3

Other amendments to retained direct EU legislation

Commission Implementing Regulation (EU) 2016/1240

9.—(1) Commission Implementing Regulation (EU) 2016/1240 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⁽¹⁾ is amended as follows.

(2) In Article 2 (submission and admissibility of offers, tenders and applications), after paragraph 8, insert—

“**9.** 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.”.

(3) In each of Articles 3 (intervention storage places), 15 (individual decisions on tenders), 17 (delivery order), 18 (specific provisions for the delivery of cereals and rice), 20 (specific provisions for the delivery of beef), 22 (delivery), 30 (submission and admissibility of tenders), 33 (individual decisions on tenders), 38 (removal of butter and skimmed milk powder) and 57 (specific provisions on checks relating to public intervention), after paragraph 3, insert—

“**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.”.

(4) In each of Articles 4 (establishing the eligibility of products), 5 (minimum quantities of products offered or tendered), 7 (submission and admissibility of offers and tenders), 8 (verification of offers and tenders by the paying agency), 11 (measures for respecting the quantitative limitations), 13 (submission and admissibility of tenders), 14 (decisions on the buying-in price), 23 (the takeover record), 26 (price adjustments for cereals and rice), 27 (payments), 32 (decisions on the selling price), 37 (removal order), 58 (specific provisions on checks relating to public intervention for cereals and rice) and 59 (specific provisions for the takeover in storage place of the storekeeper for cereals and rice), after paragraph 2, insert—

“**3.** 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.”.

(5) In each of Articles 6 (level of the security for buying-in of products), 10 (submission of offers for buying-in of common wheat, butter and skimmed milk powder at fixed price), 16 (limitation

(1) EUR 2016/1240, amended by [S.I. 2019/823](#), 831 (which itself was amended by [S.I. 2020/1445](#)).

of buying-in for beef), 24 (obligations of the operator), 25 (deboning requirement for beef) and 35 (payments), at the end, insert—

“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.”

(6) In each of Articles 12 (tendering procedure), 28 (opening of the tendering procedure) and 34 (specific rules for the allocation of beef, butter and skimmed milk powder), after paragraph 5, insert—

“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.”

(7) In Article 19 (transport costs for cereals and rice), after paragraph 1, insert—

“1A. 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.”

(8) In each of Articles 21 (specific provisions for the packing, delivery and storage of butter and skimmed milk powder), 29 (notice of invitation to tender and arrangements related to the invitation to tender), 36 (sales by the paying agency) and 65 (notifications of information on intervention stocks), after paragraph 4, insert—

“5. 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.”

(9) In Article 39 (opening of tendering procedures and fixing aid in advance), after paragraph 1, insert—

“1A. 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, or in relation to private storage aid schemes in England, paragraph 1 is to be read as if point (i) were omitted.”

(10) In Article 40 (submission and admissibility of tenders and applications for aid for private storage), at the end, insert—

“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.

In relation to private storage aid schemes in England, this Article is to be read as if—

- (a) in point (a)(vi), for “euro” there were substituted “sterling”;
- (b) point (b) were omitted.”

(11) In Article 52 (obligations of the operator), after paragraph 2, insert—

“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.”

(12) In Article 56 (general provisions on checks relating to public intervention and aid for private storage), after paragraph 4, insert—

“5. 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.”

(13) In Article 60 (specific provisions on checks relating to aid for private storage)—

(a) after paragraph 2, insert—

“2A. In relation to England, the first subparagraph of paragraph 2 is to be read as if for “5%”, in both places it appears, there were substituted “10%”.”;

(b) after paragraph 3, insert—

“3A. Paragraph 3 does not apply in relation to England.”;

(c) after paragraph 4, insert—

“4A. In relation to England, the second subparagraph of paragraph 4 is to be read as if, for “5%”, in both places it appears, there were substituted “10%”.”;

(d) after paragraph 5, insert—

“6. In relation to England, paragraph 5 is to be read as if for “paragraphs 3 and” there were substituted “paragraph”.”.

(14) In Article 60a (specific provision on checks relating to public intervention and aid for private storage for milk and milk products), after paragraph 2, insert—

“3. 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, or in relation to private storage aid schemes in England, this Article is to be read as if—

(a) in the heading, “public intervention and” were omitted;

(b) in paragraph 1, in the second subparagraph, the words from “, in force” to the end were omitted.”.

(15) In each of Annexes 1 (cereals) to 5 (skimmed milk powder), at the beginning, insert—

“A1. This Annex 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.”.

(16) In the Appendix to Annex 9, after the first paragraph, insert—

“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, or in relation to private storage aid schemes in England, this paragraph is to be read as if for “public intervention and private storage legislation lay” there were substituted “private storage legislation lays”.”.